Clerk’s Foreword

On behalf of the staff of the Department of the Legislative Council, I welcome you to the 55th Parliament.

This guide is intended to acquaint you with the New South Wales Parliament, including its administrative structure, and the role and function of the Legislative Council within the Parliamentary institution.

The guide includes a chapter on being a member of the Legislative Council which emphasises the importance of ethically performing your parliamentary duties in accordance with the Member’s Code of Conduct and other established procedures. Extensive information is also provided in Chapter 3 on the pecuniary interest disclosure regime to assist you in identifying and disclosing potential conflicts of interest.

In Chapter 5, the members’ role in the Chamber is discussed, along with an overview of the procedures that govern the business of the House. Chapter 6 covers the member’s role as a committee member, involved in a committee inquiry process.

In addition, this guide includes information relating to your responsibilities in managing your staff, including their appointment, role and applicable conditions of employment. Information regarding best practice recruitment processes is also incorporated to assist you in selecting staff.

The final chapter is a quick reference guide to the services and facilities available to members, including information on administrative, education, research, information technology and security services provided by the Parliament.

This guide is only one of a number of sources of information available for members. In particular, the Parliamentary Remuneration Tribunal’s annual determinations provide comprehensive information on the system of members’ entitlements. The Department of Parliamentary Services Members’ Entitlements Handbook provides further information and details the Parliament’s approach to the administration and receipt of entitlements.

The Parliament’s intranet is also an essential resource for members, providing access to this guide, members’ entitlement information and claim forms, and other policies and procedures. In addition, you will be supported by staff of the Department of the Legislative Council who will provide members and their staff with a regular program of procedural training, along with expert advice and assistance when it is needed.

I encourage you to contact myself or staff referred to in this guide if you require further detail or clarification on any of the enclosed information. Details of the avenues for advice or additional information are listed throughout the guide.

I hope you find the information provided here useful, informative and accessible. I welcome your feedback on the information provided in the guide and more generally on the services and resources provided by the Department.

Lynn Lovelock
Clerk of the Parliaments
### Glossary

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<td>EAP</td>
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<td>ICAC</td>
<td>Independent Commission Against Corruption</td>
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<td>Information Technology Services</td>
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**Please note:**

This guide was produced in the months prior to the March 2011 election. The information in the guide is therefore based upon the 2010 determination of the Parliamentary Remuneration Tribunal (PRT) as well as other relevant documents. The references to the PRT throughout this guide will be from the 2010 determination. As the PRT makes annual determinations, members should ensure that they refer to the latest determination when making decisions about the use of their entitlements. The Department will provide members with briefing memoranda with any updated information to this guide.

Members will also find useful information in the publications issued by the Department of Parliamentary Services regarding entitlements and the services, facilities and the resources available at Parliament House. These publications, ‘Members’ Entitlements Handbook’, and the ‘Guide to NSW Parliament House and Parliamentary Facilities’ can be accessed on the intranet.
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Chapter 1 • The Department of the Legislative Council

About this guide
1.1 This guide has been developed to provide information that will assist you to perform your role as a member of the Legislative Council. The guide is an important resource that you can reference to familiarise yourself with the New South Wales Parliament, and the role that the Legislative Council plays within the parliamentary process.

1.2 As a member of the New South Wales Parliament, you will have a range of responsibilities requiring specific skills and knowledge. This guide has been developed to add to the expertise you bring to your role, and to address those areas that you may not have had exposure to before such as parliamentary procedure and the committee inquiry process. In addition, information is included regarding the legislative and policy framework under which members’ staff are employed. As a member you will perform a key role in administering the conditions of employment of your staff.

1.3 This guide was produced in the months preceding the March 2011 election. Any subsequent updates will be provided to members by memoranda issued by the Presiding Officer and the Clerk of the Parliaments. An electronic version will be available on the Parliament’s intranet site.

Administrative structure of the New South Wales Parliament
1.4 The New South Wales Parliament is administratively comprised of three Departments:
   • The Department of the Legislative Council
   • The Department of the Legislative Assembly
   • The Department of Parliamentary Services

1.5 The Departments provide administrative and support services to members in the discharge of their legislative and constituency duties. Each House Department provides these services to their respective members. The Department of Parliamentary Services provides services to members of both Houses.

1.6 In addition, the Departments provide assistance to external clients and deliver an education service to the wider community about the role and functions of the Parliament and the parliamentary process.

The Department of the Legislative Council
1.7 The Clerk of the Parliaments is the administrative Head of the Legislative Council. The Clerk of the Parliaments reports to the President of the Legislative Council. The Clerk is responsible for the administration and management of the Department and its employees, and for providing advice to members of the House.

1.8 A full description of the Department’s functions is provided later in this chapter. In addition, a comprehensive overview of role and function of the Department is found in Chapter 6 of New South Wales Legislative Council Practice, Lovelock, Lynn and Evans, John, Federation Press, Sydney 2008.
The Department of the Legislative Assembly

1.9 The Clerk of the Legislative Assembly is the administrative head of the Department of the Legislative Assembly. The Clerk of the Legislative Assembly reports to the Speaker of the House.

1.10 The principal role of the Department of the Legislative Assembly is to provide procedural research and support services to members. The Department oversees the accommodation arrangements and facilities for 95 electorate offices located throughout the state. The Department provides assistance and advice to electorate office staff which in turn assists them to provide services for their members.

The Department of Parliamentary Services

1.11 The Executive Manager, Department of Parliamentary Services is the administrative head of the Department of Parliamentary Services. The Executive Manager reports to both the President and the Speaker and is responsible for the management and delivery of the following services to all members and staff, the House Departments, and where relevant, the community:

- facilities and building maintenance, telecommunications, car parking and security
- printing
- information management including information technology support, library and research services, records management and archives
- Hansard reporting
- community education and awareness, including school tours
- catering
- finance and management accounting, including payroll and administration of members entitlements
- human resources, industrial relations, training and development and occupational health and safety.

1.12 The Department of Parliamentary Services, through its Members’ Services section, administers the entitlements of members legislated by the Parliamentary Remuneration Tribunal Act 1989, and determined annually by the Parliamentary Remuneration Tribunal.

1.13 The Department of Parliamentary Services recently published the Members’ Entitlements Handbook, an essential resource for members seeking information on their entitlements, including the equipment and facilities provided to members by the New South Wales Parliament. The Handbook is available on the intranet, and in hard copy from the Members’ Services Section. The Department of Parliamentary Services intranet page provides contact details for each of the functional areas of the Department, including Members’ Services.

1.14 This Guide does not cover entitlements in detail as this is covered in the Members’ Entitlements Handbook.
Strategic Plan for the Parliamentary Administration 2009-2018

1.15 The current Strategic Plan for the Parliamentary Administration 2009-2018 provides the broad direction for the administration of the Parliament during this period. The strategic plan specifies the following key strategies for results delivery:

- Support for chamber and committee operations
- Support for members in their parliamentary duties
- Promote community access
- Build the service provision capacity of the parliamentary administration.

1.16 The strategic plan prioritises a number of initiatives to take precedence in the early period of the plan that will focus on improving services for members, training for members and staff, and increasing and improving the information provided to the community. For a copy of the plan, please contact the Office of the Clerk on extension 2773.

Role and function of the Department of the Legislative Council

1.17 The Department of the Legislative Council provides procedural, analytical and administrative support services to support the functioning of the House and its committees, and to enable members of the Council to effectively perform their parliamentary duties. The two principal program areas of the Department are procedure and committee support.

Legislative Council Strategic Plan 2009-2011

1.18 The Department’s strategic plan identifies its strategic priorities as being:

- Procedural, analytical and administrative support to members and their staff
- Enhancing procedural knowledge and skills
- Community access and engagement
- Capacity building to strengthen parliamentary democracy.

1.19 Each year the Department determines specific operational priorities, as issued in the Strategic Plan 2009-2011. Work will commence on a new strategic plan for the Department of the Legislative Council during 2011. The Department’s strategic planning outcomes will be developed to ensure consistency with the parliamentary administration’s strategic plan. For a copy of the current strategic plan, please contact the Office of the Clerk on extension 2773.

Structure of the Department of the Legislative Council

The President

1.20 The President is elected by the members of the House at its first sitting after each election and at any other time if there is a vacancy. The Department of the Legislative Council is accountable to the President of the Legislative Council. The President performs a similar role in this regard to that of a Minister of a government department. Industrially, the President is the employer of all staff employed by the Department of the Legislative Council.
1.21 The President has joint responsibility with the Speaker of the Legislative Assembly for the administration and management of the New South Wales Parliament as a whole. Both the President and the Speaker are the joint employers of staff employed by the Department of Parliamentary Services.

1.22 The President is responsible for the proper conduct of the business of the Legislative Council and has an active role in interpreting the standing orders and providing rulings on points of order. It is the President’s duty to ensure that the powers and privileges of the House are observed.

1.23 The President is the Legislative Council’s representative and spokesperson in dealings with the Governor, the Legislative Assembly, Executive Government and other persons outside the Parliament. The President has a number of duties including hosting visits by foreign heads of State, Ambassadors, Consular Officials and diplomats. The President often hosts parliamentary delegations and other distinguished persons visiting from interstate and overseas.

The Office of the Clerk

1.24 The Chief Executive Officer of the Department is the Clerk of the Parliaments who also has the title of Clerk of the Legislative Council. The Clerk of the Parliaments and the Deputy Clerk provide expert advice and counsel on parliamentary law, practice and procedure to the President, Ministers and members of the House and its committees.

1.25 The Clerk manages the operations of the Department of the Legislative Council. The Clerk also represents the Department of the Legislative Council at an executive level on administrative matters relating to the NSW Parliament as a whole. The Clerk of the Parliaments along with the Clerk of the Legislative Assembly and the Executive Manager of the Department of Parliamentary Services work collaboratively together to progress and resolve these corporate-wide issues and initiatives.

1.26 The Clerk is supported in the day to day operations and management of the Parliament by an executive team which includes the Deputy Clerk, the Clerk Assistant Procedure and the Clerk Assistant Committees.

Procedure

1.27 The Clerk Assistant Procedure manages two distinct but inter-related sections: the Table Office and Procedural Training and Research. The Procedure team produces a range of guides and briefing documents to assist members. Further information is provided in Chapter 5 of this guide. Please contact the Clerk Assistant Procedure for more information on extension 2739.

Table Office

1.28 The Table Office supports the Clerk and members in relation to the business of the House and is responsible for the maintenance of records and papers of the House. On sitting days, much of the work of the Table Office involves direct contact with members and their staff and the provision of advice and assistance on a range of procedural matters including arrangements for the tabling of papers, the format and content of petitions and managing the passage of bills and amendments to bills. The Table Office also assists members by providing information about the rules, and the correct procedures, for introducing matters for debate.
1.29 Each sitting day, the Table Office prepares the business papers of the House:
- the Minutes of Proceedings
- the Notice Paper for the following sitting day
- the Questions and Answers Paper.

1.30 In addition to the official records of the House, each sitting day the Table Office produces the Running Record, a real-time record of proceedings of the House, which is available on the Intranet and Internet.

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

1.32 The Table Office also assists with the production of the journals of the House, manages the safe and secure storage of papers tabled in the House, maintains a number of databases which provide information available on the Intranet and the Internet regarding the business of the House and updates statistical records.

1.33 Importantly, staff from both the Table Office and Procedural Training and Research (see below) perform duties as Clerks at the Table during the sittings of the House.

Procedural Training and Research

1.34 The Procedural Training and Research unit provides procedural research and advice to the Clerk and members and coordinates community access and engagement initiatives such as the development and redesign of the Parliament’s website. Staff of the unit prepare high level research papers and submissions for internal purposes and external publication.

1.35 The Procedural Training and Research unit provides procedural training for members and their staff that is designed to provide practical information on the fundamentals of Legislative Council practice and procedure; equip members with skills that are essential to their role, and inform participants about the functions and services of the Department.

1.36 During sittings, the focus of the entire Procedure team is on ensuring the smooth running of the House, and in providing advice and support to the Clerk, and where appropriate to the President, members and their staff, ministerial and department officers, media and other stakeholders.

1.37 The Procedure team assists in the production of the House in Review which is released at the end of each sitting week. This publication summarises the key events of the week, including the progress of legislation, orders for papers, private members’ business and committee activities.

1.38 Together with Table Office staff, staff of the Procedural Training and Research unit provide research and secretariat support for two of the Legislative Council’s committees: the Privileges Committee and the Procedure Committee.
Committees

1.39 The Department of the Legislative Council, through its Committees Office, provides secretariat staff, procedural research and administrative support for all committees of the House. A parliamentary committee is a group of members of Parliament primarily appointed to investigate policy issues, proposed legislation or executive activity on behalf of the House. Committees are an extension of the House, operate under the authority of the House and share the privileges of the House.

1.40 The Clerk Assistant Committees provides procedural advice and guidance to Committees and is supported by three Committee Directors in the management and coordination of resources between inquiries. Each inquiry is supported by staff of the Committee Office. The secretariat staff assist the Committee with procedural advice, and administrative and research support.

1.41 Further information on the Committee process is provided in Chapter 6 of this Guide.

Usher of the Black Rod

1.42 The Clerk Assistant Committees also undertakes the role of the Usher of the Black Rod. The Usher of the Black Rod performs a ceremonial role in carrying the black rod into the Chamber and announcing to members the arrival of the President. The Usher of the Black Rod is the officer authorised (under the direction of the President) to remove members from the Chamber for disorderly conduct. The Usher of the Black Rod is also authorised to serve a summons on behalf of Legislative Council committees.

1.43 The Usher of the Black Rod represents the Department of the Legislative Council’s Security Committee which is responsible for developing and reviewing security related policies and monitoring the security services provided by New South Wales Police Security Management Unit.

1.44 In addition, the Usher of the Black Rod manages the Parliament’s protocol function. This involves co-ordination of ceremonial events related to the House, delegations and consular visits, and management of the Fountain Court exhibition space. Chamber and Support staff deliver daily talks in the Chamber to school and other community groups.

Protocol and Chamber and Support Services

1.45 The Department’s Chamber and Support Services section is principally managed by the Usher of the Black Rod, with the assistance of the Manager, Chamber and Support Services. Chamber and Support staff provide a wide range of services to assist members and their staff. During sittings, staff prepare the chamber, and distribute business papers, legislative amendments and messages. Chamber and Support staff also provide this support during committee hearings.

1.46 Chamber and Support staff attend to visitor and telephone inquiries at the desk adjacent to the chamber on Level 7, and on Level 11. Staff are also responsible for room bookings and will prepare rooms for functions.
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Chapter 2 • Being a member of the Legislative Council

This chapter defines the role of a member and details the measures that are in place to ensure the ethical conduct of members, including the Code of Conduct, the oversight function of the Independent Commission Against Corruption (ICAC) and the position of the Parliamentary Ethics Adviser. It also details the role of the Audit Office in examining members’ claims against entitlements.

Members’ role

2.1 Members of Parliament acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and institution of Parliament, and using their influence to advance the common good of the people of New South Wales.1

2.2 The role of a member of the Legislative Council can be defined by initially examining the role of the Legislative Council. The Legislative Council performs a number of key functions:

• to represent the people
• to scrutinise executive government as a ‘House of Review’, and
• to legislate.2

2.3 In this context, members have similar responsibilities. Members are required to be a spokesperson on the views of constituents, examine the work of government, debate issues of statewide importance, and review and propose legislation. In addition, members represent the views of the political party with which they are affiliated.

2.4 Members of the Legislative Council are elected for eight years and represent the State of New South Wales as a whole. The Council ‘represents a differently formulated constituency to the [Legislative] Assembly, allowing the representation of groups and views that are less likely to gain currency in the lower House’.3

Swearing in of members

2.5 The procedures for swearing in a new member are governed by the Constitution Act 1902 and the standing orders. Section 12 of the Act, as amended by the Constitution Amendment (Pledge of Loyalty) Act 2006, provides that no member of the Council or Assembly may sit or vote in the Parliament until they have taken the pledge of loyalty before the governor, or some person authorised by the governor.4

2.6 On the first day of the meeting of a session of Parliament to be opened by commissioners, the swearing in of new members takes place at the conclusion of the joint sitting to open the Parliament (Standing order 6).

3 Ibid, p17.
5 ‘It has become common practice for the opening of the first session of a new Parliament following an election to be conducted by commissioners appointed by the Governor’. Lovelock, Lynn and Evans, John, NSW Legislative Council Practice, The Federation Press, Sydney 2008, p221.
The title ‘Honourable’

2.7 Members of the Legislative Council are referred to as ‘Honourable’. However, members can request that the title not be used in reference to them. Recently, a number of members have made this request.

2.8 Former members of the Legislative Council can apply for lifetime retention of the title ‘Honourable’ on their retirement or resignation provided they have achieved continuous service of no less than 10 years, or for specific office holders, between one and three years of service. Recommendations are forwarded to Her Excellency the Governor for approval.6

Recognised Office Holders

2.9 Members of Parliament may also assume additional responsibilities through appointment as a Recognised Office Holder. A description of the role of the Legislative Council’s Officer Holders and the nomination and appointment process is provided in Chapter 5 of this Guide.

Attendance and leave of absence

2.10 Section 13A(1)(a) of the Constitution provides that a member can be disqualified if the member fails to attend the House for one whole session unless excused by permission of the House.

2.11 Where a member is likely to be away from the House for an extended period, it is recommended that they seek leave for their absence.7

Members’ conduct, ethics and oversight bodies

2.12 A Member of Parliament is expected to observe the highest standards of conduct and ethics. The House has a common law power to discipline members found guilty of misconduct or conduct unworthy of the House.8

2.13 The Parliament of New South Wales has an established framework to assist members to perform their parliamentary duties ethically, honestly and with integrity. This framework includes a Members’ Code of Conduct, the appointment of a Parliamentary Ethics Adviser, and the establishment of a pecuniary interests register. Members conduct, including the appropriate use of their entitlements, is also the subject of external scrutiny by oversight bodies such as the Independent Commission Against Corruption (ICAC), and the Audit Office of New South Wales.

The Code of Conduct

2.14 The conduct of members of Parliament is regulated by the Code of Conduct for Members. The code was first adopted by the Council on 1 July 1998. Revised versions of the Code were adopted on 26 May 1999 and on 21 June 2007, with continuing effect.

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8 Ibid, p165.
The Code of Conduct consists of a preamble and seven clauses. The individual clauses deal with:

- conflicts of interest
- bribery
- gifts
- use of public resources
- use of confidential information
- duties as a member of Parliament, and
- secondary employment or engagements.

Both Houses of Parliament have adopted the Code of Conduct for the purposes of section 9(1)(d) of the Independent Commission Corruption Act 1988. Under the Independent Commission Against Corruption Act 1988, the Independent Commission Against Corruption (ICAC)\(^9\) has jurisdiction to investigate and make findings of ‘corrupt conduct’ against members where there has been a ‘substantial breach’ of the Code of Conduct. Enforcement of the Code, however, is the responsibility of the individual Houses.

Given the link between the Code of Conduct and the ICAC, it is in members’ interests that they are familiar with the requirements of each clause of the Code.

The Code of Conduct consists of a preamble and seven clauses. The individual clauses are summarised below. The full text of the code is included in Appendix A.

**Clause 1: Disclosure of conflict of interest**

Members must declare any conflict between their private financial interests and decisions in which they participate in the execution of their office. This may be done by declaring the interest in the Register of Disclosures. A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

**Clause 2: Bribery**

Members must not promote any matter, vote on any bill or resolution or ask any question in Parliament or its committees in return for any remuneration, payment or private benefit to:

- the member
- a member of the member’s family
- a business associate of the member
- any other person or entity from whom the member expects to receive a financial benefit.

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\(^9\) The ICAC is a statutory authority created by the Independent Commission Against Corruption Act 1988. Its principal functions are to investigate and prevent corruption in the NSW public sector. It is independent of the Government of the day.
2.21 Breach of this prohibition constitutes a substantial breach of the Code of Conduct.

Clause 3: Gifts

2.22 Members must declare all gifts and benefits received in connection with their official duties in accordance with the requirements for the disclosure of pecuniary interests. Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to improperly influence the member in the exercise of his or her duties. Members may accept political contributions in accordance with Part 6 of the Election Funding Act 1981 (now the Election Funding, Expenditure and Disclosures Act 1981).

Clause 4: Use of public resources

2.23 Members must use public resources to which they are granted access (for example, allowances, entitlements, equipment and facilities provided to members) according to any guidelines or rules about the use of those resources. This is a particularly significant clause. Since its creation in 1989, ICAC has conducted seven investigations into the use of public resources by members. On five of those occasions, corrupt conduct was found, while in the other two cases, ICAC was very critical of the member’s conduct. Clause 4 provides in full:

4 Use of public resources

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

2.24 The guidelines and rules about the use of resources can be found in:

- Members’ guides and handbooks
- Parliamentary Remuneration Tribunal determinations and rulings (including specific prohibitions on the use of resources for some purposes – see Chapter 2 of this Guide for more information)
- parliamentary policies and procedures
- relevant statutes (e.g. Parliamentary Remuneration Act 1989).

2.25 At times some members have expressed concern that they have found it difficult to interpret the rules and guidelines about the use of public resources. Whenever there is uncertainty and ambiguity, members should not rely on their own, or other members’ interpretations. Doing so may expose the member to considerable risk of breaching the Code of Conduct. In determining how to act, the following people can be consulted:

- President
- Clerk of the Parliaments (or other authorised officers)
- Parliamentary Ethics Adviser.
Clause 5: Use of confidential information

2.26 Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

Clause 6: Duties as a Member of Parliament

2.27 It is recognised that some members are non-aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of members of Parliament.

Clause 7: Secondary employment or engagements

2.28 In certain circumstances, members must disclose at the start of a parliamentary debate:

- the identity of any person by whom they are employed or engaged or by whom they were employed or engaged in the last two years;
- the identity of any client of any such person or any former client who benefited from a member’s services within the previous two years
- the nature of the interest held by the person, client or former client in the parliamentary debate.

2.29 The obligation to disclose only applies if the member is aware, or ought to be aware, that the person, client or former client may have an interest in the parliamentary debate which goes beyond the general interest of the public.

2.30 The obligation to disclose does not apply if a member simply votes on a matter unless they have a direct pecuniary interest (SO 113(2)); it will only apply when he or she participates in a debate. If the member has already disclosed the information in the member’s entry in the pecuniary interest register, he or she is not required to make a further disclosure during the parliamentary debate.

Corrupt conduct

2.31 Corrupt conduct is defined in sections 7, 8 and 9 of the Independent Commission Against Corruption Act 1988.

2.32 Section 7 provides that ‘corrupt conduct’ is any conduct which falls within the description of corrupt conduct contained in section 8, but which is not excluded by section 9.

2.33 Subsection 8(1) defines corrupt conduct as:

(a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or

(b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or

(c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
(d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

2.34 Under subsection 8(2), corrupt conduct also includes conduct of any person that adversely affects, or could adversely affect, the exercise of official functions by any public official and which could involve certain specified matters including official misconduct, bribery and blackmail.

2.35 Subsection 9(1) provides that conduct which falls within section 8 does not amount to corrupt conduct unless it could also constitute or involve:

(a) a criminal offence, or
(b) a disciplinary offence, or
(c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
(d) in the case of conduct of a minister of the Crown or a member of a House of Parliament – a substantial breach of an applicable code of conduct (emphasis added).

2.36 Of particular note is paragraph 9(1)(d), which was inserted into the Act in 1994, and provides that corrupt conduct includes conduct of a member of Parliament which falls within section 8 of the Act and which could also constitute or involve ‘a substantial breach of an applicable code of conduct’.

2.37 The Code of Conduct for Members has been adopted by both the Council and the Assembly, as an applicable code for the purposes of section 9(1)(d).

2.38 Under subsections 9(4) and (5) of the Independent Commission Against Corruption Act 1988, ‘corrupt conduct’ also includes conduct of a minister or member which would cause a reasonable person to believe that it would bring the integrity of the office or the Parliament into serious disrepute, and constitutes a ‘breach of the law’ apart from the Act. In this context, a ‘breach of the law’ is construed as meaning a breach of a civil, and not a criminal, law.

2.39 The ICAC has the power to investigate conduct which could constitute or involve corrupt conduct. The ICAC also has power to make findings that a person has engaged in corrupt conduct. Further information on the role of the ICAC is provided at Appendix B.

Enforcement of the Code of Conduct

2.40 Where the ICAC finds that a member of Parliament has engaged in ‘corrupt conduct’, including a breach of the Code of Conduct for Members, it may report that finding to the Parliament. No penalties are attached to such a finding, and the finding has no effect on a member’s legal rights and obligations, although it may have a significant impact on reputation.
2.41 Enforcement of the Code of Conduct for Members is the responsibility of the individual Houses of Parliament. The Council has a common law power to discipline members adjudged guilty of misconduct or conduct unworthy of the House. A finding of corrupt conduct by the ICAC against a member may lead the House to take action against the member concerned, for example, by expelling the member concerned for conduct unworthy of a member.

Privileges Committee

2.42 Under Section 72C(1)(b) of the Independent Commission Against Corruption Act 1988, and by a resolution of the House, the Privileges Committee is required to perform the following functions:

- prepare draft codes of conduct for members of the House and draft amendments to codes already adopted
- carry out educative work relating to ethical standards applying to members of the House
- give advice in relation to such ethical standards in response to requests for advice by the House but not in relation to actual or alleged conduct of any particular person, and
- review any code of conduct adopted by the House at least once every four years.\(^{10}\)

2.43 Since its establishment, the Privileges Committee has conducted three reviews of the Code of Conduct for Members and subsequently published three reports (2002, 2006 and 2010).

2.44 The most recent report issued in December 2010 emphasised the educative function of the Privileges Committee concerning members’ ethics.\(^{11}\)

2.45 The Department of the Legislative Council is committed to providing support and assistance to members in relation to ethical conduct. The Department will develop resource materials to assist members and continue the education process through the delivery of information sessions for new and existing members.

Parliamentary Ethics Adviser

2.46 The Parliament has appointed a Parliamentary Ethics Adviser to assist and advise members in resolving ethical issues and problems.

2.47 The Parliamentary Ethics Adviser advises members, upon their request, on matters such as the use of parliamentary entitlements relating to staff, travel or official letterhead allowances, and on the interpretation of rules for use of entitlements. The Ethics Adviser is also an independent point of contact for advice on more difficult questions arising in relation to exercising the role of a member of Parliament, such as whether there is a potential conflict of interest in particular circumstances.

\(^{10}\) Privileges Committee, Review of Members’ Code of Conduct 2010, pp 1-2.

\(^{11}\) Ibid, p 71.
2.48 In giving advice, the Parliamentary Ethics Adviser is guided by the Code of Conduct for Members and any other guidelines adopted by the House. The Ethics Adviser’s role does not include the giving of legal advice.

2.49 Records of members dealings with the Parliamentary Ethics Adviser are kept confidential, except in the following circumstances:

- The Parliamentary Ethics Adviser may make advice public if the member who requested the advice gives permission for it to be made public.

- The House can call for the production of records of the Parliamentary Ethics Adviser if the member to which the records relate has sought to rely on the advice of the Parliamentary Ethics Adviser or has given permission for the records to be produced to the House.

2.50 Under the resolution establishing the position, the Parliamentary Ethics Adviser is required to meet annually with the Privileges Committee and to report to the Parliament each year on the number of ethical matters raised, the number of members who sought advice, the amount of time spent in the course of duties and the number of times advice was given.12

2.51 The current Parliamentary Ethics Adviser is Mr Ian Dickson. To contact Mr Dickson:

- Phone/fax: (02) 4739 4308
- Write to: 36 Surveyor Abbot Drive, GLENBROOK NSW 2773

Audits of Members’ Additional Entitlements

2.52 Under the Parliamentary Remuneration Act 1989, the Parliamentary Remuneration Tribunal makes an annual determination covering members’ Additional Entitlements, and sets down rules for the application of its determination.

2.53 Members are accountable for the use of their entitlements and must exercise sound financial discipline and informed decision making skills to ensure entitlements are used for their intended purpose and that entitlements are not over expended.

2.54 Following a review of management of members’ entitlements in 2008, the Legislature introduced a risk management approach that requires members to self-assess the validity of their expenditure. The onus is on the member to show that any expenditure or claim for reimbursement relates to their parliamentary duties.

2.55 This self-assessment process is supported by a rigorous internal audit program. Approximately 25 percent of all members will be audited annually by the Parliament’s internal auditors. As such, members can expect to be subject to audit at least once in a four year period. Furthermore, at least one particular category of entitlement will be audited each year.

2.56 In addition an external audit is conducted by the Audit Office annually with findings presented in a report provided to the Parliament.

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12 The full resolution appointing the Parliamentary Ethics Adviser is available on the intranet under Members of Parliament / LC/Ethics.
2.57 Information acquired by the Audit Office during audits is subject to strict confidentiality requirements. Information will not be disclosed to other parties except as required or allowed for by law or professional standards, or with member’s express consent. Audit files may, however, be subject to review:

- As part of the review conducted pursuant to section 48A of the Public Finance and Audit Act 1983 which monitors compliance with professional standards by the Auditor-General; or

- By the Audit Office’s quality certification auditors to enable the Audit Office to maintain its accreditation under International Quality Standard ISO 9001.

2.58 The Audit Office complies with the provisions of the Privacy and Personnel Information Protection Act 1988.

2.59 The audit process includes an examination of evidence supporting individual members’ claims. Members are required to retain supporting documentation for presentation upon audit.

2.60 The findings from both the internal and external audit programs are published, while individual members’ entitlements and expenditure are reported in the Department of the Legislative Council’s Annual Report.

2.61 Further information regarding the Audit Office of New South Wales is provided in Appendix C.

Accommodation, equipment and other entitlements

2.62 The Parliamentary Remuneration Act 1989 (the Act) provides a system for the determination of members’ entitlements, salaries and allowances. The Parliamentary Remuneration Tribunal, established under Part 3 of the Act, makes an annual determination on additional entitlements that are available to members, such as allowances for staff, travel, equipment, and support for communications including postage and telecommunications.

Administration of members’ entitlements

2.63 The Department of Parliamentary Services, through its Members’ Services section, administers the entitlements of members. The Department of Parliamentary Services Members’ Entitlements Handbook provides essential information for a member that includes a description of entitlements available and extensive guidelines on the appropriate use of these entitlements. In addition, the Handbook contains information pertaining to the equipment, services and facilities available and provided through the Department of Parliamentary Services.

2.64 The Handbook is available on the Parliament’s intranet site under the section titled ‘Members’. Members must familiarise themselves with the Handbook and direct any inquiries to the Members’ Services section.

