The online version of this Handbook is accessible from the intranet by clicking on the Legislative Assembly > Corporate. A paper version will be issued at the commencement of each Parliament or if there are significant changes.

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# Definitions

The following acronyms have been used in this document.

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<tr>
<th>Acronym</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>ATS</td>
<td>Additional Temporary Staff</td>
</tr>
<tr>
<td>CND</td>
<td>Call Number Display</td>
</tr>
<tr>
<td>CPA</td>
<td>Commonwealth Parliamentary Association</td>
</tr>
<tr>
<td>CRC</td>
<td>Community Relations Commission</td>
</tr>
<tr>
<td>DFAT</td>
<td>Department of Foreign Affairs and Trade</td>
</tr>
<tr>
<td>DPS</td>
<td>Department of Parliamentary Services</td>
</tr>
<tr>
<td>EAP</td>
<td>Employee Assistance Program</td>
</tr>
<tr>
<td>ECA</td>
<td>Employment Conditions Abroad</td>
</tr>
<tr>
<td>EMA</td>
<td>Electorate Mail-out Account</td>
</tr>
<tr>
<td>EOS</td>
<td>Electorate Offices Support</td>
</tr>
<tr>
<td>FBT</td>
<td>Fringe Benefits Tax</td>
</tr>
<tr>
<td>HCCC</td>
<td>Health Care Complaints Commission</td>
</tr>
<tr>
<td>ICAC</td>
<td>Independent Commission Against Corruption</td>
</tr>
<tr>
<td>ITS</td>
<td>Information Technology Services</td>
</tr>
<tr>
<td>LSA</td>
<td>Logistic Support Allocation</td>
</tr>
<tr>
<td>OHS</td>
<td>Occupational Health and Safety</td>
</tr>
<tr>
<td>PAL</td>
<td>Police Assistance Line</td>
</tr>
<tr>
<td>PIC</td>
<td>Police Integrity Commission</td>
</tr>
<tr>
<td>PRT</td>
<td>Parliamentary Remuneration Tribunal</td>
</tr>
<tr>
<td>SO</td>
<td>Standing Order</td>
</tr>
<tr>
<td>SOE</td>
<td>Standard Operating Environment</td>
</tr>
</tbody>
</table>
Chapter 1: Member Roles and Responsibilities

1.1. Background Information

This section discusses Members’ roles and responsibilities in terms of:

- The Member in the electorate;
- The Member in Parliament;
- The Member during sittings of Parliament;
- Recognised Office Holders;
- The Members’ Code of Conduct and its implications;
- Other accountability mechanisms; and
- Where to seek further advice.

1.2. The Member in the Electorate

Members of the Legislative Assembly work locally for the people, the constituents, in the electorate that they represent.

As the constituents’ representative in Parliament, a Member receives and deals with many requests for assistance. These might concern education, housing, transport, local councils, environmental issues, youth and community services, the police, land tax and water and sewerage rates.

Some matters may be strictly outside the power of State Government and the Member or electorate office staff will refer such enquiries to appropriate contacts for assistance.

Members also attend to the concerns and problems of local organisations and businesses.

All Members have regular dealings with government departments. In some cases they can be more effective than a member of the public when dealing with departments as they have access to the Ministers responsible for those departments.

During the day, in the evenings and at weekends Members are expected to attend many important meetings and functions of all kinds within their electorates. These include meetings relating to the community, schools, business organisations, charities and social or sporting clubs. Members may chair local meetings, participate in seminars and act as patron to many organisations.

1.3. The Member in Parliament

The Government is formed from the Members of the political party (or parties in the case of a coalition) successful at a General Election in winning the majority of seats in the Legislative Assembly.

The Opposition consists of the elected Members of the largest political party or coalition of political parties winning the next highest number of seats.

Members may make personal approaches (representations) to Ministers and Departments regarding matters raised by constituents, or other matters on which they require advice or seek attention.
The NSW Parliament usually meets for two groups of sittings in each year. The Budget sittings are normally from March to June and the Spring sittings are from September to late November or early December.

The sitting timetable is flexible and in special circumstances the Parliament may be recalled at any time.

Members spend much time in considering Bills, which, if passed by both Houses, become Acts of Parliament, and in general reading and study to prepare themselves for discussions in the party room and for debates in the House.

The party room is where the Members of a political party meet regularly to discuss and vote on policies and to plan strategy.

Members have a responsibility and loyalty to their party and most backbenchers serve on various committees within the party as well as on committees set up by the Parliament.

Time is also spent in talking with fellow parliamentarians, journalists, the business sector and people with special interests who make appointments to see the Member.

A Member of Parliament may be appointed a Government Minister responsible for a portfolio (such as Transport); a Recognised Officer Holder; or a Shadow Minister.

A Member who is called upon to become a Minister and take responsibility for a portfolio (e.g. Health) becomes a Member of the Cabinet.

Cabinet meets regularly and discusses both general and specific matters of State, proposed legislation and financial affairs. Ministers continue to represent constituents at the same time.

A local Member who is not in the Ministry of the Government; nor the shadow Ministry of the Opposition; nor holds a Recognised Office; is often referred to as a "backbench" Member.

1.4. The Member During Sittings of Parliament

Business conducted during a session of Parliament is varied. Some common matters dealt with by the Legislative Assembly are listed below.

Bills or legislative proposals are needed to establish legal codes of conduct, to define the legal rights and duties of citizens, to authorise the creation of Government agencies and some private agencies and invest them with powers, and to sanction government spending and taxation.

Both Houses of the Parliament follow a set procedure to debate all Bills. A Bill will pass between the two Houses until both agree on the wording.

Rules on the legislative process provide that there is sufficient time for Members to consider the detail and consequences of a Bill, and also for community consultation to occur.

Acts are bills that have been passed by both Houses and assented to by the Governor.

Private Members’ Statements can be made in the time set aside for Members to raise matters of general concern affecting their constituents.

Petitions are lodged by the local Member from citizens requesting action to be taken by the Legislative Assembly.

Questions can be asked in Parliament, or in writing and published in the Questions and Answers Paper. Questions can cover every aspect of State affairs, many related to the work of a local Member.
Asking a question gives Members the opportunity to make enquiries on behalf of their constituents and local organisations, and to enquire about matters within the administration of Ministers.

Being a Member of Parliament is a full-time job and every Member of Parliament is bound to attend the sittings of the House unless the House grants leave.

A Member of Parliament's seat becomes vacant if the Member remains absent for one whole session of Parliament without leave being granted.

For a more detailed account of some of the procedures of the Legislative Assembly see Chapter 4.

1.5. Recognised Office Holders

In addition to the roles above, certain Members of the Legislative Assembly have additional roles and responsibilities:

- Premier and Deputy Premier;
- Senior Ministers and other Ministers;
- Speaker and Deputy Speaker;
- Assistant Speaker;
- Leader of the Opposition and Deputy Leader;
- Leader and Deputy Leader of a Recognised Political Party of which not less than ten Members are Members of the Legislative Assembly;
- Government and Opposition Whip;
- Parliamentary Secretary;
- Whip and Deputy Whip of Other Party of which not less than ten Members are Members of the Legislative Assembly;
- Chair of a Parliamentary Committee; and
- Members of the Public Accounts Committee.

To reflect these added responsibilities, Members in these roles are granted a salary of office and/or an expense allowance.

1.6. Members’ Code of Conduct

To assist Members to discharge their many and varied duties in an ethical and transparent way, both Houses have adopted a Code of Conduct (the Code) for Members since May 1998. The Code is published in full in Appendix C and on the Parliament’s Intranet.

The Code was amended in May 2007 to include provisions regarding secondary employment of Members of Parliament. This followed a number of concerns about the adequacy of the provisions of the Code regarding Members’ consultancies and work conducted whilst a Member.

The Code was further amended in June 2007 to expand the provisions related to bribery. The provision now includes reference to a Member’s family and associates and is more effectively linked to the Independent Commission Against Corruption Act 1988 (ICAC Act) because bribery is deemed to be “a substantial breach” of the Code.

1.6.1. Implications of the Code of Conduct

The Code forms part of the web of definitional terms of “corrupt conduct” in sections 8 and 9 of the ICAC Act 1988.
Section 8 of the ICAC Act is an inclusive provision, which specifies the kind of acts that might constitute corrupt conduct. This section defines corrupt conduct, inter alia, as the dishonest or impartial exercise of official functions, or breach of public trust or the misuse of information or material, which was acquired in the exercise of official functions.

Section 9 is an exclusionary provision, establishing the boundaries of corrupt conduct. An action mentioned in section 8 will not constitute corrupt conduct unless it would amount to:

- A criminal offence, or
- A disciplinary offence, or
- Reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
- 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.

An applicable code of conduct is defined in the ICAC Act as firstly, in the case of a Minister, a ministerial code of conduct prescribed or adopted for the purposes of section 9 by the regulations; and secondly, in the case of Members of Parliament (including a Minister of the Crown), a code of conduct adopted for the purposes of section 9 by resolution of the House concerned.

1.7. Disclosure of Pecuniary and Other Interests

Members of the NSW Parliament are required to disclose their pecuniary and other interests in accordance with the Constitution (Disclosures by Members) Regulation 1983. The scheme has been a key mechanism to address any potential conflict of interest between a Member’s public and private interests. The pecuniary interests to be disclosed include:

- Real property;
- Sources of income;
- Gifts;
- Contributions to travel;
- Interests and positions in corporations;
- Positions in trade unions and professional or business associations;
- Debts; and
- Dispositions of property.

The scheme was amended in 2007 to broaden the categories of pecuniary interests to be disclosed by Members. Members must now disclose information about any service they provide to a person or, to that person’s clients, that involves the use of the Member’s Parliamentary position if the Member is receiving payment for this service.

In addition to the new category of interests the scheme was amended in 2006 to require Members to submit disclosure forms twice a year instead of annually. The requirements are now as follows:

- Clause 4 of the Regulation prescribes that a person who becomes a Member (not being a re-elected Member), must within 3 months after the date on which the Member takes the pledge of loyalty required under section 12 of the Constitution Act 1902, lodge a primary return with the Clerk.
- Members are also required to lodge an annual “Ordinary Return”, and “Supplementary Ordinary Returns” within time-frames set by the
Regulation. In the usual case these returns are required to be lodged by 1 October and 31 March respectively each year.

- Provision is also made for discretionary returns, if a Member so wishes.

To view full details of the scheme, and the forms for disclosing pecuniary and other interests on the intranet click here.

The table below is a general summary of the various returns. It is a guideline only and Members should refer to the Constitution (Disclosures by Members) Regulation 1983 for detailed information on the legislative requirements.

<table>
<thead>
<tr>
<th>Type of return</th>
<th>Due date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Return (New Members) [Form 1]</td>
<td>Within 3 months of taking the pledge of loyalty. (Clause 4 of Regulation)</td>
</tr>
<tr>
<td>Ordinary Return (All Members) [Form 2]</td>
<td>Before 1 Oct the previous financial year (clause 6 of Regulation)</td>
</tr>
<tr>
<td>Supplementary Ordinary Return (All Members) [Form 3]</td>
<td>On or before 31 March each year period 1 July to 31 December (clause 6A Regulation)</td>
</tr>
<tr>
<td>Discretionary Return (All Members) [Form 4]</td>
<td>At any time the Member wishes to make a disclosure (clause 6B Regulation)</td>
</tr>
</tbody>
</table>

Copies of the Register or forms for the lodgement of returns are available from the Clerk phone (02) 9230 2222, or online from the Parliament’s intranet.

The Constitution Act, section 14A(2), provides that if a Member of the Legislative Assembly wilfully contravenes any regulation made under the Act, the House may declare the Member’s seat vacant “and the seat of the Member shall thereupon become vacant”.

If in doubt about any part of their disclosure, Members are strongly advised to seek their own independent advice.

1.8. Other Accountability Mechanisms

There are a variety of other accountability mechanisms that Members need to be familiar with:

- Standing Orders;
- The Independent Commission Against Corruption; and
- Use of entitlements and subsequent audits undertaken of Members’ entitlements.

1.9. Additional Advice

Members and their staff should take the time to familiarise themselves with the Code of Conduct and the other accountability mechanisms.

Where a Member or the Member’s staff is uncertain about the best decision to make in a given set of circumstances, two options present themselves:

- Discuss the matter with the Speaker, the Hon Richard Torbay MP, the Clerk, Russell Grove or the senior officers of the Department of the Legislative Assembly; or
- Contact the Parliamentary Ethics Adviser
1.10. Allowances and Entitlements

To support Members’ Parliamentary activities, a complex set of allowances and entitlements is provided. A guide to these allowances and entitlements is published by the Department of Parliamentary Services.

Members are held strictly accountable for their use of allowances and entitlements (audits are conducted in this regard), and the issue is sufficiently important that it is addressed in the Members’ Code of Conduct.

Under the Code of Conduct adopted by the House, “Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.”

Failure to use public resources in accordance with the guidelines detailed in the Members’ Handbook amounts to a breach of the Members’ Code of Conduct which may, in turn, amount to corrupt conduct under the ICAC Act, even if the conduct is not otherwise illegal.

1.11. Further information

Where Members or their staff are still uncertain about the actions that they should take in a particular situation, the senior officers of the Department of the Legislative Assembly are always available to help with advice.

In the first instance, contact should be made with the Clerk, Russell Grove on phone (02) 9230 2222.

All detailed financial and entitlement enquiries (ask for Kim Smith or Stuart Lowe respectively) should be directed to the Department of Parliamentary Services, phone (02) 9230 3041.
Chapter 2: The Parliamentary Administration

2.1. Structure and Management

There are three Departments that make up the Parliamentary Administration:

- The Department of the Legislative Assembly
- The Department of the Legislative Council
- The Department of Parliamentary Services

2.1.1. Management of the Parliament

The operations of Parliament are managed by the Chief Executive Officer of each Department:

- The Clerk of the Legislative Assembly, Russell Grove
- The Clerk of the Parliaments (Clerk of the Legislative Council), Lynn Lovelock
- The Executive Manager, Parliamentary Services

The Chief Executive Officers are the principal advisers to the Presiding Officers on all matters pertaining to the administration of the Parliament.

Each Department provides advice, facilities and services to support the business of the Parliament and to assist Members in the discharge of their duties. The House Departments provide these services to their respective Members. The Department of Parliamentary Services provides these services to all Members and staff members across the Parliament.

2.1.2. Department of the Legislative Assembly

The Department of the Legislative Assembly consists of the officers and employees appointed by the Speaker to serve in the Legislative Assembly.

The Department is divided into four administrative units:

- Office of the Speaker
- Office of the Clerk
- Procedure & Chamber and Support Services
- Committees

The principal role of the Department of the Legislative Assembly is to provide procedural research and support services to assist Members of the Legislative Assembly in performing their parliamentary duties. The Department is also responsible for the management of 95 Legislative Assembly Members' electorate offices and electorate office staff throughout the State. Clients of the Department include the Speaker, Deputy Speaker and Assistant Speakers, Members and Members' staff, Ministers and Ministers' staff, the Office of the Governor, stakeholders in committee inquiries, and various government agencies.
Services include:

- advice and research to Members, staff and the public on parliamentary procedure;
- administrative and procedural support to the House and its committees, including supply of Bills, Acts, reports and regulations;
- preparation of papers and records of the House (i.e. the Votes and Proceedings, the Business Paper, Questions and Answers Paper);
- publication of the records of the House and its committees;
- provision of information on the activities of the House, the Parliament and committees to Government departments/agencies, community and special interest groups and the general public; and
- Management of 95 electorate offices and associated staff located throughout the State.

2.1.3. Department of Parliamentary Services

The Department of Parliamentary Services consists of staff appointed jointly by the Speaker and the President.

The role of the Department of Parliamentary Services is to provide administrative and business support services and resources to the Presiding Officers, Members, employees and visitors to the Parliament in the areas of:

- Building: looking after accommodation, and repairs to and maintenance of Parliament House and its annex buildings;
- Security: ensuring the security of Members and staff while on parliamentary premises, and of parliamentary buildings, property and assets through a contract arrangement with NSW Police Service;
- Car Parking: providing parking areas for Members, staff and visitors;
- Catering: providing food and beverage services, including the Members’ dining room and bars; café; function catering and room service;
- Finance: providing financial and management accounting services, including Members and staff payroll;
- Printing – provision of in-house printing services.
- Gardens: caring for the gardens and the grounds of Parliament House through a contract with the Botanic Gardens;
- Reporting Services: providing reporting, editing and publishing services for the Parliament;
- Organisational Development: providing advice to management and staff in all areas of human resources;
- Information Management: providing information technology support to the Parliament, and information resources to the Parliament, staff and Members’ research staff; and the provision of library and archives;
- Telecommunications: providing telephone switchboard and paging services; and
- Education: providing parliamentary education advice and services.
- Administration of Members’ entitlements
2.1.4. Finance and Members’ Services

Finance and Members’ Services is comprised of two business units.

Finance is responsible for the provision of financial, accounting, budgeting and payroll services for the whole of the Parliament.

Members’ Services is responsible for the administration and processing of Members’ entitlements.

The Manager, Members’ Services oversees the operation of two teams, Members’ Entitlements and Members’ Advice, and leads the provision of expertise and guidance in the interpretation of the Parliamentary Remuneration Tribunal (PRT) determinations and rulings, and other policies and legislation, to support Members in the accurate and appropriate utilisation of entitlements.

The Members’ Entitlements team is responsible for processing entitlements for Members and former Members. Team members identify anomalies and respond to enquiries from Members regarding the claims process. Team members submit claims to Financial Services for reimbursement.

The Members’ Advice team provides expertise and advice to Members in relation to their entitlements. Members are able to draw on the expertise of Members’ Advice team members when self-assessing the legitimacy, accuracy and legislative compliance of claims.

Members’ Services supports Members by developing and reviewing policy in response to changes in legislation and entitlements, and to improve services. Staff deliver education and training programs to Members and their staff to facilitate and promote proper use and access to Members’ entitlements.

Members’ Services is also responsible for producing the Members’ Entitlements Handbook which details the diverse allowances and entitlements provided to all Members and assists Members in the correct use of these entitlements and allowances. This also includes information about the Members’ staff.
Chapter 3: Services Provided by the Department of the Legislative Assembly

3.1. Background Information

The staff of the Department of the Legislative Assembly provide core services to the Legislative Assembly; that is, they support the activities that take place in the Chamber and in parliamentary committees, and they support Members in their electorate offices.

A directory of the services provided by the Department, listing the responsible Assembly officer, is located at the end of this chapter and is published separately on the intranet.

In order to carry out these services the Speaker is the employer of approximately 60 staff located at Parliament House and approximately 210 staff, supplemented by additional temporary staff and relief staff, located in 95 electorate offices around the State.

The Legislative Assembly is responsible for the provision of certain services directly to its Members and its staff. Examples of such services are procedural and parliamentary committee services and electorate office fit out, maintenance and repairs services.

Certain services are provided to Legislative Assembly Members and staff directly by the DPS, such as finance and Parliamentary entitlement services, for which DPS is wholly accountable.

However, the Legislative Assembly is accountable for the provision of some services to Members and electorate offices that are provided through DPS, such as security in electorate offices and human resources services.

The Department of the Legislative Assembly comprises 4 offices – the Office of the Speaker, the Office of the Clerk, Committees, and Procedure & Chamber and Support Services.
3.1.1. Organisation chart of the Department of the Legislative Assembly

Legislative Assembly August 2010

Speaker of the Legislative Assembly

Executive Officer
- Project Officer

Private Secretary
- Liaison Officer
- Personal Assistant

Clerk of the Legislative Assembly

Executive Officer

Administration Officer

Members' Staff
- Electorate Offices
  - Office Holders
    - Electorate officer Grade 2 95
    - Electorate officer Grade 1 95
    - Research Assistant Independents 6
    - Assistant to Office Holders 4.5

Office of the Clerk
- Deputy Clerk

PO Research and Procedure
- Principal Policy and Projects Officer

Government Officers
- PO Projects

Electorate Offices Support
- PO Property Services
- PO Leasing Services
- PO Property Assistants x 2
- PO Assets and Liaison
- Members' Clerical Support Officer
- PO Records
- Records and Admin Assistant

Committees
- Clerk Assistant
  - Committee Manager 6
  - Senior Committee Officer 6
  - Committee Officer 5
  - Assistant Committee Officer 5
  - Research Officer 5
  - Administrative Support 1

Procedure & Chamber and Support Services
- Clerk Assistant and Serjeant-at-Arms
- PO Table and Bills
  - Procedure Officer Papers
  - Procedure Officer Votes
  - Procedure Officer Documents
  - Procedure Support
  - PO Admin Support Sessional
  - Deputy Serjeant-at-Arms

Chamber and Support
- Supervisor Chamber and Support
  - Chamber and Tours
    - Chamber and Tours
  - Mail Room 3
  - Chamber and Support 3
  - Tours and Education
3.2. Office of the Clerk

The Office of the Clerk is responsible for providing leadership in all aspects of the operation of the Department.

The Clerk (Russell Grove) is the principal adviser to the Speaker on all matters relating to the operation of the Chamber and in relation to the administration of the Department of the Legislative Assembly and of the Parliament as a whole. The Clerk's Executive Officer (Manuela Sudic), the Deputy Clerk (Mark Swinson), the Parliamentary Officer – Research and Projects (Stephanie Hesford), the Parliamentary Officer – Projects (Rohan Tyler) and the Parliamentary Officer – Policy and Projects (Todd Buttsworth) support the Clerk.

The Clerk, together with the Clerk of the Parliaments (Legislative Council), (Lynn Lovelock) and the Executive Manager - Parliamentary Services are the Chief Executive Officers of the Parliament and advise the Presiding Officers on all matters pertaining to the administration of the Parliament.

The Clerk and the Deputy Clerk are located on Level 8 in the Speaker's Wing.

Clerk of the Legislative Assembly
Room S850
Phone (02) 9230 2222
Russell.Grove@parliament.nsw.gov.au

Deputy Clerk
Room S851
Phone (02) 9230 2223
Mark.Swinson@parliament.nsw.gov.au

3.2.1. House operations

The Office of the Clerk has overall responsibility for ensuring that the services provided by the Department in respect of the operations of the House are satisfactorily carried out.

This requires, amongst other matters, that the House has available the services of an experienced Clerk-at-the-Table and that the best quality advice and documentation is available at all times.

The Clerk and the Deputy Clerk are the principal advisers to the Standing Orders and Procedure Committee.

Stephanie Hesford is responsible for the maintenance of the Department’s procedural database and library and carries out procedure-related research tasks and special projects, assisted by Rohan Tyler who, together with Todd Buttsworth carry out public relations duties.

The Office of the Clerk is responsible for the Register of Members’ Pecuniary Interests.

The Clerk is the Honorary Secretary of the NSW Branch of the Commonwealth Parliamentary Association.

3.2.2. Corporate management

Elaine Schofield provides advice on corporate and management matters to all Assembly managers and acts as the conduit through which services, such as human resources and OHS, are provided by DPS to Legislative Assembly staff, including electorate offices.
3.2.3. Electorate Offices Support

Electorate Offices Support provides advice and administrative services in relation to Members’ custodial assets, electorate office fit-outs, furniture and equipment and leases, and acts as the conduit through which services provided to electorate offices, including services provided by DPS such as security and IT services.

The unit is managed by Elaine Schofield.

3.2.3.1. Leasing, fit out and electorate offices maintenance

David Auert is responsible for initially arranging the term of electorate office leases and the co-ordination of fit-outs, phone (02) 9230 2907, fax (02) 9230 3409.

Frank Danek manages the technical requirements for the execution of electorate offices, phone (02) 9230 3503, fax (02) 9230 3409.

Ian Clissold and Natasha Zammit arrange all equipment repairs and office maintenance in electorate offices and maintain contact with offices on a regular basis, phone (02) 9230 2050, fax (02) 9230 3409.

3.2.3.2. Asset management and liaison program

Keith Ferguson, phone (02) 9230 2197, manages the life cycle of the Legislative Assembly’s custodial assets within:

- Electorate offices (including furniture);
- Members’ Parliament House offices; and
- Members’ homes.

Mr Ferguson also undertakes an annual program of visits to electorate offices to carry out a physical stocktake and discuss any OHS, training or equipment concerns. This service is backed up by a program of regular phone calls to electorate offices.

3.3. Procedure & Chamber and Support Services

Procedure & Chamber and Support Services is located in two areas.

The Procedure Office on Level 8 and is managed by the Clerk-Assistant (Procedure) and Serjeant-at-Arms, Ronda Miller, phone (02) 9230 2225, fax (02) 9230 2828, who is located in Room S852 in the Speaker’s Wing.

Chamber and Support staff are managed by the Deputy Serjeant-at-Arms – Greg Kelly, who is located in Room 742B, phone (02) 9230 2277, fax (02) 9230 3460. Chamber and Support Services staff are located either at the Vestibule Front Desk or in the Mail Room.

3.3.1. Procedure Office

The Procedure Office supports the sittings of the House and produces the papers and records of the House (i.e. the Votes and Proceedings, the Business Paper, the Questions and Answers Paper).

The Office supplies Members with copies of bills and Acts and copies of annual reports and other tabled papers.

The Office is able to assist Members. Members’ staff and the public who have queries about Parliamentary procedure, bills and Acts or any general matter concerning Parliamentary operations.

This Office also takes bookings for meeting rooms in Parliament House and is a sales point for Commonwealth Parliamentary Association ties and other small official gifts.
3.3.1.1. Bills, acts, regulations and reports

Members can obtain hard copies of Acts and bills from the Procedure Office on Level 8, Room 867.

Bills are only available after the Minister has introduced them in the House, not at the prior stage of the Minister giving notice of motion of intention to introduce the bill.

Regulations can be ordered through the Stationery Store on Level 6 or obtained from the NSW Legislation website www.legislation.nsw.gov.au.

The Parliament’s website and intranet will usually contain the text of bills within one hour of the Minister’s Agreement in Principle speech in the Chamber.

Acts and Regulations may be viewed and printed from the NSW Legislation website.

An increasing number of Government Departments are placing their annual reports on their department website. To locate annual reports for NSW Government departments, visit the NSW Government website www.nsw.gov.au. The Legislative Assembly Tabled Papers Database can be accessed through the intranet.

3.3.1.2. Petitions and written questions

The Clerks-at-the-Table and the Procedure Office receive all petitions and written questions for checking and publication.

Petitions:

- Must be lodged with the Procedure Office by 12:00 noon on the day they are to be reported to the House;
- Be signed by the Member; and
- Comply with Standing Orders 121 and 122.

For samples of petition wording that conform to the standing orders, contact the Procedure Office, or click here.

Ronda Miller is available to advise Members, their staff or the public on the acceptability of any draft petition - phone (02) 9230 2225.

A hard copy of all written questions must be lodged with the Procedure Office or a Clerk-at-the-Table by 12:00 noon for publication in the next sitting day’s Questions and Answers Paper.

Members are encouraged to send an email version of their question to joe.bardetta@parliament.nsw.gov.au, who prepares the Questions and Answers Paper.

Ministers must submit answers by 12:00 noon on the due date that is specified in each Questions and Answers Paper.

3.3.1.3. Room and theatrette bookings

Parliament House has several meeting rooms and exhibition facilities that may be booked by:

- Members of the NSW Parliament;
- NSW Parliamentary Committees;
- Senior staff of the Parliament;
- Members or committees of other Australian Parliaments (on non-sitting days only);
- Other approved Parliamentary organisations; and
- NSW Government Departments and statutory bodies.
The following rooms may be booked through the Procedure Office:

<table>
<thead>
<tr>
<th>Room Name</th>
<th>Maximum Capacity</th>
</tr>
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<tbody>
<tr>
<td>Theatrette</td>
<td>175 persons</td>
</tr>
<tr>
<td>Jubilee Room</td>
<td>100 persons</td>
</tr>
<tr>
<td>Committee Room 814/815</td>
<td>100 persons</td>
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<tr>
<td>Parkes Room</td>
<td>50 persons</td>
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<tr>
<td>Waratah Room</td>
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<tr>
<td>Room 1043</td>
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<tr>
<td>Room 1136</td>
<td>30 persons</td>
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<td>Room 1153</td>
<td>30 persons</td>
</tr>
<tr>
<td>Room 1254</td>
<td>30 persons</td>
</tr>
<tr>
<td>Fountain Court</td>
<td>(application to the Presiding Officers)</td>
</tr>
<tr>
<td>Exhibition space</td>
<td>(application to the Presiding Officers)</td>
</tr>
</tbody>
</table>

To obtain an information leaflet on the Parliament’s room booking policy contact the Procedure Office or click here.

To make a booking contact (02) 9230 2616.

3.3.1.4. Party rooms

To book the Party Rooms, contact the relevant party Whip as follows:

- Government Whip, phone (02) 9230 2217;
- Opposition Whip, phone 69 21 1622; and
- The Nationals’ Whip, phone (02) 9230 2059.

3.3.1.5. Booking times

**Non-sitting days**

Monday to Friday, between 8:30 am and 6:00 pm.

**Sitting days**

Monday to Friday, between 8:30 am and the rising of the House.

The facilities are not available outside these times without the Presiding Officers’ approval.

Additional charges apply for functions running after 6:00 pm on non-sitting days. Members wishing to use facilities after hours should contact Greg Kelly on (02) 9230 2277 for details and bookings.

3.3.1.6. Theatrette

All theatrette bookings require written approval by the Presiding Officers.

3.3.1.7. Fountain Court Exhibition Area

Bookings for the Fountain Court Exhibition area should be submitted to Senior Council Officer, Kate Cadell on (02) 9230 2949.