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13 Members should ensure they have a copy of the Act. A copy can be downloaded at www.legislation.nsw.gov.
2.65 The allocation of members’ office space at Parliament House is a process undertaken in consultation with the President, the Clerks, the Executive Manager of Parliamentary Services, Government and Opposition Whips, and independent and cross-bench members. All proposed room allocations must be approved by the Presiding Officers. Members of the Legislative Council cannot relocate offices without the approval of the President. The majority of members of the Legislative Council are located on Level 11 of Parliament House.

2.66 Members are provided with a room with the capacity to accommodate themselves along with the appropriate number of staff. Each room is provided with a range of standard furniture and equipment including desks, chairs, television and VCR player, refrigerator, clothing cupboard, filing cabinets, notice boards, coffee table, sofa, wastepaper bins and glassware. Parliamentary Facilities can be contacted regarding any inquiries concerning the allocation of furniture and equipment.

2.67 Members rooms are fitted out to accommodate a limited number of staff. In managing their allocation of office space, members need to be mindful of occupational health and safety standards and ensure staff are provided with a safe workplace with adequate workspace that allows for duties to be carried out in a safe manner. More information on staffing and occupational health and safety is available in Chapter 4.

Inter-parliamentary and external relations

2.68 The New South Wales Parliament has a long tradition of engagement with other parliaments and government authorities. The Parliament has both formal and informal arrangements in place to develop relationships and promote parliamentary democracy and democratic governance.

2.69 The New South Wales Parliament is committed to working closely with existing parliamentary strengthening initiatives in the Asia-Pacific region, such as the United Nations Development Program/Regional Assistance Mission to the Solomon Islands Parliamentary Strengthening Program, the Centre for Democratic Institutions, the Commonwealth Parliamentary Association and the La Trobe University Public Sector Governance and Accountability Research Centre.

Twinning

2.70 The New South Wales Parliament has a partnership arrangement with the parliaments of the Autonomous Region of Bougainville (the Bougainville House of Representatives) and the Solomon Islands (the National Parliament of Solomon Islands). The partnership arrangements are part of the Commonwealth Parliamentary Association’s (CPA) twinning program, established in June 2007. Every Australian state and territory parliament is twinned with one or more parliaments in the Asia-Pacific region.
2.71 The New South Wales Parliament has received funding to support the partnership arrangements from the Australian Agency for International Development (AusAID), under its Pacific Public Sector Linkages Program. The funding, for a three year period to April 2013, allows practical support for strengthening the parliaments of Bougainville and Solomon Islands, through staff placements, secondments and other activities. The New South Wales Parliament-based Twinning Project Coordinator can be contacted on extension 2790 for more information. In addition, the Parliament’s public website has information on the twinned parliaments and current activities.

Delegations

2.72 The Office of the President in consultation with the Usher of the Black Rod coordinates consular and diplomatic visits and events which play an important role in supporting and maintaining the Parliament’s regional and international relations.

2.73 Delegations and individuals are usually referred to the Legislative Council from a number of official sources, including the protocol sections of the Federal Government and the New South Wales Department of Premier and Cabinet. Other referrals are received from the diplomatic and Consular Corps, the New South Wales Department of State & Regional Development and Tourism, overseas diplomatic missions, the Commonwealth Parliamentary Association (CPA), and the governments and parliaments of other countries.

Sister state agreements

2.74 The Parliament supports the sister state agreements that New South Wales holds with other jurisdictions. The sister state agreements aim to enhance social, cultural, economic and governmental ties between states. The Parliament has agreements with Guangdong Province, China; Tokyo Metropolitan Government, Japan; Seoul Metropolitan Council, Korea; and California, USA. Delegations from these jurisdictions visit regularly and are hosted by the President.

Visitors

2.75 Members may receive visitors in their office at Parliament House. On arrival visitors are to report to the front reception desk of the Legislative Council. Chamber and Support staff will contact the member to confirm that the member is able to receive the visitor. Members or their staff are responsible for their visitors and are required to escort visitors while they are in Parliament House.

Reciprocal rights between Parliaments

2.76 Members may be able to access particular reciprocal rights when visiting other Australian Parliaments. Courtesies provided can include building access and use of recreation, library and dining facilities. The extent of these privileges will vary between parliaments and members are advised to contact the parliament they intend to visit prior to arrival.
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Chapter 3 • Pecuniary interests

All members of the Legislative Council are required to disclose their pecuniary interests in order to prevent potential conflict of interest between their public and private activities (interests). There are various returns of pecuniary interest required from members – primary returns, ordinary returns, supplementary ordinary returns and discretionary returns.

The ‘Register of Disclosures by Members of the Legislative Council’ is compiled by the Clerk, and is open to public inspection in the Office of the Clerk during certain hours (see page 37).

This chapter is intended to assist members to complete their pecuniary interest returns by explaining the requirements of the pecuniary interest disclosure regime in plain language, with examples where possible. However members should be aware that they are responsible for the detail contained in their pecuniary interest returns, and if they have any concerns or are uncertain about any of the information which they are required to disclose, they should seek their own legal advice.

The regulatory framework establishing the pecuniary interest disclosure regime

3.1 The pecuniary interest disclosure regime is established under section 14A of the Constitution Act 1902 and the Constitution (Disclosures by Members) Regulation 1983.

3.2 Subsection 14A(1) of the Constitution Act 1902 provides that the Governor may, subject to certain qualifications, make regulations for or with respect to the disclosure by members of either House of all or any of the following pecuniary interests or other matters:

- real or personal property
- income
- gifts
- financial or other contributions to any travel
- shareholdings or other beneficial interests in corporations
- partnerships
- trusts
- positions [whether remunerated or not] held in, or membership of, corporations, trade unions, professional associations or other organisations or associations
- occupations, trades, professions or vocations
- debts
- payments of money or transfers of property to relatives or other persons by or under arrangements made by members, and
- any other direct or indirect benefits, advantages or liabilities, whether pecuniary or not, of a kind specified in the regulations.
Types of returns

3.3 There are four types of returns provided for under the Constitution (Disclosures by Members) Regulations 1983 – primary returns, ordinary returns, supplementary ordinary returns and discretionary returns. The primary return is the first return from a member upon their election to the Legislative Council. All members are required to provide an ordinary return by the end of September every year, covering the period of 12 months ending on 30 June in that particular year. Supplementary ordinary returns are required by the end of March and generally only require members to indicate any changes which have occurred during the six month period from July to December of the preceding year. Discretionary returns may be lodged with the Clerk at any time before the date on which the member is next required to lodge an ordinary return or supplementary ordinary return, but only if a member considers it appropriate to do so.

3.4 There are special provisions which apply to members whose previous return was a primary return but these will be explained to those members by the Clerk.

3.5 Members are welcome to seek assistance in relation to their pecuniary interests from the Office of the Clerk.

Primary returns

3.6 New members (not being a re-elected member) are required to lodge a primary return within three months of taking the pledge of loyalty under section 12 of the Constitution Act 1902. The date on which the pledge of loyalty is taken is known as the ‘primary return date’.

3.7 The Primary Return form is provided for in Schedule 1 of the Constitution (Disclosures by Members) Regulation 1983. The form can be accessed on the Parliament’s intranet site under ‘Members – Ethics’.

Ordinary returns

3.8 Ordinary returns disclosing interests held during the previous 12 months ending 30 June of that year must be lodged with the Clerk by all members by the end of September each year.

3.9 To prepare their ordinary returns, members must complete Form 2: Ordinary Return – Legislative Council, which can be accessed on the Parliament’s intranet site under ‘Members – Ethics’.

Supplementary ordinary returns

3.10 Supplementary ordinary returns are returns lodged by all members each year disclosing their interests held during the six month period from 1 July to 31 December.

14 Exceptions to this are in clauses 9(1)(a) and 15A of the Constitution (Disclosures by Members) Regulation 1983.
3.11 Supplementary ordinary returns are lodged by members for the first six months of an ordinary return period to ensure that the pecuniary interests information disclosed by members is kept reasonably up to date. A typical arrangement for the lodging of ordinary and supplementary ordinary returns is shown in the figure below.

![Diagram showing ordinary and supplementary return periods](image)

3.12 Members should be aware that where they have disclosed interests in a supplementary ordinary return (usually for the period of 1 July to 31 December), they are also required to disclose those interests in the subsequent ordinary return period to 30 June (usually for the period 1 July to 30 June).

3.13 In effect, members are required to disclose their pecuniary interests every six months.

3.14 Supplementary ordinary returns must be lodged with the Clerk on or before 31 March each year.

3.15 To prepare their supplementary ordinary returns, members must complete Form 3: Supplementary Ordinary Return – Legislative Council, which can be accessed on the Parliament’s intranet site under ‘Members – Ethics’.

**Discretionary returns**

3.16 If a member considers it appropriate, he or she may lodge a discretionary return with the Clerk at any time before the date on which the member is next required to lodge an ordinary return or supplementary ordinary return. As stated in the Regulation, ‘a discretionary return may contain such disclosures as the Member wishes to make concerning any or all of the matters that under [the] Regulation are required or permitted to be disclosed in an ordinary return’.

3.17 To lodge a discretionary return, members must complete Form 4: Discretionary Return – Legislative Council, which can be accessed on the Parliament’s intranet site under Members – Ethics.

**Matters to be disclosed by members**

3.18 The matters that members are required to disclose in their primary, ordinary and supplementary ordinary pecuniary interest returns are listed and defined in Part 3 of the Constitution (Disclosures by Members) Regulation 1983. The categories are discussed below.
Real property (clause 8)

3.19 Members must disclose the postal address or title particulars of all property in which they have an ‘interest’. An ‘interest’ is defined to mean any estate, interest, right or power whatever, whether at law or in equity, in or over the property. Accordingly, an interest to be disclosed will generally include not only an ownership interest but also leasehold or other legal or equity interests. Thus, any lease of real property (whether by or from a member) will, on the face of it, fall within the disclosure requirements. Interests held in family trusts also, on the face of it, fall within the disclosure requirements. Mortgages or other security interests may also amount to interests in real property.

3.20 Where a member is required to disclose an interest in a property which is used by the member for residential purposes, the member may as an alternative to disclosing the postal address or title particulars of the property state that the property is the principal place of residence or a secondary place of residence for the member and specify the location of the property by suburb or area. This is to protect the privacy of members and others living in property in which members have an ‘interest’.

3.21 In listing the postal address or title particulars of a property, or the location of a property by suburb or area where the property is a place of residence, a member must indicate the nature of his or her ‘interest’ as discussed above. For example, an interest may be as a sole owner, lease holder or holder of a property jointly or in common with others. A member is not required to indicate the monetary value of the property, nor to indicate the name/s of any other parties with whom the property is held, either jointly or in common.

3.22 A member is not required to disclose property where the member’s interest is limited to acting as executor or administrator of the estate of a deceased person (unless they are a beneficiary), or where the member is a trustee of a property and the member became a trustee in the ordinary course of the member’s occupation which is not related to the member’s duties as a member (thus interests held in family trusts should, on the face of it, be disclosed).

Sources of income (clause 9)

3.23 In a primary return members must disclose each source of income that the member received, or reasonably expects to receive, in the period commencing on the primary return date and ending on the next succeeding 30th June. In an ordinary or supplementary ordinary return members must disclose each source of income received by the member at any time during the return period.

3.24 Sources of income include income from being an employee of another person, from being the holder of another office, income from a partnership or trust, and income for a service provided under a contract, agreement or arrangement.

3.25 Members are not required to disclose their salary of office, or any of the benefits/allowances determined by the Parliamentary Remuneration Tribunal. Only members who derive income from sources other than Parliament need to disclose this information.
Gifts (clause 10)

3.26 Members must disclose gifts, including a description of each gift and the name and address of the donor of each gift. A gift means any disposition of property, whether in money or in some other form, where the value exceeds $500. This includes wedding gifts or other such gifts.

3.27 Gifts under $500 do not need to be disclosed. However, if a member receives more than one gift from the same source, it is necessary to aggregate the value of each gift received during the return period to determine whether in total they exceed the $500 limit.

Example:

A member receives a gift of a book valued at $50. The member does not need to disclose the receipt of the book.

A member in the course of a return period receives from the same source 12 books as gifts, each valued at $50 (that is, $600 in value). The member needs to disclose the receipt of each of the books, since the $500 limit has been exceeded.

3.28 Gifts also do not need to be disclosed where the gift was a political contribution disclosed, or required to be disclosed, under Part 6 of the Election Funding Act 1981, or the donor was a relative of the member.

Contributions to travel (clause 11)

3.29 Members must disclose any financial or other contributions to travel, whether within Australia or overseas. Members must also disclose contributions to accommodation incidental to a journey or contributions to ‘honeymoon’ travel in lieu of a wedding gift. However, there are a number of exceptions.

3.30 Contributions to travel under $250 do not need to be disclosed. Members are not required to disclose contributions to travel where the contribution was made from NSW public funds (such as use of members’ travel entitlements, gold passes or travel in a government vehicle), nor if a relative of the member made the contribution. Further, it is not necessary to disclose contributions to travel which arise in the ordinary course of employment of a member outside of their parliamentary duties. Political contributions to travel are also not required to be disclosed in the register if they are required to be disclosed under Part 6 of the Election Funding, Expenditure and Disclosures Act 1981. Finally, members do not need to disclose contributions made by their political party for travel undertaken for the purpose of that party.

3.31 The Crown Solicitor has advised that flight upgrades for members, for example from economy class to business class, constitute a contribution to travel, and should be disclosed if valued at more than $250. Accommodation upgrades should be declared on the same basis. While it is not clear whether membership of the Chairman’s Lounge at airports constitutes a ‘contribution to travel’, members should also consider declaring membership of the Chairman’s Lounge or similar travel or transport loyalty programs in their returns.
Interests and positions in corporations (clause 12)

3.32 Members must disclose the name and address of each corporation in which they had an interest or held any position during the return period, together with the nature of the interest, or the description of the position held, in each such corporation, and a description of the principal objects of each such corporation (except in the case of a listed public company). Members should disclose any positions held in a corporation, even if the position is honorary (that is, not remunerated). However, it is not necessary to disclose ordinary membership of a corporation.

3.33 The disclosure of interests in corporations will in most circumstances relate to stocks, shares, debentures or the like.

3.34 Members are not required to disclose an interest or position held in a corporation if: (1) the purpose of the corporation is to provide recreation or amusement, or to promote commerce, industry, art, science, religion or charity; (2) the corporation is required to apply its profits or other income in promoting its objects; and (3) the corporation is prohibited from paying any dividend to its members. However, all three conditions must be met before a member is not required to disclose the interest or position in the corporation. Members should note that corporations include corporations outside NSW.

Positions in trade unions and professional or business associations (clause 13)

3.35 Members must disclose in a primary return, ordinary return or supplementary ordinary return the name of each trade union and each professional or business association in which they held any position during the return period, and a description of the position held in each such union or association.

3.36 The term ‘position’ implies more than just membership, and includes honorary positions which attract no remuneration. Professional and business associations include organisations, whether incorporated or unincorporated, which have as one of their objects or activities the promotion of the economic interests of its members.

3.37 It is not necessary to disclose ordinary membership of a union, professional or business association.

Debts (clause 14)

3.38 Members must disclose all debts over $500, whether or not the debt is discharged by the due date of the return. Members are not required to disclose a debt where the debt is owed to a relative, or where the amount to be paid does not exceed $500. The same rule of aggregation applies to debts as applies to gifts.

3.39 Members are also not required to disclose a debt to a bank, building society, credit union or other person whose usual business includes the lending of money and the loan was made in the ordinary course of business of the lender.

3.40 It is also not necessary to disclose debts arising from employment in an occupation which is not related to the member’s parliamentary duties.
3.41 Members are also not required to disclose debt where the debt arises from the supply of goods and services if:

- the goods or services were supplied in the period of 12 months immediately preceding the primary return date or were supplied during the ordinary return period, as the case may be, or

- the goods or services were supplied in the ordinary course of any occupation of the member which is not related to his or her duties as a member.

3.42 Accordingly, members should disclose in a primary return debt for the supply of goods and services incurred at any time prior to the 12 months preceding the primary return date and still outstanding. Similarly, members should disclose in an ordinary or supplementary ordinary return debt for the supply of goods and services incurred in a previous ordinary return or supplementary ordinary return period, even if that debt was discharged at any time during that reporting period.

**Dispositions of property (clause 15)**

3.43 Members must disclose particulars of each disposition of real property by the member at any time during the return period, but only where the member retained either wholly or in part, the use and benefit of the property or the right to reacquire the property at a later time. This includes disposition of real estate, grants of leases as well as any other type of property.

3.44 Members are also required to disclose particulars of each disposition of real property by any other person under arrangements made by the member, at any time during the return period, but only where the member obtained either wholly or in part, the use and benefit of the property.

**Provision of client services (clause 15A)**

3.45 Members must disclose any engagement to provide a service (whether under an employment contract, as an officer of a corporation, or by any other contract or agreement for monetary consideration) whether or not the service involves the use of the member’s parliamentary position.

**Discretionary disclosures generally (clause 16)**

3.46 Members may disclose in any return, any direct or indirect benefits, advantages or liabilities, whether pecuniary or not, (a) which are not required to be disclosed under clauses 8 to 15A of the Constitution (Disclosures by Members) Regulation 1983, and (b) which members consider might appear to raise a conflict between their private interests and their public duty as members or which they otherwise desire to disclose.

**Lodging returns**

3.47 Members must lodge a primary, ordinary or supplementary ordinary return, if required by the Regulation to do so, even if they do not have any interests to disclose. Members must also lodge a return even if their interests have not changed since their last return.

3.48 Returns should be lodged with the Office of the Clerk. The Clerk will contact members in advance of the deadline for the lodgement of primary, ordinary or supplementary ordinary returns to remind members to complete the requisite form.
The Register of Disclosures by Members of the Legislative Council

3.49 The Clerk is required to compile and maintain a register called the ‘Register of Disclosures by Members of the Legislative Council’. The register comprises the returns lodged by members within the previous eight years.

3.50 The register is open to public inspection at the Office of the Clerk between the hours of 10.00 am and 4.00 pm on any day except Saturday, Sunday or any NSW public holiday. The register is also open to members at any time that the Council is sitting.

3.51 The Clerk is required to provide to the President for tabling in the House, a copy of the register (a) within 21 sitting days after the last day for lodgement of primary returns, and (b) within 21 sitting days after the last day for lodgement of ordinary returns that form part of the register not previously tabled.

Contravention of the pecuniary interests regulations

3.52 Section 14A(2) of the Constitution Act 1902 provides that if a member of either House willfully contravenes any regulation made under section 14A(1) of the Constitution Act 1902, including the Constitution (Disclosures by Members) Regulation 1983, the House may declare the member’s seat vacant. Section 14A(3) sets out certain requirements which apply to such declarations.

Other pecuniary interest disclosure/disqualification requirements

Standing orders

3.53 Standing order 113(2) provides:

A member may not vote in any division on a question in which the member has a direct pecuniary interest, unless it is in common with the general public or it is on a matter of state policy. If a member does vote, the vote of that member is to be disallowed.

3.54 Importantly, standing order 113(2) applies only to the participation of a member in a vote on a question in which the member has a direct pecuniary interest. It does not prevent a member from participating in debate on the question.

3.55 Members should also note that in relation to participation in committee inquiries, standing order 210(10), as modified by sessional order, provides:

No member may take part in a committee inquiry where the member has a direct pecuniary interest in the inquiry of the committee, unless it is in common with the general public, or a class of persons within the general public, or it is on a matter of state policy.
The Code of Conduct for Members of the Legislative Council

3.56 While the standing orders do not prescribe a wider duty of disclosure beyond the exclusion of members from voting on a question in which they have a direct pecuniary interest, clause 1 of the Code of Conduct for Members does require members to declare any conflict of interest whenever it arises in the execution of their office, including in Parliament. As noted in Chapter 2 and Appendix A, the clause provides that:

(a) Members of Parliament must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.

(b) This may be done through declaring their interests on the Register of Disclosures of the relevant House or through declaring their interest when speaking on the matter in the House or a Committee, or in any other public and appropriate manner.

(c) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

Further information

3.57 Members should contact the Office of the Clerk for further assistance with matters related to pecuniary interests.
# Members’ Staff

## Members’ Staffing Entitlements

## Employment Relationship

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Chapter 4 • Members’ staff

This chapter provides information on members’ entitlements in relation to staffing. The chapter includes information regarding the employment relationship between the member and their staff and the applicable conditions of employment.

Members’ staffing entitlements

4.1 The Parliamentary Remuneration Tribunal determines the staffing entitlements of members. The Determination issued in June 2010 specifies the following:

All members shall receive at Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.15

Each member of the Legislative Council, who is not a Minister, shall be entitled to one staff member. When the staff member is on annual recreation leave or other extended period of leave, a relief staff member may be employed for the period of absence.16

Each member of the Legislative Council, who is not a Minister, and who is elected as a cross bench member shall be entitled to two staff members.17

The Whip of each recognised political party of not less than 10 members to each be provided with one member of staff.18

4.2 In summary, staff entitlements for members who are not Ministers are:

- Government/Opposition members  1 staff member
- Cross Bench members  2 staff members
- Government and Opposition Whips  2 staff members.

4.3 The Determination specifies that ‘Ministers shall receive a reasonable allocation of staff members’.19 Additional staffing allocations afforded to Ministers and other office holders are funded through a separate budget allocation, administered by Ministerial and Parliamentary Services (MAPS), Department of Premier and Cabinet. Members who are entitled to additional staffing entitlements should direct their inquiries in this regard to MAPS on telephone 9228 4443.

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15 Parliamentary Remuneration Tribunal, Annual Report and Determination of Additional Entitlements for Members of the Parliament of New South Wales, 21 June 2010, p 44.
16 Ibid, p 45.
17 Ibid, p 45.
18 Ibid, p 45.
19 Ibid, p 45.
Employment relationship

4.4 The President of the Legislative Council is the employer for industrial purposes of all employees of the Department of the Legislative Council. This extends to members’ staff, who are classified as Secretary/Research Assistants. On a practical level, this requires the President to approve the appointment and dismissal of all permanent employees. The President must approve any proposed changes to salaries and conditions of employment and must be consulted on grievance, disciplinary and other industrial matters.

4.5 The member is the Secretary/Research Assistant’s manager on a day to day basis and is responsible for the selection of their staff and their supervision, which includes providing direction, allocation of duties, approval of leave, and performance management, among other managerial responsibilities.

The role of the Secretary/Research Assistant

4.6 Secretary/Research Assistants are employed to provide members with research and secretarial services that ultimately assist the member in the discharge of their parliamentary duties. An established position description has been developed for this role and lists accountabilities for both administrative and research duties.

4.7 A Secretary/Research Assistant may be required to provide the following high level administrative support:

- Development and coordination of information and records management systems
- Preparation of minutes, correspondence, reports, press releases and other written documentation
- Provision of information to members of the public, constituents, members of Parliament and other sources
- Office administration including diary management, reception duties, mail management, filing, photocopying and stationery
- Management of the members’ entitlements and allowances, including travel and accommodation.

4.8 In addition, the Secretary/Research Assistant may be employed to undertake research duties, including the collection, compilation and analysis of information. A full position description for the position is available on the intranet or can be obtained from Human Services staff.\(^{20}\)

4.9 Members must ensure that the tasks they direct their staff members to perform are appropriate and directly related to the delivery of the member’s parliamentary duties. Members must not use their staff to undertake duties of a direct electioneering or political campaigning nature, or to assist in private business activities, party fundraising or membership drives.

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\(^{20}\) Human Services, part of the Department of Parliamentary Services, is able to advise on a range of staffing and human resources issues.
Employment status

4.10 Depending on circumstances, a Secretary/Research Assistant may be engaged through one of the following employment arrangements:

- Short term relief (casual employment)
- Long term relief (temporary employment)
- Permanent employment.

Short term and long term relief arrangements

4.11 The Parliamentary Remuneration Tribunal’s Annual Determination issued in June 2010 specifies that when a member’s staff member is ‘on annual recreation leave or other extended period of leave, a relief staff member may be employed for the period of absence’. In addition, members with one staff member are able to use relief arrangements if their staff member is absent on sick leave.

4.12 Short term or casual relief employment should be offered if the position is available for a period of less than three months. Alternatively if a position becomes available as a result of an urgent need or emergency situation, it may be appropriate to engage a replacement on a casual basis until more ongoing employment arrangements can be organised.

4.13 Short term relief employees are not entitled to leave and are paid a casual loading.

4.14 Long term relief or temporary employment arrangements should be used to fill a position that has become temporarily available for a period in excess of three months.

Permanent employment

4.15 Permanent employment can only be provided if a permanent vacancy exists. A permanently vacant position should initially be filled on a temporary basis to enable the member to assess the suitability of a staff member, in terms of their work performance, conduct and attendance. Members must however be mindful of regularly reviewing the employment arrangement as temporary employees engaged for more than two years may acquire the same ongoing employment rights as a permanent employee.

4.16 After the election, newly elected members must fill permanent positions on a temporary basis for a six month period. This will enable the new member to ascertain the administration and research needs of their office and assist in ultimately recruiting the most appropriate person with the necessary personal attributes and skills.

Appointment on Probation

4.17 Employees who are offered employment on a permanent basis should be appointed on probation. However, the member may recommend appointment without a probation period if the employee has been engaged on a temporary basis during which time they demonstrated satisfactory work performance, conduct and attendance.

4.18 The probation period, generally of six months duration, requires the member to review the employee’s performance at three months and then prior to the completion of the six month period. At the expiration of the probation period, the member needs to decide whether to recommend the person for permanent appointment or in the event of performance issues, extend the probationary period or terminate the employment.

4.19 Human Services staff will provide members with the necessary support and framework to manage the probationary period.

**Full time or part time employment**

4.20 A member can decide to use their staffing entitlement by employing a full time staff member, engaged for 35 hours per week. Alternatively, a position can be filled on a part-time basis (less than 35 hours per week). A number of employees may be engaged against one position on a job share basis, provided the total number of hours of all employees engaged does not exceed 35 hours.

4.21 In deciding what employment options to use, the member needs to ensure that their allocated office space, equipment and resources are adequate to accommodate employees as extra equipment will not be made available.

**Recruitment of Secretary/Research Assistants**

**The importance of good selection processes**

4.22 The role of the Secretary/Research Assistant is unique and requires particular skills and attributes. The distinct requirements of the role should be taken into consideration when selecting staff to fill these positions.

4.23 The Secretary/Research Assistant is required to work closely with their member in what can be a high pressure and stressful environment. Some members’ staff, particularly those working for members whose principal place of residence is outside the Sydney metropolitan area, can find themselves working on their own for lengthy periods of time. Members’ staff have access to a range of confidential information and play a vitally important role in the successful operations of members. For example, the Secretary/Research Assistant may be required to administer the member’s entitlements, or deal directly with constituents.

4.24 It is essential that the member and the employee are able to work together to enable the member to perform their parliamentary duties. When there is a breakdown in the working relationship, it can be a prolonged and stressful process for both parties before the matter can be resolved. It is therefore critically important that members recruit the right person for the job.

4.25 A formal application and interview process can greatly assist in the selection of potential employees. In addition, asking applicants to undertake a written assessment can assist in determining the most appropriate candidate. If this is done, it increases the likelihood that the right person for the job will be selected. Selection of staff should always be on the basis of merit principles, that is, the person selected should have skills, knowledge and experience best matched to the job requirements.
Members will be required to work closely with and manage their staff and accordingly members are strongly encouraged to seek advice from Human Services staff in relation to appropriate recruitment processes.

Options for recruiting staff

Members have two options when recruiting staff:

- advertising the vacancy externally and conducting a competitive process, or
- directly appointing a person.

Members are strongly encouraged to use public sector practices and advertise the vacancy externally.

Advertising the position

Members are encouraged to advertise the position on the NSW Government’s recruitment website www.jobs.nsw.gov.au. The member does not have to pay to advertise on this website.

The member can also choose to advertise the position more widely in newspapers or through on-line advertising media such as Seek, My Career and Career One.

The position description for Secretary/Research Assistant is available on the intranet or from Human Services staff and Members should use this document as a basis for the advertisement. Members should also seek assistance from Human Services staff when they are planning to advertise a vacancy. Human Services staff can help with:

- drafting and placing advertisements
- receiving and acknowledging applications
- notifying applicants of the outcome.

Once a selection is made, Human Services staff will prepare and forward an offer of employment letter to the successful candidate. The letter will provide information about conditions of employment, such as salary, hours of duty and date of commencement. Additional information, such as the position description, the Code of Conduct for Members’ Staff, and other human resources policies will be provided by Human Services. Upon commencement with the Parliament, the new staff member will be provided with a full induction by Human Services staff. In addition, Procedure staff in the Legislative Council will organise any training in procedure or committee processes the staff member may require.

Direct appointment

As mentioned, members also have the option of directly appointing staff without a competitive merit selection process. If this option is used, members should assess the requirements of the vacant position and:

- ensure the applicant has the necessary skills and experience to undertake the responsibilities and duties of the position
• evaluate the applicant’s attitude and personality as well as teamwork, initiative and research capabilities
• confirm and expand on details provided in the person’s resume or application form, and
• consider requiring the applicant to undertake a brief computer task to assess competence with relevant office technology.

4.35 As emphasised previously, members are strongly advised to appoint staff on a temporary basis, prior to a direct appointment being made on a permanent basis.

4.36 As noted above, new staff will receive induction training offered by both Human Services and the Department of the Legislative Council staff.

Administrative procedures for employing staff

Temporary and permanent staff members

4.37 Members wishing to employ a Secretary/Research Assistant need to seek approval by completing the form ‘Request for employment – Secretary/Research Assistant’ which is available on the intranet or from Human Services staff.

4.38 Members must submit the form along with a current resume including qualifications, employment history and experience. A certified copy of the person’s birth certificate and qualifications should also be attached. Evidence of permanent residency status should be included if the person is not an Australian citizen.

4.39 This documentation must be provided to Human Services as soon as a decision is made to engage a staff member. Once the Clerk of the Parliaments (temporary appointments) or the President (permanent appointments) has provided approval, the member can make a verbal offer of employment. Human Services will prepare a written letter of offer and send the information to the candidate.

Relief staff

4.40 Members wishing to engage a relief staff member to fill a vacant position resulting from the leave arrangements of the usual occupant, must complete the form ‘Request for employment – Secretary/Research Assistant’ available on the intranet or from Human Services. Members must ensure the usual occupant of the position has submitted a leave form as Human Services staff will cross reference the request to fill the vacancy with electronic leave records.