3.3.1.8. Use of facilities by outside organisations

Outside organisations may use the facilities if a Member, who should be in attendance throughout the function, sponsors the function. Information on room bookings can be found on the Parliament’s intranet.
3.3.1.9. Catering, room set up and special equipment arrangements

Catering – contact the Manager, Parliamentary Catering, Philip Freeman on (02) 9230 2336.

Room set up and equipment – contact Procedure & Chamber and Support Services on (02) 9230 2637.

3.3.2. Chamber and Support Services

Greg Kelly is responsible for a number of services provided by Chamber and Support Services including:

- The security of Legislative Assembly areas;
- Assisting the co-ordination of Assembly emergency procedures;
- The delivery of group and educational tours of the Chamber areas;
- The facilitation of meeting room bookings;
- Providing support for official visits and theatrette operations;
- The implementation of policies relating to the televising and broadcasting of Assembly proceedings;
- The Parliament’s internal mail delivery services;
- Requests to film and photograph in the building;
- Members’ official photographs; and
- The co-ordination of bookings for the Parliamentary Theatrette.

Mr Kelly is the contact for all major functions and other events hosted by Assembly Members.

Staff assist the operation of the Chamber providing security and offering assistance to Members and Chamber Officers by delivering messages, coordinating tours on behalf of the Assembly and taking bookings for schools and groups to visit the Parliament.

Another function is ensuring the reception, security and functionality of the Assembly Lobby area through handling public enquiries, directing and escorting Members’ guests, receiving and delivering messages, assisting with tour services and security arrangements.

Other duties include the operation of theatrette equipment, assistance with the set up of committee meeting rooms booked by Assembly Members, impromptu and personal tours, and the organisation of gallery seating arrangements on sitting days.

3.3.2.1. Mail services

All mail services within Parliament House are coordinated by Procedure & Chamber and Support Services. The contact number for the mailroom is (02) 9230 2637.

This area administers the internal mail delivery function within the building for Members and all staff and processes bulk mail including Hansard and newspapers. The office also coordinates mail deliveries through a contract mail delivery service CM Solutions, a subsidiary of Toll Priority (formerly the State Mail Service) to electorate offices.

An Australia Post Office is available on Level 7 adjacent to the Fountain Court.
3.3.2.2. Mail on a sitting day

Incoming mail received at Parliament House each sitting day is distributed to Members’ Parliament House offices daily unless directed otherwise.

Members who require such mail to be forwarded to the electorate office during sitting periods should provide written notification to the Deputy Serjeant-at-Arms.

If Members are expecting mail of an urgent nature during sittings, they or their electorate staff should advise Greg Kelly so that individual arrangements may be made for the delivery.

3.3.2.3. Mail on a non-sitting day

Incoming mail addressed to Members and received at Parliament House during non-sitting weeks is collected and forwarded to Members’ electorate offices via CM Solutions weekly.

3.3.2.4. Mail addressed to Ministers

Mail addressed to Ministers at Parliament House is delivered daily through CM Solutions to ministerial offices. Members may avail themselves of this service when at Parliament House.

3.3.2.5. Outgoing mail

It should be noted that mail between electorate offices and ministerial offices should be directed to the ministerial address and not to Parliament House.

Stamped mail may be left for posting in the trays located in the lift lobby attendant station on each level of the building. These trays are regularly cleared and officers arrange posting at the Level 7 Post Office.

3.3.2.6. Contract mail delivery service

CM Solutions operates a contract mail delivery service for the Parliament and may be used for the delivery of mail and parcels to and from Parliament House, to electorate offices and to government departments and statutory bodies.

Mail to addresses of private companies, businesses and constituents, should not be posted through this service.

Members wishing to use the contract mail service are required to complete a distribution slip which is to be included with the mail. Distribution slips are available from the Legislative Assembly Front Desk on Level 7.

Use of this service attracts a charge that is deducted from the Member’s LSA.

3.3.2.7. Visitor and school group tours

Tours of the public areas of Parliament House by parties of school students, constituents or other interested groups should be arranged through Procedure & Chamber and Support Services by phone (02) 9230 3444 or (02) 9230 2637. Members may apply for up to 4 passes for their visitors to be seated in the Speaker’s Gallery on any sitting day.

Mr Tuziak the Tour and Education Officer co-ordinates visits for students.

It is important for the teacher accompanying the group to make the booking because the information provided during a school tour is tailored towards the primary, secondary and tertiary curriculum requirements so that student and class needs are met.

Tours are tailored for a maximum of 60 students from the same year group. School tours are very popular and frequently booked out so it is necessary for schools to book well in advance.

If Members are available to meet with constituent student groups and assist by providing a brief explanation of the role as a Member, they are always welcome.
and greatly appreciated. Time constraints of Parliament House tours typically permit Members five minutes to present to school groups.

Feedback from schools has indicated a positive response from students through a Member’s attendance and availability to answer questions following the presentation by the tour officer.

Schools should arrive at Parliament House 10 minutes prior to the scheduled tour time.

3.3.2.8. Student certificates

Individual certificates are provided for schools to issue to their students visiting the Assembly in a school group if prior arrangements are made.

To allow the issue of the certificates it is necessary for the coordinator of the school group, prior to the visit, to provide a typed list of the names of those attending.

The are two types of certificates:

- Under the signature of the Speaker on behalf of the Assembly. This certificate is issued to schools requesting certificates where the local Member is unable to attend the group.
- Under the signature of the Speaker and the local Member on behalf of the Assembly. This certificate is issued to schools requesting certificates only where the local Member has met or spoken with the group during their visit to the Assembly.

In such instances it is necessary for the local Member to indicate as early as possible prior to the visit the member’s proposed attendance by contacting Mr Tuziak.

It is also requested that the Member make sufficient time available to permit the signing of the certificates prior to issue.

3.3.2.9. Schools on-line booking service

Members should be aware that an online booking service is available from the Parliament’s website, whereby schools are able to check available times and make an indicative booking that is followed up by Parliamentary staff.

To access the online booking service click here.

3.3.2.10. Tours

Groups should arrive approximately 5 minutes prior to the scheduled time.

*Non-sitting days*

Tours commence at 9:30 am, 11:00 am, 12:30 pm, 2:00 pm, and 3:00 pm and are approximately 90 minutes in duration (45 minutes in each Chamber). Bookings are essential.

*Sitting days*

On Tuesdays on which the House sits, tours are provided at 9:30 and 11:00 am.

On sitting days other than Tuesdays, tours are not available as the House usually commences at 10:00 am, however, groups may view the Chamber in operation from that time. Bookings are essential.

3.3.2.11. Question Time

Question Time is popular with visitors and commences shortly after 2:15 pm each day in the Assembly. However, due to limited gallery space the maximum group number that can be booked for a sitting day is 60 persons. Exceptions will be made only by prior arrangement.
Limited wheelchair access is available for viewing the Legislative Assembly. To ensure access prior arrangement must be made with Greg Kelly, phone (02) 9230 2277.

3.4. Committees

Legislative Assembly Committees are managed by the Clerk-Assistant (Committees), Leslie Gönye, who is located in the Speaker's Wing, Room S853, phone (02) 9230 2224, fax (02) 9230 3091.

The secretariats for committees administered by the Legislative Assembly provide research and administrative support to the committees, and are located outside Parliament House at:

- Level 20
- 1 Castlereagh Street,
- Sydney NSW 2000 (at the corner of Hunter Street).

For more information refer to Chapter 5.

Due to security measures, Members wishing to call on staff in Castlereagh Street should telephone first to arrange access.
### 3.5 Directory of Services Provided by the Legislative Assembly

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<th>SERVICE</th>
<th>RESPONSIBLE OFFICER</th>
<th>PH EXTENSION</th>
</tr>
</thead>
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<td>Assets - Custodial</td>
<td>Keith Ferguson</td>
<td>2197</td>
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<tr>
<td>Bills, Acts, Regulations, Reports</td>
<td>Procedure Office</td>
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<tr>
<td>Corporate Policies</td>
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<tr>
<td>- Alarms (Monitoring &amp; Maintenance)</td>
<td>Dean Fechner</td>
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<td>- Cleaning</td>
<td>Ian Clissold</td>
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<td>- Dictaphones</td>
<td>Ian Clissold</td>
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<tr>
<td>- Facsimile Machines</td>
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<tr>
<td>- Fire Extinguishers</td>
<td>Ian Clissold</td>
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<td>- First Aid Kits</td>
<td>Ian Clissold</td>
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<td>- Fit-out</td>
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<td>Keith Ferguson</td>
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<td>- Leases</td>
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<td>- Keys</td>
<td>David Auert</td>
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<td>- Photocopiers</td>
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<td>- Paper Shredders</td>
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<td>- Recycling Services</td>
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<td>- Rents</td>
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<td>- Repairs &amp; Maintenance</td>
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<tr>
<td>- Security</td>
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<td>- Telephones</td>
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<td>Emergencies</td>
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<td>Greg Kelly</td>
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<td>Facsimile Machines</td>
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<td>– Members’ Homes</td>
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<td>Functions</td>
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<td>– Liaison</td>
<td>Greg Kelly</td>
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<td>House Papers</td>
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<td>– Votes and Proceedings</td>
<td>John Hatfield</td>
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<td>– Notices of Motions</td>
<td>Rebecca Cartwright</td>
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<tr>
<td>– Questions &amp; Answers</td>
<td>Jeff Page / Joe Bardetta</td>
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<td>Mail</td>
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<td>– Parliament House</td>
<td>Terry Parker</td>
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<td>– State Mail Service</td>
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<td>– Deliveries</td>
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<td>Greg Kelly</td>
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<td>Parliamentary Ethics Adviser</td>
<td>Ian Dickson</td>
<td>(02) 4739 4308</td>
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<td>Work Experience Applications</td>
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Chapter 4: Parliamentary Procedure – Chamber

The following material provides a broad overview of Legislative Assembly procedures. More detailed information is available in Grove R (ed) New South Wales Legislation Assembly Procedure, Procedure and Privilege (2007) – referred to as Practice, Procedure and Privilege.

4.1 Standing and Sessional Orders

4.1.1 Standing Orders and Sessional Orders are the rules that govern the proceedings in the House

Section 15 of the Constitution Act 1902 provides for the Legislative Assembly to prepare and adopt standing rules and orders regulating its conduct, procedures and mode of communication with the Legislative Council. Such standing rules and orders are approved by the Governor and once approved become binding and are the main rules by which the House operates.

Sessional orders are temporary rules that vary the existing rules or introduce new procedures. Sessional orders are resolutions of the House and do not require the Governor’s approval. However, sessional orders are only valid for the session of Parliament for which they have been adopted.

For further information see Chapter 28 of Practice, Procedure and Privilege.

4.1.2 Standing Orders and Sessional Orders can be suspended

If Members wish to do something not provided in, or contrary to, the standing and sessional orders, they may move a motion to suspend them to allow for the procedure (SO 365).

Under the standing orders, Ministers are able to move for the suspension of standing and sessional orders at any time without leave “to deal with any item or items of business before the House”. All other Members must seek the leave of the House to suspend standing and sessional orders.

For further information see section 28.1 of Practice, Procedure and Privilege.

4.1.3 Seeking leave

Leave is required to do something that is different to that provided in the standing orders such as tabling papers outside of the time provided in the routine of business. When the leave of the House is required it must be granted without dissent and the request cannot be debated (SO 96).

At other times Members must seek the leave of the Speaker. The leave of the Speaker is required for a Member to:

- Make a personal explanation;
- Speak from the Member’s seat; and
- Incorporate material in Hansard.

For further information see section 11.10 of Practice, Procedure and Privilege.

4.1.4 Rulings of the Chair and Speaker’s Guidelines
Rulings made by occupants of the Chair (the Speaker, Deputy Speaker, Assistant Speaker, or Temporary Speakers) assist in the interpretation of standing orders. Whilst such rulings do not have the same authority as standing orders they often fill the gaps in the standing orders and can only be challenged through a motion of dissent in the ruling.

To access the rulings of the Chair on the intranet click here.

The Speaker has authority under SO 9 to issue guidelines in relation to matters not provided for in the Standing Orders.

4.2 Chamber Seating and Galleries

- The Speaker
- Clerk / Chair in consideration in detail
- Deputy Clerk
- Table Officer
- The Premier
- Leader of the Opposition
- Deputy Sergeant-at-Arms
- The Mace
4.2.1. Seating in the Chamber

The seating in the Legislative Assembly is in a horseshoe arrangement. Members from the Government sit on the Speaker’s right and Opposition Members on the left. The front benches are reserved for Ministers and shadow Ministers respectively. Independent Members currently occupy the second back row of the Opposition benches. There are no allocated seats for other Members and it is a matter for the party whips as to where Members should be seated.

4.2.2. Galleries

There are a number of galleries located around the chamber. The Speaker has ultimate control over all the galleries. However, other than allocating passes to the Speaker’s Gallery this control is delegated to the Serjeant-at-Arms, Ronda Miller and the Deputy Serjeant-at-Arms, Greg Kelly.

4.2.3. Public Gallery

The Public Gallery is located on the second level at the back of the Chamber. Members of the public are able to queue for seats. Tour groups including schools, which can be booked in advance, are seated in this area.

4.2.4. Speaker’s Gallery

The Speaker’s Gallery is located on the first level at the back of the Chamber. This gallery is reserved for guests of the Speaker, guests of Members and visiting delegations from other Parliaments.

All Members are able to admit two visitors to the galleries, which in practice, is to the Speaker’s Gallery (SO 257), or more if space is available. Members should inquire with Greg Kelly.

4.2.5. Press Gallery

The Press Gallery is located on the first level behind the Speaker’s Chair. The standing orders provide for the press to be admitted to the Press Gallery, which is under the control of the Speaker. Media representatives must comply with any conditions or directions determined by the Speaker (SO 263).

The media are not permitted to take photos from the press gallery but accredited Members of the Parliamentary Press Gallery can do so from the Public Gallery or the Speaker’s Gallery with permission from the Speaker.

The media are not able to use any visual or audio recording device within the Chamber or the precincts of the House. An independent operator films the proceedings each day the Assembly sits and this footage is passed on to the media networks which, under an agreement, share the cost for the provision of the footage.

4.2.6. Hansard Gallery

The Hansard Gallery is located on the first level behind the Opposition benches. In the event that the Speaker orders the galleries to be cleared (in the event of disorder) the Parliamentary Reporting Staff are not required to leave their gallery unless specifically directed by the Speaker to do so (SO 259).

4.2.7. Northern Gallery

Previously known as the “Ladies Gallery”, this gallery is above the Government benches and is rarely used because it does not provide a good view of the Chamber. This gallery has wheelchair space available.
4.2.8 Area behind the Speaker’s Chair

Visitors can only be admitted to the area behind the Speaker’s Chair with the permission of the Speaker. Government and Opposition advisers occupy this area during Question Time. Occasionally disabled visitors who are unable to access the public galleries, also use this area.

4.2.9 Disturbances in the galleries

Under the standing orders, the Speaker is empowered to order the removal from the precincts of the House any person (not being a Member) who is disturbing the proceedings in the Chamber, including visitors in the public galleries (SO 260). Greg Kelly and the Chamber Staff are responsible for removing such persons.

The Speaker may order the Public Gallery to be cleared in instances where visitors who have interrupted proceedings refuse to leave after being ordered to do so. The Speaker has also cleared the gallery following persistent interruptions from visitors.

Visitors may be removed for behaviour such as interrupting proceedings, refusing to be seated and for displaying signs. Any persons displaying posters or signs, or wearing clothing that makes a political comment are considered to be protesting and are not permitted onto the Parliamentary Precincts until such items have been removed.

The public are not permitted to take photographs of the Legislative Assembly whilst it is in session. On occasions where a person has used a camera whilst the House is sitting that person has been removed.

4.3. Records of the House

4.3.1 What documents are available about the parliamentary proceedings?

Following is a short description of a number of documents relating to proceedings of the Parliament. Except where noted, a proof issue of each of these documents is published on the Parliament's intranet and website www.parliament.nsw.gov.au under the “Hansard & Papers” section as soon as possible after the rising of the House. Hard copies of some of these publications are also accessible through the State Library, university libraries and various other libraries and organisations.

4.3.2 Votes and Proceedings

The Votes and Proceedings is the official record of the proceedings in the Legislative Assembly. They are the “minutes of proceedings” of the House, i.e. they record the resolutions of the House and other events, as opposed to a transcript of proceedings. The Votes include a record of the proceedings of the Consideration in Detail stage, which can also be found in Hansard.

4.3.3 Business Paper

The Legislative Assembly “Business Paper”. The Business Paper shows all pending business, both government and general (non-government) that is before the House and is usually divided into the following sections:

- Government Business – Notices of Motions;
- Government Business – Orders of the Day;
- General Business – Notices of Motions (for Bills);
- General Business – Orders of the Day (for Bills);
- General Business – Orders of the Day (General Orders);
- General Business – Notices of Motions (General Notices);
- Orders of the Day (Committee Reports); and
- Petitions requiring ministerial response.

Other categories of business that may be listed on the Business Paper from time to time include:

- General Business – Mover’s interrupted agreement in principle speech; and
- Business with precedence (SO 118) e.g. no confidence and censorships and disallowance of statutory rules.

Items are listed according to the order in which they are notified to the House. Accordingly, new notices and orders appear at the end of the listing, unless they are given special precedence. Items marked † are bills forwarded from the Legislative Council, those marked * are accorded precedence and those marked P are postponed for that sitting day only. For information about what items will be dealt with by the House on any given day, refer to the Daily Programme.

4.3.4. Questions and Answers Paper

Questions which Members of the Legislative Assembly wish to put to Ministers on notice (i.e. written questions), together with the answers when they are received, are recorded in the official publication titled “Questions and Answers”. Members’ questions are published in full when the notice is given and once again when the answer is received. The Questions and Answers Paper is published each sitting day, and during any adjournment of the House for two weeks or more a paper is published from time to time containing answers received. In addition, a final edition (containing all the unanswered questions) is published after the House is prorogued.

4.3.5. Daily Programme

A daily programme is issued by the Government for each sitting day and provides a listing of the proposed items of business to be dealt with on that day. The programme is indicative only and items listed will not necessarily be dealt with in the order given. The programme for a general business day shows the general business that the House has agreed to deal with. The programme can be found on the intranet or the Parliament’s website under the “Today in Parliament” section.

4.3.6. Statutory Instruments Paper

This document is published by the Legislative Assembly Procedure Office for the information of Members on Tuesdays during sitting weeks and on the first Tuesday of each month when the House is not sitting. The document provides the title of the statutory instrument, gazettal details and information on the tabling date and last date for lodgement of a disallowance motion.

4.3.7. Hansard

Hansard is an edited record of everything said in both Houses of Parliament, similar to a transcript. A team of reporting staff and editors compile a draft version overnight, and it is available either later that night or in the morning following the sitting of the respective House.

Members may make suggestions for corrections to their speeches. For those speeches made on Tuesdays and Wednesdays suggested corrections must be submitted by 4:00 pm on Thursday and for speeches delivered on Thursday and Friday by 4:00 pm on the following Monday. The Editor of Debates, Judith Somogyi, considers the requested changes prior to publication of the corrected Hansard, which usually happens within 2 weeks.

Corrections to Hansard should only relate to inaccuracies and new matters cannot be introduced.
There is no provision for the Speaker to order a reference to be struck from the Parliamentary record or to alter the Hansard record. Should a Member wish to expunge (have some material removed) from Hansard a resolution of the House needs to be agreed to and the matter to be removed generally needs to be of an offensive nature.

Material may be incorporated in Hansard with the leave of the Speaker (SO 271). The types of material that have been incorporated in Hansard in the past includes agreement in principle speeches; letters; lists; schedules; sketch diagrams; statutory declarations; explanations of a bill; tables; agreements between Members; and additional or background information on a bill.

Speakers’ rulings have indicated that the following types of material will not be incorporated into Hansard: photographs; graphs; and petitions.

4.4. The Routine of Business

4.4.1. What happens on a typical sitting day?

The daily operations of each House are laid down in the standing orders. As a general rule, Tuesdays, Wednesdays, and Thursday mornings until 11:45 am, and Fridays after 10:30 am, are reserved for government business and Thursdays after 11:45 am and Friday from 10:00 am to 10:30 am for general business (also known as private Members’ business).

Following is the routine of business in the Legislative Assembly, as set down in the standing orders:

**Tuesdays**

1. At 1:00 pm (Speaker takes Chair).
3. At 2:15 pm (Speaker resumes Chair).
6. Notices of Motions to be Accorded Priority.
7. Question Time.
10. Committee Reports – tabling of drafts and notification of enquiries.
11. Petitions.
13. Placing or Disposal of Business.
14. Motion Accorded Priority.
16. At 4:30 pm Business before the House is interrupted for Government Business. Any interrupted business lapses except when the House is considering Business with Precedence which will stand as an order of the day for tomorrow.
17. At 7:00 pm Business before the House is interrupted for the Matter of Public Importance. Any interrupted item of Government Business shall stand as an order of the day for tomorrow. If at the time of interruption a division is in progress, that division shall be completed.
18. Adjournment at 7:30 pm or at the conclusion of the Matter of Public Importance if concluded before 7:30 pm.
**Wednesdays**

1. At 10:00 am (Speaker takes Chair).
2. General Business Notices of Motions.
3. Government Business concluding at 1:30 pm. Any interrupted item of Government Business shall stand as an order of the day for a later hour of the day. If at the time of interruption a division is in progress, that division shall be completed.
4. At 2:15 pm (Speaker resumes Chair).
5. Ministerial Statements.
6. Notices of Motions (Government Business, Bills, Business with precedence and notices to be the subject of a motion to re-order later in the sitting).
7. Notices of Motions to be Accorded Priority.
8. Question Time.
11. Committee Reports – tabling of drafts and notification of enquiries.
12. Petitions.
15. Placing or Disposal of Business.
16. Motion Accorded Priority.
18. At 4:30 pm Business before the House is interrupted for Government Business. Any interrupted business lapses except when the House is considering Business with Precedence which will stand as an order of the day for tomorrow.
19. At 5:45 pm Business before the House is interrupted for Private Members’ Statements. Any interrupted item of Government Business shall stand as an order of the day for tomorrow. If at the time of interruption a division is in progress, that division shall be completed.
20. At 7:00 pm Business before the House is interrupted for the Matter of Public Importance.
21. Adjournment at 7:30 pm or at the conclusion of the Matter of Public Importance if concluded before 7:30 pm.

**Thursdays**

1. At 10:00 am (Speaker takes Chair).
2. General Business Notices of Motions.
3. Government Business until 11:45 am. Any interrupted item of Government Business shall stand as an order of the day for tomorrow. If at the time of interruption a division is in progress, that division shall be completed.
4. General Business Notices of Motions or Orders of the Day (not being bills) concluding at 1:30 pm. Any interrupted item of business shall be set down as an Order of the Day for tomorrow with precedence of other General Business (not for Bills). If at the time of interruption a division is in progress that division, and any other division/s to determine the matter shall be completed.
5. At 2:15 pm (Speaker resumes Chair).
8. Notices of Motions to be Accorded Priority.
10. Ministerial Statements.
11. Papers.
12. Committee Reports – tabling of drafts and notification of enquiries.
13. Petitions.
14. Placing or Disposal of Business.
15. Motion Accorded Priority.
17. At 4:30 pm Business before the House is interrupted for General Business Orders of the Day for bills. Any interrupted business lapses except when the House is considering Business with Precedence which will stand as an order of the day for tomorrow.
18. At 5:30 pm Private Members’ Statements. Any interrupted business shall stand as an order of the day for a later time with precedence of other General Business Orders of the Day for Bills.
19. Adjournment at 6:30 pm or at the conclusion of Private Members’ Statements if before 6:30 pm.

4.4.2. Friday Sittings

SO 98 provides for Friday sittings.

On any Friday upon which the House sits, whether as a continuation of the sitting of the previous day or as a separate sitting day the following program will apply:

2. Notices for Motions (General Notices).
3. Petitions.
4. General Business Notices of Motions for Bills (concluding not later than 10:30 am).
5. At 10:30 am Government Business shall have precedence of all other business in the routine of business.
6. No quorums shall be called and any divisions called shall be deferred, set down as orders of the day for the next sitting day and determined after Question Time.
7. At 1:00 pm Business before the House is interrupted for consideration of committee reports presented or the next item of business shall be called. Any interrupted item of Government Business shall stand as an order of the day for tomorrow.
8. At 1:30 pm Private Members’ Statements, after which the House shall adjourn without motion until the next sitting day.

For further information see section 12.1 of Practice, Procedure and Privilege.

4.5. Rules of Debate

4.5.1. Speaking

A Member may only speak:

- On a matter being debated;
- When moving a motion;
- When moving an amendment;
- When making a point of order or privilege;
- To make a personal explanation; and
- To explain what they have said when misunderstood or misquoted (SO 61).
For further information see section 11.1.1 of Practice, Procedure and Privilege.

4.5.2. Seeking the “call”

Only one person may speak at a time. A Member wishing to speak will not be recognised by the Chair unless the Member rises and seeks the call. To do this a Member calls “Mr Speaker” or “Madam Speaker” as soon as the preceding speaker in the debate sits down. After being recognised, the Member may then speak at the Table or from their seat (SO 55 and 56).

If a Member does not seek the call they will not be entitled to speak, even if there is an item of business standing in their name.

The Speaker exercises discretion over which Member shall be given the call. However, the convention has been for the Chair to alternate between government and non-government Members during debate. Independent Members are called as non-government Members.

4.5.3. Speaking only once

In the House a Member may speak only once on each question (SO 64). However, there are a number of exceptions to this rule:

- The Member in charge of the Order of the Day when the order is read;
- In explanation;
- In reply; and
- During consideration in detail of any matter.

4.5.4. Speaking times

Time limits for debates and speeches are set out in SO 85. Many debates have specific time limits, although there are a number that allow certain Members to speak for an unlimited time. These are:

- Address in reply – The Premier and Leader of the Opposition may speak for an unlimited time;
- Government Bills – The Minister who introduced the bill and the leading Opposition speaker may speak for an unlimited time. The Minister may also speak for an unlimited time in reply;
- Appropriation Bill – The mover and Party Leaders may speak for an unlimited time. The mover may also speak for an unlimited time in reply;
- Private Members’ bills – the mover, and leading speakers for both the Government and Opposition may speak for an unlimited time. The mover may also speak for an unlimited time in reply;
- No confidence in the Government – The mover and Party Leaders may speak for an unlimited time;
- No confidence in a Minister – The mover and the Minister named may speak for an unlimited time; and
- No confidence in the Speaker – The Mover and the Member leading the debate in opposition to the motion may speak for an unlimited time.

A number of debates that specify time limits for speeches allow for an extension of time for a Member if such a request is agreed to by the House. These are:

- Expulsion of a Member – a Member can request to continue their speech for a further period of up to 10 minutes;
- Address in reply debate – a Member can request to continue their speech for a further period of up to 5 minutes;
- Appropriation bill – a Member can request to continue their speech for a further period of up to 5 minutes; and
- Bills (both Government and Private Members’) – a Member can request to continue their speech for a further period of up to 5 minutes.

There are no provisions for an extension of time when a matter is being considered in detail.

For those debates that are not specifically listed under SO 85 a time limit of 20 minutes applies to all Members.

The time limits that apply to a Member’s speech include any time taken up by interruptions such as points of order, quorum calls and divisions.

4.5.5. Place of speaking

Members must make their speeches standing unless they are ill or unable to do so (SO 56). Speeches should be made at the Table but if the contribution is short a Member can make a speech from their place on the bench (SO 55).

4.5.6. Content of speeches

The content of speeches is regulated by the standing orders. Members are not permitted to quarrel; anticipate discussion of a matter on the Business Paper; reflect on a previous decision; use the name of the Governor or Sovereign disrespectfully or to influence the House; or use offensive words against the judiciary or a statute.

For further information see Chapter 11 of Practice, Procedure and Privilege.

4.5.7. Offensive words/ unparliamentary language

Under the standing orders Members cannot use offensive words against either House or its Members, a Member of the judiciary or a statute, unless moving for its repeal (SO 72).

If Members wish to criticise other Members (in either House) they must do so by way of a specific and distinct substantive motion (SO 73).

Members may criticise a member of the judiciary by way of a specific and distinct substantive motion naming the judge and stating the charge or complaint against him or her.

Unparliamentary language may be regarded as encompassing offensive words but also includes words which, while not strictly excluded by the standing orders, are inappropriate for a Parliament.

Unparliamentary language must be considered in context; words which may be regarded as objectionable under some circumstances may be unexceptionable under other conditions.

Objections that any particular words or language used are offensive must be taken immediately and the standing orders allow the Speaker to intervene (SO 74). If a Member takes exception to a remark on the ground that it is personally offensive, the Chair will ask for its withdrawal, unless the complaint is clearly unjustified. Members may be required to apologise if the words used are extremely distasteful, and must withdraw certain words if ordered by the Chair to do so.

Members’ comments in the House must be relevant to the subject matter of the debate (SO 76). A Member wishing to discuss another matter must do so by raising it in the appropriate way, such as moving a motion or raising a matter of public importance.

4.5.8. Relevancy

When a bill is being considered in detail discussion must be confined to the clause or clauses under consideration. However, reference is usually permitted to other clauses or the explanatory notes attached to the bill when this is necessary to elucidate the meaning of the speaker.
4.5.9. Tedium repetition

Members may be directed to cease speaking if they persist with tedious repetition in their speech (SO 59). Tedium repetition has not been precisely defined but Speakers’ rulings have taken it to mean repeating something within the same debate and not repeating comments that have previously been made in other debates.