4.41 Members are responsible for the selection of relief staff and can use the services of an employment agency for short-term or unplanned absences, such as those occurring from sick leave. The New South Wales Government has an approved list of organisations that can be used for these purposes. The contract, containing details of the organisations and their specialities, is available on the internet at http://www.nsw.buy.com.au/ (click on Recruitment and Services).

4.42 Where the member engages relief staff through an employment agency, the maximum amount that will be paid to the agency will be the equivalent of the appropriate rate of payment for a Secretary/Research Assistant. Human Services staff can confirm the current hourly rate. The member will be required to make up any shortfall direct to the employment agency.
Remuneration

4.43 The salary range payable for the position of Secretary/Research Assistant is equivalent to the salary range of a Clerk Grade 4/5 in the New South Wales public sector, and has four salary points. In addition, the position attracts an all incidence of employment allowance in lieu of overtime, flexi time or rostered days off.

4.44 Salary and allowance rates are adjusted in accordance with the Crown Employees Public Sector Salaries Award increases. Human Services staff can provide members with the most up to date salary and allowance rates.

Recommending the appropriate salary level

4.45 A member is responsible for recommending the commencing salary rate for their Secretary/Research Assistant. In making this recommendation, the member should consider the applicant’s current salary in combination with relevant experience, skills and qualifications. Members should refer to the document Secretary/Research Assistant’s Recruitment and Determination of Salary for guidance which is available on the intranet. In addition Human Services staff can provide assistance on the determination of salary.

4.46 It is essential that the salary level is determined and accepted by the potential employee before commencement in the position as accelerated incremental progression through multiple salary points is not possible.

4.47 Annual incremental progression through single salary points is possible, based on satisfactory attendance and work performance. This process is administered through Human Services and members will be required to confirm the employee’s satisfactory work performance, conduct and attendance before an incremental progression is processed.

Pre-employment screening

4.48 The Parliament may require certain pre-employment screening processes to be undertaken on new employees prior to their commencement. These processes may include criminal records checking, health screening, qualification and employment checking, and confirmation of residency and citizenship. The extent of screening undertaken will vary, depending on the period of employment being offered.

4.49 Human Services staff will administer all screening processes and members should contact Human Services to confirm requirements.

Employment of family members

4.50 Members cannot employ any member of their family. This applies to all forms of employment including short term and long term relief, and permanent employment. For the purposes of this provision a family member or relative is defined as the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendent or adopted child of the member or the member’s spouse or de facto partner, or the spouse or de facto partner of the member.

22 Memorandum to Honourable Members’ Employment of Members’ relatives under section 7.6.2 of the Members’ Handbook issued 22/6/2010.
4.51 There is no restriction on members employing the spouse or partner or relative of another member.

Conditions of employment

4.52 The conditions of employment for Secretary/Research Assistants are prescribed by the Crown Employees (Parliament House Conditions of Employment) Award 2010 and the Department of the Legislative Council policy Recruitment and Determination of Salary for Secretary/Research Assistants. Both of these documents are available on the intranet.

Hours of work

4.53 The normal hours of duty for full-time staff are 35 hours per week at seven hours a day. Most staff work 9.00 am to 5.00 pm with one hour for lunch. The all incidence of employment allowance paid to Secretary/Research Assistants recognises that staff may be required to work on sitting nights beyond 5.00 pm or at other times depending upon the needs of the member.

4.54 Staff who are required to work beyond 8.00 pm as a result of the sitting of one or both Houses will be entitled to take a taxi to their registered home address within the Sydney Metropolitan District. Taxi vouchers for members’ staff can be obtained from the Procedure Office on level 8.

4.55 The recording of details on Cabcharge vouchers is necessary to ensure that the vouchers are used in accordance with approved guidelines. Staff are required to ensure that all information, including departure and arrival travel times, is correctly recorded on each voucher.

Part time hours

4.56 The hours of duty for part-time staff will depend on the hours negotiated with the member. As noted previously, a number of employees can share a position where the total number of hours does not exceed 35 hours per week. In addition, the member needs to assess the allocation of office space and ensure that staff are accommodated in a manner that allows for duties to be carried out safely.

Leave

4.57 Secretary/Research Assistants leave entitlements are prescribed by the Award, and entitlements available include recreation leave, sick leave, family and community services leave and parental leave. Short-term relief employees engaged for periods of less than three months are paid a loading in lieu of leave accrual.

4.58 Leave must be applied for using the electronic leave forms accessible on the Parliament’s intranet site. Leave balances can also be obtained from this access point.

4.59 All leave is administered by the staff in Human Services. It is the member’s responsibility to ensure leave forms are submitted. Members should notify Human Services staff if an employee proceeds on a long period of absence that is not supported by a leave form.
Christmas closure of Parliament House

4.60 The Presiding Officers annually approve the closure of Parliament House for two weeks during the Christmas period. During the closedown, it is expected that staff use available leave or take leave without pay. Members who require staff to be on duty during this time for compelling reasons should consult the Manager of Human Services.

Superannuation

4.61 Employees (including casual and temporary employees) are entitled to compulsory employer superannuation contributions. New employees are eligible to join First State Super or to arrange private superannuation scheme coverage. To discuss this option staff should contact the Payroll Supervisor in the Human Services Section on extension 2569.

Workers compensation

4.62 All employees of the Legislative Council are able to access financial and injury management support for injuries and health issues considered eligible under New South Wales workers’ compensation legislation.

4.63 Employees are required to formally report all injuries or illnesses that may give rise to a workers compensation claim. Employees must complete the ‘OH&S Injury Report Form’ which can be completed and submitted through the intranet.

4.64 Members must inform Human Services staff on behalf of their staff if the staff member is unable to complete the form due to injury and absence from the workplace.

Employees contesting Federal and State elections

4.65 On occasion, employees of the Department have nominated for election to the Commonwealth or New South Wales Parliaments. Different legislative arrangements apply to employees depending on the jurisdiction to which they are seeking election.

Federal elections

4.66 Employees must resign from their positions before they can nominate for election to the Commonwealth Parliament. Section 103 of the Public Sector Employment and Management Act 2002 specifies the arrangements regarding the employee’s resignation and re-appointment should the employee not be elected.

4.67 Under the Public Sector Employment and Management Act, the last day of service of an employee who is contesting a Federal election must be no later than the day prior to the closing day for nominations. An employee who is not elected may be re-appointed with the period between resignation and re-appointment treated as leave without pay.

23 Commonwealth of Australia Constitution Act s 44(iv).
State elections

4.68 Under Section 13B of the Constitution Act 1902 (NSW), employees are required to resign if they are successful in being elected to the New South Wales Parliament. In addition, Section 102 of the Public Sector Employment and Management Act 2002 provides:

If a person who is employed in any public sector service is nominated for election to the Legislative Assembly or Legislative Council, the person is to be granted leave of absence until the day on which the result of the election is declared.

If the person is elected, the person is required to resign from the public sector service concerned.

Unless the person is entitled to leave with pay (and duly applies for such leave), any leave of absence under this section is to be leave without pay.

4.69 Employees are advised to take leave during the election period in order to avoid potential conflicts of interest.

4.70 The Department of Premier & Cabinet Circular 2010-22 Contesting Elections details the legislative and policy issues surrounding employees contesting both State and Federal elections. The circular is available at http://www.dpc.nsw.gov.au/publications. Members and their staff can seek further information from Human Services or from the Clerk of the Parliaments.

Travel by members’ staff

4.71 The Logistic Support Allowance (LSA) may be used for staff travel costs where staff are required to travel with their member or separately for parliamentary business purposes.

4.72 Members’ staff are entitled to claim travelling allowance under clause 19 of the Crown Employees (Parliament House Conditions of Employment) 2010 Award which provides for ‘...any authorised official travel and associated expenses, properly and reasonably incurred by a staff member required to perform duty at a location other than their normal headquarters...’ to be met by the Department.

4.73 Members must ensure that they retain adequate records that clearly document occasions that the staff member has stayed in Sydney or other locations when travelling in connection with the member’s parliamentary duties. This documentation will need to be presented for subsequent review by internal and external auditors.24

4.74 Further information regarding the use of the LSA should be directed to Members’ Services staff. Human Services staff can assist with information regarding the payment of travelling allowances to staff.

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Managing staff

4.75 Members are required to effectively manage their staff by providing sound direction and clearly communicating performance expectations and accountabilities for the position. Members must provide their employees with adequate training and the resources required for them to undertake their duties. Members must treat their staff professionally, ethically and honestly, and provide clear and regular feedback regarding performance and work relationships.

4.76 Regular constructive feedback to staff regarding their work performance and general attitude provides staff with an opportunity to gauge his or her effectiveness and make adjustments where necessary. Feedback and discussion with staff will allow members to better understand the needs of their staff, and ensure the efficient running of their office.

4.77 In addition to performance management, a member needs to manage the leave arrangements for their staff member and ensure staff attend the workplace and submit leave forms for absences.

Code of Conduct for Members’ Staff

4.78 The Code of Conduct for Members’ Staff applies to all members’ staff that are employed by the Parliament. It is designed to help staff meet the high standards of integrity and ethical behavior expected of publicly funded employees, while recognising the unique needs of members of Parliament.

4.79 The Code was developed considering the recommendations of the Independent Commission Against Corruption, the Ombudsman’s Office, the model public sector code published by the Department of Premier and Cabinet and consultation with staff members and the Public Service Association of New South Wales.

4.80 The Code is designed to convey the behavior expected of members’ staff. It addresses the responsibility of members’ staff in undertaking their role in supporting the electorate, the constituents and the parliamentary role of their member. A member, nevertheless, take responsibility for all actions he or she directs staff to take. Members’ staff are responsible for their own acts and omissions when not directed by their member. It is the responsibility of all staff to ensure their activities are not unlawful, against the public interest, against the interest of their member, or contrary to established policy or procedure.

4.81 The Code outlines appropriate behavior in relation to the acceptance of gifts and benefits, conflicts of interest and secondary employment. The Code also stipulates that members’ staff are not permitted to engage in activities of direct electioneering, or political campaigning, or political fundraising during their ordinary hours of work, or as part of their role as an employee of the Parliament.

4.82 This Code applies equally to permanent, temporary and relief staff of members of the Legislative Council and the Legislative Assembly. Non-staff persons and people engaged in work experience programs with members are also required to agree to comply with the Code before they can commence work with the Parliament.

4.83 New staff must sign the employee declaration attached to the Code which confirms that they have received, read and agree to abide by the Code.
Induction, training and development

4.84 Human Services staff will provide new and temporary staff employed for longer than three months with a one on one induction to working at the Parliament. A comprehensive Parliament wide induction will also be held on a regular basis for new staff. Contact Human Services staff for more details.

4.85 In addition, the Department of the Legislative Council will provide members’ staff with training to enhance their procedural knowledge. Seminars are conducted regularly throughout the year and members should encourage and support the attendance of their employees. Contact the Clerk Assistant Procedure for more details.

Workplace bullying

4.86 The New South Wales Parliament is committed to maintaining a harmonious and productive work environment, which is free from bullying. All employees of the New South Wales Parliament have the right to be treated fairly and with dignity and respect at work.

4.87 Bullying and harassing behavior can include any unwanted or uninvited behavior that is offensive, embarrassing, intimidating or humiliating. It can be obvious, indirect, physical or verbal.

4.88 Bullying in the workplace is not tolerated and members need to ensure that staff behave ethically and professionally at all times. All employees must clearly understand the requirement and responsibility to treat each other with dignity and respect.

4.89 Members and their staff should familiarise themselves with the Parliament’s Anti-Bullying Policy 2007 available on the intranet or through Human Services staff.

Anti-Discrimination Act 1977

4.90 The Anti-Discrimination Act 1977 (NSW) makes it unlawful to discriminate against a person on various specified grounds, such as race, sex or marital status, in the course of various specified activities. The Act specifically contains provisions relating to members of Parliament and sexual harassment.

4.91 As with the other grounds of discrimination under the Act, liability for sexual harassment arises only if the conduct occurs in certain contexts, such as in the course of employment.

4.92 The relevant provisions of the Act are subsections (7) and (10) of section 22B. Subsection (7) provides that it is unlawful for a member of either House of Parliament to sexually harass a ‘workplace participant’ (for example, a staff member) or another member of Parliament, or for a ‘workplace participant’ to sexually harass a member.

4.93 Subsection (10) specifies that ‘workplace’ includes the whole of Parliament House, any ministerial office or electoral office of the member, or any other place that the member otherwise attends in connection with his or her Ministerial, parliamentary or electoral duties.
4.94 In addition to this direct form of liability of members, if sexual harassment were to be perpetrated by an individual on a member’s staff, it is possible that the member concerned may be liable under Section 52 of the Act. Section 52 provides that it is unlawful for a person to ‘cause …or permit another person to do an act that is unlawful by reason of a provision of this Act’.

4.95 Further information about the Act and how it applies to members and guidelines issued by the Anti-Discrimination Board on harassment and discrimination can be found on the intranet. The Parliament’s Equal Employment Opportunity Policy is also available on the intranet.

Employee Assistance Program

4.96 The Parliament recognises that its employees are people with important relationships and interests beyond the time they spend at work each day. It is also recognised that sometimes staff face problems at home or at work which can make life difficult, and which may affect health, well-being and work performance.

4.97 A free, professional, confidential counselling and consulting service is provided by Davidson Trahaire Corpsych for all staff, their immediate family members and people in close relationships with them. This service is also provided for members of Parliament to use. A 24 hour telephone counselling service is also available. The counselling service’s number is 1300 360 364.

4.98 Trauma counselling is also made available through the Employee Assistance Program, in the event of staff or a member dealing with a sudden death, major accident or incidence of violence. In cases where trauma is involved, please contact the Office of the Clerk immediately, as assistance can generally be provided within two hours.

Occupational Health and Safety

4.99 The New South Wales Parliament has responsibilities as an employer under Section 8(1) of the Occupational Health and Safety Act 2000 to ‘ensure the health, safety and welfare at work of all the employees’.

4.100 Although the Act places the ultimate responsibility for the health, safety and welfare of all workers on the employer, Section 26 of the Act extends the occupational health and safety (OHS) responsibility of the employer to managers.

4.101 Members are directly responsible for the OHS of their staff and the working environment under their control. This responsibility extends to visitors. Any hazards must be removed wherever possible or minimised. Parliamentary Facilities, in the Department of Parliamentary Services, can be contacted for assistance and the Injury Management and Occupational Health and Safety Coordinator can be consulted for advice.

4.102 Worksite or ergonomic assessments can be provided for new employees, employees returning from extended leave, relocating workstations or who are experiencing symptoms of pain or discomfort, or following an injury or accident. Ergonomic assessments can assist in the prevention or exacerbation of injury and can be organised by contacting Human Services staff.
4.103 Members’ staff also have an obligation to follow safe work practices and to bring any risks to the attention of their member, Parliamentary Facilities or the Injury Management and Occupational Health and Safety Coordinator as soon as practicable. Injuries, accidents or incidents must be reported using the online reporting system accessible on the Parliament’s intranet site.

4.104 Staff must follow defined occupational health, safety and injury management policies and procedures related to the work being undertaken, in order to ensure their own safety and the safety of others in the workplace.

4.105 The Parliament has established an Occupational Health and Safety Committee, as required by the Occupational Health and Safety Act 2000 (NSW) and the Occupational Health and Safety Regulation 2001. The Committee provides the consultative mechanism for discussing all matters affecting the occupational health and safety of members, employees, contractors and visitors to Parliament House and the electorate offices.

Unsatisfactory performance

4.106 The Department of the Legislative Council supports a performance management process that is procedurally fair, timely and transparent and provides an opportunity for staff to improve to an agreed performance standard.

4.107 Members are responsible for managing the unsatisfactory performance issues of employees under their control. Generally unsatisfactory performance means not meeting agreed tasks, timeframes or standards of work. When assessing an employee’s performance, the position description for Secretary/Research Assistant should be referred to to ensure performance requirements are realistic.

4.108 It is essential that members address performance problems as soon as they become apparent. Initially, members should ensure that expectations are reasonable, attainable and have been clearly articulated. The employee should be given regular feedback, with advice and support provided to remedy initial performance problems.

4.109 The member must clearly document the performance issue and discuss with the staff member the specific areas requiring improvement. Supporting evidence such as examples of work should be discussed. The staff member should be provided with an opportunity to respond to concerns raised. Ideally, the member and the employee should reach an agreement on the issues requiring improvement, the targets to be achieved and the timeframe required for improvement. The performance should be regularly reviewed following this.

4.110 Members should contact the Clerk’s office to discuss strategies for managing performance issues. Action should be taken as soon as possible, as early and effective informal counseling will address performance issues in most cases.

4.111 If a relationship between a member and an employee breaks down, the Parliament will encourage mediation to resolve the issue.
Disciplinary matters

4.112 It may become necessary to take disciplinary action for continuing unsatisfactory performance or for more serious matters such as misconduct, wilfully disobeying a lawful request by the member or negligence, incompetency or inefficiency in the discharge of duties. Disciplinary action may involve increased supervision, formal counselling, issuing of a warning and termination.

4.113 Members must consult the Clerk of the Parliaments for advice on the appropriate action to be taken, prior to discussing the matter with the employee. It is essential that the proper process is followed and procedural fairness is observed.

Separation from service

4.114 The conditions applying to the termination or separation from employment of Secretary/Research assistants is prescribed in the Legislative Council Separation from Service Policy, available on the intranet.

4.115 Essentially, a Secretary/Research Assistant may be terminated in the following circumstances:

- the giving of two weeks written notice by the Presiding Officer (the employer) or by the employee in the form of a resignation
- the term of office for the member the employee is working for expires
- the member the person works for is appointed to the Ministry.

4.116 Termination of service, except through the employee’s resignation, may only be authorised by the President, or in the absence of the President, the Deputy President.

4.117 Employees whose member’s term of office has expired will be entitled to a separation payment if:

- the member retires, resigns, dies, or otherwise ceases to be a member
- the member seeking re-election is not re-elected, or
- the member is appointed as a Minister.

4.118 The Department may attempt to place the staff member with another member, but if this is not possible a separation payment will be made in accordance with Clause 6 of the Policy.

4.119 Temporary employees employed for less than 12 months continuous service will be given two weeks notice of termination of employment if the member departs under any of the above circumstances.

4.120 Human Services staff will contact the member of staff in the event of the expiry of their members’ term of office. The Separation Policy and related entitlements will be fully explained to the employee.
Non-staff persons working in members' offices

4.121 A ‘non-staff person’ is defined as a volunteer or other person not employed by the Parliament, such as those engaged directly by a member or the member’s political party, who provide assistance in a member’s office.

4.122 While it is accepted that members may require persons other than staff employed by the Department to assist them in their offices, members should be aware that the engagement of such persons can impact on the facilities and services of the Parliament. No additional office accommodation or equipment is provided for use by non-staff persons. Computer access is only provided to employees.

4.123 Members considering engaging non-staff persons to work in their office should also ensure that occupational health and safety issues will not arise as a result.

4.124 Members should note that the Presiding Officers have the right to control access to parliamentary precincts, including that provided to non-staff persons. Non-staff persons must have a security pass and ensure the pass is visible at all times. In addition non-staff persons must adhere to the Parliament’s Occupational Health and Safety Policies.

4.125 The Parliament’s policy on non-staff persons working in Parliament is available on the intranet and should be referred to for more information.

University interns

4.126 The Department supports the participation of members of the Legislative Council in formal internship programs undertaken by universities, as part of public policy or social science programs. Generally speaking, interns need to be accommodated within a member’s existing office space. As noted previously, the occupational health and safety of existing staff must not be jeopardised through the placement of non-staff persons, including interns.

4.127 In order for an intern to be granted a security pass or computer login, the member will need to provide written confirmation of the agreement to the internship, together with correspondence from the coordinator of the internship program of the university confirming the student’s enrolment and the nature of the internship.

4.128 For further information on participation, members should contact the staff in the Department of Parliamentary Services’ Education and Community Relations section.
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Chapter 5 • Procedure

This section provides members with an overview of some of the most common procedures and practices used in the Legislative Council. For a more comprehensive account, members should refer to New South Wales Legislative Council Practice (2008).

The New South Wales System of Government

5.1 The power to enact laws under the Constitution Act 1902 is vested in the Legislature of New South Wales, which consists of the Crown, represented by the Governor of New South Wales, and the two Houses of Parliament: the Legislative Council and the Legislative Assembly.

5.2 Executive authority is formally vested in the Governor, as representative of the Queen. However, in practice, the Governor exercises executive authority on the advice of the Premier and the Cabinet through the Executive Council. The Premier and Ministers are appointed by the Governor, and hold office by virtue of their ability to command the support of a majority of members of the Legislative Assembly.

Sources of authority for the operation of the Legislative Council

Constitution Act 1902

5.3 The Constitution Act 1902 is the main source of the system of representative and responsible government in New South Wales. Key provisions in the Act include:

- the power of Parliament to legislate (s5)
- ‘money bills’, those appropriating public revenue or new rates, taxes or imposts, must originate in the Legislative Assembly (s5)
- the mechanism for resolution of deadlocks between the two Houses (s5A and 5B)
- ‘manner and form’ requirements regarding the abolition or alteration of powers of the Legislative Council (s7A) and Legislative Assembly (7B)
- specific provisions relating to the Legislative Council, including eligibility to vote and conduct of elections (ss17, 22 and the Sixth Schedule)
- powers of the Governor relating to prorogation (s10)
- the requirement for members to take a pledge of loyalty before taking their seat (s12)
- disqualification of members and offices of profit under the Crown (ss13, 13A, 13B)
- disclosure of pecuniary interests (s14A) and
- powers of the Houses to prepare and adopt standing rules and orders (s15).

**Standing rules and orders**

5.4 The standing orders are the written rules of procedure which provide for the conduct of proceedings of the House, the passage of bills, rules of debate, the conduct of members, the appointment of committees, and other matters affecting the operations of the House. The standing orders require the approval of the Governor before they become binding and in force. The power for the Council to adopt standing orders is provided by s15 of the Constitution Act 1902.

5.5 Any wilful or vexatious breach of the standing orders by members may be dealt with by the House as disorderly conduct and the member may be suspended from the service of the House.26

5.6 The standing orders are not immutable and, under SO 198, they can be suspended either in whole or in part, by a motion on notice given at a previous sitting or, if there is no objection, by leave of the House.

**Sessional orders**

5.7 Sessional orders are adopted for the duration of a session. Sessional orders are made under specific standing orders, either to fulfil requirements of the standing order (for example, to set days and times of meetings under SO 35), to vary the operation of a standing order, or to trial new procedures.

**Other sources of authority**

5.8 Procedural matters not covered by standing or sessional orders, or legislative provisions, are governed by practice and precedent. Under SO 2, in any case not provided for in the standing orders, any matter may be decided by the President or Chair of Committees as they think fit. In making any ruling the President or Chair may base their decision on the customs, usages, practices and precedents of the House and Parliamentary tradition.

5.9 Rulings are given from time to time by both the President and Chair of Committees, often in response to points of order raised by members during the debate in the House or committee of the whole. These rulings generally apply the standing or sessional orders or provide a decision where the standing orders are silent. Rulings of the President and Chair of Committees form precedents for future practice in respect of a particular matter. Although they are persuasive authority only and not binding on future occupants of the chair, practice and precedent strengthens the traditions of the House without compromising the flexibility the President has in exercising impartial control over proceedings.

5.10 Notable rulings of Presidents of the Legislative Council are published by the Clerk of the Parliaments as ‘President’s Rulings’. For a copy, contact the Office of the Clerk or the Procedure Office.

**Other legislative provisions**

5.11 A number of statutes also have a direct effect on the role and functions of the Legislative Council and its members. A summary of these Acts is provided at Appendix D.

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26 SOs 190 and 191.
Meetings of Parliament

5.12 The Constitution Act 1902 provides for the periodic election of one half of the Council and the general election of the Assembly every four years. Periodic elections for the Council and general elections for the Assembly are held pursuant to writs issued by the Governor.

5.13 The Legislative Assembly, unless sooner dissolved, expires on the Friday before the first Saturday in March every four years. The general election is held on the fourth Saturday in March that year.

Terms of membership

5.14 Unlike the Legislative Assembly, the Legislative Council has continuing membership – it does not expire and cannot be dissolved. However, the Legislative Council cannot meet to dispatch business when the Legislative Assembly is dissolved or expires for a general election.27

5.15 Members of the Council are elected for two terms of the Assembly. A member’s term of service expires on the day of the termination, by dissolution or expiry, of the second Assembly term following their election.28 Half of the members of the Legislative Council, 21 members, stand for election or retire each four years.

5.16 The term of service of a member of the Council elected to fill a casual vacancy expires on the day the seat of the member would have become vacant had the casual vacancy not occurred.29

The Governor summons Parliament by proclamation

5.17 The Parliamentary Electorates and Elections Act 1912 requires that the Council and Assembly meet not later than the seventh clear day after the date of the return of the writs.30 The Governor convenes both Houses to meet by proclamation published in the Government Gazette.

The Parliamentary Calendar

‘Parliaments’ and ‘Sessions’

5.18 Under s24 of the Constitution Act 1902, a ‘Parliament’ commences on the date of the first meeting of the Parliament following a periodic election for the Council and a general election for the Assembly, and ends on the dissolution or expiry of the Assembly.

5.19 Within each Parliament there may be a number of ‘sessions’. A session is the period between the meeting of Parliament and its subsequent prorogation, which brings the session to an end.

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27 Constitution Act 1902, s 22F.
28 Ibid, s 22B(2).
29 Ibid, s 22B(4).
30 Parliamentary Electorates and Elections Act 1912, ss 69 and 74B. This does not mean that if the writs are returned earlier than required, the House must be summoned to meet before the seventh clear day after the date appointed for the return of the writs.
5.20 The timing of sessions of Parliament is, in practice, decided upon on the advice of the Executive Government, however s11 of the Constitution Act 1902 provides that there must be a session of the Council and Assembly at least once in every year, and that a period of 12 months must not intervene between the last sitting of both Houses in one session and the first sitting of both Houses in the next session.

5.21 The House is deemed to be in recess after it is prorogued and cannot meet again until summoned by proclamation of the Governor.

The opening of Parliament

5.22 Traditionally, the opening of a new session of Parliament takes place in the Legislative Council chamber. There are two types of openings: an official opening, in which the Governor addresses both Houses of Parliament and outlines the Government’s legislative program for the session; or a Commission opening, for which the Governor appoints commissioners, usually senior Ministers, to open the Parliament on behalf of the Governor.

Sitting periods and adjournments

5.23 A calendar year is usually divided into two distinct sitting periods: the autumn sitting period, usually from March to June, and the spring sitting period, usually from September to December.

5.24 The periods between one sitting day and the next, between sitting weeks, and between the breaks in the major sitting periods are termed ‘adjournments’. The motion for the adjournment of the House is moved by either a Minister or a parliamentary secretary, and requires the agreement of the House.

Days and times of meetings

5.25 The House determines the days and times of meeting each sitting week. A sitting of the House commences when the President takes the Chair, and continues until the House adjourns to a future date and time, whether that is on the same calendar day or a subsequent calendar day.

5.26 Under SO 35, the House determines the days and times of meeting in each sitting week by adopting a ‘sessional order’ – a resolution which has continuing effect for the duration of the session. A sessional order adopted over consecutive sessions has set the time for meetings of the House as follows:

- Monday 11.00 am
- Tuesday 2.30 pm
- Wednesday 11.00 am
- Thursday 11.00 am
- Friday 11.00 am

31 Under SO 31(2).
32 Under SO 25.
5.27 Although these are the appointed times, this does not prevent the House from adjourning to an earlier or later time on any of those days. Over the recent past, it is common for the House to sit on Tuesdays, Wednesdays and Thursdays during sitting periods. It has been less common for the House to sit on Mondays and Fridays.

Office Holders

The President

5.28 The President is the Presiding Officer of the Legislative Council and is recognised as its independent and impartial representative, not only by tradition and convention, but also by law.33

5.29 The President of the Council is elected by the House as the first item of business at the first meeting of the Legislative Council following a periodic Council election and, unless resigning, being voted out of office or ceasing to be a member, continues to hold office until immediately before the House meets for dispatch of business following the next periodic Council election.

5.30 The rules for electing the President are set out in SO 12 under which members nominate their candidate for President. If only one member is proposed, the member proposed is declared elected. If two or more members are proposed, members elect the President by secret ballot under SO 13.

5.31 In assuming the position of highest authority in the House, the President is the servant of the House and represents the House in all its powers and proceedings. The President acts as the spokesperson of the House in its relations with the Governor, the Legislative Assembly, the Executive Government and other persons and organisations outside Parliament.

5.32 In presiding over the meetings of the House the President enforces the observance of rules for the orderly conduct of business of the House. The President maintains order in debate and applies and interprets the practices and procedures of the House, relying on the standing orders, precedents and various procedural authorities. The actions of the President must always be, and appear to be, impartial. Because of this the President seldom participates in debate, however s22G of the Constitution Act 1902 does provide that the President or other member presiding may take part in debate.

5.33 Section 22G also provides that all questions arising in the Legislative Council must be decided by a majority vote of the members present, except where there is an equality of votes, when the President must give a casting vote. The President can, however, vote in committee of the whole House.

5.34 The President has administrative responsibilities relating to the Legislative Council and joint administrative responsibility with the Speaker of the Legislative Assembly on matters of joint administration of the Parliament.

33 Constitution Act 1902, section 22G(1).
Deputy President and Chair of Committees

5.35 Under SO 16, the Deputy President and Chair of Committees is elected in the same manner as the President by the House at the beginning of each Parliament and holds office for its duration, or until a successor is elected.

5.36 The Deputy President, when presiding in the House, exercises the same authority, duties and powers as the President, but gives place to the President whenever the President arrives in the House. During the absence of the President from New South Wales, the Deputy President acts as President, with all the powers, authorities, duties and functions of the President.

5.37 The Deputy President presides as Chair of Committees over proceedings in committee of the whole House, during which the House considers bills in detail, or any other matter referred to it for consideration.

5.38 The Chair generally has the same authority as the President when the House is in committee. The exception is that the Chair does not have the power to deal directly with a disorderly member but must name the member, report the matter to the President and the matter is then dealt with by the House.

Assistant President

5.39 On 28 June 2007, the Legislative Council by sessional order established a new position of Assistant President. The Assistant President is elected in the same manner as the Deputy President and for the same period of time. The Assistant President performs the duties of the President when both the President and Deputy President are absent from the House.

Temporary Chairs of Committees

5.40 Under SO 18, at the commencement of each session the President nominates a panel of not less than three members to act as Temporary Chairs. The Temporary Chairs deputise in the House for the President or Chair of Committees when requested and exercise all the powers vested in the President or Chair. Generally, members from across the chamber are appointed as temporary chairs.