4.5.10. Putting the question

The Chair puts the question when the House is to vote on a motion. It is the practice of the House for the Chair to put the question in favour of the governing party.

4.5.11. Points of order

A Member has the right at any time to raise a point of order relating to a breach of the standing orders or the practice of the House (SO 93). The point of order must be clearly stated to the Chair who may make a decision immediately or hear argument on the point of order and then make a ruling. Until the point is determined all other proceedings are suspended.

Only one point of order may be raised and considered at one time, and unless taken immediately on an alleged breach, will not be considered later by the Chair.

Any Member is entitled to interrupt another Member speaking to call attention to a point unless the Chair is speaking or “on its feet” as it is grossly disorderly to interrupt the Chair.

Members cannot take a point of order claiming that a Member’s statement is inaccurate or misleading as such alleged offences do not necessarily constitute breaches of the standing orders.

It is an abuse of the forms of the House to take spurious points of order and Members may be placed on calls to order as a means for interrupting debate.

4.5.12. Seeking leave

Leave is a means by which the House gives permission for something to occur which would not otherwise be allowable. Leave can only be granted if no Member dissents and a request for leave cannot be debated (SO 96).

Members are given the opportunity to refuse to grant leave. Leave is refused by any Member calling “no” in response to the question “Is leave granted?”

The standing orders specify that leave is required for a Member, other than a Minister, to move a motion to suspend standing and sessional orders (SO 365).

The standing orders also provide that the leave of the Speaker is required for a Member to be able to incorporate material into Hansard (SO 271), make a personal explanation (SO 62), or to speak from the Member’s seat in the Chamber (SO 56).

4.5.13. Personal explanation

A Member may make a personal explanation to the House with the leave of the Speaker and leave may be withdrawn at any time (SO 62). A Member is not entitled to seek the call to make an explanation if there is a question before the Chair. A personal explanation cannot be debated.

Rulings of the Speaker provide that a personal explanation allows a Member to briefly explain any matter which reflects upon the honour, character or integrity of that Member, or reflects upon the Member in a personal way including the refuting of accusations made against them by other Members in the House.

In practice, a Member should confine remarks to “this is what was said; these are the facts.”
Normally personal explanations are made following Question Time. However, a Member is not confined to that time, as long as no question is before the House. The Speaker may withdraw leave at any time if the Member strays too far from the rules regarding a personal explanation.

4.5.14. Speech in explanation

A Member, who has already spoken to a question, may briefly explain some material part of their speech that has been misunderstood or misinterpreted (SO 65).

In making an explanation the Member cannot interrupt another Member already speaking, introduce new material into the debate, debate the matter or invoke this right after the question before the Chair has been determined. Leave is not required to make a speech in explanation unless a different question is before the Chair, in which case the leave of the House is required.

4.5.15. Speaking to amendments

As noted, an essential rule in the House is that a Member may speak only once to a question. However, it is the practice of the Legislative Assembly that when an amendment is moved to a motion in the House, the mover of the motion and those who spoke prior to the moving of an amendment may speak again, but to the amendment only.

In relation to bills, Members are limited to one speech during the agreement in principle stage but are not so limited during the consideration in detail stage (SO 242).

The scope of debate during the consideration in detail stage is quite restricted. The principles of the bill are approved when the House agrees to the bill in principle, whereas the consideration in detail provides Members with an opportunity to consider for example, how the principles are best carried out by going through the bill clause and schedule at a time. In accordance with the basic rule, debate is confined to the matter of the actual question proposed from the Chair. Therefore, at most, the content of each clause or group of clauses is at issue. To raise doubts as to the necessity for a bill is not in order during the consideration in detail stage, nor is it proper to reply to the Minister’s reply to the agreement in principle debate.

However, when an amendment is proposed to a clause or a motion the Member speaking is taken to be speaking to both the motion and the amendment until the amendment is disposed of.

When the amendments from the Legislative Council are being considered, debate is confined to the amendments themselves. No other part of the bill is before the House (SO 223). However, if an amendment has a direct bearing on some other part of the bill a degree of latitude is sometimes allowed.

4.5.16. Matters not open to debate or amendment

The standing orders specifically list the following motions/matters as not open to debate or amendment (SO 80):

- Adjournment of debate;
- Adjournment of the House;
- Extension of time;
- Leave of the House;
- Motion that a Member be suspended;
- Motion that a Message be sent to the Legislative Council;
- Motion that leave of absence be granted;
- To withdraw, postpone an order of the day;
• Personal explanation;
• “That inspection of the paper be restricted to Members only and that no copies or extracts thereof be permitted”;
• “That visitors be ordered to withdraw”;
• “That the bill be declared urgent”;
• “That the order of the day be discharged and the bill withdrawn”;
• “That the Committee report be printed”;
• “That the Member for … be further heard”;
• “That the Member for … be not further heard”;
• “That the Member for … be now heard”;
• “That the petition not be received”;
• “That the question be put as separate questions”;
• “That the question be now put”;
• “That the question be not now put”; and
• “That the Member’s speaking time be extended”.

Debate on other matters, not listed under SO 80, may be restricted by the suspension of standing orders.

4.5.17. Interrupting a Member

There are a number of circumstances in which a Member is able to interrupt another Member speaking (SO 79). They are to:
• Raise a matter of privilege or contempt suddenly arising;
• Call attention to a point of order;
• Call attention to the want of a quorum;
• Call attention to the presence of visitors;
• Move a closure motion;
• Move “That the Member for … be now heard”; and
• Move “That the Member for … be not further heard”.

4.5.18. Reading of speeches

The convention of the House is that Members are not allowed to read speeches. This is due to the fact that a speech may be prepared by someone other than the Member and as such would provide a voice for someone who is not entitled to speak in the Parliament.

The Chair has shown leniency when Members are referring to complex matters such as economic figures, statistics or other complicated conceptual matters so as to ensure accuracy or when time limits for speeches are heavily restricted. It has also become accepted practice for Ministers and the Leader of the Opposition (or other Member leading in debate for the Opposition) to read prepared speeches at the agreement in principle stage of a bill and for inaugural speeches to be read.

Members are able to refer to copious notes but are discouraged from reading lengthy quotes.
4.5.19. Quoting of documents

Members may read extracts from debates of the current session or newspaper reports of such debate or proceeding provided the reference or quotation is brief and relevant to the matter under discussion or the subject of a personal explanation (SO 70).

Members may also read extracts from documents other than newspapers or Hansard during a speech provided that the quote is brief and the source of the document is properly identified before the Member quotes from it. For example, Members are able to read from letters so long as they identify the person who wrote the letter.

Members, other than Ministers and Chairs of Committees, are not able to table documents. However, if a Member quotes at length from a document, that document must be made available for the information of all Members if so requested by another Member.

When quoting from documents, Members must not wave newspapers or other documents around and it is not proper for a Member to quote as fact, statements contained in newspapers, unless that Member can verify as to the accuracy of the report.

4.5.20. Closure

The closure is the name given to the motion moved during debate “That the question be now put” and is referred to colloquially as “the gag” (SO 86). The object of moving the closure is to bring debate on a question to an end by directing the putting of the substantive motion under consideration by the House. It forces the House to reach a decision on a question.

A closure motion can be moved whilst another Member is addressing the House. Such motions are put immediately and are decided without amendment or debate. The motion must be carried by at least 30 Members in the affirmative.

If the closure is carried on a motion to which the mover of the motion was entitled to a reply such as a substantive motion or the agreement in principle of a bill, the mover is permitted to speak for up to 30 minutes or a lesser time if specified (SO 87).

The carrying of the closure affects only the last question submitted to the House (SO 88). For example, in the case of a motion, to which an amendment has been moved, it only affects the amendment.

When the House has carried the question “That the question be now put”, the Speaker will then put any questions that are consequential on the closure motion (SO 89).

4.5.21. Closure – allocation of time for debate (guillotine)

The Premier, or a Minister acting on the Premier’s behalf, may at any time in the House state that it is the Governments intention to have any business dealt with to a certain stage at a specified time at the next or a subsequent sitting (SO 90). Written notification, by way of a guillotine notice, is subsequently given to the Speaker and the Party Leaders, and the notice is published in the Business Paper.

To give effect to the notice any Member may move the closure at the time specified in the notice or at some later time during the same sitting. If carried the closure motion is an instruction to the Chair to put to the vote every question necessary to give effect to the terms of the notice. No further debate, amendment or reply is permitted.

The intention of the guillotine is to ensure that proceedings are completed by a certain time. If not moved on the day it is specified for the notice lapses.
4.5.22. Inaugural speeches

The House can agree to a motion for the business of the House to be interrupted at a specified time to permit a Member to make an inaugural speech (SO 63).

It is the custom of the House that Members provide a measure of courtesy to Members making their inaugural or first speech and refrain from making interjections and other interruptions.

Members may speak for 15 minutes when making an inaugural speech with a 5 minute extension.

4.5.23. Sub judice convention

The general rule is that matters still under adjudication by the courts should not be debated in such a way as to prejudice court proceedings. The rule only applies to debate and as such notices of motions cannot be ruled out of order on the basis of the sub judice convention.

Whether discussion on a matter purportedly sub judice is allowed is at the discretion of the Chair. The convention is much stricter in relation to criminal matters than civil cases.

For further information see section 11.12 of Practice, Procedure and Privilege.

4.6 Questions

4.6.1. Rules for questions

Any Member can ask Ministers questions relating to public affairs, matters under the Minister’s administration and proceedings in the House for which they have carriage (SO 126).

Questions may also be asked to the chair of a committee in relation to the affairs of the committee (SO 127).

Questions should be brief and ask directly for the information sought.

Questions should not contain:
- Statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
- Argument or expression of opinion;
- Inference;
- Imputation;
- Epithets;
- Ironical expression;
- Expression of opinion; or
- Hypothetical matter.

Questions should not ask for:
- An expression of opinion;
- Legal opinion;
- An announcement of Government policy; or
- Confirmation of rumour or media reports.

For further information see Chapter 14 of Practice, Procedure and Privilege.
4.6.2. Question Time

At 2:15 pm on Tuesdays, Wednesdays and Thursdays, after a few formalities, Members are able to ask Ministers questions.

The Leader of the Opposition is entitled to ask the first question. Questions are then asked alternatively between the Government and the Opposition.

Independent Members are allocated a number of questions each week proportionate to their numbers.

When asking a question a Member must seek the call from the Speaker in the usual way.

The duration of Question Time is limited to 45 minutes or the answering of 10 questions, whichever is the later.

One supplementary question may be asked each Question Time. A supplementary question must be asked by the Member asking the original question and the answer to it counts towards the 10 answers.

At the end of Question Time Ministers may provide additional information to an answer already given that day or at a previous sitting (SO 131).

For further information see section 14.1 of Practice, Procedure and Privilege.

4.6.3. Written questions

Written questions are published in the Questions and Answers Paper and the same rules in relation to content are applicable as to questions asked during Question Time.

Questions must be handed in writing to a Clerk at the Table or lodged in the Procedure Office by 12:00 noon in accordance with standing orders.

Members can lodge three questions each sitting day (the Leader of the Opposition four). This is cumulative over one sitting week.

Ministers must answer questions within 35 calendar days or will be asked to explain to the House why they have failed to answer a question.

A question containing argument, unbecoming expressions or otherwise not conforming to the practice of the House may, under the authority of the Speaker, be amended by the Clerk or divided if it contains matters that are not relevant to each other.

A Member can withdraw a written question with the leave of the House at the end of the placing or disposal of business procedure. A Member cannot withdraw another Member’s written question.

For further information see section 14.2 of Practice, Procedure and Privilege.

4.7 Motions

4.7.1. Notices of motions

A Member must give notice of their intention to move a motion in the House unless otherwise provided for in the standing orders.

A notice of motion sets out the words of a motion and is normally required to be given at least one day before the notice is moved.

The Speaker asks Members if they have notices of motions for bills, government business, no confidence, censure and other business with precedence prior to Question Time. Other notices of motions (general notices) must be given at the commencement of the sitting.
On the day preceding general business day, prior to Question Time, a Member can also give notice of a general notice to be the subject of a motion for re-ordering (SO 133).

Members, unless Ministers, cannot give more than one notice consecutively, except for notices of motions to disallow statutory rules (SO 138).

When called, a Member reads the notice aloud and then hands a signed copy to the Clerk. Notices should be legible and be dated.

Before being moved the wording of a notice may be changed by handing in an amended notice. The new wording must not exceed the terms of the original notice. Alterations must be made prior to the moving of the motion.

The Clerk, under the authority of the Speaker, is able to amend a notice of motion if it contains argument, unbecoming expressions or is not in conformity with the practice of the House or divide a notice if it contains matters that are not relevant to each other (SO 137).

Motions must put a concise proposition upon which the House may vote.

Members can postpone or withdraw a notice of motion when they are called on to be moved or during the placing and disposal of business procedure. Members can also defer a general business (general notice) by advising the Clerk (or their Party Whip who will advise the Clerk) in writing the day before a general business day (i.e. on Wednesday).

For further information see Chapter 15 of Practice, Procedure and Privilege.

4.7.2. Amending motions

Any Member (apart from the mover of the motion) can move amendments to motions after the motion has been moved in the House. Amendments may be moved to leave out words; to omit words with a view of inserting or adding other words; or to insert or add other words (SO 157).

Amendments must be relevant to the original motion. Every amendment proposed to be made either to a question or to a proposed amendment should be so framed that, if agreed to by the House, the question or amendment, as amended, would be intelligible and internally consistent.

Amendments cannot be a simple negation of the original motion, as simply rejecting the motion is expressed by voting against it.

An amendment is out of order if it raises a new matter which should only be considered on a distinct motion on notice.

Debate on an amendment to a motion may include debate on the original motion. Members who have already spoken in the debate are able to speak to any amendments moved.

An amendment that has been moved may be withdrawn only by leave of the House.

An amendment that is moved must be dealt with before a second amendment to the original question can be moved (SO 162), although an amendment to an amendment may be moved as if that amendment were the original question (SO 164).

Amendments must be submitted in writing and be signed by the mover (SO 159).

For further information see Chapter 17 of Practice, Procedure and Privilege.

4.7.3. Putting the question on motions

The general principle governing questions proposed from the Chair is that the House should be clear as to the question before the House and it should therefore be restated by the Chair before each contribution after the motion has been moved and again before the House votes on a matter. In addition, a Member may at any
4.8. Voting

4.8.1. Decisions on the voices or on division

When a motion is the subject of a vote, the Speaker will state the question e.g. “That the motion be agreed to” or “That the bill be now agreed to in principle”. The Speaker then says, “Those in favour say ‘aye’ to the contrary ‘no’” and declares the result based on the voices, e.g. “The ayes (or noes) have it”.

A division is called when the Speaker’s expressed opinion as to whether the “ayes” or “noes” have it, is challenged (SO 173). A division can only be called by one Member who gave voice against the majority as declared by the Speaker (SO 174).