Whips

5.41 The duties of the Government and Opposition Whips include liaising with their party leader in regard to the business of the House, ensuring the attendance of members in the House, especially in voting in divisions, arranging speakers for debates, arranging ‘pairs’ for divisions and generally acting as intermediaries between the party leaders in the House and backbench members.

Table Officers

5.42 The Clerk of the Parliaments is the procedural adviser to the President, Ministers and other members of the House.

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5.43 The Clerk is assisted in this role by the Deputy Clerk, Clerks Assistant, Usher of the Black Rod and other senior staff. These officers, known as the Clerks at the Table, share duties at the Table of the House and are responsible for providing impartial advice to the President and other occupants of the Chair, as well as to all other members of the House as situations arise and in anticipation of events in the House.

5.44 Generally, the Clerk of the Parliaments provides advice to the President and parliamentary office holders including Ministers, the Deputy President or Chair of Committees and Party Leaders. The Deputy Clerk acts as Clerk in committee of the whole House, and provides advice and assistance on the drafting of amendments to bills and complex notices of motions. The Clerks Assistant and other Table Officers support the Clerk and Deputy Clerk both in this regard, and in the preparation of business papers and conduct of procedural research.

5.45 The Usher of the Black Rod is also on duty in the chamber during sittings. Under the direction of the President, the Usher maintains order in the chamber and galleries.

Routine of business in the House each day

5.46 Standing order 38 sets out the order in which categories of business are to be proceeded with each sitting day. It deals with items of business which occur on most sitting days but does not attempt to cover all items of business that arise in the House.

5.47 On the basis of information contained in the relevant standing and sessional orders, together with precedents of the House and procedural convention, the routine or order of business each sitting day after prayers are read is as follows:

Routine business

• Messages from the Governor
• Messages from the Legislative Assembly
• Reports tabled by President
• Formal business under SO 44
  An opportunity for members to move items on the Notice Paper which would not otherwise be accorded priority. The question on the motion is put without amendment or debate.
• Presentation of papers
• Petitions
• Notices of motions
• Postponements
• Ministerial statements
• Urgency motion under SO 201
A procedural device used to enable the discussion of matters of urgency suddenly arising. The motion does not conclude with a question being put, or a resolution of the House. The subject to be discussed, in the form of a simple, short statement, must be submitted in writing to the President before the commencement of the sitting. If the House agrees that the matter is urgent, debate will ensue.

**Business of the day on the Notice Paper**

5.48 At the conclusion of routine business, the House proceeds to items on the Notice Paper, the notices of motions and orders of the day before the House for consideration that sitting day. The paper reflects the precedence of business in the House on a particular day:

- Matters concerning the privileges of the House under SO 77
- Business of the House under SO 39
- Matters of public interest under SO 200
- Government business – notices of motions and orders of the day
- Private members’ business – notices of motions and orders of the day
- Committee reports – orders of the day
- Notices and orders set down for a particular day
- Contingent notices of motions.

5.49 These items of business can also be dealt with at other times during the sittings of the House, including: messages from the Governor and Legislative Assembly,\(^{35}\) presentation of papers;\(^{36}\) matters concerning privileges of the House under SO 77;\(^{37}\) and Ministerial statements.\(^{38}\)

5.50 Once the House proceeds to consider motions and orders of the day on the Notice Paper, other items of business (such as notices of motions or petitions) may not be dealt with ‘except by leave of the House’,\(^{39}\) or following the suspension of standing orders by resolution of the House.\(^{40}\)

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\(^{35}\) Under SO 122 messages from the Governor must be reported to the House ‘as soon as practicable after receipt’.

\(^{36}\) Under SO 126 messages from the Legislative Assembly must be reported to the House ‘as soon as practicable, without interrupting any business before the House’.

\(^{37}\) SO 54.

\(^{38}\) SO 77 provides that a matter of privilege, ‘unless suddenly arising in proceedings before the House’, is to be dealt with according to the procedures set out in that standing order. As part of those procedures, under standing order 77(4) where the President determines that a motion relating to a matter should be given precedence of other business a member may ‘at any time when there is no business before the House, give notice of a motion to refer the matter to the Privileges Committee’.

\(^{39}\) Under SO 48 a Minister may make a statement regarding government policy ‘at any time when there is no other business before the House.’

\(^{40}\) SOs 71(4), 68(8).

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However, there are some circumstances in which the standing orders specifically allow for a motion to be moved without notice (eg SO 125).
5.51 Although notices of motions and orders of the day are generally set down on the Notice Paper for the next sitting day, it does not necessarily mean they will be dealt with on that day. The order of business can also be changed by the House. The House may, on motion without notice, postpone an item of business under SO 45 or use other procedures, such as the suspension of standing orders, to bring on an item of business on the Notice Paper.

**Notices of motions and orders of the day**

5.52 Members must give notice of their intention to introduce a matter for discussion. Under SO 73, a member who wishes to initiate a subject for discussion may only do so if notice was given at a previous sitting of the House, or by leave of the House, or as otherwise provided by the standing orders. These are called notices of motions.

5.53 Notices of motions are given before the House proceeds to the business on the Notice Paper, and only at other times by leave of the House. The member gives notice by reading the notice of motion aloud, handing the Clerk a signed written copy and stating the day proposed for moving the motion.

5.54 Generally, members give notice for the next day and, under SO 71(3), these notices are set down on the Notice Paper in the order in which they are given. Members may also give notice for a specific day not more than four weeks from the day the notice is given.

5.55 Under a practice first instituted in 1992, Ministers may give consecutive notices whereas private members may only give one notice on each call from the Chair. This procedure was adopted to give all private members an equal opportunity to give notices.

5.56 The President usually recognises the Leader of the Opposition immediately after Ministers, and then alternates the call between the Government, Opposition and cross-bench members until all notices have been given.

5.57 Other rules relating to the giving of notices of motions include:

- a member may give notice on behalf of another member who is not present in the House,
- a member may change the date for bringing on their motion by giving notice of the new date, however that date may not be earlier than the original date, and
- the President may refuse to have a notice containing 'unbecoming expressions' printed, or the House may order that it be expunged from the Notice Paper.

5.58 Notices of motions are not considered to be the property of the House until they are moved. Until moved a member may withdraw the notice, change the date for bringing on the motion, or seek leave to amend the motion when first moving it.

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41 For example, a committee chair may move a take note debate on a committee report after tabling, without previous notice.
42 SO 71 (6).
43 SO 71(1).
44 SO 71(4).
45 SO 73.
46 SO 71(8).
Contingent notices of motions

5.59 In urgent cases, the House may suspend standing orders either by a motion on notice, or by leave of the House, to allow the House to proceed in a manner that would otherwise be contrary to the standing orders.

5.60 Contingent notices of motions have developed as a device to overcome the requirement for members to give notice of their intention to suspend standing orders. These notices indicate that, contingent upon a particular matter occurring, a member will move the suspension of standing orders to enable the moving of a subsequent motion to rearrange the business of the Council or to have some new item of business considered.

5.61 Contingent notices have included notices relating to the passage of a bill through all its stages during any one sitting of the House, the consideration of a particular item of business, censure of a Minister or contempt of the House. These contingent notices can be used multiple times, or can be given for a specific purpose to then expire after use.

Orders of the day

5.62 An order of the day is a matter which has been moved and which the House has ordered be taken into consideration at a later hour, the next sitting day, or on a future day.47

5.63 The majority of orders of the day are the stages of bills set down for consideration according to the standing orders. Unlike notices, an order of the day is in the possession of the House and can only be withdrawn by leave,48 or discharged or postponed, on motion, with the agreement of the House.49

Categories of business

Business of the House

5.64 Items classed as business of the House generally relate to the operation of the House, or matters relating to members such as qualification and leave of absence.50

5.65 The standing orders also state that motions for the disallowance of a statutory instrument and motions to adopt a report of the Privileges Committee on a citizen’s right of reply are set down as business of the House.51

5.66 Under SO 74, a motion relating to the privileges of or business of the House takes precedence over all other motions or business of the day.

Matters of public importance

5.67 Standing order 200 provides the opportunity for a member to give notice of a motion for a matter of public importance to be debated by the House without the House having to resolve the matter in any particular way. This is an exception to the rule that substantive motions are used to elicit the opinion of the House.

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47 SO 80.
48 SO 75(4).
49 SO 45, 81(4), 140(1).
50 SO 39.
51 SOs 78 and 203 (7).
5.68 When the matter is called on, the House first decides whether the matter should proceed forthwith. If agreed, debate ensues, with time limits applying (see Appendix E). As there is no question before the House, at the conclusion of debate the matter lapses and House proceeds to the next item on the Notice Paper.

5.69 Only one matter of public importance may be dealt with on any one sitting day, however this does not preclude the resumption of an adjourned discussion on the same day.

**Government business**

5.70 Government business includes all matters initiated by a Minister or Parliamentary Secretary and mainly comprises items related to the Government's legislative program. Ministers may arrange Government business notices of motions and orders of the day on the Notice Paper as they wish.

5.71 There are no time limits for debate on Government business.

**General business, or private members' business**

5.72 Notices of motions given by all members other than a Minister are known as private members’ business and are referred to collectively as general business. The sessional orders adopted over consecutive sessions have provided for general business to take precedence over Government business on Thursdays until 5.00 p.m. On these days items of general business appear before items of Government business on the Notice Paper. As noted above, private members’ motions relating to matters of privilege, business of the House or the disallowance of a statutory rule are accorded precedence of other business.

5.73 Due to the large number of private members’ items listed on the Notice Paper, the House considers items of private members’ business in a sequence established by a draw conducted by the Clerk at the beginning of the session and from time to time as required.

5.74 Under SOs 183-189, the Clerk conducts a draw at the beginning of the session. As items are disposed of by the House, further draws are conducted to ensure there are sufficient items (up to 12) in the order of precedence.

5.75 Notices of motions when first given appear under ‘Private Members’ Business – Items Outside the Order of Precedence’ in the order given. The items selected in the draw are shown under ‘Private Members’ Business – Items In the Order of Precedence’.

5.76 The establishment of an order of precedence for private members’ business does not prevent a member from giving further notices of motions that are then listed on the Notice Paper under items outside the order of precedence in the order given.

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22 Under SO 25, Parliamentary Secretaries may exercise the powers of a Minister, except in relation to answering questions with and without notice.
5.77 Consideration of an item of private members’ business listed in the order of precedence may be postponed. However, under SO 188, an item postponed for a third time is removed from items in the order of precedence and set down at the end of private members’ business items outside the order of precedence, unless the House otherwise orders.

5.78 Members must have an item listed on the Notice Paper outside the order of precedence to be eligible for the draw. Members are ineligible for the draw if they already have an item in the order of precedence or if they have already had their name drawn that session, and a member of their group – Government, Opposition or Crossbench – with an item outside precedence has not already been drawn that session. Once all members of the group have had their names drawn, members are once again eligible for the draw.

5.79 Each member whose name is drawn and who has more than one notice of motion or order of the day on the Notice Paper notifies the Clerk which item is to be placed in the order of precedence. If a member does not notify the Clerk within two working days, the first item standing on the Notice Paper in the name of the member is included in the order of precedence.

5.80 Debate on private members’ motions is limited to three hours in total, and the following time limits apply to speeches:

- 30 minutes for the mover,
- 20 minutes for any other speaker, and
- 10 minutes for the mover in reply.

5.81 Debate on private members’ bills is also subject to time limits:

- Debate on the question for leave to bring in a bill is subject to one hour maximum debate, with 10 minutes each for the mover, other speakers and the mover in reply,
- No debate is allowed on the first reading or printing of a bill, and
- Debate on the second or third reading of a bill is not subject to a total time limit, however the mover may only speak for 30 minutes, whilst other speakers and the mover in reply are limited to 20 minutes each.

5.82 Appendix E lists all time limits applying to debates.

**Debate on committee reports**

5.83 On tabling a report from a committee, a motion may be moved without notice that the House take note of the report. During or at the conclusion of the speech of the mover, the debate is adjourned to the next day on which debate on committee reports takes precedence. Under the standing orders, it has become practice for the House to adopt a sessional order for debate on committee reports to take precedence on Wednesdays after Question Time.
5.84 The debate on committee reports on any day on which the debate has precedence is to be interrupted after one hour. Committee debate is subject to time limits (please see Appendix E).

The Legislative process

5.85 A bill is a draft of a legislative proposal. A bill may enact a new principal Act governing a new matter or previously unregulated matter, or may amend an existing Act.

5.86 The ‘passing’ of a bill through both Houses means that procedures laid down in the standing orders of each House for the first reading, second reading, committee stage and third reading have been complied with. Bills are then forwarded to the Governor for royal assent, at which point they become an Act.

5.87 Bills may originate in either House, provided that bills for appropriating any part of the public revenue, or for imposing any new rate, tax or impost, that is ‘money bills’, originate in the Legislative Assembly.53

5.88 There are three categories of bills:

- public bills, which deal with matters which affect public interests (SOs 136 to 163),
- private bills, which principally affect private interests (SOs 164 to 171), and
- hybrid bills, which affect partly public and partly private interests.

Public bills (SO 136)

5.89 A public bill is one which deals with a matter or matters of general public interest. Nearly all bills introduced are public bills.

Government bills

5.90 The majority of public bills are introduced by a Minister as part of the Government’s legislative program. There are no time limits on debate of Government bills.

Private members’ bill

5.91 A public bill introduced by a private member does not have precedence over other matters of private members’ business. Time limits apply to the debate of a private member’s bill at the introduction, second and third reading stages (see Appendix E).

Private bills (SO164)

5.92 A private bill, not to be confused with a public bill introduced by a private member, deals with a specific private matter which affects a private person or persons or applies to some particular locality. A private bill does not deal with public policy.

5.93 There are special procedures for the introduction and passing of private bills. Private bills are solicited by the parties promoting it, initiated by petition and referred to a select committee for consideration and report. The last private bill passed by both Houses was the Tamworth Tourist Information Centre Bill 1992 introduced in the Legislative Assembly, which sought to authorise the Council of the City of Tamworth to construct and operate a tourist information centre and coach interchange facility on a public reserve.

53 Section 5, Constitution Act 1902.
Hybrid bills

5.94 A hybrid bill is a public bill which affects particular private interests in a manner different from the private interests of other people or bodies in the same category or class. The last bill regarded as a hybrid bill in the Legislative Council was the *East Maitland Racecourse Enabling Bill* in 1920, which related to the powers of the Trustees of the racecourse to deal with Crown land. The bill was introduced as a public bill, however on a point of order being taken, the President ruled the bill a hybrid bill.

Cognate bills

5.95 Standing order 139 provides for the simultaneous consideration of related bills to proceed through the various stages together, except in committee of the whole where, unless there is unanimous agreement, they are considered separately. However, the standing order also allows any member to request that the question on the respective readings be put separately, allowing members to debate cognate bills concurrently, while affording the opportunity to move amendments to the second reading motion on the individual bills, argue for one or oppose another.

Stages in the passage of a bill

5.96 The standing orders provide for the following stages in the consideration of a bill:

- first reading (SO 137)
- second reading (SO 140)
- committee of the whole (SO 141)
- third reading (SO 148).

Initiation, introduction and first reading

*Legislative Council bill*

5.97 A bill other than a bill received from the Assembly is initiated in the Legislative Council by giving a notice of motion seeking leave to introduce the bill. The notice states the long title of the bill.

5.98 When the House has given leave for the introduction of a bill, the bill is presented and a motion moved that the bill be printed and read a first time. The question is put by the President immediately after the bill has been presented, and determined without amendment or debate. The bill is then available to members and the public.

5.99 Following the first reading, the second reading may be moved immediately. The second reading speech of the mover sets out the purpose of the bill. At the conclusion of the mover’s second reading speech, the debate is adjourned until a future day which must be at least five calendar days ahead. This provides members with time in which to consider the bill, consult with relevant stakeholders and prepare for debate.
Legislative Assembly bill

5.100 A bill received from the Assembly proceeds in the same manner as bills introduced in the Council, except for initiation. After the President announces receipt of a message from the Assembly forwarding a bill for the concurrence of the Legislative Council, the bill is read a first time and printed and, in most cases, the second reading set down for a later hour or the next sitting day.

Second reading

5.101 The second reading is the stage at which the general principles of the bill are considered and to which lengthy debate may ensue. It is to this question that amendments are most frequently proposed. Amendments to the motion that the bill be read a second time are normally directed at delaying the progress of the bill, for example, by referring it to a select committee for consideration and report.

Committee of the whole House

5.102 Standing order 141(a) permits bills to proceed directly to the third reading immediately after the second reading is agreed, without going through the committee stage, provided there is no objection. All other bills are considered in committee of the whole House. However if amendments have been proposed to the text of the bill or members wish to debate the particulars of a specific section, the bill is considered in committee of the whole House.

5.103 It is only in committee of the whole that the text of a bill may be modified. The function of the committee of the whole is to consider each clause, part, schedule, preamble and the title of a bill separately and, if necessary, word by word to approve or amend the text. With large bills, the Committee may agree to consider a bill by parts rather than clause by clause. An amendment may be moved to any part of a bill as long as it conforms with the standing orders.

5.104 The same rules of debate which apply in the House are applicable in committee, except that a member may speak more than once. Debate must be confined to the matter of the clause or amendment under discussion and must not discuss the merits of the whole bill.

5.105 Once the bill has been considered in committee, the Chair reports the bill to the House with or without amendment.

Third reading

5.106 Under SO 148, following the adoption of the report of the committee of the whole, the third reading may be set down for a future day, usually the next sitting day.

5.107 In practice, the third reading usually takes place immediately, either with the concurrence of the House in the case of a Council bill or, in the case of a bill originating in the Assembly, according to the suspension of standing orders to enable the bill to pass through all stages on any one sitting day. This motion is usually moved when the message forwarding the bill is first received by the Legislative Council.

54 SO 87(2).
55 SO (142(2).
56 SO 146.
5.108 Debate on the third reading is limited to stating reasons for supporting or opposing the final reading of the bill.

**Expeditied passage of a bill**

5.109 The procedure for the passage of a bill set down by the standing orders may be expedited by the House agreeing to a motion to suspend standing orders to enable a bill to pass through all its stages during one sitting of the House. Contingent notices of motions, discussed earlier, are used to suspend standing orders on most bills received from the Legislative Assembly. Contingent notices overcome the requirement for members to give notice of a motion to suspend standing orders at a previous sitting.

5.110 SO 138 allows a Minister to declare a Council bill to be an urgent bill as long as the bill has been circulated, the question on which is put immediately and without amendment. When a bill has been declared urgent, the second reading debate and subsequent stages may proceed immediately or at any time during any sitting.

**Other business of the House**

**Tabling of papers and other documents**

5.111 Each day during formal business the President calls for the tabling of papers. Under the standing orders all papers and documents laid upon the Table by the President, a Minister or the Clerk are considered to be public and are available for inspection, unless otherwise ordered by the House.

5.112 The President, Ministers and the Clerk may table documents at any time when there is no other business before the House.\(^{57}\) Committee Chairs may table reports of committees at any time, however the report is not made public without an order of the House.

5.113 Other members may table documents by leave and, unless authorised by the House to be made public, these documents are available for inspection by members of the House only.\(^{58}\) All members require leave to table a document during debate on bills or motions.

5.114 Papers regularly tabled in the House include:

- reports of independent bodies required under legislation tabled by the President
- annual reports of Government departments and statutory authorities tabled by a Minister or received out of session by the Clerk
- other reports and documents tabled by a Minister
- other reports received out of session by the Clerk under SO 55
- returns to orders for papers (see below)
- committee reports tabled by the Chair of the committee
- statutory rules and instruments subject to disallowance under the *Interpretation Act 1987* and reports received when the House was not sitting, which are tabled by the Clerk.

\(^{57}\) SO 54(1).
\(^{58}\) SO 54(4).
**Orders for the production of documents**

5.115 The Legislative Council’s power to order documents held by the NSW Government exists to assist the Legislative Council to fulfill its function of making of laws and holding the Government to account.

5.116 Under SO 52, which regulates the way in which the Legislative Council exercises this power, the House may order documents to be tabled in the House. The Clerk communicates to the Premier’s Department all orders for documents made by the House. The Table Office assists in the preparation of a form of words to be used by a member when requesting documents.

5.117 Documents provided by the Government under these orders have ranged from a single letter to hundreds of boxes of documents on a particular subject. Only a member of the Legislative Council may initiate the process by which the production of state papers is ordered under SO 52.

5.118 Most documents provided are made public without restricted access. However, under SO 52, the Government may make a claim of ‘privilege’ – that is, that the document should not be made public on certain grounds such as legal professional privilege, or public interest. Such documents are made available for inspection by members of the Legislative Council only.

5.119 Under the standing order any member may, by communication in writing to the Clerk, dispute the validity of a claim of privilege. On receipt of such communication, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter for evaluation and report as to the validity of the claim.

5.120 The Clerk announces receipt of the report of the independent legal arbiter, following which the House may resolve to make the report public, or to order that privileged documents be made public. The House will take the advice of the arbiter into consideration in this process, however the ultimate authority as to whether documents should be made public rests with the House.

**Petitions**

5.121 A petition is a direct request to the Parliament that it take some particular course of action. The subject of a petition must relate to a matter on which the House has the power to act – that is, it must be a State matter, and one involving legislation or Government administration.

5.122 Although any member may present a petition, it is not common practice for the President or a Minister to do so. Members are not obliged to present every petition they receive, but generally take the view that they should present any petition forwarded to them regardless of their views as to its content.

5.123 The standing orders and practices of the Legislative Council provide a number of rules which are designed to ensure the authenticity of petitions and provide protection to the petitioner and the House.\(^\text{59}\) To this end, a petition must:

- be addressed to the President and members of the Legislative Council

\(^{59}\) SOs 68, 69, 70.
• not be addressed to “the Parliament”, an individual member or Minister, or “to whom it may concern”

• include a request for particular action by the House or the Parliament, but may not request a grant of public money

• be typewritten or written in ink and on paper (signatures cannot be collected or submitted electronically at this time)

• be in written English, or accompanied by a translation in English, which the member presenting the petition must verify to be correct

• be signed by the petitioners with their names (although a petition may be signed on behalf of another person if they are unable to sign)

• feature the request of the petition on each page if additional pages of signatures have been attached, and

• not have other documents attached to it.

5.124 Before presentation, the member presenting must sign his or her name on the top of the first page of the petition.

5.125 Members are required to ensure that a petition is in the proper form before being presented to the House and that it conforms with the standing orders. It is the usual practice for members to refer petitions to the Legislative Council Table Office for advice on the petition’s compliance with the standing rules and orders. The Table Office will prepare a form of words to be used by the member when presenting the petition to the House.

5.126 Under SO 68, the Clerk must refer a copy of each petition received by the House to the Minister under whose portfolio the matter falls. A summary of the text of each petition is also recorded in both the Minutes of Proceedings and Hansard for that day.

Question time

5.127 Under recent sessional orders, question time has commenced at 4.00 pm on Tuesday (and Monday, if the House is sitting) and at 12.00 noon on Wednesday and Thursday (and Friday, if the House is sitting). Questions and answers are subject to time limits (see Appendix E).

5.128 The standing and sessional orders do not limit the duration of question time each day, however generally after one hour the Leader of the Government asks that all further questions be placed on the Questions and Answers Paper.

5.129 Standing orders 64-67 govern the scope of questions that can be put to Ministers. Questions can be put to Ministers relating to public affairs with which the Minister is officially connected, proceedings pending in the House and matters of administration for which the Minister is responsible.

5.130 Questions can be put to other members relating to any bill, motion or other business on the Notice Paper of which the member has charge.

5.131 Questions can also be put to a Chair of a committee relating to the activities of that committee, however the question must not attempt to interfere with the committee’s work or anticipate its report.
5.132 Supplementary questions may be asked, at the discretion of the President.

5.133 Question time is not a time for debate, but rather a time for seeking information. Questions should be short and to the point and relate to the responsibilities of the Minister concerned. All questions, whether they are asked with or without notice, should be framed in interrogative terms. For example, what, where, will, why, when, does, is? The use of phrases such as ‘Is it a fact ....’ suggests that the question is seeking an opinion or giving information.

5.134 Under SO 65, questions must not contain unnecessary detail, or contain arguments, expressions of opinion, inferences, imputations or offensive expressions. Questions will be deemed inadmissible if they seek the solution of hypothetical propositions, ask for a statement of policy, seek a legal opinion, or refer to debate in the current session or to proceedings in committee not yet reported to the House.

5.135 Standing order 66 requires that in answering a question a Minister must not debate the subject matter of a question and the answer must be relevant to the question asked.

5.136 If a question is referred to a Minister in the other place, the Minister in the Legislative Council must provide the answer to the House within 35 calendar days after the question was first asked. If the answer is not provided within the timeframe, the Minister concerned is called upon in the House to explain, given three days to provide the answer, then called upon again to explain if an answer has still not been provided. This procedure continues until an answer is provided. If an answer to a question without notice is not provided within 35 calendar days but when provided is accompanied by an explanation of the reasons for the late provision of the answer, the late provision will not be reported to the House.

Budget ‘take note’ debate and budget estimates process

5.137 Section 5 of the Constitution Act 1902 requires appropriation bills to be introduced in the Legislative Assembly. In recent years, as the Treasurer has been a member of the Legislative Council, the Legislative Assembly has requested, by message, the attendance of the Treasurer at the Table of the Legislative Assembly for the purpose only of giving a speech in relation to the budget. Simultaneously with the Treasurer giving his speech, a Minister in the Council tables the budget papers and moves that the House take note of the papers and gives the same speech as the Treasurer. Debate is then adjourned to allow members time to read the budget papers.

5.138 The Chair allows considerable latitude in debate on the budget take note motion, and debate can span several months. A sessional order is passed to specify the time for debate and impose time limits for speakers. No determination is made on the actual expenditure until the appropriation bill is received from the Assembly.

5.139 In recent years the House has referred the Budget Estimates and related papers to the five General Purpose Standing Committees for inquiry and report. The committees have substantial powers to require answers to questions and have a number of mechanisms for obtaining information. The terms of reference of the budget estimates inquiry, the same in substance over consecutive years, also provides that the committees must hear all evidence on the budget estimates in public and that the committees may hold supplementary hearings as required. For more information on Committees, please refer to Chapter 6.
Adjournment debate

5.140 Generally speaking, the House can be adjourned only by its own resolution. The adjournment of the House to terminate a sitting may be moved at any time by a Minister (or a Parliamentary Secretary, under SO 25).

5.141 Under SO 31, the debate on the motion for the termination of the sitting of the House is limited to 30 minutes, during which time members may speak on almost any matter for up to five minutes. The normal rules of debate, other than relevancy, apply.

5.142 The debate provides members with an opportunity to bring pressing matters before the House and to the attention of the Government.

5.143 Under SO 33, a Minister may, before the House proceeds to the business of the day, make a statement in relation to any matter raised on the adjournment at a previous sitting.

Privilege

5.144 Parliamentary privilege refers to the immunities and powers that the two Houses of Parliament, their members and officers possess which enable them to effectively carry out their Parliamentary functions, with an appropriate degree of independence from the Executive Government, without which they could not perform their functions.

5.145 There are two key immunities conferred on the House: freedom of speech, and the immunity of other Parliamentary proceedings from impeachment or question in the courts. These immunities act as a safeguard of the separation of powers and the sovereignty of Parliament, preventing the other two branches of Government, the Executive and the Judiciary, calling into question or inquiring into the proceedings of the legislature.

5.146 A breach of privilege occurs whenever any of the rights or immunities of the House and its members are disregarded or attacked by any individual or authority.

5.147 A contempt occurs whenever an offence is committed against the authority of the House or a committee, and may not always involve a breach of a specific privilege.

5.148 Unlike other Australian jurisdictions, there is no principal statute in New South Wales which defines the powers and immunities of Parliament. Instead, the powers and immunities of Parliament rely on the common law principle of ‘reasonable necessity’, together with certain statutory provisions, including the adoption of Article 9 of the Bill of Rights 1689, which provides:

- That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

5.149 The protections afforded to debates and proceedings in Parliament under Article 9 apply by virtue of section 6 and Schedule 2 of the Imperial Acts Application Act 1969 (NSW).

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Raising matters of privilege

5.150 A member may only raise a matter of privilege, unless suddenly arising in proceedings before the House, according to the procedures set out in SO 77.

5.151 A member intending to raise a matter of privilege must inform the President of the details in writing. The President determines whether the motion relating to the matter should have precedence of other business. If the President determines that the matter should have precedence, the member may give notice of a motion to refer the matter to the Privileges Committee, and that motion will take precedence of all other business on the day for which notice is given. If the House agrees to the motion, the Committee then investigates the matter and reports to the House.

Rules of debate and maintenance of order

5.152 It is a fundamental principle of Parliamentary procedure that debate is conducted in a free and civil manner. To ensure this, rules of debate and decorum have developed which govern what members may say and do in the House. These rules are embodied in the standing orders, the practices developed in the House, and rulings of successive Presidents and Chairs of committee of the whole.

Seeking the call

5.153 To exercise the right to speak, members ‘seek the call’ by rising in their place and addressing the President with the words ‘Mr/Madam President’. It is necessary for a member to be recognised by the Chair calling the member’s name before they may proceed to address the House. The decision as to who may speak is the prerogative of the President, despite any conventions or informal arrangements to ensure representation of all parties in the debate.

Rules of debate

5.154 The rules which must be observed by members when speaking and the power of the Chair to enforce these rules are governed by SOs 83 to 101.

5.155 The place of speaking, under normal circumstances, is at the table of the House. Members may speak from their place on the benches when asking a question without notice, taking a point of order or privilege, or if making a short speech. The House may give leave (agreement without dissent) in the case of sickness or infirmity for a member to speak while seated.

5.156 The standing orders also require that members address their remarks to the Chair. This must be done not only at the commencement of a member’s remarks but throughout their speech. It is improper to direct remarks directly to other members in the chamber. Remarks concerning other members of the House should be expressed in the third person. Members are referred to as ‘the Honourable (name of member)’ or by the office they hold, ‘the Honourable the Minister for …’; or ‘the Honourable the Leader of the Opposition.’

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61 Article 9 of the Bill of Rights 1689 (Imperial), which applied in New South Wales by virtue of s 6 and schedule 2 of the Imperial Acts Application Act 1969.
62 SO 85.
63 SO 85.
5.157 Standing order 91 states that a member may not:

• reflect on any resolution or vote of the House, unless moving for its rescission,

• refer to the Queen or the Governor disrespectfully in debate, or for the purpose of influencing the House in its deliberations, or

• use offensive words against either House, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers are considered disorderly.