The call for a division must be made before any new motion is proposed or other proceedings commenced.

However unlikely, a Member may vote against a motion that the Member has moved but may not change their vote after the division is called (i.e. call “aye” but be recorded as voting “no”).

If there are five or fewer Members on one side in a division, the Chair must declare the question at once and the names of those Members opposing the majority are recorded in the Votes and Proceedings (SO 181).

If a minimal number of Members vote on one side, to accommodate the large number of Members who wish to vote on the other side, the Chair may nominate the back two rows of the Chamber of one side to be voting with the majority side.

4.8.2. Division bells

The bells are rung for four minutes when a division is called, except when there are successive divisions and there has been limited or no intervening debate, in which case the Speaker may order that the doors be locked and the vote taken forthwith, follows consultation with the Whips.

4.8.3. Deferred divisions

Divisions called before 10:30 am on days when the House meets at an earlier time are deferred until 10:30 am and any business then before the House is interrupted and recommenced after the division/s (SO 187).

Any divisions called on a Friday sitting are deferred and set down as an order of the day for the next sitting day and determined after Question Time.

4.8.4. Pecuniary interest

A Member may not vote in a division on a question if the Member has a direct pecuniary interest in the question under discussion. Such interest must be one of direct personal pecuniary benefit and not something, which is shared in common with other citizens (SO 176-7).
The fact that a Member has a pecuniary interest in a matter which the House is discussing does not prevent them from participating in the debate. It is only in division when a Member must refrain from voting.

4.8.5. Taking points of order in division

Members taking a point of order during a division must remain seated and attract the attention of the Chair (SO 180(2)).

4.9 Conduct in the House

4.9.1. Decorum

Rules of decorum or custom in the House require that Members:

- Stand when the Speaker enters and remain standing until the Prayer and Acknowledgement of Country are read;
- Remain seated during debate unless moving in or out of the Chamber (SO 54);
- Not pass between the Chair and the Table whilst the Chair is occupied or between the Chair and the Member speaking (SO 53);
- Not leave when the Speaker is standing or putting a question, when a quorum is called for or after the doors are locked for a division (SO 51);
- Address their remarks to the Chair and not directly to another Member;
- Refer to other Members by their title of office or electorate (the Minister for...; the Member for...) (SO 75);
- Sit and be silent whenever the Chair rises during a debate (SO 50);
- Not leave the Chamber immediately when finished a speech during a debate;
- Not converse or make any noise or disturbance (SO 52) – a level of interjection by other Members while a Member is speaking is tolerated. Such interjection must be kept within limits and not prevent the Member being heard;
- Not read books or newspapers unconnected with the business before the House;
- Not clap; and
- Refer to the Legislative Council as “another place” or “the other place”.

4.9.2. Dress standard

There is no prescribed minimum dress standard for Members of the Legislative Assembly. However, Members are expected to be dressed in appropriate business attire whilst in the Chamber.

4.9.3. Disorder

The Speaker is responsible for keeping order in the House. If a Member considers that another Member’s conduct is offensive or disorderly, they may call the Speaker’s attention to a point of order. The Speaker will then rule on the point of order. The Speaker’s decision is final unless the House agrees to a motion to dissent from a ruling of the Speaker.

4.9.4. Calling Members to order

If a Member’s conduct is grossly disorderly, the Speaker will call the Member to order. If a Member receives more than three calls during any one sitting, the Speaker may direct the Serjeant-at-Arms (in effect, the Deputy Serjeant-at-Arms
under the Serjeant’s delegation) to remove the Member from the Chamber for the rest of the sitting (SO 249). This means that the Member must leave the parliamentary precincts and not take part in any proceedings of the House or its committees. There have been times when the Speaker allows Members to return to the Chamber after a set period such as Question Time. However, this is a matter totally in the discretion of the Speaker and not covered by any standing order.

4.9.5. Naming a Member
The Speaker may name a Member for:
- Persistently and wilfully obstructing the business of the House;
- Being guilty of disorderly conduct;
- Using offensive words and refusing to withdraw them;
- Persistently and wilfully refusing to conform to any standing order; or
- Persistently and wilfully disregarding the authority of the Chair (SO 250).

When a Member is named, the Speaker will forthwith propose the question “That the Member for … be suspended from the service of the House”. The Member may make a 5-minute explanation and, if the motion is carried, is suspended for between 2 to 8 days, depending on whether the Member has been previously suspended during the same session. A suspended Member is not allowed to remain within the precincts of Parliament House for the duration of the suspension or take part in any proceedings of the House or its committees (SO 250).

4.9.6. Expulsion
A Member found by the House to be guilty of conduct unworthy of a Member of Parliament may be expelled by vote of the House and the Member’s seat declared vacant (SO 254).

4.9.7. Censure
The House may censure Members, who behave in a way that is considered reprehensible, whether the actions occur in the House or outside.

Any Member may move a censure motion provided a notice of motion has been given. The motion will be moved the day that notice is given at the time for business with precedence.

A number of motions cannot be moved during the debate on the censure motion:
- That the Member be now heard;
- That the Member be not further heard; and
- That the question be not now put (previous question).

The closure motion (i.e. “That the question be now put”) cannot be moved until at least 4 Members inclusive of the Member and Member named have spoken on the original question before the House (SO 114).

A censure motion can also be moved against the Speaker (SO 115).

A censure motion can be amended.

4.9.8. No confidence
Motions of no confidence are able to be moved against the Government, a Minister or the Speaker.

Motions of no confidence are debated the day after the notice has been given at the time for business with precedence.
A motion of no confidence cannot be postponed or amended but may be withdrawn. The motion is able to be adjourned or interrupted and the debate continues the next sitting day again at the time for business with precedence. Special conditions apply in relation to motions of no confidence in the Government given pursuant to the Constitution Act 1902 (SO 111).

A number of motions cannot be moved during the debate on a no confidence motion:

- That the Member be now heard;
- That the Member be not further heard; and
- That the question be not now put (previous question).

The closure motion (i.e. “That the question be now put”) cannot be moved until at least 4 Members (or 8 in the case of a motion of no confidence in the Government) inclusive of the Member and Minister named have spoken on the original question before the House (SO 111, 111A, 112, 113).

4.10 The Legislative Process

With the exception of money bills, which must originate in the Legislative Assembly, bills can be introduced into either House of Parliament. The most common type of bills are “public bills”, which deal with matters of general public interest. Public bills may be introduced by:

- Either a Minister or Parliamentary Secretary, on behalf of the Minister, during government business; or
- A private Member on Friday mornings.

4.10.1. Notice of motion

When the Speaker calls for notices of motions (for bills), Members rise and say, “Mr Speaker, I give notice of motion to introduce the …[short title]…Bill”. The Member hands three copies of the notice to the Clerk and the full text is printed in the Business Paper (SO 134).

4.10.2. Introduction and passage through the House

At a subsequent sitting (unless standing orders have been suspended), the Member who gave notice of the motion (the mover) will rise and say, “Mr Speaker, I move, that a bill be introduced for an Act [long title of the bill]”. The Speaker puts the question “That this bill be now introduced”. The mover then says, “Mr Speaker, I bring up the bill”, and hands three copies to the Clerk. There is no debate at this stage.

The Member usually then moves immediately “That the bill be agreed to in principle” and gives their speech. Debate is then adjourned for five clear days, unless standing orders have been suspended.

The agreement in principle stage allows for a wide-ranging debate on the principles of the bill. At the conclusion of the debate, the Member who moved the motion has a right of reply. The Speaker then puts the question “That the bill be now agreed to in principle”.

If the question is agreed to, the Speaker shall declare the bill to have passed the House unless a Member requests consideration of the bill in detail; or the Member in charge of the bill moves for consideration of the bill pro forma or requests the Speaker to set down consideration of the bill in detail as an order of the day for a later time; or a motion is moved, without notice or debate, and agreed to, “That this bill be not passed” (SO 203).

Where a Member wishes to move an amendment to a bill or would like to ask specific questions about the bills provisions, the House considers the bill in detail
after the Member’s request. The bill is examined clause by clause and amendments may be moved.

Once the House has concluded the consideration in detail stage the motion is moved “That this bill be now passed” and the bill is transmitted to the Legislative Council with a message requesting its concurrence. The bill passes through similar stages as for the Legislative Assembly and, if agreed to without amendment, is sent to the Governor for assent.

4.10.3. Disagreement between the Houses

If the Legislative Council amends the bill, it is returned to the Legislative Assembly for consideration of the amendment or amendments. If the Assembly agrees to the amendment/s, the bill is sent to the Governor for assent. If however, the Assembly disagrees with an amendment, the bill is returned to the Legislative Council with a message explaining the reasons for the disagreement. If the Legislative Council insists on its amendment/s, the bill continues to pass between the Houses until either agreement is reached, the bill is laid aside or a conference of managers (representatives of both Houses) is held in order to reach a compromise. If there is no agreement at this stage, the Government can, under section 5B of the Constitution Act 1902 have the matter determined by the people at a referendum.

In the case of a disagreement between the Houses in respect of an appropriation (money) bill for the ordinary annual services of the Government, section 5A of the Constitution Act 1902 provides that the bill may be sent directly by the Legislative Assembly to the Governor for assent, with or without the suggested amendments, which are the subject of the disagreement.

4.10.4. Delegated legislation

Delegated legislation refers to legislation that is made under the authority of an Act rather than by the Parliament. Delegated legislation is also known as “statutory rules”. Section 3 of the Interpretation Act 1987 defines a “statutory rule” as:

(a) A regulation, by-law or ordinance that is made by the Governor or that is made by a person or body other than the Governor, but is required by law to be approved or confirmed by the Governor; or

(b) A rule of court.

A statutory rule provides the detail (administrative arrangements) to the broad outline given by its parent Act. To avoid having Parliament consider every minor change to the administration of a particular scheme set up by an Act of Parliament, Acts usually contain a provision enabling regulations to be made under it so that the fine detail can be formulated.

Statutory instruments are tabled in each House and, Members then have 15 sitting days in which to lodge a motion to disallow either all or part of that instrument (SO 116). If no disallowance motion is lodged, the statutory instrument comes into force with effect from the date of publication in the Government Gazette.

For the information of Members and others, a Statutory Instruments Paper is published by both Houses on each sitting Tuesday or, if the House is in recess, on the first Tuesday of each month. The document provides the title of the statutory instrument, gazettal details and information on the tabling date and last date for lodgement of a disallowance motion.

4.11 General business

4.11.1. General business days

General business is usually conducted on Thursday and Friday mornings. This is the time when all Members have an opportunity to introduce legislation and debate general motions.
4.11.2. Establishing the program for general business days

The program for general business days is established on the Wednesdays. Members advise the Clerk in writing prior to 1:00 pm on Wednesdays which general business standing in their name on the Business Paper is to be postponed. A Party Whip may also advise the Clerk on behalf of Members of their party.

The first ten notices on the business paper not advised to be postponed are deemed to be proceeding. If a Member has been granted leave of absence it is accepted practice that the business standing in their name is postponed.

Members can withdraw or postpone any notice of motion or withdraw and, on motion, discharge an order of the day when it is called on.

When the House proceeds to consider items of general business Members must be present and take some action when the item of general business standing in their name is called on or else the item lapses.

4.11.3. Reordering general business

On Wednesday each week Members are afforded an opportunity to reorder general business orders of the day for the resumption of debate on a private Member's bill, standing in their name; and a notice of motion (general notices) listed on the business paper or given that day (SO 106).

Members seeking to reorder their item of business may make a statement of up to five minutes in support of the reordering. Only one item of business under each category (i.e. one order of the day (for bills) and one notice of motion (general notices)) may be reordered each week.

For further information see section 12.3.2 of Practice, Procedure and Privilege.

4.12. Other Opportunities for Raising Matters in the House

4.12.1. Private Members’ Statements

Each sitting day time is provided for Members to make a 5 minute statement on a matter of particular concern to their electorate or of local import. Members may also touch on issues other than local ones so long as the matter raised affects constituents directly.

A number of matters are outside the scope of a private member’s statement. Private members’ statements should not be used to:

- Attack other Members as such attacks are only permitted by substantive motion;
- Continue debate on issues raised during Question Time or to reflect on answers given;
- Continue debate on matters before the House or already concluded; or
- Attack the Government in relation to State issues at large.

In addition, Ministers and Shadow Ministers should not use private members’ statements to raise policy issues that fall within their portfolio responsibilities.

A Minister or Parliamentary Secretary may respond to a private member’s statement for up to 2 minutes.

For further information see section 12.10 of Practice, Procedure and Privilege.

4.12.2. Matter of Public Importance

The Matter of Public Importance procedure provides Members with a vehicle to discuss a matter but not have the House make a final judgement by way of resolution. A matter of public importance is considered at 7.00 p.m. on Tuesday and Wednesday.
Under Standing Order 110, the Speaker will decide prior to 12 noon, whether the issue a Member wishes to raise by this avenue is a matter of sufficient public importance to take up the time of the House. One of the criteria the Speaker uses is whether the Matter of Public Importance procedure is the most appropriate vehicle to raise the issue. If more than one matter is submitted, the Speaker is required to make a determination as to which matter is of the greatest public importance. The Speaker’s decision in these matters cannot be challenged.

It is the usual practice of the Speaker to alternate between matters raised by Government and non-Government Members.

*For further information see section 12.6 of Practice, Procedure and Privilege.*

### 4.12.3. Motions Accorded Priority

Motions accorded priority are debated on Tuesday, Wednesday and Thursday. The procedure for motions to be accorded priority is set out in Standing Order 109.

The Speaker calls for written notices of motions to be accorded priority prior to Question Time at each sitting. Debate on the motion takes place after Question Time, so Members have some time to prepare for the debate.

If two notices are received (the maximum allowable) Members have five minutes at their disposal to speak as to why their motion should proceed. Questions that each be proceeded with are put in the order they were received.

The total time for the debate is 29 minutes.

*For further information see section 12.9 of Practice, Procedure and Privilege.*

### 4.13 Petitions

Standing Orders 119-125 set out the form and content of petitions, and the procedure for lodgement and presentation. These rules ensure the authenticity of petitions and provide protection to the petitioners and the House.

#### 4.13.1 Form

Every petition should begin with the words “To the Honourable the Speaker and Members of the Legislative Assembly of NSW in Parliament assembled”. This is called the preamble.

The last paragraph of the body of each petition must set out the general objective sought by the petitioner/s or the nature of the action sought. This concluding paragraph is called the request.

Each page of signatures must be headed with the words of the request.

The opening paragraphs of the petition (containing the preamble, petitioners, grievance and request) may be written, typed or printed. Every signature must be original handwriting, and signatures must not be pasted on, photocopied or transferred in any other way.

The petition must not have any attachments, such as letters, affidavits, or other documents, except in the case of a petition for a private bill. SO 398 sets out the rules for private bills.

The petition must be legible and not contain alterations.