Reading of speeches

5.158 Standing order 91 provides that members may read reasonable lengths of extracts from books, newspapers and publications or documents.

5.159 Although the standing orders are silent on the reading of prepared speeches, the Chair has ruled that a member is not entitled to read a prepared speech, as this tends to reduce the ‘cut and thrust of debate’. However, the use of copious notes when making a speech has been permitted. It is accepted that Ministers and the Leader of the Opposition read prepared speeches at the second reading stage of a bill and that inaugural speeches may be read.

5.160 Under SO 91, if objection is taken to the reading of a list of names of individuals or organisations who have made representations in relation to the matter the subject of debate, the member must confine their remarks to a statement of the comments or views of those individuals or organisations or to the number of individuals or organisations making similar representation.

Relevancy and anticipation

5.161 Standing order 92 states that members may not digress from the subject matter of any question under discussion, referred to as ‘relevancy’. The precise relevancy of remarks and their connection to the question before the House are not always apparent. The President will often call a member to order and remind them that their remarks must adhere as closely as possible to the question.

Members may not anticipate certain matters on the Notice Paper

5.162 In interpreting the rule of anticipation the President’s decision is guided by the principle that the most effective form of proceeding takes precedence. A descending scale is used for determining the more effective form of proceedings: bills precede motions, which precede amendments. In determining whether discussion is out of order on the ground of anticipation, the Chair will have regard to the probability of the matter anticipated being brought before the House in a reasonable time.

5.163 The rule of relevance insists that amendments be relevant to the main motion and applies to the various stages in the passage of bills. At the second reading, debate is limited to the principle of the bill and debate on individual clauses is out of order. At the third reading, although debate is rare, debate must be confined to the question that the bill be read a third time and not a general discussion of the content of the bill. Wider latitude is allowed on certain debates such as the debate on the budget estimates and related papers and debate on the Address-in-Reply.
Speaking once in debate

5.164 Under SO 87, a member may only speak once on any question before the House. There are three exceptions to this rule. Firstly a reply is allowed to a member who has moved a substantive motion or moved the first, second or third reading of a bill.\(^\text{64}\) (A substantive motion is a motion which is self-contained and which normally requires notice.) Secondly, a member may explain or reply to some material point on which the member has been misquoted or misunderstood.\(^\text{65}\) Thirdly, members may speak more than once in debate in committee of the whole House.\(^\text{66}\)

5.165 When an amendment is proposed to a motion, any member who speaks subsequently, speaks to both the amendment and the main motion. A member who has spoken in the debate prior to any amendment being moved, may speak again to the amendment only.

Interruption of debate

5.166 Standing order 95 states that a member may not interrupt another member speaking except to:

- call attention to a point of order, that is, that proceedings are not being conducted according to the rules and orders of the House,
- call attention to the lack of a quorum, or
- raise a matter of privilege.

Personal explanation

5.167 Standing order 88 allows a member, if there is no objection, to make a personal explanation to the House. The subject of a personal explanation may not be debated. Rulings of the President state that a personal explanation only allows a member to explain, not debate, any matter which reflects upon the honour, character or integrity of that member, or reflects on the member in a personal way. Personal explanations should not be used to explain matters on behalf of another person. Members should advise the President of the circumstances prior to making the explanation.

5.168 A personal explanation cannot be made during the course of debate and only when there is no business before the House.

5.169 If a personal explanation goes beyond the limits for which leave has been given, the Chair calls the member to order. Leave may also be withdrawn after it has been given.

Points of order

5.170 The right to interrupt and draw attention of the Chair to what a member believes is a breach of order is provided by SO 95, which states that a member may rise to speak upon a matter of privilege suddenly arising, to the lack of a quorum or to a point of order. Points of order are used by members to call attention to departures from either the standing orders or other practices of the House at any time during debate.

\(^{64}\) SO 90(1).
\(^{65}\) SO 89.
\(^{66}\) SO 173(5).
5.171 The attention of the Chair must be directed to a breach of order the moment it occurs and when a question of order is raised the member interrupted should immediately resume their seat. A member raising a point of order should state which standing order or practice they feel is being breached. A point of order may be raised at any time and any question then under consideration is suspended until the point of order is decided by the Chair. There is no limit on the number of members who may speak or how many times they may speak to a point of order, and after hearing argument the Chair decides on the question of order. The decision of the Chair can be appealed to the House under SO 96 by a motion of dissent from the ruling.

5.172 If a point of order is taken during a timed debate, timing is not suspended unless so directed by the Chair.

5.173 A point of order cannot be raised when the President is addressing the House, and hypothetical questions on procedure should not be addressed to the President on the floor of the House. Further, members may not ask the President to rule on constitutional questions or decide a question of law.

5.174 A second point of order cannot be raised while one is already before the House and it is an abuse of the rules of the House to raise a point of order to merely contradict a statement made in debate.

Inaugural speeches

5.175 It is a time-honoured custom that members making their inaugural speech to the House are heard without interjection or interruption. Members, however, should not strain the tradition by being unduly provocative. Although time limits do not apply, speeches should not be unduly lengthy. Speakers who follow should offer the traditional congratulations to the new member on their speech. A recent custom is for members, if they wish, to make their inaugural speech from the opposite side of the chamber to the side where they would normally sit, so that they are facing their political colleagues. Inaugural speeches may be made during any substantive debate, however they are usually given during the second reading debate on Government Bills.

Decorum in the House

5.176 As well as rules which must be observed when speaking, there are established rules relating to the conduct of members and decorum in the chamber. Some of these rules are contained in standing orders, others rely on the good sense of members and the application of common courtesies.

5.177 Customs include:

- members remove their head covering when entering or leaving the chamber or moving to any part of the chamber during debate
- members bow their head to the Chair as a gesture of respect when entering or leaving the chamber

67 SO 84.
members stand when the Usher of the Black Rod announces the President, and remain standing until after the prayers have been read and while the President makes the acknowledgement of country.

it is discourteous for a member to leave the chamber immediately after finishing a speech as, in the ‘cut and thrust’ of debate, it is usual for the next speaker to comment on the speech of the preceding member, leading to the tradition for the member who has spoken to remain in the chamber for a reasonable time.

the expression ‘Hear, hear’ is permitted as a sign of approbation, but not the clapping of hands.

the reading of books, newspapers and other material unconnected with the business before the House detracts from the dignity of debate.

the practice of referring to the Legislative Assembly as ‘another place’ rather than by name, has its origin in the ancient ill-feeling between the House of Lords and the House of Commons.

The choice of appropriate dress is left to the good judgement of members and their sense of the dignity of the House.

Disorderly conduct

The Chair exercises discretion in intervening in debate and will normally only intervene if a member’s right to speak or be heard is being infringed, if a breach of order has been committed, or if called on to decide a point of order.

The disorderly conduct of members is dealt with under SOs 190 to 194. Under SO 190 if a member, after being warned by the President:

- continues to obstruct the business of the House, or
- continues to abuse the rules of the House, or
- refuses to comply with an order of the Chair, or
- refuses to comply with the standing orders, or
- continues to disregard the authority of the Chair, or
- otherwise obstructs the orderly conduct of business of the House,

the President may name the member and report the member’s offence to the House. If the offence is committed in committee of the whole House, the Chair is to suspend proceedings and report the offence to the President.

A member who has been reported as having committed an offence may make an explanation or apology to the House and then, if required by the President, withdraw from the chamber. A motion may then be moved without notice that the member be suspended from the House. Under SO 191 the member may be suspended until the House terminates the suspension or until the submission of an apology by the offending member. A member who is suspended from the service of the House is excluded from the chamber and galleries, and may not serve on or attend any proceedings of a committee of the House during the period of suspension.

48 SO 28.
5.182 If the President or Chair of Committees calls a member to order three times in the course of any one sitting for any breach of the standing orders or if the member conducts themselves in a grossly disorderly manner, the member may, by order of the President or Chair of Committees be removed from the chamber by the Usher of the Black Rod for a period of time as the President or Chair may decide but not beyond the termination of the sitting.69

5.183 The power to suspend or expel has been exercised infrequently.

5.184 The House may also declare a member’s seat vacant as a result of the operation of sections 13, 13A or 13B of the Constitution Act 1902 regarding the disqualification of members. Such matters would be dealt with by the House referring a question to a Court of Disputed Returns for decision.

Disorderly and offensive words

5.185 Presidents have often stated that the standing orders are designed to ensure that members exercise their privilege of free speech with good sense and good taste so as to maintain courtesy of language towards other members in debate. Personal references, unbecoming language and insults and accusations in debate not only reduce the standard of debate, provoke retaliation and lead to disorder in the House, but degrade the Parliament in the estimation of the people.

5.186 The Chair will intervene where offensive or disorderly words are used. Where the Chair does not intervene, an aggrieved member may take a point of order and direct the attention of the Chair to the words which they consider offensive or disorderly. The Chair will then determine whether or not the words complained of are offensive or disorderly and whether they should be withdrawn. In a serious case the Chair may request an apology.

Other matters of significance to proceedings in the House

Quorum

5.187 The Constitution Act 1902 provides that at least 8 members of the Legislative Council, in addition to the President or other member presiding, are necessary to constitute a quorum for the dispatch of business.70 Under SO 34, the quorum must include a Minister.

5.188 If there is no quorum at the time of the meeting of the House the standing orders provide for the bells to be rung for five minutes. The House is counted and, if a quorum is still not present, the President adjourns the House to the next sitting day.71

5.189 Under the standing orders a member may call the attention of the President or the Chair of Committees to the ‘state of the House’, that is, to the fact that a quorum is not present at any time, even when another member is speaking. When a quorum is called the bells are rung by order of the President or Chair.72
Bells

5.190 Electronic bells are located in all rooms and corridors in Parliament House. There are two distinct bells, one to summon members to the chamber for a meeting or to indicate that the House has adjourned and another to summon members for a division or quorum.

5.191 Council bells do not ring in Assembly members' rooms, but do ring in common areas such as lifts, the dining room and the library.

5.192 On each sitting day fifteen minutes before the Council is due to meet, a warning bell sounds for 1 minute. The bells are rung again for the two minutes prior to the time the House is due to meet and also after a lunch or dinner recess.

5.193 The bells are rung for a division in the House and committee of the whole for five minutes except when there is a subsequent division and there has been limited or no intervening debate, in which case, if there is no objection, the President or Chair may order that the bells be rung for only 1 minute.73

5.194 A short bell is rung after the House has adjourned each day.

Divisions

5.195 When debate on a motion has concluded, the Chair puts the question and decides whether the majority of voices are for the 'ayes' or 'noes'. Under SOs 112 to 119, members who have given their voices against the majority declared by the Chair can challenge that opinion. A division may only be called for by two or more members. However if only one member calls for a division, the member may ask for their vote to be recorded in the minutes of proceedings.

5.196 A member may not vote in any division on a question if the member has a direct pecuniary interest in the matter not in common with other citizens, although this does not prevent the member from participating in the debate. Chapter 3 provides further information on pecuniary interests.

5.197 At the conclusion of the bells being rung the Chair requests that the doors be locked, and again states the question and directs members present to take their seats: the 'ayes' to the right and 'noes' to the left of the Chair. Every member then present must vote in accordance with the member's vote by voice and may not leave the House until the division is concluded. A member is not entitled to vote in a division unless the member is present in the chamber when the question is put with the doors locked. If it appears that there is only one member voting on one side of the House in a division, the Chair declares the question at once.

5.198 The Chair appoints two tellers from each side, who record the names and total number of members voting on each side, sign their respective lists and present them to the Chair. The Chair declares the result of the division to the House. The lists of members voting in a division in the House are recorded in the minutes of proceedings and in Hansard. In the case of an equality of votes, the Chair must give a casting vote. Any reasons given for the casting vote by the Chair are recorded in the minutes of proceedings.

73 SO 114(2) and (4).
5.199 A member speaking to a point of order during a division must remain seated. To attract the attention of the Chair it is practice for a member to place something on their head, such as a piece of paper.

Pairs

5.200 If a member cannot be present for a vote they may arrange a ‘pair’ with a member of the opposite side through the Whips. In this case neither member votes, but their names are recorded by the tellers and printed in the Minutes of Proceedings and Hansard.74

Incorporation of material in Hansard

5.201 The practice of incorporating in Hansard any unspoken matter is not encouraged since Hansard is meant to be a true record of what was said in the House. However, members may seek leave to have material incorporated in Hansard, a single objection being sufficient to prevent this from occurring.

5.202 It has become common practice for Ministers to seek to incorporate a second reading speech which was given in the Legislative Assembly or answers to questions supplied by other Ministers to questions asked in the Council, particularly when these answers are lengthy.

Leave of absence

5.203 Section 13A of the Constitution Act 1902 provides that a member’s seat becomes vacant if that member, among other things, fails to attend for a whole session, unless excused by the House. However, under SO 63 permission of the House may be obtained by a motion on notice which must state the cause and period of absence. Leave granted does not extend from one session into the next.

Sub judice

5.204 In the interest of justice and the judicial process, a convention has developed in Parliamentary practice that members refrain from making reference, either in debate or through motions, questions and committee proceedings, to matters before the courts, in order to avoid prejudice to court proceedings or harm to specific individuals.

5.205 There is no specific standing order or law preventing Parliament from considering a matter which is sub judice, however convention recognises that the Parliament has an inherent right and fundamental duty to legislate on any issue or debate any matter in the public interest.

5.206 The President is the final arbiter in sub judice issues and has absolute discretion in making a ruling to prevent discussion.

Citizen’s right of reply

5.207 A consequence of the freedom of speech guaranteed to members is that private citizens who are referred to by members have no right of legal redress if they consider that the statements made about them are untrue and that they have been adversely affected by the statements.

74 SO 115(5).
5.208 A procedure exists under the standing orders for a person, an unincorporated association, a corporation or a body corporate, to make a submission in writing to the President claiming they had been adversely affected by a reference to them in the House. The President considers whether to refer the submission to the Privileges Committee for inquiry and report. Under SO 203 the Privileges Committee may recommend that a response by the person who has made the submission, in a form of words agreed to by the person and the committee, be published in the Minutes of the Proceedings or incorporated in Hansard.
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Chapter 6 • Effective committee membership

This chapter provides members with a practical guide to being an effective committee member. It also includes a brief overview of committee powers and key procedural issues that commonly arise during committee inquiries. Members should refer to *New South Wales Legislative Council Practice* for detailed information about committee powers and procedures.

**Introduction to committees**

6.1 Committee inquiries enable members to obtain expert opinions and advice on complex policy matters, and to contribute to public policy by making recommendations for policy change. Committees also assist the Council to act as a ‘House of Review’ by scrutinising the actions of the Executive government and holding it to account. Importantly, inquiries also provide an opportunity for individuals and organisations to put their views directly to members.

6.2 Committees have extensive powers to conduct inquiries and take evidence, including the power to compel witnesses to attend hearings and answer questions. All participants in committee inquiries are protected by parliamentary privilege during formal committee proceedings.

**Committee membership**

6.3 Committees enable members to develop knowledge in particular policy areas, which benefits their work as parliamentarians. Committee procedures are simpler and more flexible than those of the House, and because of the small size of committees, there is the potential for individual members to make an immediate contribution.

6.4 Committee membership requires committed attendance at meetings and a substantial amount of reading, particularly of written submissions, meeting papers and chairs’ draft reports. The most successful committees foster cooperation between members and take a multi-partisan approach to inquiries.

**Types of committees**

**Standing committees**

6.5 Standing committees exist for the life of a Parliament. In the 54th Parliament, the Legislative Council had ten standing committees. Five of the standing committees had a majority of Government members and five had a majority of non-government members. Table 1 illustrates the structure of different types of the committees as at 2 March 2011.
6.6 There are three Government-majority policy-oriented standing committees: the Social Issues Committee, State Development Committee and Law and Justice Committee. These committees conduct inquiries into complex matters of public policy. These committees have three Government members, two Opposition members and one cross-bench member.

6.7 There are two other Government-majority standing committees: the Privileges and Procedure Committees. These committees are specialist committees responsible for oversight of matters relating to the business of the House.

6.8 There are five non-government majority committees: the General Purpose Standing Committees (GPSCs) No.’s 1, 2, 3, 4 and 5. These committees are responsible for oversight of matters that fall within their allocated portfolio areas. These committees tend to conduct shorter, more controversial inquiries. The GPSCs have three Government members, two Opposition members and two cross-bench members.

Select committees

6.9 Parliament from time to time appoints select committees to inquire into particular matters. A select committee is appointed for the duration of an inquiry, and ceases to exist when it presents its final report to the House.

Joint committees

6.10 Joint committees comprise members of both Houses. Standing and select committees can be established as joint committees. Depending on whether the motion to establish a joint committee originates in the Legislative Council or the Legislative Assembly, the committee is governed by the standing orders of that House and is administered by staff of that House.
Statutory committees

6.11 Statutory committees are established under legislation. The Parliament has a number of joint statutory committees including the ICAC Committee, the Legislation Review Committee and the Electoral Matters Committee. They are chaired by members of the Legislative Assembly and administered by staff of that House.

Sub-committees

6.12 The three policy-oriented standing committees can appoint sub-committees to undertake certain tasks and report back to the full committee. The quorum of a sub-committee is two, consisting of a Government and a non-government member (SO 217). Sub-committees can be appointed to increase the committee’s flexibility and allow it to pursue several tasks simultaneously, or where it is not possible for the committee to have the necessary quorum.

Membership

6.13 The standing orders provide that all members of the Legislative Council except the President can be elected to be committee members (SO 210) although the President is required by the standing orders to be a member of the Procedure Committee, as are the Deputy President, Leader of the Government and Leader of the Opposition (SO 205). Ministers do not tend to serve on committees with the exception of the Procedure Committee which usually includes members who are Ministers.

6.14 Government and Opposition members are nominated to be members of the three policy-oriented standing committees and the GPSCs by the leader of their party in the Council. Cross-bench members are nominated by agreement between cross-bench members (SO 210).

6.15 Select committee members are appointed by the resolution establishing the committee. The resolution can include the names of the committee members, or the resolution may require the Government, Opposition and cross-bench to nominate their own members.

6.16 Membership of joint committees may be determined by the resolution appointing the committee, or members may be nominated by the leader of their party in their House or by the cross-bench.

Committee powers

6.17 Committees generally operate on a cooperative basis, with witnesses appearing and providing documents voluntarily. While committees have a number of coercive powers, such as summoning witnesses, compelling witnesses to answer questions, and ordering the production of documents, these are rarely used. The powers of committees are briefly outlined below. Committee powers are discussed in detail in New South Wales Legislative Council Practice.

6.18 The main source of a committee’s powers is the Legislative Council’s standing orders, especially SOs 208-234. Committee powers also stem from the resolution of the House establishing the particular committee, relevant legislation such as the Parliamentary Evidence Act 1901, the Parliamentary Papers (Supplementary Provisions) Act 1975, the committee’s own procedural resolutions, and practice and precedent.

Summoning witnesses to attend

6.19 Committees have the power to compel the attendance at hearings of all persons resident in New South Wales, other than members of the New South Wales Parliament. However this power is rarely used because the vast majority of witnesses appear voluntarily at the invitation of the committee.76

Compelling witnesses to answer questions

6.20 Witnesses who are sworn are required to answer questions put to them by the committee and can be compelled to do so. A witness who refuses to answer a lawful question may be in contempt of Parliament. However the definition of a ‘lawful question’ remains unclear. Only after a witness has been issued with a summons and has been sworn can a witness be required to answer the question or face contempt. Penalties for contempt include one month’s imprisonment on the order of the House.77

Orders for the production of documents

6.21 Committees have the delegated power to order the production of State papers by the Executive government, including Government agencies and ministerial offices, although this is disputed by the Crown Solicitor. However orders for papers are generally made through the House.78

Committee meetings

First meeting

6.22 Committee staff schedule a committee’s first meeting and advise members of the date, time and place for the first meeting (SO 213).

Appointment of chair and deputy chair

6.23 Each committee typically has a chair and deputy chair. For the three policy-oriented standing committees, the chair is nominated by the Leader of the Government in the House and the deputy chair is nominated by the Leader of the Opposition in the House. Each GPSC elects its own chair and deputy chair at its first meeting. A select committee may elect its own chair and deputy chair, or these positions can be nominated in the resolution establishing the committee.

6.24 At the beginning of the first meeting of a GPSC, or a select committee without a chair, the committee clerk calls for nominations for the position of chair. If a member wishes to be elected chair they should arrange to be nominated by another member. The committee then votes to elect a chair. After a chair is declared elected the chair conducts the election for the deputy chair.

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76 Ibid, pp 494-507.
77 Ibid, pp 508-517.
78 Ibid, pp 538-543.
Role of chair and deputy chair

6.25 The role of a committee chair is comparable to the role of the President in the House. Successful committee operations depend on effective chairing and a committee chair, like the President, should act with authority and impartiality. Because the chair and the deputy chair generally represent different parties, committees can be more cohesive and effective if there is close cooperation between the chair and deputy chair.

6.26 The chair is responsible for maintaining order, conducting divisions, ruling on the admissibility of questions during hearings, drawing up a plan of inquiry activity, overseeing the drafting of the committee’s report, and acting as spokesperson for the committee. The chair should ensure that committee meetings are well run and efficient.

6.27 The committee cannot operate without a chair in place. The deputy chair acts as chair when the chair is absent from a meeting. In the absence of both the chair and deputy chair, a member of the committee is elected to act as chair for that meeting.

6.28 While a committee needs to have a chair in place to conduct committee business, there is no requirement for the deputy chair to be present. For example, a select committee can operate throughout its existence without a deputy chair.

6.29 The chair and deputy chair have a deliberative vote like other committee members. If a vote on a motion results in an equal number of votes, the chair excercises a casting vote (SO 211).

Types of meetings

6.30 Deliberative meetings are private meetings attended by committee members and committee staff. Deliberative meetings are held to discuss committee business such as establishing new inquiries, publishing submissions, selecting witnesses, and adopting the chair’s draft report.

6.31 Hearings are meetings to take oral evidence from witnesses. Although most hearings are held in public, committees can also take evidence in private (in camera).

6.32 Generally at least two committee staff attend each committee meeting. Committee staff provide procedural advice, and also draft the minutes of the meeting. The senior committee officer present generally sits next to the chair during meetings.

Scheduling meetings

6.33 Committees cannot meet when the House is sitting (SO 209). On sitting days short meetings can be scheduled during the lunch or dinner breaks, or before or after the House sits.

6.34 Meetings are generally called by the chair. Alternatively, the committee can resolve to meet on a certain date.

6.35 The chair will generally suggest possible meeting dates and ask committee staff to canvass members about their availability. It is not always possible to find a meeting date convenient to all committee members, and meetings may need to be held when one or more member is unavailable. The final decision in relation to scheduling a meeting rests with the chair.
Quorum

6.36 The quorum is the minimum number of members required to hold a properly constituted committee meeting. Committees cannot meet and conduct business without a quorum. The quorum for committee meetings is three members, although the resolution establishing a select committee may nominate a different quorum. For the three policy-oriented standing committees the quorum must consist of two Government members and one non-government member.

6.37 If, after 15 minutes from the scheduled meeting time, a quorum is not present, the meeting is adjourned and the committee chair fixes a time for the next committee meeting (SO 214). If, during a committee meeting, a committee member brings the absence of a quorum to the attention of the chair, after ten minutes the chair suspends proceedings until a later hour of the day. If at this later time a quorum is not present, the meeting is adjourned to another day, to be fixed by the chair (SO 215).

6.38 The loss of a quorum may mean that the committee is not properly constituted, resulting in the loss of parliamentary privilege.

Attendance at committee meetings

6.39 Members must be physically present to participate in a meeting and cannot participate electronically by phone or teleconference.

6.40 Members who cannot attend a committee meeting should give their apologies to the chair or the committee staff prior to the meeting. The apology will only be noted in the minutes if notice is given. Members should advise committee staff as soon as possible if they become aware in advance that they are no longer available for a meeting, as this could result in the loss of a quorum.

6.41 Members of the three policy-oriented standing committees must seek the committee’s permission to be absent for four or more consecutive meetings (SO 216). It is not sufficient for members to have given their apologies. The chair must report to the House if any member fails to attend four consecutive meetings.

Substitute members

6.42 A member of a GPSC may be replaced by a substitute member for a particular meeting, series of meetings, or for an entire inquiry. Substitute members have the same rights as substantive members. This provision allows members with a particular interest in an issue to take part in relevant proceedings. There is currently no provision for substitute members for the three policy-oriented standing committees or select committees.

6.43 The chair or committee staff must be notified in writing of any proposed substitutions. Substitution advice for Government or Opposition members can be provided by the Leader, Whip or Deputy Whip of their party in the House, while substitution advice for cross-bench members may be provided by another cross-bench member.
Participating members

6.44 Members of the House who are not members of a committee can attend deliberative meetings and hearings of the committee, unless the committee decides otherwise (SO 218). A participating member does not have the full rights enjoyed by other committee members. Participating members cannot vote, move a motion or be counted for the purposes of a quorum or division. However, participating members can question witnesses at hearings unless the committee decides otherwise.

Motions, resolutions and divisions

6.45 A motion is a proposal for a committee decision or action. A member moving a motion says: ‘I move that …’. Any committee member except the chair may move a motion. Motions do not need to be seconded. Members can propose amendments to the original motion. When the committee agrees to a motion it becomes a resolution (a formal decision of the committee).

6.46 Members can vote on a motion in two ways: on the voices, or by calling for a division. If a motion is agreed to on the voices the minutes do not record how members voted. Alternatively a member can call for a division in which case the minutes record how each member voted, thereby ensuring that each member’s opinions about a matter are placed on the record.

6.47 The chair has a deliberative vote and, in the event of an equality of votes, a casting vote (SO 211).

6.48 Members cannot abstain from voting on a motion if they are present when the vote is taken (SO 114).

Meeting papers

6.49 Committee staff prepare a set of meetings papers for each meeting. Meeting papers typically include an agenda, draft minutes of the previous meeting and important items of correspondence. A notice of hearing which lists the witnesses is also attached if a hearing is scheduled.

6.50 The agenda is approved by the chair and lists the items of business to be considered at that meeting.

6.51 The agenda may contain ‘suggested resolutions’ prepared by committee staff under the direction of the chair. While the chair may recommend a certain course of action, members are responsible for all decisions made by the committee. For example, when considering whether to publish submissions containing adverse mention or other sensitive material, members must take care to read all submissions and carefully consider whether their position on publication is the same as that of the ‘suggested resolution’.

6.52 The agenda generally contains an item headed ‘other business’. This item provides an opportunity for committee members to raise an issue not otherwise listed for discussion on the agenda.

6.53 The minutes of each meeting are drafted by committee staff. The minutes record the members who attended the meeting, resolutions, motions moved, and voting on any divisions. Members are able to move amendments to the draft minutes when they are confirmed at the next meeting.
6.54 Meeting papers are confidential unless they are published by the committee. Minutes of meetings are only published at the end of an inquiry when the report is tabled in the House.

**Delivery of meeting papers**

6.55 Meeting papers are delivered to each member in hard copy. Members are also sent an email attaching the agenda. Meeting papers are generally delivered anywhere from several days prior to the day before a meeting. Meeting papers for the Budget Estimates inquiry are provided by email only.

6.56 Emails will only be sent to committee members, unless the committee member requests that their staff member be copied into all emails.

6.57 Relevant papers are distributed as they are received, such as briefing papers, correspondence or new submissions. Members or their staff are responsible for storing and collating these papers for future use. Members are required to bring their own copy of the meeting papers to each meeting, as committee staff do not bring additional copies.

6.58 Committee staff frequently liaise with the staff of committee members, such as when confirming member availability. Members should advise committee staff if a particular staff member is responsible for managing their committee work. Confidential documents can be hand-delivered to members’ staff in place of committee members.

**Inquiries**

**Initiating inquiries**

6.59 An inquiry begins when a committee adopts or is given the terms of reference to be examined during the inquiry. The terms of reference is a list of issues which sets out the inquiry’s scope.

6.60 The three policy-oriented standing committees can inquire into matters relating to their designated subject areas. The GPSCs can inquire into matters relating to their allocated portfolio responsibilities.

6.61 The House can instruct the three policy-oriented standing committees and the GPSCs to conduct an inquiry into a particular matter.

6.62 The three policy-oriented standing committees and the GPSCs can initiate an inquiry into any annual report of a Government agency. In addition, the three policy-oriented standing committees can also examine any petition tabled in the House.

6.63 Ministers generally initiate inquiries by the three policy-oriented standing committees when the Minister refers terms of reference to a committee. The committee can accept or reject the terms of reference. The committee can seek the Minister’s agreement to modify the reference, or the reference can be amended by the House.

6.64 GPSC inquiries are generally initiated by the committees themselves through their power to self-refer terms of reference. To initiate an inquiry three committee members must make a written request for a committee meeting to consider whether to adopt proposed terms of reference. It is the responsibility of the member proposing the inquiry to prepare the draft terms of reference. The member proposing
the inquiry should also liaise with their committee colleagues to secure the other two signatures required to call a meeting.

6.65 When the member proposing the inquiry has secured the required signatures, the member then needs to provide the letter requesting a meeting to committee staff, who are responsible for organising a meeting to consider the proposed inquiry. The meeting must be held within seven days of the request being given to committee staff, provided that members are given at least 24 hours' notice. The inquiry is established if the committee adopts the terms of reference.

Drafting terms of reference

6.66 Committee staff can provide drafting advice to ensure that the terms of reference are clearly worded and capture the relevant issues and meet committee requirements.

6.67 When a Minister develops terms of reference for a proposed inquiry, they are often submitted to Cabinet for approval before they are referred to the committee. However, it is advisable for the Minister’s office to liaise with committee staff before Cabinet considers the proposed new inquiry, to avoid any drafting issues. A Minister’s office can contact committee staff directly or through the chair.

Inquiry timeline

6.68 Inquiries generally run for at least six months although some are shorter. The length of an inquiry depends on the number of hearings held, whether the committee conducts site visits, the complexity of the subject matter and the level of public interest. Another important consideration is the number of other inquiries underway and the staff resources available to the committee.

Table 2 – The typical timeframes for a six-month inquiry are outlined in the following table:

<table>
<thead>
<tr>
<th>STAGE</th>
<th>TIMEFRAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terms of reference received/adopted</td>
<td></td>
</tr>
<tr>
<td>Advertisements placed in major newspapers &amp; other publications to invite submissions</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Submissions received</td>
<td>4-8 weeks</td>
</tr>
<tr>
<td>Hearing organisation</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Hearings &amp; site visits</td>
<td>1-8 weeks</td>
</tr>
<tr>
<td>Report drafted</td>
<td>4-6 weeks</td>
</tr>
<tr>
<td>Report finalised by chair &amp; changes made by committee staff</td>
<td>1 week</td>
</tr>
<tr>
<td>Chair’s draft report distributed to committee &amp; considered at final deliberative meeting</td>
<td>1 week</td>
</tr>
<tr>
<td>Report amended by committee staff &amp; sent to be printed</td>
<td>3 days – 1 week</td>
</tr>
<tr>
<td>Report tabled &amp; press conference held</td>
<td>TOTAL:</td>
</tr>
<tr>
<td></td>
<td>Approx. 6 months</td>
</tr>
</tbody>
</table>
Identifying stakeholders

6.69 The chair writes to stakeholders to make them aware of the inquiry and to invite them to make written submissions. Members play an important role in identifying inquiry stakeholders, with each committee member bringing their own background, interests and constituency to an inquiry. When a new inquiry is established, committee staff prepare and circulate a stakeholder list and ask committee members for additional suggestions. Members should use this opportunity to ensure the participation of persons or organisations that represent views they consider important.

Chair issues media releases

6.70 The chair is responsible for speaking to the media on behalf of the committee. This includes issuing media releases or speaking to journalists. In speaking to the media the chair cannot foreshadow a committee’s findings. This is a matter to be determined by the committee as a whole at the deliberative meeting to consider the chair’s draft report.

6.71 Members other than the chair can speak to the media about an inquiry but only in an individual capacity. Members must be clear that they are not representing the committee’s views, and must not talk about what has been discussed in committee meetings. Members should limit their comments to the media to explanations of factual issues such as the terms of reference or the arrangements for hearings or site visits.

6.72 Media releases are generally distributed to the press boxes on Level 6 of Parliament House. The chair or committee can request that a media release be distributed through the Media Monitors agency, for example to all print, radio or TV media in metropolitan or regional NSW.

Submissions

6.73 Inquiries generally begin with an open invitation to make written submissions. Any person or organisation can make a submission. Submissions inform the committee about what individuals and organisations think about an issue.

6.74 There is no set format for submissions, which can take the form of a brief letter, a lengthy examination of the issues, or even a list of bullet points. Submissions can be made in alternative forms such as audio tapes or digital recordings to accommodate the needs of people with a disability.

6.75 Submissions are delivered to committee staff and numbered according to when they are received. Submissions are generally distributed to the committee after the closing date for submissions. The committee then meets to decide whether to publish the submissions received. A submission is confidential from when it is received until the committee makes it public (SO 223). Published submissions are generally placed on the committee’s website.

6.76 Submission authors can request that their submission be kept confidential, or that their name and other identifying information be removed. Alternatively, the committee may decide to keep all or part of a submission confidential if it contains sensitive information, or makes adverse comments that could damage the reputation of a third party.
6.77 After the deadline for providing submissions, public submissions are generally distributed to members on CD due to the large number of submissions to many inquiries. Subsequent submissions might be provided in hard copy. Confidential submissions are generally provided to members in hard copy only and printed on red paper. The use of red paper ensures that confidential submissions are easily identifiable, and also inhibits photocopying. If a confidential submission is highly sensitive it is not distributed to members and is only available for members to view in the committee office.

6.78 Each member is responsible for printing submissions and compiling a folder of submissions, if they wish to do so.

6.79 Only committee members and committee staff can read confidential submissions. Confidential submissions cannot be quoted in the committee’s report, except in rare circumstances and by resolution of the committee. The leaking of a confidential submission is an unauthorised disclosure and may constitute contempt of Parliament (SO 224).

Discussion papers

6.80 Before calling for submissions, committees can publish discussion papers seeking feedback on the issues to be examined during the inquiry (SO 226). Discussion papers assist potential submission makers to understand the background to an inquiry, and the issues raised by the terms of reference.

Extending the committee’s reporting date

6.81 Where an inquiry is referred by the House, and the committee needs an extension of the reporting date, the committee must request an extension from the House. Where an inquiry is referred by a Minister, the committee should seek the Minister’s agreement to an extension and report the extension to the House. For a self-referred inquiry, when the committee has previously advised the House of a reporting date but has subsequently agreed to extend the reporting date, the committee must advise the House of the new date.

Hearings

Public hearings

6.82 After the deadline for receiving submissions, the committee generally holds hearings to table evidence from witnesses. Hearings are an effective mechanism for obtaining information because they allow the committee to speak directly with witnesses and ask questions about issues raised in submissions or by other witnesses. Hearings provide members with an opportunity to test their views with witnesses and develop their ideas on the issues being examined.

6.83 Witnesses can be from Government departments or stakeholder organisations, as well as academic experts and members of the public affected by the issues raised. It is also possible for several witnesses to be examined together as a panel.

6.84 Most hearings are held at Parliament House, although committees also hold hearings in rural and regional areas of New South Wales.
6.85 Hearings are generally open to the public and are often attended by the media. This furthers public participation in parliamentary proceedings and ensures that the public is informed of the issues being examined by the inquiry.

6.86 Hansard reporters transcribe the evidence given during hearings. Transcripts are published on the committee's website and distributed to committee members.

6.87 Hearings can be broadcast on TV or radio, or still photographs can be taken, in accordance with the guidelines contained in the Broadcasting Resolution. The Broadcasting Resolution requires the media to abide by certain conditions and is generally adopted by each committee at the start of a parliamentary term. For more on this see the Resolution or contact Committee staff.

In camera hearings

6.88 Evidence can also be taken in private (in camera). Members of the public and the media are not permitted to attend in camera hearings. In camera hearings are confidential and the evidence given cannot be disclosed. The use of in camera hearings should be carefully considered because in camera evidence cannot be quoted in the committee's report, and private hearings are at odds with the principle of public participation in committee inquiries.

6.89 Evidence may be heard in camera at the request of a witness or at the committee's instigation. A hearing may be held in camera if a witness requests that their identity be protected, or if the committee decides that the evidence could damage a third party's reputation or reveal sensitive financial or commercial matters.

6.90 In camera hearings are recorded by Hansard but only committee members and committee staff are permitted to read in camera transcripts. In some circumstances, the committee hears evidence in camera but subsequently publishes all of the evidence, or an amended version of the transcript with sensitive information removed. Unauthorized disclosure of in camera evidence may constitute a contempt of Parliament (SO 224).

Site visits, briefings and public forums

6.91 Committees also obtain evidence through less formal means including by making site visits, receiving briefings and holding public forums. Committees can travel throughout NSW, and the three policy-oriented standing committees are also able to travel interstate or overseas, with the approval of the President (SO 208).

6.92 Site visits provide an opportunity for committees to travel outside Sydney and meet people in rural and regional areas of NSW. Site visits can give a committee a new perspective on an issue by meeting people outside metropolitan Sydney who are affected by the issues raised during an inquiry. Site visits may involve holding public hearings as well as visiting local residents and organisations.

6.93 For inquiries that examine particularly challenging or technical issues it may be useful for the committee to be briefed by an expert. Briefings are generally held at the start of an inquiry, to allow stakeholders or other experts to inform the committee about key issues before hearings begin. Briefings can be held at Parliament House or off-site.
6.94 Public forums are less formal than hearings. Public forums provide a mechanism for committees to hear from a substantial number of speakers, who are generally members of the public or representatives of community groups. Speakers are often allocated five minutes in which to put their views on the public record. Speakers give evidence without interruption and are not questioned by the committee.

Power to call witnesses

6.95 Witnesses are invited to appear at hearings and in the vast majority of cases give evidence voluntarily. On rare occasions a committee may use its coercive powers to summon a witness who refuses to attend voluntarily (SO 208).

6.96 Members of both Houses of the NSW Parliament can be invited to appear at hearings. If a member declines to give evidence, only the member’s own House can compel them to attend.79

Selecting witnesses

6.97 Witnesses are selected to obtain a range of views on key issues raised by the terms of reference. Witnesses are generally selected on the basis of written submissions, although a person does not need to have made a submission to be called as a witness.

6.98 Arrangements for the calling of witnesses are generally left in the hands of the chair in consultation with the committee. Committee staff generally identify a list of potential witnesses under the direction of the chair. Members are involved in developing the draft witness list and can suggest further witnesses or object to a witness. Committees can meet to consider prospective witnesses and agree on the witnesses to be invited.

Developing questions for witnesses

6.99 Hearings are generally held after the deadline for providing submissions so that the committee is informed about the issues raised by the terms of reference, and so that questions can be questioned on specific issues.

6.100 Before the hearing, members should read the submissions and be ready with questions. Questioning is most effective if witnesses are not merely repeating the points raised in their submissions, but are providing further information or having their ideas tested.

6.101 Members should be mindful that most witnesses appear voluntarily and give generously of their time and effort to share their expertise with the committee. Questioning by members should be fair and respectful in acknowledgement of the important contribution witnesses make to the inquiry process.

6.102 Committee staff sometimes draft questions for witnesses under the direction of the chair, particularly where complex or technical matters are being examined. These questions are a guide and do not prevent members from asking their own questions. In some cases draft questions are provided to witnesses in advance to assist them to prepare for the hearing.

79 Ibid, pp 494-507.
Swearing in witnesses

6.103 Witnesses are generally required to swear an oath on the Bible or another holy book or take a non-religious affirmation before being questioned. After a witness is sworn they are required to answer questions put to them by the committee, and the committee has the power to compel answers to questions. Unless a witness is sworn, they cannot be subject to the penalties under the Parliamentary Evidence Act for failing to answer a question or giving false evidence.80

6.104 At times, some witnesses, such as those giving evidence at public forums, are not sworn prior to questioning. This is due to the assumption that the committee will not need to take action against them for failing to answer a question or giving false evidence. Because they are giving evidence at a properly constituted committee proceeding, these witnesses are protected by parliamentary privilege even though they have not been sworn.

6.105 Members of Parliament giving evidence to a committee are not required to be sworn, as they have previously sworn an oath to their parliamentary office.

6.106 If a witness appears more than once during an inquiry, the witness gives subsequent evidence under their former oath or affirmation.

Role of the chair during hearings

6.107 The chair controls questioning during the hearing and witnesses are questioned through the chair. The chair ensures that witnesses are treated fairly and respectfully, and that questions are appropriate and relevant to the terms of reference.

6.108 The hearing begins when the chair declares the hearing open and makes an opening statement. The chair welcomes participants and comments on procedural and administrative matters. Before each witness gives evidence, the chair asks the witness to swear an oath or affirmation and invites the witness to give a short opening statement. The chair generally begins questioning the witness and then opens questioning to other members.

6.109 The chair rules on any points of order raised by members. The chair also responds if a witness objects to a particular question or procedure.

Time management during hearings

6.110 Time management is very important during hearings because each member has limited time to ask questions. Individual witnesses generally appear for between 30 and 60 minutes. The allocation of question time can be left in the hands of the chair, or the committee can resolve prior to the hearing on the amount of time to be allocated to Government, Opposition and cross-bench members.

80 Ibid, pp 508-517.
Questions on notice

6.111 If a witness is unable to answer a question they can request to take the question ‘on notice’ and provide a written answer at a later date. The committee may also resolve to submit additional written questions on notice to witnesses after the hearing. Written questions from members are lodged with the committee staff before being distributed to witnesses.

6.112 The committee determines the return date for answers to questions on notice, generally from one to several weeks after the hearing. The committee may meet after the answers are received to decide whether to publish the answers, or may resolve prospectively that the committee staff be authorised to publish the answers.

Tendered documents

6.113 A witness can request to tender a document during a hearing. When a witness tenders a document they should explain why it is important to do so.

6.114 A member can table a document during a hearing if they feel that it is relevant to the inquiry or if it will assist the witness in answering questions.

6.115 After a document is tendered the committee decides whether to accept and publish the document under the Parliamentary Papers (Supplementary Provisions) Act 1975. When a tendered document is accepted and published it becomes part of the committee proceedings. If the document is publicly available, the committee does not need to publish it but the document can be circulated to the committee for information.

Raising points of order

6.116 By raising a point of order with the chair a member can object to a question asked of a witness by another member, a line of questioning or a committee procedure. The chair then rules on whether the question or procedure is permissible.

6.117 The chair’s ruling should be based on a number of considerations, including:

• maintaining order and the functioning of the committee
• protecting a witness from unreasonable questioning
• the provisions in the standing orders, the resolution of the House establishing the committee, relevant legislation, the committee’s own procedural resolutions, and practice and precedent.

Where there is no precedent to guide a chair’s ruling, the ruling should preserve or strengthen the powers of the House and the rights of members.

6.118 If a member disagrees with the chair’s ruling, the member can move a motion that the committee dissent from the ruling of the chair. The chair then requests that witnesses, the media and members of the public leave the room so that the committee can consider the motion for dissent in private. The member moving dissent must then put in writing their reasons for dissent. If the motion of dissent is successful, the chair’s ruling is overturned. If it is unsuccessful, the ruling stands.
Witness objections to questions

6.119 Witnesses can also object to questions asked. Common objections raised by a witness include that a question:

• is irrelevant to the terms of reference
• requires the disclosure of information that is currently subject to legal proceedings, or is commercial in confidence
• asks a public servant for an opinion on the merits of government policy.

6.120 Committees should give due consideration to any objection raised. Because most witnesses give evidence voluntarily committees do not generally press witnesses for answers to questions to which they have taken objection.

6.121 If the committee decides that the witness should be required to answer the question, the chair should ask witnesses, the media and members of the public to leave the room so that the committee can consider in private whether to press the question. In considering whether to insist upon an answer, the committee should consider the:

• basis of the objection
• relevance of the question to the committee's inquiry
• importance to the inquiry of the information sought.

Questioning public servants

6.122 By convention public servants are not asked about the merits of government policy, as it is the role of the relevant Minister to defend the Government's decisions. Public servants can however be asked to explain the details of policies and administrative arrangements.

Questions about current committee inquiries

6.123 Members can ask questions about issues being considered in current inquiries by other committees. However, questions should not attempt to debate the unreported proceedings of committee inquiries. Unreported proceedings refers to evidence that has not yet been published, such as in camera evidence and information provided on site visits where a transcript has not been recorded.

Transcript corrections

6.124 Committee staff write to each witness to provide them with the opportunity to correct any errors in how Hansard has recorded their evidence (SO 222). Witnesses cannot make editorial changes to improve the content or style of their evidence.

6.125 Members can also request changes to what they have said in the transcript of evidence where the transcript record is in error. Members should contact committee staff about any changes.
Reports

Reports reflect the evidence

6.126 Inquiries culminate in a report to the House. Reports are primarily based on the evidence obtained by the committee including submissions, oral evidence, site visits and tabled documents. Reports can also draw on secondary material such as legislation, Government reports, court decisions and research material.

6.127 Reports should address the inquiry’s terms of reference, outline the information received during the inquiry, and present the committee’s conclusions and recommendations. It is important for the report to accurately reflect the balance of evidence given during the inquiry, even if the committee’s findings are different from these views.

Members’ opinions to be reflected

6.128 The report of a committee is, as far as practicable, to reflect a unanimity of opinion within the committee. It is the responsibility of the chair and all committee members to try to reach consensus (SO 228).

Type of reports

The chair’s draft report

6.129 Committee staff write the first draft of the report under the instruction of the chair. The draft report is known as the ‘chair’s draft report.’ The chair’s draft report should, as far as possible, reflect the views of the committee.

Interim reports

6.130 Committees can also publish an interim report before tabling a final report (SO 226). An interim report might address a particular set of issues or certain terms of reference. Interim reports can be useful in inquiries with a long reporting timeframe, or for time-critical inquiries where the committee wishes to publish at least some of its conclusions before a certain decision or event.

The Chair’s Draft Report

6.131 To enable the views of all members to be reflected in the draft report, the chair may ask committee staff to prepare a report outline to be circulated to the committee soon after the evidence-gathering phase of an inquiry is complete.

Members’ input to chair’s draft report

6.132 The committee can discuss the report outline and what members would like included in the report. If a committee member wishes to have their views reflected at the drafting stage, they can request that the report outline be listed as an agenda item for the next committee meeting.

6.133 While the chair is not obliged to incorporate other members’ views into the chair’s draft report, this can help to ensure that as far as possible the report reflects the views of all members.
Confidentiality of chair’s draft report

6.134 The chair’s draft report is strictly confidential. It cannot be shown to, or discussed with, anyone other than committee members or committee staff. Unauthorised disclosure of the chair’s draft report may constitute a contempt of Parliament (SO 224).

Distribution of chair’s draft report

6.135 Members need to read and consider the chair’s draft report before the committee meeting. The chair’s draft report is generally circulated to committee members from several days to a week before the committee meets to consider the report.

6.136 Hard copies of the chair’s draft report are generally delivered to members’ offices, marked ‘confidential’. Subject to the agreement of the chair, copies of the chair’s draft report in PDF format can be emailed to members who are unable to attend Parliament House.

Amendment and adoption of chair’s draft report

6.137 Members have an opportunity to discuss the report and seek to have their views incorporated at a meeting convened to consider the chair’s draft report (SO 227). The committee generally begins its consideration at Chapter 1 and considers the report page by page, with members indicating those sections they wish to amend.

6.138 Any member other than the chair may propose an amendment to the chair’s draft report. The chair cannot propose amendments to the chair’s draft report, and must seek the cooperation of another member to move an amendment on the chair’s behalf.

6.139 Amendments should reflect the evidence to the committee. Members should consider the impact of amendments on the report as whole.

6.140 If an amendment is not accepted following a vote on the voices, a member can call for a division on the motion. Holding a division ensures that members’ votes are recorded in the minutes of the meeting. The minutes are published as an appendix to the report.

6.141 Members should bring written copies of all proposed amendments. This makes the process of considering the report more efficient and assists committee staff in recording the minutes of the meeting. Members should email electronic copies of amendments to committee staff after the meeting.

6.142 Committees may adopt each chapter or recommendation as it is considered, either with or without amendments. Finally the committee adopts the chair’s draft report and it becomes the report of the committee.

Chair’s foreword

6.143 Committee reports begin with a chair’s foreword. By convention the chair uses their foreword to outline key issues raised during the inquiry, emphasise any issues of particular significance to them and thank inquiry participants and fellow committee members. The foreword should not criticise the report or the committee, make political arguments, or raise matters that were rejected by the committee during consideration of the draft report.
The chair often voluntarily circulates their foreword to other committee members after the report is adopted by the committee, although there is no requirement to do so. The committee can, however, pass a resolution requiring the chair’s foreword to be approved by the committee (SO 229).

**Dissenting statements**

The report can be drafted in a number of ways to reflect the views of all members. For example, the report can note:

- the views of the majority of members and the views of the minority
- the views of an individual member
- that a conclusion is the view of the majority of members and that the minority disagree.

Committee members can submit a statement of dissent to be attached to the report if the committee has rejected a member’s attempts to amend the report in relation to particular matters.

A member can make a dissenting statement if they have called for a division on an amendment that was not accepted by the committee, and their disagreement is therefore recorded in the minutes. Dissenting statements must be limited to those matters on which the member has requested a division (SO 228).

Dissenting statements must:

- be no more than 1,000 words in length
- be relevant to the committee’s report and the terms of reference
- not contain material which would unreasonably adversely affect, injure or invade a person’s privacy.

The member or members making a dissenting statement must give the committee staff a signed copy of the dissenting statement for it to be incorporated into the report. Electronic signatures are not acceptable. Committee staff check the dissenting statement to ensure that it complies with the standing orders. Other committee members, including the chair, do not have the right to view a dissenting statement before the report is tabled.

The committee resolves on the deadline for submitting a dissenting statement at the end of the meeting. The deadline is often 24 hours after the draft minutes of the meeting are circulated to the committee.

**Tabling Reports**

**Process for tabling reports**

Reports must be tabled within 10 calendar days after they are adopted by the committee (SO 230). When tabled, the report is made public.

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81 Ibid, pp 572-573.
6.152 Reports are tabled in the House. If the House is not sitting the report is tabled with the Clerk of the Parliaments and tabling of the report is announced in the House on the next sitting day (SO 231).

6.153 Reports are tabled together with other public documents including transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the inquiry. In camera evidence, confidential submissions and other unpublished documents are tabled together with the other papers, but are only available to members of the House.

6.154 When the report is tabled printed copies are delivered to committee members and the report is placed on the committee’s website.

6.155 The chair generally issues a media release to announce the tabling of the report, which is circulated to committee members.

Press conference on tabling

6.156 The chair often holds a press conference to coincide with the tabling of the report. The chair should advise the committee of the timing of the press conference and invite other members to participate. Press conferences are generally held in the Media Room on Level 6 of Parliament House. Committee staff will prepare a notice announcing the timing of the press conference, but any other arrangements are the responsibility of the chair.

Sending reports to inquiry participants

6.157 Key inquiry participants, such as witnesses, are sent a printed copy of the report. Other inquiry participants are sent a list of the recommendations and are advised to contact committee staff to request a printed copy of the report.

Government response

6.158 Most committee reports contain recommendations to the NSW Government. Within six months of the report being tabled, the Government is required to report what action, if any, the Government proposes to take in relation to each recommendation.

6.159 When the response is received it is circulated to the committee and inquiry participants and is placed on the committee’s website.

6.160 The President reports to the House when any Government response is not received by the six-month deadline (SO 233).

Debate on committee reports

6.161 In the recent Parliament, committee reports are debated in the House at 2.30 pm for an hour on the Wednesday of every sitting week, according to sessional order. Committee reports are listed for debate on the Notice Paper in the order in which they are tabled. Any member of the House can speak on a committee report for 10 minutes, and the chair is allowed to speak for 15 minutes and a further 10 in reply (SO 232).

Drafting speeches for committee debates

6.162 Committee staff draft the chair’s speech for debate on the report, if requested to do so by the chair. Other members are responsible for drafting their own speeches.
Support from committee staff

Role of committee staff

6.163 Committees are supported by a secretariat headed by the Clerk Assistant-Committees. The committee staff is relatively small and includes three committee directors, several research officers and a number of administration staff. Committee staff are not politically aligned and have a code of conduct requiring high standards of integrity and impartiality. Committee staff are located in Room 812 in Parliament House.

6.164 Each committee is supported by a director. Every inquiry is allocated an administration officer and at least one dedicated research officer. Committee staff provide procedural advice to the chair and other committee members, prepare the draft report, organise meetings and circulate meeting papers, organise hearings and invite witnesses, organise site visits and arrange committee travel, conduct research and provide material required by the committee, and maintain committee records. Committee staff are not experts in technical matters or in particular fields, but have the skills to analyse material before the committee, develop a working knowledge of the issues being examined by the inquiry, and draft the report.

6.165 Committee staff are the main point of contact for committee members and inquiry stakeholders. Committee staff can also provide confidential procedural advice to individual members.

6.166 Committee staff work primarily under the direction of the chair. Committee staff do not conduct research on behalf of, or provide materials at the request of, individual members.

Committee budget and staff allocation

6.167 The Clerk Assistant-Committees is responsible for overseeing the committee budget and staff allocation. The committee budget is limited and overspending by one committee can impact on the work of another. This should be taken into account when considering expensive activities such as committee travel.

6.168 There are a limited number of committee staff serving at least ten committees. Due to heavy workloads at peak times, there may be delays in having committee staff available to support any new inquiry.

Making travel arrangements

6.169 For site visits, committee staff generally make travel arrangements for committee members to and from Parliament House and the committee’s destination. If the committee is travelling by plane, committee staff will provide members with a CabCharge voucher to pay for members’ travel to and from the airport and their Sydney residence or Parliament House.

6.170 If committee staff have organised transport for the committee from Parliament House, but a member instead intends to join the committee at its destination, it is up to the member to arrange and pay for their own travel.
Key procedural issues

6.171 The following section draws attention to a number of key procedural issues that can arise in the course of committee operations. These and other procedural issues are discussed in detail in *New South Wales Legislative Council Practice*. Members can also seek the advice of the Clerk of the Parliaments.

Parliamentary privilege

6.172 Parliamentary privilege refers to the immunities of the Parliament, and the powers of the Parliament to protect its processes. The most important of these immunities is freedom of speech in parliamentary proceedings, including committee proceedings. Parliamentary privilege covers all inquiry participants, including witnesses and submission authors.82

6.173 Committees should take care when publishing transcripts and submissions to ensure that the freedom of speech available to inquiry participants is not misused. Some witnesses or submission authors might attempt to publish potentially defamatory material, knowing that they cannot be sued for defamation. Committees should be vigilant against the subversion of committee processes.

Unauthorised disclosure

6.174 Committee documents, including the chair’s draft report, are confidential until published by the committee. Unauthorised disclosure may constitute a contempt of Parliament. Unauthorised disclosure of documents damages committee effectiveness and lowers confidence in the Parliament.83

Sub judice convention

6.175 *Sub judice* refers to matters that are currently being considered by a court. By convention committees avoid discussions that have a real and substantial danger of prejudicing court proceedings. The *sub judice* convention is applied strictly only to prevent discussion of the precise issue before the courts, and not to prevent discussion of related matters, particularly when issues are being widely canvassed in the media.84

Legal representation of witnesses

6.176 Witnesses cannot be represented by legal counsel at a committee hearing, unless the committee decides otherwise. It is more common for a witness to seek the committee’s permission to be accompanied by a legal adviser, to assist them in an advisory capacity. The legal adviser cannot give evidence on behalf of the witness, object to procedure or lines of questioning, question other witnesses or interrupt during the committee’s examination of other witnesses.85

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82 Ibid, pp 47-117.
83 Ibid, pp 570-575.
84 Ibid, p 564.
85 Ibid pp 506-507.
Adverse mention

6.177 Witnesses or submission authors might give evidence that adversely reflects on a third party (either a person or an organisation). Adverse reflections are serious allegations that could form the basis of a successful action for defamation, if they were not protected by parliamentary privilege. Committees have several options for dealing with evidence that reflects adversely on another person or organisation, including giving them an opportunity to respond; or keeping the comments confidential. Adverse reflections can divert the focus of an inquiry from the terms of reference and are not usually constructive.86

Intimidation of witnesses

6.178 Witnesses must be able to give evidence freely, without the threat of intimidation or retribution as a result of their evidence. Witness intimidation is a serious matter as it could deter witnesses from coming forward to give evidence to future inquiries.87 Such behaviour may constitute a contempt of Parliament.

Changing or discharging members

6.179 Where the resolution of the House appointing a committee provides for the nomination of members by the leader of their party in the House or by the cross-bench, committee membership can only be changed by providing notice in writing to the Clerk of the Parliaments. Where the resolution of the House appointing a committee, such as a select committee, has named the membership of the committee only the House can discharge or appoint new members.88

Pecuniary interests and conflict of interest

6.180 Members cannot participate in a committee inquiry if they have a direct pecuniary interest in the inquiry, unless that interest is in common with the general public. Members who have a non-pecuniary interest in an inquiry are not required to declare their interest. However the member may declare an interest during a committee meeting or hearing so that it is a matter of public record.89

86 Ibid, pp 517-518.
87 Ibid, p 524.
88 Ibid, p 546.
This chapter provides a quick alphabetical reference guide to the services and resources available to members. Additional information on a number of the subjects listed below can be found on the intranet and in the Facilities Services Guide to NSW Parliament House and Parliamentary Facilities, also available on the intranet.

Access to Parliament House

Members are free to access Parliament House at any time but must carry or wear their general access security pass at all times. Parliament House can be entered from Macquarie Street which will lead to Level 7 via the front entry stairs. Members, staff or visitors with accessibility issues can also enter Parliament House from the Macquarie Street entry by using the ramp located on the left hand side of the forecourt area (under Legislative Assembly Chamber). Direct access to Level 6 is also available at the rear of Parliament House from Hospital Road. The car park is also accessible from Hospital Road.

Accommodation

Members are provided with a room large enough to accommodate themselves along with the appropriate number of staff. Each room is provided with a range of standard furniture and equipment including desks, chairs, television and VCR player, refrigerator and filing cabinet.

Parliamentary Facilities can be contacted to arrange for other miscellaneous items such as wastepaper bins, notice boards and glassware. To request any additional furniture (prior approval must be sought from the Clerk) or to report any faults or repairs needed, contact Parliamentary Facilities.

Contact: Parliamentary Facilities ext. 2257

Archives

Parliamentary Archives is responsible for the preservation, storage and management of certain valuable parliamentary records. The records kept at Parliament House are the actual documentary evidence of the legislative activity of the House and the administration which services that activity. Archives staff can assist members to manage their records, including the disposal, storage, access and retrieval in any format.

Contact: Archives Services ext. 2707

Catering facilities

Parliamentary Catering provides in-house dining and function facilities for members, their guests, staff and external visitors and groups. The Parliament has a range of catering facilities located throughout the building:

- Café Quorum is located on Level 6 and provides a range of cafeteria fare.

- The Strangers’ Dining Room, located on Level 7, is the main restaurant of the New South Wales Parliament, serving members, staff and guests visiting the Parliament for lunch and/or dinner (during sitting weeks).

- The Members’ Restaurant, located on Level 7, operates exclusively for members and former members during sitting weeks. The Restaurant overlooks the Domain and the State Library and is open on Tuesday and Wednesday for lunch and dinner, and on Thursday for lunch only.
• Room Service is a service provided to members who are unable to attend the dining rooms. A fully plated food service can be delivered within ten minutes of ordering by phoning extension 3366.

• Parliament Staff Bar, located on Level 7, provides beverages for consumption within the bar area, as well as bottle shop services for members and staff.

Members may establish a dining room account by application to Parliamentary Catering.

**Contact: Parliamentary Catering ext. 2336**

**Chamber and Support Services**

The Legislative Council’s Chamber and Support staff provide a wide range of services to assist members within Parliament House, including a front-of-house function, assistance with visitor and telephone enquiries at the front desk on level 7 and for members on level 11; and support in the chamber during sittings (including security of and setting up of the chamber, distribution of business papers and legislative amendments). Chamber and Support staff also give presentations on the role of the Council and tours of the chamber to schools, delegations and other visitors. Staff also make room bookings on behalf of Legislative Council members and staff and administer the setup of exhibitions in the Fountain Court.

**Contact: Chamber and Support Services ext. 2318**

**Child care**

The Parliament has an agency sponsorship agreement with Nanbree Child Centre located at Level 1, 28 Margaret Street, Sydney. The Centre caters for children from 0-5 years of age and is managed by Lady Gowrie Child Centre, a community based organisation.

The agreement gives staff of the Parliament priority of access to the services of the Centre. In addition, staff using the Centre will receive a $10 per day subsidy for any day on which they have a child enrolled at the Centre.

Access to the Centre is available to any staff member whose principal place of work is at Parliament House. Members of Parliament will have priority access to the Centre, however, the Parliament will not pay the $10 subsidy and the member will incur the full fee.