The petition must be in English or accompanied by a translation certified to be correct by the Member lodging the petition.
4.13.2. Signatures
The petition must be signed by the persons, whose names are listed, using their own signature or mark unless they are physically incapacitated. Every person signing a petition must write their address after their signature.

4.13.3. Content
The petition must not make reference to any debate in Parliament.
The language used in the petition must be polite and respectful.

4.13.4. Presentation
A Member presenting a petition on behalf of citizens must lodge it with the Clerk, in practice, the Procedure Office, by 12:00 noon on the sitting day it is to be reported to the House. Petitions lodged outside a normal sitting week or during a prorogation are kept for presentation at the next sitting.

Petitions can only be lodged for presentation to the Legislative Assembly by a Member of the House. However, a petition may not be lodged by a Member who has signed it as a petitioner.

The Member lodging the petition must sign the top of the front sheet and, if applicable, certify that the petition has been signed by 500 or more persons. This signifies that the Member has ensured that the petition conforms to the standing orders as set out in the rules listed above.

The Clerk must also certify that each petition is in conformity with the standing orders before it is reported to the House.

The Clerk will announce receipt of the petitions lodged for presentation. The subject matter of the petition and the Member who lodged it will be published in the Votes and Proceedings and the text of each petition is printed in Hansard.

Every petition presented is considered to be received by the House, unless the motion “That the petition be not received” is moved and agreed to on the next sitting day (not being a Friday). No debate is permitted on the subject matter of petitions.

The Clerk refers every petition received by the House to the Minister responsible for the administration of the subject matter of the petition. A copy of the Clerk’s referral letter is forwarded to the Member lodging the petition.

Petitions signed by 500 or more persons are required to be responded to by the Minister responsible for the administration of the matter which is the subject of the petition within 35 calendar days of the petition being received by the House.

4.13.5. Petitions not in accordance with the standing orders
Petitions which are not in accordance with the standing orders have been referred to as “representations” and some have been presented by the Leader of the House when leave has been granted.

Members may also refer to petitions which are out of order in private Members’ statements, and with the leave of the House, can place such petitions on the Table for the information of Members. However, most petitions that do not conform to the standing orders are returned to the Member and forwarded to the relevant Minister by letter.

The Legislative Assembly does not accept electronic petitions. This is due to the requirement for “original signatures” in the standing orders.

*For further information see Chapter 13 of Practice, Procedure and Privilege.*
4.14. Papers and documents


Papers can only be tabled by:
- The Speaker;
- Ministers;
- Chairs of committees;
- The Clerk;
- Statutory provision;
- Resolution of the House; or
- Command of the Governor (SO 264).

There is no authority for private Members to table documents. Members are however able to place documents on the Table of the House for the information of other Members.

Tabled papers are ordered to be printed and become Parliamentary Papers. Each Member can request one copy of each paper tabled and ordered to be printed (SO 270). Tabled papers are available from the Legislative Assembly Procedure Office.

Access to tabled papers can be restricted by the House to Members only with no copies or extracts permitted (SO 267). In all other cases papers tabled are considered to be public documents.

Some papers can be tabled with the Clerk when the House is not sitting in accordance with statutory provisions and resolutions of the House. These include annual reports of departments and statutory bodies, committee reports, and reports of the Audit Office.

For further information see Chapter 25 of Practice, Procedure and Privilege.

4.14.2. Orders for papers

The House may order a Minister to lay papers on the Table. These papers are usually not ordered to be printed (SO 269). The House may also pass resolutions authorising the Speaker to make arrangements for the return of such documents which have been tabled to their originating departments.

4.15. Privilege and ethics

4.15.1. Overview

Parliamentary privilege refers to certain rights, powers and immunities from the law provided to individual Members of Parliament in order for them to do their job and for the Parliament collectively to enable it to perform its constitutional role.

Parliamentary privilege exists fundamentally to ensure a House of Parliament can perform its functions and as such the individual privileges have only been conferred on Members to the extent necessary to achieve this end.

Parliamentary privilege may be absolute or qualified. Essentially, a statement or action is privileged if the person making it is protected from legal action. An absolute privilege is one that does not give way to any other principle or right. Qualified privilege is its own body of law which extends beyond the scope of Parliamentary privilege.

As New South Wales has not enacted its privileges recourse is made to the common law. The Parliament of NSW has only those privileges that are considered necessary for it to carry out its legislative functions.
This short guide sets out some of the main principles of Parliamentary privilege. However, for more information on Parliamentary privilege reference should be made to Part Two of Practice, Procedure and Privilege.

4.15.2. Protection for parliamentary proceedings

The most fundamental parliamentary privilege is the privilege of freedom of speech. The statutory recognition of this privilege is founded in the Bill of Rights. Article 9 provides:

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.

Article 9 is in force in New South Wales by operation of the Imperial Acts Application Act 1969. It provides protection for speeches, debates and proceedings in Parliament from being questioned in any place outside of the Parliament.

There is no statutory definition of what constitutes “proceedings in Parliament” in NSW. However, it arguably includes the speeches and debates of the Parliament and its committees, and any documents that were created for the purpose of business of the House or a committee.

Correspondence from constituents and between Members (including Ministers) does not attract privilege and can generally be subpoenaed.

Tabled papers do not necessarily fall within the ambit of proceedings in Parliament and hence do not automatically attract parliamentary privilege. There appears to be a firmer argument if they are ordered by the House to be printed. This applies in cases where a report has been prepared pursuant to a statutory requirement and then subsequently tabled in Parliament.

For further information see section 3.2 of Part Two of Practice, Procedure and Privilege.

4.15.3. No protection for repetition out of Parliament

Members are not protected by privilege for actions performed outside of proceedings in Parliament, regardless of whether the action is conducted pursuant to the Member’s position as an elected representative.

In particular, Members should be aware that if they make a speech in the House which is defamatory in content and then repeat that statement outside the House such statements are unlikely to attract privilege. Repetition includes any reiteration of the words said in the House by using phrases such as “I stand by what I said in the House” or “I do not resile from what I said in the House”.

In such cases the remarks which are made outside the House may, on their own, be meaningless and it is only when reference is made to the preceding parliamentary remarks that a Member can be held liable for defamation.

Qualified privilege attaches to any republication of a speech made in Parliament so long as there is no improper motive or malice involved. To be fair, an extract or summary should properly reflect the proceeding. It is possible that an extract of a complete speech which did not include a reply that was made or was otherwise out of context might not be considered fair.

For further information see section 3.10 of Part Two of Practice, Procedure and Privilege.

4.15.4. Raising a matter of privilege or contempt

Members can raise a matter of privilege or contempt suddenly arising relating to the proceedings then before the House (SO 91). For other matters of privilege a Member must inform the Speaker of the details in writing. The Speaker will then determine whether the matter should be referred to the Standing Committee on Parliamentary Privilege and Ethics (SO 92).
Contempt of Parliament is ancillary to privilege and to constitute a contempt an act or omission must obstruct or impede the House (or a committee of the House), a Member or an officer in the discharge of a duty.

*For further information see section 5.2 of Part Two of Practice, Procedure and Privilege.*

### 4.15.5. Pecuniary interests

Members are required to register their pecuniary interests, or receipt of other material benefits, which might appear to raise a conflict between Members’ private interests and their public duty as a Member.

The declaration of interests scheme is established under the Constitution (Disclosures by Members) regulation 1983. When Members are first elected they are required to lodge a primary return of their pecuniary interests within three months of the date they take the pledge in accordance with section 12 of the Constitution Act 1902.

Members are required to lodge an annual “ordinary” return and a six-month supplementary update. The Clerk, who is the Registrar of Interests under the Regulation, can provide detailed information about the lodgement dates and reporting requirements. As Registrar the Clerk formally writes to each Member forwarding forms as return dates fall due.

Members are also able to lodge discretionary returns at any time. Members who fail to comply with the requirements of the Regulation may lose their seat.

Pecuniary interest disclosure forms are available from the Procedure Office, the intranet and are normally sent to all Members after their initial election and before the two reporting periods.

The Register is one of the principal mechanisms of accountability, in that by annually making a statement of their substantive pecuniary and other interests, Members are alerted to areas where conflict of interest might arise. When the Register is tabled it becomes a Parliamentary Paper, meaning it is available to the public through the State Library of NSW, or by request to the Clerk. It is not available on the Internet. The public may also inspect the Register at any time, including supplementary ordinary returns and discretionary returns lodged during the reporting period, by making an appointment during business or sitting hours.

*For further information see Chapter 30 of Part One of Practice, Procedure and Privilege.*

### 4.15.6. Code of Conduct

The NSW Parliament has adopted a Code of Conduct (the Code) for its Members. The Code covers conflicts of interest, bribery, gifts, the use of public resources and confidential information and the duties of a Member of Parliament.

The Code forms part of the web of definitional terms of corrupt conduct in sections 8 and 9 of the Independent Commission Against Corruption Act 1988 (ICAC Act).

Section 8 of the ICAC Act is an inclusive provision which specifies the kind of acts that might constitute corrupt conduct. This section defines corrupt conduct as the dishonest or partial exercise of official functions, or breach of public trust or the misuse of information or material, which was acquired in the exercise of official functions.

Section 9 is an exclusionary provision, establishing the boundaries of corrupt conduct. An act mentioned in section 8 will not constitute corrupt conduct unless it would amount to either:

- A criminal offence;
- A disciplinary offence;
• Reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official; or
• 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.

An applicable code of conduct is defined in the ICAC Act as, firstly, in the case of a Minister, a ministerial code of conduct prescribed or adopted for the purposes of section 9 by the regulations and, secondly, in the case of a Member of Parliament (including a Minister of the Crown), a code of conduct adopted for the purposes of the section by resolution of the House concerned.

For further information see Chapter 7 of Part One Practice, Procedure and Privilege.

4.15.7. Parliamentary Ethics Adviser

The Parliament has appointed a Parliamentary Ethics Adviser, Ian Dickson, to advise Members on request about ethical issues concerning the exercise of their role as a Member of Parliament (including the use of entitlements and potential conflicts of interest).

The Adviser bases the advice given on the determinations of the Parliamentary Remuneration Tribunal (PRT) and the provisions of the Code adopted by the Parliament. The Adviser does not provide legal advice and gives an opinion rather than a ruling. It is up to Members how and whether or not they adopt the advice given.

The Adviser is required to keep a record of any advice given in response to a Member’s request and also the factual information on which the advice was based. These records are to remain confidential unless:

1. The Member who requested the advice gives permission for the Parliamentary Ethics Adviser to make the advice public; or
2. The House calls for the production of the records of the Parliamentary Ethics Adviser if the Member to which the records relate has sought to rely on the advice of the Adviser or has given permission for the records to be produced to the House.

The Adviser can also provide advice to Ministers or former Members, who held ministerial positions, in relation to post-separation employment.

For further information see section 7.3 of Part One of Practice, Procedure and Privilege.
Chapter 5: Parliamentary Committees

5.1. Background Information
Parliamentary committees are formed by resolutions of the Legislative Assembly. Currently, there are four major types of committees, as noted above. See section 6.2 for a detailed explanation of the types of committees.

5.2. Current Committees
The secretariats provide research and administrative support to the committees administered by the Legislative Assembly.

With exception for the Standing Committee on Parliamentary Privilege and Ethics, contact the Clerk-Assistant (Committees) Les Gönye on phone (02) 9230 2224 for detailed information on the activities of all of the Legislative Assembly committees.

Ms Ronda Miller, Clerk-Assistant (Procedure) is the contact for the Standing Committee on Parliamentary Privilege and Ethics, phone (02) 9230 2225.

5.2.1. Domestic committees
The only domestic committee currently established is the Standing Orders and Procedure Committee.

5.2.2. Standing Orders and Procedure Committee
The Standing Orders and Procedure Committee is appointed at the beginning of each Parliament. The committee reports to the House on the functioning of the standing orders and procedures of the House. Russell Grove and Mark Swinson service this committee.

5.2.3. Joint Standing Committees
Joint standing committees currently established include:
- Joint Standing Committee on Electoral Matters; and
- Joint Standing Committee on Road Safety (Staysafe).
5.2.4. Joint Standing Committee on Electoral Matters

The committee inquires into and reports on matters referred to it by either House of the Parliament or by a Minister that relate to:

- Parliamentary Electorates and Elections Act 1912 (other than Part 2);
- Election Funding Act 1981;
- Those provisions of the Constitution Act 1902 that relate to the procedures for, and conduct of, elections for members of the Legislative Assembly and the Legislative Council (other than sections 27, 28 and 28A); and
- The administration of and practices associated with the electoral laws described above.

5.2.5. Joint Standing Committee on the Office of the Valuer General

The committee was first established in July 2003 as a joint statutory committee and operated until the end of the 53rd Parliament in early 2007. The committee was re-established in the 54th Parliament on 25 September 2008 as a joint standing committee, by resolution of the Parliament.

The committee monitors and reviews the exercise of the Valuer General's functions with respect to land valuations. In particular, the committee can monitor valuation methodologies, the arrangements under which valuation contracts are negotiated and entered into, and the standard of valuation services provided under such contracts. The committee does not, however, have the ability to review individual valuations or objections to individual valuations.

5.2.6. Joint Standing Committee on Road Safety (Staysafe)

The Staysafe Committee was appointed in 1982 to inquire into and report on road safety in NSW.

The Committee's terms of reference include the ongoing task to monitor, investigate and report on the road safety situation and review and report on countermeasures to reduce death and injury and costs arising from road accidents.

5.3. Standing Committees

Standing committees currently established include:

- Public Bodies Review Committee;
- Standing Committee on Public Works;
- Standing Committee on Natural Resource Management (Climate Change); and
- Standing Committee on Broadband in Rural and Regional Communities.

5.3.1. Public Bodies Review

This committee examines annual reports of all public bodies and inquires into and reports on the adequacy and accuracy of all financial and operational information, and any matters arising from the annual report concerning the efficient and effective achievement of the agency's objectives.

5.3.2. Public Works

This standing committee examines and reports on existing and proposed capital works projects in the public sector, including the management and environmental impact of such works.
5.3.3. Natural Resource Management (Climate Change)
This committee was first established in 2003 to enquire into disincentives that exist for ecologically sustainable land and water use and land management practices in NSW.

The committee was re-established in 2007 to enquire into issues of sustainable natural resource management with particular reference to climate change impacts. In particular, the committee investigates the likely consequence of human-induced climate change on land (including salinity), water and other natural resources.

5.3.4. Broadband in Rural and Regional Communities
The Standing Committee on Broadband in Rural and Regional Communities was established in 2007 to enquire into the needs of rural and regional communities in relation to telecommunications (including broadband) and other technology services. In particular the committee investigates the availability, benefits, opportunities, disincentives, barriers and consequences of telecommunications and other technology services to rural and regional communities.