**Contact: Human Services ext. 2640**

**Cleaning at Parliament House**

Members’ offices, the chambers, meeting rooms and public areas are cleaned on a regular basis by Parliament’s cleaning staff, managed by Parliamentary Facilities. Office cleaning is undertaken on every weekday between 6.00 am and 10.30 am. Requests for cleaning or maintenance services can be lodged by completing a Building Services Request form, found on the intranet under Parliamentary Facilities, or by contacting the office during office hours.

**Contact: Cleaning Coordinator ext. 2449**
Cl**er of the Parliaments**

The administrative head of the Department of the Legislative Council is the Clerk of the Parliaments who also has the title of the Clerk of the Legislative Council. The Clerk is responsible to the President of the Legislative Council for the administration of the Department. The Clerk provides expert advice and counsel to the President, Ministers and members of the Council on parliamentary law, practice and procedure. The Clerk’s office is located on level 8.

**Contact:** Office of the Clerk ext. 2773

**Congratulatory messages**

Congratulatory messages are arranged through the NSW Department of Premier and Cabinet. The Prime Minister and the Governor-General send messages to couples celebrating their 50th and subsequent wedding anniversaries. The Queen sends her congratulations to those married for 60 years. The Prime Minister also sends messages to Australians turning 90 years old or more. A 100th birthday brings congratulatory letters from the Queen and the Governor-General. Arrangements for a message can be made up to two months before the occasion. Constituents will need to produce supporting documentation such as a birth certificate, marriage certificate or passport. If these documents are not available, a statutory declaration can be provided. State parliamentarians can arrange congratulatory messages from State premiers.

**Contact:** Department of Premier and Cabinet
Governor Macquarie Tower, Level 39
1 Farrer Place, Sydney, NSW, 2000

**Courtesies for members**

Privileges may be extended by the Sydney Cricket and Sports Ground Trust to members for attendance at Cricket and Australian Rules fixtures played at the Sydney Cricket Ground. Inquiries regarding the availability of these privileges need to be directed to the Sydney Cricket and Sports Ground Trust on 9380 0311.

Passes will not be issued to Days 1 and 2 of a Test match.

Members wishing to attend race meetings held by the Australian Jockey Club at Royal Randwick or Warwick Farm may send a fax the week preceding a race meeting to the Membership Manager, Australian Jockey Club. The fax should detail the following information: name of member and guests’ names, date of the race meeting, number of tickets required and method/point of collection.

Annual privileges will be made available to those members who attend race meetings regularly. All inquiries should be directed to the Membership Manager, Locked Bag 3, Randwick NSW 2031, or by fax to 9663 2754 or alternatively email members@royalrandwick.com. Further inquiries can be made by calling 9663 8419.

The Sydney Turf Club provides one complimentary pass for members to attend Canterbury and Rosehill race meetings upon written application to the Sydney Turf Club on telephone 9930 4000, or email members@stc.com.au or by writing to PO Box 21 Canterbury, NSW, 2193.

The Harness Racing Club provides free admission to its fixtures on production of a parliamentary photographic identification and will also supply complimentary badges upon application to: The Secretary, NSW Harness Racing Club (Harold Park Paceway), Ross Street, Glebe NSW 2037, Ph: 9660 3000 Fax: 9660 4848 Email: nswhrc@haroldpark.com.au
Disability access

See Visitors with accessibility concerns.

Dress standards

The choice of appropriate dress is left to the judgment of members and their sense of dignity of the House, subject to any rulings by the President or Chair. The most recent case in which the issue has arisen was in 2001, when a point of order was taken in relation to a member’s failure to wear a jacket in the House. In a subsequent statement to the House, the President indicated:

I expect the attire of members in the Chamber to conform to the standards of neatness, cleanliness and decency required by Speaker Jenkins in 1983 and that members will respect the dignity of the House and the institution of Parliament. While these standards are observed I feel I cannot deny the call to a member merely because he or she is dressed in a manner that departs from tradition in some way. To prevent a member from speaking or voting would be to interfere unnecessarily with the right of a member to represent his or her constituents.

In the past, Presidents of the Legislative Council wore a traditional chamber uniform, including wig and gown, when presiding in the House. This practice ceased in June 1998, with the election of the Hon Virginia Chadwick MLC as President. At the same time, the Clerks-at-the-Table changed from traditional chamber uniforms to standard business attire.

Education and Community Relations

The Education and Community Relations section implements programs and resources aimed at increasing knowledge and understanding of the role and functions of the Parliament and its members.

The staff work closely with the education sector, civic organisations and the public to support civics and citizenship education. The Education and Community Relations section provides support services to members, particularly to assist them in their role in servicing the information and education needs of their constituents. Staff can organise professional development and seminar programs for educators, Government and non-government and community organisations. Staff can also assist in coordinating internships within members’ offices and vocational training for school students within the Legislative Council, Legislative Assembly and the Department of Parliamentary Services.

Further information on services and resources available including school programs, publications, and an image gallery can be found on the intranet.

Contact: Education section ext. 2734

Emergency procedures

Evacuation exercises are conducted regularly to familiarise members and staff with evacuation procedures. Every floor of Parliament House has an evacuation plan which is located in each lift lobby. Members and their staff should familiarise themselves with evacuation procedures for their floor.

In the case of a fire the Parliament House emergency system will automatically activate with a continuous whoop whoop tone. Upon hearing the tone, members and staff should evacuate via the fire stairs to the emergency muster point in the Domain. The directions of wardens and security staff must be followed.

**Contact:** Emergencies Security Control Room ext 2600
Security administration ext. 2198

**Employee Assistance Program (EAP)**

The Employee Assistant Program provides a free confidential counselling service which may be used by members, employees and their families. Counselling is provided by phone or through a face to face arrangement. Further information is available on the intranet under My Workplace/Policies and Forms.

**Contact:** Davidson Trahaire Corpsych (service provider) 1300 360 362
Human Services ext. 2640
Office of the Clerk ext. 2773

**Execution of search warrants by the ICAC on the Parliament House offices of members**

The Presiding Officers signed a memorandum of understanding with the Commissioner of the Independent Commission Against Corruption (ICAC) in December 2009 to adopt Procedure 9 of the ICAC’s Operations Manual, and in particular Section 10, to provide the basis for the execution of search warrants on members’ offices by the ICAC.

The intention of the arrangement is to ensure that search warrants are “executed without improperly interfering with the functioning of the Parliament and so its members and their staff are given a proper opportunity to claim parliamentary privilege in relation to documents in their possession”.

Members can contact the Office of the Clerk for a copy of Procedure 9 of the ICAC Operations Manual which contains further information regarding the procedural requirements that apply before executing a search warrant, during the conduct of a search warrant and following the conclusion of a search.

**Exhibitions**

Parliament House facilities are available for non-political displays and exhibitions which are sponsored by a member and have the approval of the Presiding Officers. The Fountain Court foyer has an exhibition space, which can be used for mounting displays and exhibitions or to stage other functions. It is required that the event be connected to the New South Wales Parliament or with particular communities within New South Wales. Fountain Court exhibitions are put on display for 4 weeks. It is advisable to apply well in advance of the month required, as the exhibition space is heavily booked.

Once a member agrees to sponsor an exhibition, that member or the exhibition coordinator should write to the Presiding Officers through the Usher of the Black Rod, requesting use of the Fountain Court. Packages with detailed instructions about the use of the Fountain Court can be found on the intranet, under My Workplace/Policies & Forms, or from the Office of the Usher of the Black Rod.

**Contact:** Usher of the Black Rod ext. 2464

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92 NSW Legislative Council, Privileges Committee, A memorandum of understanding with the ICAC relating to the execution of search warrants on members’ offices, Report 47, November 2009, p55.
First aid

The Parliament has a number of staff who are trained to provide first aid, who can be contacted through the switchboard (extension 9) or by accessing the list of first aid staff on the intranet and making direct contact.

First aid kits are provided in various areas of the Parliament and a defibrillator and oxygen equipment is located at the Legislative Assembly front desk on Level 7 and outside Café Quorum on Level 6. There is a designated First Aid Room on level 9 towards the southern end, on the western side.

Contact: Officer in charge first-aid room ext. 2221

Flags at Parliament House

Three flags usually fly in the forecourt of Parliament House on Macquarie Street: the Australian National Flag (LA side), the NSW State Flag (Middle Post) and the Aboriginal Flag (LC side). The flags are raised at sunrise and lowered at sunset. There are also two flags on the roof of the Parliament: the Australian National Flag (LA side) and the NSW State Flag (LC Side), both of which fly 24 hours a day.

The flags of other nations may be flown from the poles on the balconies at the front of Parliament House on ceremonial occasions and during official visits, such as delegations and consular visits. The Building Operations Coordinator arranges these flags usually on advice from the President or the Usher of the Black Rod.

Contact: Parliamentary Facilities ext. 2221

Former members

The Legislative Council’s Guide for Former Members (November 2010) details the services and resources available to former members. The Guide can be accessed on the Parliament’s intranet site or by phoning the Office of the Clerk.

Contact: Office of the Clerk ext. 2773

Functions and special events – Catering

Members may host lunch and dinner functions in the parliamentary dining rooms. The types of functions permitted in the parliamentary dining rooms include: fund raising, promotion or recognition of particular groups, industries, or programs or other issues relevant to the people of New South Wales or Australia.

A function is classified as a booking that requires a private dining room and/or is a group of over 30 guests that cannot be accommodated within the Strangers’ Private Dining Room at the rear of the Restaurant.

All functions must be hosted by members who must be present (or their representative) at all times during the function and be responsible for the conduct of guests within the parliamentary precincts.

Booking procedure

Bookings for all organisations or groups wishing to use the facilities must be booked through the sponsoring member’s office.
Initially, please phone, fax or email Parliamentary Catering to discuss availability and suitability of venue. Once availability has been discussed, a written request must be made by letter or email to catering@parliament.nsw.gov.au. Information to be provided in the written request includes preferred date/s, name of event, name of hosting member, time and duration of event, approximate number of guests, food preferences and requirements, audio visual needs.

**Responsibilities of Host**
The sponsoring member or their staff must attend the function. The cost of the function is to be charged to the member’s dining room account, and the member is responsible for ensuring timely payment.

*Contact: Parliamentary Catering ext. 3570*
*Fascimile: 9230 2860*
*Email: catering@parliament.nsw.gov.au*

**Gifts and souvenirs**
A range of gifts and souvenirs bearing the Parliamentary crest can be purchased from the Parliamentary Staff Bar (located on level 7). Gifts and souvenirs may also be purchased at retail prices from the Post Office located within the main foyer of Parliament House. A display of gifts including glassware, umbrellas and books is provided in a cabinet outside the Post Office.

*Contact: Parliamentary Catering ext. 2336*

**Government Directory**

**Government Gazette**
The Government Gazette is delivered weekly, free of charge, to members. The service can be cancelled by calling the Gazette Coordinator at the NSW Department of Commerce. The Gazette can also be accessed on the NSW Department of Commerce website, and is available from 2.00 pm every Friday.

*Contact: Gazette Coordinator 9372 7447*
*http://www.nsw.gov.au/gazette*

**Hansard**
Hansard is the official report of parliamentary debates in the Parliament of New South Wales, producing and publishing the impartial and accurate record of the debates, parliamentary and committee proceedings, and ministerial conferences. These transcripts are available on the intranet and the Parliament public website.

*Contact: Hansard Services ext. 2230*

**Honourable title**
Serving Legislative Council members are entitled to use the prefix *Honourable* before their names. There is no requirement to use the title, but the Clerk of the Parliaments should be informed if a member does not wish to use the title, so that material produced by the Parliament reflects this choice. Members of the Legislative Council are addressed with the letters MLC after their name, not MP.
The following persons are entitled to apply for the retention of the title Honourable for life:

- Premier after one year service
- Ministers after three years service
- Presiding Officers after three years service
- Former members of the Legislative Council on retirement or resignation after continuous service of not less than ten years.

Recommendations are forwarded by Her Excellency the Governor for Her Majesty’s approval. Application for the title must be made to the Premier within six months of the date of leaving office and may take up to eight weeks to complete.

Contact: Ministerial and Parliamentary Services 9228 5292
karen.howell@dpc.nsw.gov.au.

Honours and awards

The Australian Honours system has over fifty awards, with the main awards being the Order of Australia, the Australian Bravery Decorations, the Public Service Medal and other Meritorious medals which recognise outstanding service from members of Australian defence, police, fire, emergency, correctional, ambulance and protective services. Information on the Australian Honours System can be accessed at www.itsanhonour.gov.au.

The New South Wales Government administers a number of awards under its honours system. The main awards are the State Representative Award, the Government Community Service Award, the Premier’s Public Sector Awards, the NSW Service Medallion and the Premier’s Emergency Award.

The NSW Government Community Service Award recognises people throughout NSW who have contributed to the improvement of the quality of life of members of their community, beyond that expected in their usual occupation. Members of Parliament are entitled to present two NSW Government Community Service Awards per calendar year.

Contact: awards@dpc.nsw.gov.au

Information Services

Information Services is part of the Department of Parliamentary Services and delivers information related support to the New South Wales Parliament through Archives and Records Management, Hansard, Information Technology Services and Library functions.

Service Desk

Information Technology Service Desk staff provide a range of technical support services to members and staff including installation and maintenance of approved hardware and software, fault finding and coordination of repairs. Easy to follow instructions and tutorial leaflets on the use of various software and hardware are available on the intranet. The Service Desk may be contacted in a number of ways: phone 9230 2339, use the Help Requester on your PC, or email Service Desk.

Contact: Service Desk ext. 2339
Insurance

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

Contact: Office of the Financial Controller ext. 2292

Internet

The NSW Parliament’s public website is available on the internet. It contains similar information to the intranet but does not give the public access to areas such as administrative resources. The internet provides access to parliamentary documents including Hansard, bills, committees and information about members of Parliament.

The internet also contains information designed to assist the public to understand the role and function of Parliament, such as Frequently Asked Questions (FAQs). The information is provided in plain English, and is designed to provide members of the public with biographical and contact information of their local member and state representatives. The internet can also be used by the public to engage in the parliamentary process by lodging submissions to committee inquiries and looking up hearing dates and venues for community hearings and forums.

Internet usage policies

The Parliament’s electronic network facilities should be used primarily for legitimate work purposes, however, users of the system are granted the privilege of being able to utilise the electronic network facilities for reasonable periods for personal use, provided that such use is not, among other restrictions, unlawful. The Parliament’s Internet and Email Usage Policy details user responsibilities, prohibited activities and conditions of use.

The Internet Filtering Policy also details the responsibilities and obligations of users of the Parliament’s internet service. It includes detail of website categories that cannot be accessed without prior authorisation, such as those with adult content, and gambling and gaming sites. Temporary access to blocked sites for specific individuals may be granted on the basis of individual duties or required business use. The ‘Request for Extended Access’ form must be completed and forwarded to Information Technology Services.

Both policies are available on the Parliament’s intranet site.

Contact Information Technology Services ext. 2947

Intranet

The intranet is an internal, online resource for members and staff. It provides fast access to Hansard, bills and procedural information, such as Minutes, Q&A papers, Daily program, Notices, Briefing Notes, Statutory Rules and Instruments Paper, Resolutions and Sessional orders; together with the Parliamentary Library’s resources, including press release databases, library catalogue, links, newspaper clippings database and online journals; details of other members, such as contact details and biographies, and links to websites; all committee information, including reports, inquiry schedules and government responses; and Parliament-specific annual reports and newsletters. Each parliamentary department or section is responsible for maintaining up-to-date information on their webpage.
The intranet also provides members and staff with administrative information to assist them in performing their duties, such as this members’ guide, members entitlements information and claim forms, the parliamentary directory, administrative policies, committee reports, Hansard, sitting day calendars, and quick links to useful sites such as the Parliament’s public internet site and the NSW Government homepage.

*Contact: Information Technology Services ext. 2339*

**Jury service**

Under Schedule 2 of the *Jury Act 1977*, both members and employees of the Legislative Council are currently ineligible to serve as jurors.

Accordingly, when a member or a staff member receives a jury summons, the original summons should be referred to the Clerk so that the appropriate advice requesting exemption can be forwarded to the Office of the Sheriff.

The *Jury Amendment Act 2010* removes the ineligibility status of employees of the Legislative Council to serve as jury members; however this particular section of the Act has not yet come into effect. Members and staff will be notified when this occurs.

*Contact: Office of the Clerk ext. 2773*

**Justice of the Peace**

To become a Justice of the Peace of NSW, a prospective applicant must seek the nomination of a state member of Parliament. The applicant must submit an application form and supporting documents with the member who may endorse the application and forward the form to the Department of Justice and Attorney General.

Members of Parliament wishing to become Justices of the Peace of NSW need to seek nomination by a fellow Member of Parliament. Under the *Justices of the Peace Act 2002* appointments are for a five year term, at the end of which a JP may apply to have his/her commission renewed for a further five years.


*Contact: Attorney General, Justice of the Peace section 1800 684 449*  

**Lifts**

There are two sets of lifts within Parliament House. The main set of lifts, which are off the Fountain Court foyer, provide access to level 2 through to level 12 (except level 5). The second set of lifts (also known as the service lifts) provides access to all levels of Parliament House.

On sitting days, if there is a division in the chambers, the division bells will ring and the lights outside the lifts will start flashing. During this time staff and other personnel should not attempt to use the main lifts. The service lifts and stairwell between levels 8 and 12 are available as an alternative route to staff and other personnel. The division bells will ring for 5 minutes for the Legislative Council and 4 minutes for the Legislative Assembly.
Lifts have been specifically programmed during divisions to prioritise to levels 10 and 11 during Legislative Assembly divisions, levels 11 and 12 for Legislative Council divisions and levels 10, 11 and 12 when there are simultaneous divisions.

**Lobbyists**

The Lobbyist Code of Conduct became effective from 1 February 2009 and requires professional lobbyists who act on behalf of third party clients to register with the Department of Premier and Cabinet before they can lobby Government representatives (Ministers, Parliamentary Secretaries, Ministerial staff, staff working for a Parliamentary Secretary and persons working in public sector agencies). The public register of lobbyists is maintained by the Department of Premier and Cabinet.


**Lost or stolen equipment (reporting)**

If any equipment provided by Parliament or purchased through the Logistic Support Allocation (LSA) is lost or stolen, the member or staff must report the incident to NSW Police and obtain an incident number.

If the item lost or stolen is a mobile phone, BlackBerry or other telecommunication device, the member will also need to immediately ring the network provider to arrange suspension of the service.

The member also needs to contact the Project and Admin Support Officer, Members’ Services section, in the event of any loss, theft or accidental damage to equipment. On receipt of this advice, the Project and Admin Support Officer will forward an insurance form to the member for completion. The incident number provided by NSW Police must be noted on the form.

The item cannot be replaced until the insurance claim form has been completed and returned to the Project and Admin Support Officer.

Members or staff who find an item of lost property should report it to security on extension 2600.

*Contact: Police Assistance Line 131 444  
Project and Admin Support Officer ext. 3531*

**Mail service**

Chamber and Support Services staff distribute incoming mail received at Parliament House to members’ pigeon holes. Internal and external mail that has been stamped may be posted via the paper mail trays next to the level 11 Chamber and Support Desk. These trays are cleared regularly and Chamber and Support staff will arrange posting at the level 7 Post Office.

*Contact: Chamber and Support Services ext. 2319*

**Media guidelines**

In order to protect the privacy and comfort of members, staff and visitors, the Parliament has certain restrictions with regard to locations and procedures for conducting media interviews, filming and photography.
Media interviews can be conducted in the parliamentary Press Gallery interview room and other interview rooms in the Press Gallery, in members’ offices at the invitation of the member concerned, in Party rooms by invitation and with approval of both Presiding Officers, committee rooms by invitation of a parliamentary committee, in the Domain opposite Parliament House, or in the Macquarie Street forecourt and verandah (access of persons to Parliament House must not be impeded).

Media interviews may not be conducted in the following places – Level 7 Fountain Court, Level 7 dining rooms (unless as part of a function), or any corridor within Parliament House. Media representatives are instructed not to wait outside rooms, any area set aside for the use of members or staff generally, in the chambers (exceptions may be made for educational documentary programs with the written permission of the Presiding Officers) or in the foyers outside the chambers for the purpose of engaging members in conversation.

Press Gallery bookings – The Press Gallery, press conference room is on level 6. It operates on a ‘first in, first served’ basis and cannot be formally booked. Possible availability can be checked with the President of the Press Gallery but cannot be guaranteed.

Press Gallery boxes – The level 6 Press Gallery has 40 deposit boxes where media releases can be left. Some press services prefer to receive e-mail or faxes and members should take this into account when issuing releases.

Filming guidelines – Written approval of the Presiding Officers is necessary for all applications for the purpose of filming within the parliamentary precincts.

Contact: President of the Press Gallery 8333 2137
Usher of the Black Rod ext. 2464

Members’ badges

A red badge with a gold crest is provided to current members without cost. Members may choose to wear the badge to assist in identifying themselves to staff and security officers within the Parliament and when attending official functions. In the event of loss or damage, a replacement badge will be issued on payment of a replacement fee. Upon retirement, members will be requested to return their badge to the Department of the Legislative Council and a former member’s badge will be issued.

A 9-carat gold member’s lapel badge is also available for purchase by members. The badge is approximately 1 cm in diameter and in the shape of the parliamentary crest. This badge can be worn instead of the standard red member’s badge. The badges are available for purchase from the Office of the Clerk, Room 840. Cheques should be made out to ‘The Legislature’. As the gold badge is considered a personal keepsake, reimbursement for the cost of the badge cannot be sought from the Logistic Support Allocation.

Contact: Office of the Clerk ext. 2773

NSW Special Constable Unit

The NSW Special Constable Unit provides security services throughout the Parliamentary precinct under the direction of Parliamentary Facilities.

Contact: Special Constables ext.2600
Occupational Health and Safety

The Parliament is committed to providing a healthy and safe environment for its employees, members and others who work from and visit its premises. The Parliament has developed a range of policies and strategies to promote health and safety and has established an occupational health and safety committee for consultation purposes. Occupational Health and Safety policies, forms and the Committee constitution are available on the intranet. For further information on a member’s responsibility for health and safety refer to Chapter 4 of this Guide.

Contact: Occupational Health and Safety and Injury Management Coordinator ext. 2570

Office of the Financial Controller

The Office of the Financial Controller comprises two teams – Finance, and Members’ Services. Finance is responsible for the provision of financial, accounting, budgeting and reporting functions. Members’ Services administers members’ entitlements and allowances and arranges for the assessment and payment of members’ accounts. Members’ Services has issued a Members’ Entitlements Handbook which can be accessed on the intranet or by contacting Members’ Services.

Contact: Office of the Financial Controller ext. 2292
Contact: Members’ Services ext. 3373

Overseas travel

All overseas travel, other than private travel, must be on approved parliamentary business, defined as overseas travel at either the Legislatures’ or Commonwealth Parliamentary Association’s (CPA) expense.

Courtesies and facilities will be extended by Australian Missions (embassies, consulates etc.) to members travelling overseas in an official capacity, provided the assistance sought is reasonable and that adequate notice is given of proposed itineraries. As it is necessary that proper protocol be observed at all times, foreign governments should not be approached directly for assistance. Where assistance is desired, for example, the making of appointments with local authorities, meeting members on arrival, facilitation of customs clearance or the provision of advice about local conditions, this should be highlighted when furnishing the itinerary. Members may also be invited to any functions being hosted during the relevant period. Advice in regard to travel and accommodation can also be provided by the State’s overseas offices should it become necessary during the visit.

In the event that the House is recalled for sittings, and to ensure that the Department of Foreign Affairs and Trade and state representatives abroad are appropriately informed, members travelling overseas should notify their party Whip and the Clerk of the Parliaments.

Members are expected to make their own flight and accommodation arrangements. It is requested that a copy of the itinerary is supplied as early as practicable. It is important that this information includes accommodation arrangements and contact phone numbers so that the member can be contacted if necessary.
For members travelling in areas characterised by political unrest, contacts with a range of organisations, states and entities can give rise to particular sensitivities or difficulties. In such cases, the Guidelines of the Australian Government on Official Australian Contact with Representatives of Foreign States, Political Entities or Organisations where special considerations are involved should be consulted, available through the Office of the Clerk (ext. 2773) or the Office of the Usher of the Black Rod (ext. 2464).

It is important that any subsequent changes in itinerary are conveyed to the contacts mentioned above as soon as possible so that all concerned can be advised.

**Official passport** – The Department of the Legislative Council will provide written support for members seeking an official passport for overseas travel. Members’ approved relatives accompanying a member on official government funded travel are entitled to an official passport. Visas must be organised by the member.

**Insurance** – Tourist and traveller’s personal accident protection, which covers the member against injury or death by accident while travelling abroad, is provided automatically for members travelling on approved parliamentary business. Coverage is for an amount equivalent to the range and level of benefits available under the Workers Compensation Act. In addition, medical expenses of up to $1,000,000 are covered while outside Australia. Baggage and personal effects insurance of $5,000 is also provided. This cover extends to leisure and recreation periods overseas provided such period does not exceed the duty period, that is, the period spent on approved parliamentary business or two weeks, whichever is the lesser. Members travelling overseas on authorised parliamentary business paid for by the CPA or the Legislature should obtain a certificate of coverage from the Office of the Financial Controller.

**Contact: Office of the Financial Controller ext. 2292**

**Parenting Room**

There is a parenting room located on level 7 adjacent to the Fountain Court which is available to all building occupants and members of the public. The room has been approved by the Breast Feeding Association.

**Parking**

The Parliament House car park is available to all Ministers, members, Parliamentary staff and casual visitors upon application and approval with payment. There is no causal parking on sitting days. For all parking enquiries and bookings please email security@parliament.nsw.gov.au or call ext. 2198. Bookings are required one full business day before the date of the request.

Please note as per the Parking Space Act 2009 all Ministers, members and Parliamentary staff must pay parking fees. For full terms and conditions please see the Car Park policy on the intranet.

**Contact: Security Services ext. 2198**

**Email:** security@parliament.nsw.gov.au
Parliamentary Crest and State Coat of Arms

Members are entitled to use the Parliamentary Crest in the conduct of their official business. The Crest may be displayed on newsletters, the member’s website, Christmas cards, letterhead and other material produced in relation to the Parliamentary duties of the member. The Crest cannot be utilised in conjunction with any political campaigning or electioneering material, notwithstanding the cost being met from private sources. In addition, it cannot be used for private purposes such as consultancies. These restrictions also apply to the State Coat of Arms.

The Presiding Officers have issued a policy on the use of the Parliamentary Crest for functions and events, which is available on the intranet.

Contact: Office of the President ext. 2858

Parliamentary delegations

The Office of the President in consultation with the Office of the Usher of the Black Rod coordinates consular and diplomatic visits and events which play an important role in supporting and maintaining the Parliament’s regional and international relations.

Delegations and individuals are usually referred to the Legislative Council from a number of official sources, such as Federal and Premier’s department protocol sections, the diplomatic and Consular Corps, other Government departments with official visitors, the Department of State and Regional Development, overseas diplomatic missions, governments and parliaments of other countries, and the Commonwealth Parliamentary Association.

In addition, the Parliament supports the sister state agreements that New South Wales holds with other jurisdictions. The sister state agreements aim to enhance social, cultural, economic and governmental ties between states. The Parliament has agreements with Guangdong Province, China; Tokyo Metropolitan Government, Japan; Seoul Metropolitan Council, Korea; and California, USA. Delegations from these jurisdictions visit regularly.

Contact: Usher of the Black Rod ext. 2464

Parliamentary Facilities

Parliamentary Facilities provides the complete range of services needed to maintain and operate Parliament House and its assets. The section is responsible for the maintenance of the parliamentary building and grounds, furniture and fittings, works of art and antiques and cleaning. The section is also responsible for the operation and maintenance of engineering services including lifts, air conditioning, hydraulics, fire fighting equipment, plant records and administration, electrical services, kitchen equipment, security, telecommunications, printing and procurement.

Contact: Parliamentary Facilities ext. 2257

Parliamentary Library

The Parliamentary Library is comprised of three operational areas: Research Services, Reference and Information, and Information Resources. The research service provides members with in depth analysis and advice on NSW legislation and state policy issues. Reference and information services provide a wide range of services, including access to collections and databases, research support and policy analysis. The Library provides access to a variety of electronic resources to members and staff.
Borrowing from the Library
Up to 10 items can be borrowed at any time by a registered Library user. The loan period is four weeks for books, one week for journals.

Ministerial and members’ staff are required to complete a registration form that authorises them to borrow from the Library on behalf of their Member. The form must be signed by the Member, and sent or brought to the Library to activate borrowing rights.

Contact: Parliamentary Library ext. 2382

Photo identity access passes
Members and staff are provided with a security photographic access pass issued by Parliamentary Facilities which must be worn and visible whenever the member or staff member is in the Parliamentary precinct.

Contact: Security Manager ext. 2198

Policies
There are a range of policies and guidelines that apply to members and staff, on procedures relating to recruitment, anti-bullying and harassment free workplace, car park access, occupational health and safety and use of the internet and other communication devices. These policies can be accessed on the intranet under ‘My Workplace/Policies and Forms’ or by contacting Human Services.

Contact: Human Services ext. 2640

Post Office
The Post Office in the Fountain Court on level 7 is a public Post Office. The Office provides a range of Australia Post services, including registered mail and Express Post, money orders, payment of bills, stamps and prepaid products, and processing of passport applications.

The Office also offers a number of other services such as the sale of parliamentary gift items, post cards and stationery, same day dry cleaning, purchase of State Transit Bus Tickets and Bank@POST personal banking from participating institutions (deposits and withdrawals).

It is staffed from 9.00 am until 5.00 pm, and mail collection is at 1.30 pm and 4.15 pm. A mailbox and Express Post box is also available outside the State Library (last mail collection is at 6.00 pm). Inquiries regarding a Post Office account should be directed to the Office of the Financial Controller.

Contact: Post Office ext. 2297
Contact: Office of Financial Controller ext. 3550

Reciprocal rights for members
Members of Parliament may be able to avail themselves of certain services and facilities when visiting other Parliaments in the Commonwealth, the States and Territories. Services and facilities may include access to the House and its dining, library and parking facilities but will vary between Parliaments. Members are advised to make contact with the relevant Parliament prior to visiting to ensure availability and accessibility of services.

Contact: Office of the Clerk ext. 2773
Records

Options for archiving or disposal of the papers accumulated by members will differ according to the various positions held during a member’s parliamentary career. Private and party records may be dealt with at the member’s discretion. Official records, however, should be dealt with according to relevant statutory or applicable policies. Records that members wish to archive may be offered either to the Parliamentary Archives (for more information, see Archives), or to the State Records Authority. The State Library no longer collects members’ records. For more information on the archiving of records upon retirement, contact the Office of the Clerk.

Contact: Office of the Clerk ext. 2773

Recreational facilities

Recreational facilities located on level 2 are for the use of members and staff. The facilities include a squash court, heated pool, exercise equipment, multi station gym, change rooms and sauna. As the area is a unisex area, members and staff are reminded to wear appropriate attire at all times.

Members may use the facilities at anytime however the sauna and steam room operate from a central control room between the hours of 7:00 am to 7:00 pm from Monday to Friday.

Staff of the Parliament also have access to the recreational facilities on non-sitting days between 7.00 am and 7.00 pm.

The full terms and conditions for the use of the facilities are displayed in the gym or may be accessed on the intranet.

Contact: Parliamentary Facilities ext. 2178

Register

The members’ Parliament House register is available at the Chamber and Support Services desk on level 11 and in the Security Control Room at the Hospital Road entrance on level 6. It is advisable that members sign into the register when accessing Parliament House to assist with substantiating any applications for reimbursement or payment with the Department. Original dockets or copies of the dockets can be lodged with the applications to Members’ Services.

Completed pages of the registers are filed with Members’ Services.

Contact: Members’ Services ext. 2227

Room bookings

Various rooms in Parliament House may be booked for use by members and their staff. A comprehensive list of the facilities is available on the intranet which also provides an indication of availability.

All other organisations or groups wishing to use the facilities must book through a sponsoring member’s office. The sponsoring member or a member of their staff must attend the function.

The member is responsible for ensuring visitors for the function are advised of emergency evacuation procedures.

Room bookings may be made by contacting Chamber and Support Staff. Meetings and functions requiring catering should be booked through Parliamentary Catering.
Audio and visual equipment can be obtained by contacting the Legislative Assembly front desk who can also organise assistance with setting up equipment.

The Parliament’s Policy for Conference Room and Theatrette Bookings is available on the intranet.

Contact: Room Bookings ext. 2319
Equipment ext. 2219
Parliamentary Catering ext. 2336

Room service
Members may arrange for food and refreshments to be delivered to their offices from Parliamentary Catering’s room service. A menu is available on the intranet.

Contact: Parliamentary Catering ext 3366

Royal functions
Members visiting London wishing to attend the Royal Garden Party, Trooping the Colour or for admission to the Royal Enclosure at Ascot may apply directly to the Australian High Commission in London.

Contact: Australian High Commission, London
Fax 0011 020 7240 5333

Security arrangements at Parliament House
The New South Wales Police Force Special Constables provide the security at Parliament House including the security control room which is always operational. The Facilities Security Manager is responsible for the management of the agreement between the New South Wales Police Force and Parliament House.

Access control systems and CCTV are used throughout Parliament House. Please ensure that you wear your Parliament House photo pass at all times. Visitors are allowed in the secure section of the Parliamentary building under the condition that they wear the temporary visitors pass and are escorted at all times with a Parliament House photographic pass holder. Please do not allow other persons to ‘tailgate’ when you enter private areas such as Level 11.

Contact: Security Office ext. 2198

Smoking at Parliament House
Parliament House is a smoke-free work environment. Smoking is not permitted in any of the enclosed areas within the Parliamentary precinct. Smoking is permitted in the following areas:

- open-air balconies adjoining members’ and staff rooms, with the exception of the Fountain Courtyard
- Hospital Road open-air areas, excluding the Loading Dock. In addition, do not smoke on the steps at the back entrance, as the smoke drifts back into the building when the door is opened
- roof gardens on levels 8 and 9
- balconies adjoining the Parliamentary dining room on Level 7, excluding that of the Parliamentary Catering office.
All other areas within the parliamentary precinct are deemed non-smoking.

Please be aware when smoking on balconies or in other outdoor areas without closing the door that smoke can enter the air conditioning system and circulate into other offices. In accordance with the Smoke Free Environment Act, smokers are required to ensure doors to the building are closed and to move away from doors where possible in these areas to prevent smoke from entering the building.

Members requiring ashtrays or butt receptacles for their balconies should contact Parliamentary Facilities.

**Contact: Parliamentary Facilities ext. 2607**

**Superannuation**

The Parliamentary Contribution Superannuation Fund (PCSF) is now closed and is not accepting new members. Members who were sitting members before the 2007 general election will continue to have their superannuation paid into this Fund.

Members elected at or after the 2007 general election are offered membership to either First State Super or to another complying accumulation superannuation fund or retirement savings accounts of their choice. A Government contribution to superannuation is deposited into the nominated fund each month. The Government contribution is calculated at 9% of salary or the maximum contribution base, whichever is the greater.

**Contact: Office of the Financial Controller ext. 2276**

**Tours of Parliament House**

Guided tours of the Legislative Council Chamber are conducted by Chamber and Support Services staff. Tours should be booked in advance, as they will need to be scheduled around booked school tours and other tours.

**Contact: Chamber tours ext. 3444**

**Visitors to Parliament House**

**Visitors to events and functions** – When hosting an event, the member is responsible for the appropriate use of the Parliament House facilities and the behaviour of the persons attending. The member making the booking (or another member nominated by them) must remain at the function throughout the event and ensure that the event finishes on time and that non-Parliamentary members or staff are escorted from the precincts.

**Visitors to offices** – Members and their staff are requested to adhere to the following arrangements relating to constituents and unofficial lobbyists, which aim to ensure that members are not harassed by uninvited people, visitors or lobbyists.

On arrival, visitors are to report to the front reception desk of the Legislative Council. Chamber and Support Services staff will contact the relevant member to confirm either that the visitor has an appointment or that the member wishes to see the person(s) concerned. On confirmation of these details, visitors will be issued with a colour pass with the date, time and the relevant member’s name. This pass is only valid for the day stamped and is to be returned to the front reception desk on departure.

The member or their staff must be available to escort visitors through the building as necessary and ensure that they are visibly wearing their security pass.
At the conclusion of the meeting, members or their staff are requested to escort visitors to the lift or Level 7.

In the event that visitors may wish to meet another member, they should be escorted to the Chamber and Support Services desk on level 11 where the officer on duty will confirm the availability of the other member. During busy times such as sitting days or when Chamber and Support staff are required for committee hearings, tours and other duties, the level 11 desk may be unattended. If the Chamber and Support Services desk is unattended, members or their staff must escort their visitors from the floor.

To protect their own privacy and that of other members as well as to prevent visitors being left to wander the floor, it is requested that these procedures be followed by members and their staff at all times. The success of these arrangements will depend on the cooperation of all members and staff.

**Contact:** Chamber and Support Services  
ext. 2319 (level 7) and 2332/3012 (level 11)

**Visitors to the Chamber** – Visitors are always welcome in the chamber on non-sitting days. Members are reminded to take into account the heritage nature of the chamber and its fittings when showing visitors around the chamber. During a sitting, guests are welcome to sit in the public galleries. To arrange for guests to sit on the benches of the Presiding Officer, application should be made to the Office of the President.

**Contact:** Office of the President ext. 2300

**Visitors with accessibility concerns**

Visitors with disabilities or the elderly can access Parliament House from the Macquarie Street entry. There is a ramp located in the left hand side of the forecourt area (under Legislative Assembly Chamber). At the bottom of the ramp a set of doors leads to a lift that takes the visitor to the Fountain Court.

For access to the chamber please contact the Legislative Assembly front desk on ext. 2219 and Legislative Council on ext. 2319

**Parking**

Parking in Parliament House is available for visitors with disabilities or who are elderly. Booking requests are required from Ministers, members and Department offices to Parliamentary Facilities administration for approval via email security@parliament.nsw.gov.au or call ext. 2178. One full business day is required prior to the day of visitor parking.

Please note parking at times is limited.

**Amenities**

Accessible toilets are located in the Fountain Court, Staff Bar and level 8 near the Goods lift lobby. Building occupants with disabilities may contact Facilities on ext. 2607 to assist with office set ups.

**Hearing impaired**

An audio frequency induction loop system (AFILS) has been installed in both chambers, Jubilee Room, Theatrette and the Macquarie Room to provide assistance for the hearing impaired.

AFILS is compatible with all telecoil hearing aid technology. Users of telecoil hearing aids need simply to activate the "T" setting on their aid to avail themselves of this facility. Any faults or enquiries contact Facilities Engineering on ext. 2500.
## appendices

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CODE OF CONDUCT FOR MEMBERS

That this House adopt, for the purposes of section 9 of the Independent Commission Against Corruption Act 1988, the following code of conduct:

PREAMBLE

- The Members of the Legislative Assembly and the Legislative Council have reached agreement on a Code of Conduct which is to apply to all Members of Parliament.

- Members of Parliament recognise that they are in a unique position of being responsible to the electorate. The electorate has the right to dismiss them from office at regular elections.

- Members of Parliament acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of Parliament, and using their influence to advance the common good of the people of New South Wales.

- Members of Parliament acknowledge that their principal responsibility in serving as Members is to the people of New South Wales.

THE CODE

1 Disclosure of conflict of interest

(a) Members of Parliament must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.

(b) This may be done through declaring their interests on the Register of Disclosures of the relevant House or through declaring their interest when speaking on the matter in the House or a Committee, or in any other public and appropriate manner.

(c) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

2 Bribery

(a) A Member must not knowingly or improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which the Member has received, is receiving or expects to receive.
(b) A Member must not knowingly or improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which any of the following persons has received, is receiving or expects to receive:
   (i) a member of the Member’s family;
   (ii) a business associate of the Member; or
   (iii) any other person or entity from whom the Member expects to receive a financial benefit.

(c) A breach of the prohibition on bribery constitutes a substantial breach of this Code of Conduct.

3 Gifts

(a) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.

(b) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to improperly influence the Member in the exercise of his or her duties.

(c) Members may accept political contributions in accordance with part 6 of the *Election Funding Act 1981*.

4 Use of public resources

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

5 Use of confidential information

Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

6 Duties as a Member of Parliament

It is recognised that some members are non-aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of Members of Parliament.

7 Secondary employment or engagements

Members must take all reasonable steps to disclose at the start of a parliamentary debate:

(a) the identity of any person by whom they are employed or engaged or by whom they were employed or engaged in the last two years (but not if it was before the Member was sworn in as a Member);

(b) the identity of any client of any such person or any former client who benefited from a Member’s services within the previous two years (but not if it was before the Member was sworn in as a Member); and

(c) the nature of the interest held by the person, client or former client in the parliamentary debate.

This obligation only applies if the Member is aware, or ought to be aware, that the person, client or former client may have an interest in the parliamentary debate which goes beyond the general interest of the public.

This disclosure obligation does not apply if a Member simply votes on a matter; it will only apply when he or she participates in a debate. If the Member has already disclosed the information in the Member’s entry in the pecuniary interest register, he or she is not required to make a further disclosure during the parliamentary debate.

That this resolution has continuing effect unless and until amended or rescinded by resolution of the House.

[Signature]

President

July 2007
Appendix B • Independent Commission Against Corruption

What is the Independent Commission Against Corruption?

The Independent Commission Against Corruption (ICAC) is a New South Wales public sector organisation created by the Independent Commission Against Corruption Act 1988 (ICAC Act). ICAC’s principal functions are to investigate and expose corrupt conduct in the NSW public sector. It also works to prevent corruption through providing advice and assistance to both government officials and the public, and educate the NSW community and public sector about corruption and its effects. Its mission is to combat corruption and improve the integrity of the NSW public sector.

Although a public authority, it is independent of the Government of the day, and is accountable to the people of NSW through a Joint Statutory Committee (JSC) of the NSW Parliament – the Committee on the Independent Commission against Corruption. This particular JSC monitors and reviews the ICAC’s functions, the annual reports of the ICAC, and other published reports to Parliament. It also examines trends and changes in corrupt conduct, and practices and methods related to corrupt conduct.

Section 122 of the ICAC Act 1988 stipulates that:

Nothing in this Act shall be taken to affect the rights and privileges of Parliament in relation to the freedom of speech, and debates and proceedings, in Parliament.

In the absence of specific statutory authority, Section 122 preserves the privileges of Parliament with respect to the freedom of speech and debates and proceedings in Parliament. It implies that the Commission has no power to investigate matters which involve the motivation of Members for the statements they make or questions they may ask in Parliament.

What does the ICAC do?

In order to build and sustain integrity in the NSW public sector, the ICAC:

• assesses and identifies corruption risks through the analysis of complaints made by individuals and reports made by Chief Executive Officers of public authorities and through research into the nature of corruption risks

• investigates corrupt conduct not just to make findings about individuals, but also to examine the circumstances that allowed the corruption to occur. Recommendations are made and guidance is given to prevent these circumstances recurring

• builds corruption resistance by providing advice, information and training to remedy potential or real problems, by:

• tailors solutions to address major risks or assist targeted sectors

• works with the public sector to build their capacity to identify and deal with corruption risks.

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93 This information has been extracted from the ICAC website, www.icac.nsw.gov.au accessed 10 March 2010.

What should members know about the Code of Conduct and the ICAC Act?

Both Houses of Parliament adopted Codes of Conduct for Members (the Code) in 1999. In 2007, the Legislative Council resolved to adopt an amended Code which prescribes that any reward or benefit received by members’ family or their business associates as a result of an inappropriate use of the power as a member of Parliament could also constitute a bribery and a breach of the Codes. The new version also outlines a requirement for members to ‘take all reasonable steps to disclose at the start of a parliamentary debate’ of their secondary employment and/or prior engagements which might have a conflict of interest for their role as the members of the Parliament. The Code is an important document for members. This is because a serious and substantial breach of the Code of Conduct may constitute corrupt conduct under the ICAC Act.

Therefore, it is in members’ interests that they are familiar with the requirements of the Code. In particular, members should be aware of the requirements of the Code as it relates to the use of Parliamentary resources.

Clause 4 of the Members Code of Conduct reads:

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

The use of public resources by members is always a matter of significant public and media interest.

What guides members access to and use of Parliamentary allowances?

The primary responsibility for guiding Members in their access and use of Parliamentary resources rests with the Parliamentary Remuneration Tribunal and parliamentary officers. The guidelines and rules about the use of resources can be found in:

- Members’ Guides and Handbooks
- Parliamentary Remuneration Tribunal (PRT) determinations and rulings (including specific prohibitions on the use of resources for some purposes)
- parliamentary policies and procedures
- relevant statutes (eg. Parliamentary Remuneration Act 1989).

At times some members have expressed concern that they have found it difficult to interpret the rules and guidelines about the use of Parliamentary resources. Whenever there is uncertainty and ambiguity, members should not rely on their own, or other members’ interpretations. Doing so may expose the member to considerable risk of breaching the Code.

In determining how to act, the member should consult the President of the Legislative Council, the Clerk of the Parliaments, or the Parliamentary Ethic Adviser. While they may be able to obtain or access professional advice or precedents about the appropriate use of resources based on the determination of the PRT, they are unable to provide legal advice. The President of the Legislative Council may request a ruling from the Tribunal on the interpretation or application of a determination. The Tribunal is required to give the requested ruling within a reasonable period, unless the request is withdrawn.

95 Parliamentary Remuneration Act 1989, s 14(G).
96 Parliamentary Remuneration Act 1989, s 17A.
Information for constituents

What information should be reported to the ICAC?

The ICAC encourages members of the public and public officials to report suspected corrupt conduct involving or affecting the NSW public sector. Timely reporting helps the ICAC and public agencies to deal effectively with corrupt conduct and prevent future corruption.

Anyone can report corrupt conduct allegations to the ICAC. NSW public officials may want to check the protections that may be afforded under the provisions of the Protected Disclosures Act 1994.

Enquiries and reports regarding suspected corrupt conduct can be made to the ICAC by:

- phone on 02 8281 5999 or freecall 1800 463 909 (callers outside Sydney)
- writing to GPO Box 500 Sydney NSW 2001 or faxing 02 9264 5364
- online by completing the online corruption report form
- email icac@icac.nsw.gov.au

The ICAC also accepts enquiries and reports in person.

Before making a complaint regarding suspected corrupt conduct, confirm that the matter falls within the ICAC’s jurisdiction. More details about the definition of corrupt conduct are found in the ‘About Corruption’ section on the ICAC website at www.icac.nsw.gov.au. NSW public officials should check the protections for public officials under the provisions of the Protected Disclosures Act 1994.

Checklist for reporting suspected corrupt conduct

The checklist below ensures that sufficient information is submitted for the ICAC to decide on action to take.

1. Name and contact details (optional)
   Anyone is entitled to make an anonymous complaint but this may affect the effectiveness of the investigation as the ICAC may need to verify matters, or obtain further details which can be difficult without contact information. In addition, the ICAC will not be able to advise the complainant of any decisions or action on the matter.

2. Names of NSW agencies and public sector officials involved
   Provide the names and positions of the officials involved if known.

3. How you became aware of the matter
   Include any relevant dates and the name and position of any person with whom you interacted or observed.

4. A summary of the matter
   Include names, any relevant dates, locations and all other relevant information.

5. Other people aware of the matter
   Include the names and contact details of other people who may be able to assist the ICAC.

6. Other organisations contacted
   Provide the names of any organisations or regulators the matter was reported to, the date of contact and their response.
7. Documentary evidence
Include details on any relevant documents or other information that may help the ICAC in their assessment. The actual documentation does not need to be included in the report.

8. Private citizens and companies involved
Provide the names, contact details and participation of private citizens and companies involved.

9. Consent to disclose identity (optional)
If the ICAC refers the complaint to another agency or decides to investigate, the complainant may need to be identified as the source of information. Please note that while the ICAC will regard any wishes for the identity to be kept confidential, if it is in the public interest to do so, the ICAC may disclose this information to another agency.

Members can make representations on behalf of a constituent, or can help the constituent contact the ICAC. Once a matter has been reported, the ICAC will usually take the matter up directly with the person who originally provided the information, rather than through the member’s office.

It is not necessary for an individual to attempt to gather “evidence” before reporting a matter to the ICAC. Complaints however that are found after assessment to be lacking in substance will not be investigated by the ICAC. It is also important to note that, while one is not expected to know the truth of the matter being reported, it is an offence to deliberately provide false and misleading information to the ICAC.97

What does the ICAC do with the information?
Upon the receipt of a report or a complaint, the ICAC Assessment Panel, consists of executive members of the ICAC, assesses each matters individually to determine the appropriate course of action. The panel will consider issues relating to jurisdiction, the seriousness of the complaint, whether it is being or could be adequately handled by another agency and opportunities for identifying serious, substantial or systemic corruption.

Depending on the nature of the reports or complaints, the Panel may decide to:

• take no action at all if the matter reported does not constitute corrupt conduct under the ICAC Act

• refer the matter to another agency, if it is outside of ICAC’s jurisdiction or authority. Depending on the level of seriousness, the matter can be referred to either the Department in question or the other higher authority. For example, a complaint about corrupt conduct by a NSW police officer could be referred to either the Police Integrity Commission or the NSW Ombudsman

• conduct a preliminary investigation, for example, to establish whether the agency involved has already dealt with the matter. Depending on these inquiries the ICAC may decide to take no further action, refer it to another agency or undertake a formal investigation

• request an investigation and report by either the agency that is the subject of the complaint or an appropriate supervisory. This action will only be taken if the agency has the capacity to conduct an investigation and would not be compromised

- undertake inquiries in order to develop corruption prevention advice for the organisation concerned, if the matter is about systemic problems rather than corrupt conduct
- launch a formal investigation.\(^98\)

The ICAC must investigate matters referred to it by both Houses of Parliament\(^99\), but otherwise can make its own decision about whether or not to conduct an investigation.\(^100\)

**Contacting the ICAC**

More detailed information about the ICAC is available at www.icac.nsw.gov.au. To provide information, report a matter or make an inquiry:

**Email**
icac@icac.nsw.gov.au

**Online**

**Visit ICAC**
Level 21, 133 Castlereagh Street, Sydney

**Write to**
ICAC, GPO Box 500, Sydney NSW 2001

**Phone**
(02) 8281 5999 or toll free 1800 463 909

**Facsimile:**
(02) 9264 5364

Appointments can be made by phoning the above numbers between 9am and 5pm, Monday to Friday.
Appendix C • The Audit Office of New South Wales

Role

The New South Wales Auditor-General is responsible for audits and related services under the Public Finance and Audit Act 1983, the Corporations Act 2001, and other New South Wales Acts. The Auditor-General also provides certain assurance services in respect of Commonwealth grants and payments to the State under Commonwealth legislation.

The Auditor-General forms part of the accountability mechanism whereby the Parliament holds the Government accountable for fulfilling its responsibilities. The Audit Office assists the Auditor-General in fulfilling this role.

The Audit Office’s core services are:

• Financial audits
• Compliance reviews
• Performance audits
• Protected Disclosures.

All of the Auditor-General’s Reports are tabled in the Parliament. The Reports are also available on the internet at www.audit.nsw.gov.au.

Core Services

Financial audits

Financial audits provide an independent opinions on NSW Government agencies financial reports. They identify whether agencies comply with accounting standards and relevant laws, regulations and Government directions. Additional financial report audits are undertaken each year on the Total State Sector Accounts and the Statement of the Budget Result.

Financial report audits also highlight opportunities for agencies to improve their accounting and financial systems.

A report on each financial audit is provided to the Minister responsible for the agency, to the agency and the Treasurer and to the Parliament through the Auditor-General’s Reports to Parliament.

Compliance reviews

Compliance reviews seek to confirm that specific legislation, directions and regulations have been adhered to by government agencies. The legislation includes the agency’s primary or significant law that is applicable to all agencies (such as the State’s Constitution).

Because there is a large body of law in this area, compliance is examined on cyclical basis.

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101 This information has been compiled from information extracted from the Audit Office of New South Wales website, accessed 10 March 2010 www.audit.nsw.gov.au
Performance Audits

Performance audits build on our financial audits by reviewing whether taxpayers’ money is spent efficiently, effectively, economically and in accordance with the law. These audits may review all or part of an agency’s operations. Some audits consider particular issues across a number of agencies.

Results of these audits are reported to the chief executive officer of the agency concerned, the responsible Minister, the Treasurer and Parliament. Final draft reports are given to the agency (as required by our legislation) so we can include its response in our report to Parliament.

Protected Disclosures

The Office examines allegations of serious and substantial waste of public money under the Protected Disclosures Act 1994. This Act protects public officers ["whistleblowers"] when they identify maladministration, corruption or serious and substantial waste. We assess any allegations of waste in public authorities other than local governments. The NSW Ombudsman examines maladministration, and the Independent Commission Against Corruption investigates corruption.

Further Information

Street Address: Level 15, 1 Margaret Street, Sydney NSW 2000
Postal Address: GPO Box 12, Sydney NSW 2001, Australia
Telephone: +612 9275-7100
Facsimile: +612 9275-7200
Email: mail@audit.nsw.gov.au
Appendix D • Statutes effecting the role and functions of the Legislative Council

**Defamation Act 2005**
Privilege for the publication of the debate and proceedings of both Houses

**Election Funding, Expenditure and Disclosures Act 1981**
Public funding of Parliamentary election campaigns and disclosure of political contributions

**Legislation Review Act 1987**
Appointment of a joint committee to consider and report to both Houses of Parliament on any bill introduced in Parliament

**Independent Commission Against Corruption Act 1988**
Appointment of a joint committee on the Independent Commission Against Corruption and requirement for the adoption of a code of conduct for members for the purposes of section 9

**Interpretation Act 1987**
Disallowance of statutory rules and instruments (delegated legislation)

**Jury Act 1977**
Exemption of members and officers from jury service

**Parliamentary Electorates and Elections Act 1912**
The conduct of Parliamentary elections

**Parliamentary Evidence Act 1901**
The summoning and attendance of witnesses before the House or committees

**Parliamentary Remuneration Act 1989**
Establishes a system under which members of Parliament are provided with salaries and certain allowances

**Acts appointing joint oversight committees**
Appendix E: Time limits applying in debates

<table>
<thead>
<tr>
<th><strong>Adjournment</strong></th>
<th>Debate: 30 minutes</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Speakers: 5 minutes</td>
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<table>
<thead>
<tr>
<th><strong>Committee report</strong></th>
<th>Debate: 60 minutes</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Chair: 15 minutes</td>
</tr>
<tr>
<td></td>
<td>Speakers: 10 minutes</td>
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<table>
<thead>
<tr>
<th><strong>Private members’ motion</strong></th>
<th>Debate: 180 minutes</th>
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<tbody>
<tr>
<td></td>
<td>Mover: 30 minutes</td>
</tr>
<tr>
<td></td>
<td>Speakers: 20 minutes</td>
</tr>
<tr>
<td></td>
<td>Debate interrupted 15 minutes before end of debate time</td>
</tr>
<tr>
<td></td>
<td>Mover: 10 minutes in reply</td>
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<table>
<thead>
<tr>
<th><strong>Private members’ bills</strong></th>
<th>Leave to bring in Bill</th>
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<tbody>
<tr>
<td></td>
<td>Debate: 60 minutes</td>
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<tr>
<td></td>
<td>Speakers: 10 minutes</td>
</tr>
<tr>
<td></td>
<td>Debate interrupted 10 minutes before end of debate time</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Second and third readings</strong></th>
<th>No debate time limit</th>
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<tbody>
<tr>
<td></td>
<td>Mover: 30 minutes</td>
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<tr>
<td></td>
<td>Speakers: 20 minutes</td>
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<table>
<thead>
<tr>
<th><strong>Disallowance</strong></th>
<th>Debate: 90 minutes</th>
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<tbody>
<tr>
<td></td>
<td>Mover/Minister: 15 minutes</td>
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<tr>
<td></td>
<td>Speakers: 10 minutes</td>
</tr>
<tr>
<td></td>
<td>Mover in reply: 10 minutes</td>
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<tr>
<td></td>
<td>Debate interrupted after 1 hour 30 minutes</td>
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<table>
<thead>
<tr>
<th><strong>Matter of public importance (SO 200)</strong></th>
<th>Question of urgency</th>
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<td></td>
<td>Mover/Minister: 10 minutes</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Debate</strong></th>
<th>Question of urgency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debate</td>
<td>Mover/Minister/Oppn: 15 minutes</td>
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<tr>
<td></td>
<td>Speakers: 10 minutes</td>
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<table>
<thead>
<tr>
<th><strong>Urgency motion (SO 201)</strong></th>
<th>Question of urgency</th>
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<td></td>
<td>Mover/Minister: 10 minutes</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Debate</strong></th>
<th>Question of urgency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mover/Minister/Oppn: 15 minutes</td>
<td></td>
</tr>
<tr>
<td>Speakers: 10 minutes</td>
<td></td>
</tr>
<tr>
<td>Mover in reply: 10 minutes</td>
<td></td>
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</table>
**Ministerial statements**

No limit on Minister’s contribution. Leader of the Opposition may respond to the statement, not exceeding the time taken by the Minister in making the statement.

**Suspension of standing orders**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Time</th>
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</thead>
<tbody>
<tr>
<td>Debate:</td>
<td>30 minutes</td>
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<tr>
<td>Speakers:</td>
<td>5 minutes</td>
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**Question time**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Time</th>
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</thead>
<tbody>
<tr>
<td>Question:</td>
<td>1 minute</td>
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<tr>
<td>Answer:</td>
<td>4 minutes</td>
</tr>
<tr>
<td>Ans. to supplementary:</td>
<td>2 minutes</td>
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</table>


Appendix F • Legislative Council publications and other reference material

The Legislative Council produces a range of publications on Parliamentary practice and procedure. These documents are all available on the Parliament's website or from the Office of the Clerk or the Procedure Office. Other publications can be accessed in the Parliamentary Library.

**New South Wales Legislative Council Practice**

New South Wales Legislative Council Practice provides a comprehensive account of the practices, precedents and procedures governing the Legislative Council, and its rich and tumultuous history. The publication is co-authored by the current Clerk of the Parliaments, Lynn Lovelock, and former Clerk of the Parliaments, John Evans.

**A Precis of Business and Procedures**

A document prepared to assist members of the Legislative Council and their staff in understanding some of the most common procedures and practices used, and the powers and privileges afforded to members of the Legislative Council.

**Running Record**

The Running Record is a real-time, online record of proceedings made available on the internet and intranet once business of the House commences each day, updated throughout the day to reflect the current stage in proceedings and the outcome of each item of business.

**The House in Review**

The House in Review is published on the internet and intranet by the Clerk of the Parliaments at the conclusion of each sitting week. It provides a summary of the Legislative Council’s activities including the progress of legislation, orders for papers, adjournment debate topics and committee activities.

**Fact sheets**

A series of documents providing information about the Legislative Council and its procedures in summary form.

**Guide to occupants of the Chair**

First published in 1995, this document contains valuable information for any member presiding over the House or the committee of the whole. It deals with, amongst other things, such matters as reporting messages, giving the call, putting questions, rulings and questions of order.

**Manual on procedure in Committee of the Whole House**

This document includes detailed information about procedures in the committee of the whole, including the procedure for the consideration of amendments.

**Guide to private members’ business**

This guide outlines the procedures for private members’ business, also known as general business, and sets out procedures for other non-Government business.

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Petitioning the Legislative Council
This pamphlet provides practical guidelines for drafting a petition and submitting it to the
House. This information is also available under ‘Resources’ on the Parliament’s website,
together with statistical information and an example of the form a petition should take.

Brochures – various A series of brochures containing brief information, primarily for visitors
to the Legislative Council, discussing topics such as overview of Legislative Council, the
Legislative Council Chamber, and participating in Parliamentary committee inquiries.

Erskine May’s Parliamentary Practice
Erskine May’s Parliamentary Practice\textsuperscript{103} remains the major reference work on parliamentary
practice in Westminster. May is now in its 23rd edition.

Australian Senate Practice
First published in 1953 and currently in its 12th edition (2008)\textsuperscript{104}, this work is especially useful as
the Council’s current standing orders closely reflect those of the Senate.

House of Representatives Practice
This work (5th edition 2005)\textsuperscript{105} provides material on the Australian House of Representatives.

Parliamentary Practice in New Zealand
Now in its third edition (2005)\textsuperscript{106} this work comprehensively covers the field as far as New
Zealand is concerned.

House of Commons Procedure and Practice, Canada
Now in its 3rd edition\textsuperscript{107}, this work comprehensively covers the field as far as the Canadian
House of Representatives is concerned.

\textsuperscript{104} Odgers’ Australian Senate Practice, 12th edn, Australian Government Publishing Service Canberra 2008.
\textsuperscript{105} House of Representatives Practice, 5th edn, Australian Government Publishing Service: Canberra 2005
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