5.4. Statutory Committees
Statutory committees currently established include:
- Committee on Children and Young People*;
- Committee on the Health Care Complaints Commission*;
- Committee on the Independent Commission Against Corruption (ICAC)*;
- Committee on the Office of the Ombudsman and the Police Integrity Commission*;
- Public Accounts Committee;
- Legislation Review Committee*; and
- Standing Committee on Parliamentary Privilege and Ethics.

*These committees are joint committees.

5.4.1. Children and Young People (joint committee)
The Committee on Children and Young People was first formed in August 2000.

Its primary responsibility is to monitor and review the work of the Commission for Children and Young People and report its findings and recommendations to Parliament.

In particular, the committee is required to examine and report on annual and other reports of the Commission for Children and Young People.

However, the committee has a broader responsibility to examine trends and changes in services and issues affecting children and young people, and to make recommendations as to the need for changes to the functions and procedures of the Commission for Children and Young People.

The terms of reference for the committee are set out in Part 6 of the Children and Young People Act 1998, sections 27 – 30 and Schedule 1.

5.4.2. Health Care Complaints Commission (joint committee)
Established under the Health Care Complaints Act 1993, the committee monitors and reviews the Commission's functions, annual reports and other reports it makes to Parliament.
5.4.3. Independent Commission Against Corruption (ICAC) (joint committee)

The ICAC Committee is established under the Independent Commission Against Corruption Act 1988, and is the means by which the Independent Commission Against Corruption is accountable to the Parliament.

The ICAC Committee monitors and reviews the Independent Commission Against Corruption's functions, the annual reports of the Commission, and other reports it makes to Parliament.

It examines the trends and changes in corrupt conduct.

5.4.4. Office of the Ombudsman and the Police Integrity Commission (joint committee)

The committee was established in 1990 by amendment to the Ombudsman Act 1974 to monitor and review the functions of the Ombudsman's Office.

The committee's jurisdiction was extended under the Police Integrity Commission Act 1996 to include oversight of the Police Integrity Commission (PIC) and the Inspector to the PIC.

5.4.5. Legislation Review Committee (joint committee)

The Legislation Review Committee has two broad functions set out in section 8A and 9 respectively of the Legislation Review Act 1987 to scrutinise according to the criteria set out in those sections:

- All bills introduced to Parliament; and
- All regulations subject to disallowance.

The Committee reports on its examination of bills in the Legislation Review Digest, which is usually published after 4:00 pm on Mondays of weeks when Parliament is sitting.

The Digest also contains correspondence between the committee and the responsible Minister with respect to both bills and regulations. Copies of the Digest, may be obtained by contacting the Committee Secretariat or click here.

The regulatory scrutiny function has been in operation since 1988, and between 1988 and 2002 the committee operated as the Regulation Review Committee under the Regulation Review Act 1987.

5.4.6. Standing Committee on Parliamentary Privilege and Ethics

The Committee on Parliamentary Privilege and Ethics is required to review the Code of Conduct for Members of the Legislative Assembly once every Parliament.

The committee, which has functions under the ICAC Act, carries out educative work in relation to ethical standards applying to Members of the Legislative Assembly.

Since 2003, the committee also has a role in considering any matters relating to privilege that may be referred to it by the House.

5.4.7 Select Committees

There are currently no Select Committees appointed by the NSW Legislative Assembly.

5.5 Committee travel

Parliamentary committees are appointed to perform functions, which the House itself is not conveniently equipped to undertake such as examining witnesses,
deliberating upon evidence, and preparing reports with conclusions and recommendations.

The Legislative Assembly recognises that travel by parliamentary committees has the potential to add value to the work of committees generally by increasing the rigour of investigation reports and recommendations. Thus committees may be required to make visits of inspection, hold informal discussions, view sites and processes in other jurisdictions in unique situations, to gather information that cannot be adequately reflected in formal evidence.

5.5.1. Scope

The travel policy for committees is supported by procedures that seek to ensure transparency, accountability and efficiency in the undertaking and reporting of travel.

All members of joint committees administered by the Legislative Assembly and members of committees of the Legislative Assembly as well as Legislative Assembly staff are required to comply with the provisions of the travel policy and procedures.

5.5.2. Travel proposals and responsibilities

Committees planning to undertake an inspection should formally resolve to do so at a meeting. The resolution should include the extent and purpose of the proposed travel. If the committee terms of reference do not include the power to make visits of inspection for the type of travel contemplated a resolution of the House will be needed.

Any plans for travel require approval by the Speaker for the expenditure of committee funds and approved by the Clerk for staff to travel (see section 5.5.12). The various responsibilities are as follows:

The Committee passes a resolution to undertake travel.

The proposed travel has to be advised to other committee Chairs prior to seeking approval from the Speaker.

The Chair recommends and signs the travel proposal, including the names of Members proposed to travel, submitted to the Speaker.

The Secretariat prepares the costed travel proposal; prepares documents to assist the delegation (including where relevant an overview of the jurisdiction, background of the organisation, suggested questions for the meeting); books travel; books accommodation; schedules appointments; prepares a letter from the Clerk to the NSW office of DFAT notifying it of the trip including details of the itinerary.

The Members undertaking travel are responsible for keeping their own travel diary; attending all meetings and appointments of the committee; ensuring that emergency contact details are provided prior to travel being undertaken.

The accompanying officer is responsible for the proper usage of the credit card; keeping own travel diary; preparing the travel report; attend all meetings and appointments of the committee; ensuring that emergency contact details are provided prior to travel being undertaken.

The Committee after the trip, adopts the travel report.

In more detail, approval cannot be given for expenditure on travel until the following actions have been taken:

1. A resolution authorising the purpose and extent of the proposed travel has been duly passed by the committee and recorded in the minutes. The resolution should specifically refer to the reasons for the travel.

For overseas travel, the resolution should include the names of the Members of the delegation of the committee to travel. Since 1994 the
practice has been for 2 Members to travel, accompanied by the senior officer responsible for the inquiry. It is usual for the Chair or Chair’s nominee and one non Government Member to undertake the inspection and report back to other committee members. In the case of joint committees it is desirable that at least one Member of each House travels. The composition of any particular travelling delegation of Members could vary depending on the nature and frequency of travel undertaken by the committee. The Speaker may allow additional Members to travel but generally only if funding can be obtained from Treasury or other Government agency for the extra airfares and travel expenses.

2. The committee secretariat prepares the travel proposal containing complete details of the nature and objectives of the inspection, an itinerary including accommodation, dates of commencement and completion, a schedule of sites and institutions to be visited and where possible, names and positions of people to be met. A schedule of estimated costs must be attached. The committee Chair should approve and sign each travel proposal. The proposal should be submitted through Les Gönye to the Clerk for consideration by the Speaker.

[Committee Chairs notify each other about their respective proposals for intended travel before the proposal is submitted to the Speaker]

3. Travel proposals for interstate and intrastate travel should be submitted to the Speaker 14 days prior to the proposed departure date. Travel proposals for overseas travel should be submitted to the Speaker 21 days prior to the proposed departure date.

4. Bookings that do not commit to any expenditure may be made. Upon the Speaker’s approval the Clerk’s authorisation on the appropriate form is forwarded to the Government travel contractor to proceed with confirmation of the bookings for travel and accommodation.

5.5.3. Frequency and duration of travel
Provided funds are available the following guidelines apply:

- One overseas trip per committee each parliamentary term for a duration of 14 days including all travel.
- One interstate trip per committee each year for a duration of 3 nights away.
- Intrastate trips are to be assessed on a case-by-case basis but should not exceed 3 nights in duration.

5.5.4. Size of delegations

- Delegations for overseas trips will consist of a maximum of two Members (ideally one Government and one non-Government) and one staff member.
- Delegations for interstate trips may consist of all committee members and one officer.
- Delegations for intrastate trips may consist of all committee members and one officer (two officers may travel when the committee is taking evidence outside Parliament House).

5.5.5. Conference attendance
Travel to New Zealand for a regular conference of Australasian Parliamentary Committees, whilst technically overseas, is regarded as a “domestic” activity in much the same way as ministerial attendance at councils or meetings of Australian and New Zealand Ministers.
Committees may attend conferences of parliamentary committees hosted by the New Zealand Parliament without jeopardising an overseas study tour proposal within the same Parliament.

Interstate travel to attend regular conferences of Australasian Parliamentary committees, where travel is paid for from committee funds, is limited to a delegation of four. This would usually be the Chair or Deputy Chair, one Government member and one Non Government member and an officer of the secretariat in the first instance. Chairs, Deputy Chairs and Members may wish to rotate opportunities over the course of a parliament. It is desirable to ensure that delegations of joint committees have representation of Members from both Houses.

Interstate travel to attend a conference of Australasian Parliamentary committees will not impinge on any annual inquiry based interstate visit of inspection that would be open to all committee members.

5.5.6. Accommodation

Details of all accommodation are to be included in the travel proposal submitted to the Speaker for approval. The standard of accommodation should provide a safe and secure environment, be convenient to the place where appointments are to take place, and provide value for money. Hotels are selected on the basis of the lowest pricing available and not on hotel/air frequent guest memberships; and the Government discount rate should be secured where available. The standard of accommodation should be a mid range 3-4 star level suitable for business travellers unless a cheaper or equivalent price at a 5+ star hotel is available in conjunction with a conference.

Note: for international accommodation, it is recognised that hotel facilities are less developed in some countries and areas and/or there are safety concerns, which may require a higher standard of accommodation.

5.5.7. Bookings

All travel bookings should be made by the committee secretariat through Carlson Wagonlit Travel (CWT), which currently has the Government contract for travel bookings and paid for prior to departure out of committee finds.

The lowest logical fare of the day must be used for all domestic travel. This is the cheapest fare available that meets the traveller’s needs. Restrictive fares should be sought where possible. However, competitive quotes (e.g. using different carriers) should be obtained for all proposed flights and accommodation when travelling to overseas destinations.

Travel bookings can not be ticketed until written authority is provided to CWT by Russell Grove, or, in the Clerk's absence, by Mark Swinson or the Director, Finance, Kim Smith.

5.5.8. Class of travel and time of departure

In line with NSW Public Sector standards for all official travel within Australia and overseas (Premier’s Department Circular 2009-04) economy class travel should be used.

Travel to Brisbane, Melbourne and Canberra should be scheduled for the same day and not the night before unless, for instance there is the reasonable risk of fog delaying departure.

5.5.9. Travel allowances overseas

When travelling overseas on committee business each Member is paid the Category B overseas travelling allowance which are maintained by Employment Conditions Abroad (ECA) on behalf of the Australian and NSW Governments.
These allowances, expressed in the currency of the country visited, are updated regularly and are calculated on an hourly basis from the time of arrival to the time of departure for each country visited.

Access to these rates is available on request to Parliamentary Accounts, phone (02) 9230 2653.

Wherever possible all accommodation and fares should be booked by the secretariat through the Government travel contractor and paid for prior to departure from committee funds.

When travelling overseas the per diem travel allowance is intended to cover:

- All private (non-official) travel costs;
- Dry cleaning;
- Laundry;
- Literature (journals, newspapers, magazines and books);
- Meals;
- Recreation; and
- Telephone calls (internal and international).

It is not necessary to keep receipts for expenditure on these items, although as a precaution receipts are necessary to claim reasonable expenditure over and above the daily allowance.

If a claim is made for expenditure in excess of the per diem allowance then receipts are required for all expenditure not just that portion that exceeds the allowance.

Business related entertainment, such as reciprocating hospitality, must be approved by the Speaker prior to incurring the expenditure.

In instances where Members and accompanying staff have been provided with a per diem allowance a proportionate share of the hospitality cost is to be recouped based on the number of persons present at the meal or function.

5.5.10. Telephone expenses

As the per diem allowance is intended to cover telephone calls these will not be reimbursed by the committee, other than from the official calls (for the confirmation of appointments or flights) made by the Chair or the accompanying officer, for which a diary of calls must be kept.

The Legislative Assembly will not meet the cost of international calls or local calls made overseas from a Member's mobile telephone.

5.5.11. Travel allowances within Australia

Travel allowances for official committee travel within Australia are paid in accordance with the travelling allowance rates determined by the Parliamentary Remuneration Tribunal (PRT) with effect from 1 July each year. The daily indicative upper limit is contained in Table 2 of the annual determination.

In practice committee members are reimbursed up to the daily indicative upper limit for actual reasonable travelling expenses. Original tax invoices/receipts are to be supplied to the Director, Finance for the total value of the expenses incurred.

5.5.12. Travel by committee staff

In addition to a formal resolution by the committee, approval from the Clerk is required for any staff member to travel.

Only one member of staff usually accompanies travelling committee members, preferably the senior officer working on the area of inquiry being studied.
When travelling with a committee a staff member is entitled to the same indicative upper limit travelling allowance (or reimbursement of receipted actual and reasonable expenditure) as the committee members.

While travelling standard NSW public sector practices apply to all officers.

In the case of Parliament dissolving prior to commencement of arranged travel to a scheduled conference, staff would normally not attend the conference or seminar in the absence of the Chair or committee members.

5.5.13. Travel by consultants

Before approval can be given for a consultant to travel with a committee, arrangements must be made to establish the terms of engagement while away (i.e. maximum chargeable hours) and to secure an undertaking regarding reporting of the inspection.

5.5.14. Travel by approved relatives

Approved relatives are not to accompany Members on committee visits.

5.5.15. Travel diary

To minimise the Parliament's exposure to fringe benefits tax (FBT) a detailed travel diary must be kept for each overseas inspection plus travel within Australia that exceeds five days and include a minimum of the following information:

- The nature of the inspection;
- The activities that took place;
- The date and approximate time the activity commenced and concluded; and
- The duration of the inspection.

A detailed travel itinerary or conference schedule may be substituted for a diary provided it is signed by the Members or committee officer travelling, that the details represent a correct record of the actual trip.

The certified diary or detailed itinerary is to be submitted to the Director, Finance by the Member and staff travelling within two weeks of returning from the trip, and signed verification of the accuracy of the information contained within the travel diary is required prior to the diary being submitted.

5.5.16. Variations to approved travel

Expenditure that has not been approved in advance will not be reimbursed by the Department. Variations of approval to travel should be sought as soon as possible prior to the expected date of travel.

The Speaker will also need to authorise any variation to the original approval, prior to travel if possible. If travel plans are required to be changed en route the Speaker or Clerk should be notified immediately.

Upon return, a written explanation of the need for the alteration is to be provided prior to reimbursement of any expenditure incurred, and the alterations documented on the form issued by the Director, Finance for reconciliation purposes.

The delegation is to travel as a group. Arrangements for travel are to be made for the committee as a whole and Members are to undertake the entire itinerary. Exceptions would be in circumstances of eliminating back tracking or in cases of illness.

If a Member returns early a pro rata portion of the travel allowance paid in advance must be repaid.
Members may only extend their stay or proceed on further travel at their own expense for the purposes of private leave or for other parliamentary purposes on the approval of the Speaker.

5.5.17. Accountability for travel

Committees will be expected to provide reports to the House on visits of inspection shortly after their completion. Members should note that details of all Committee travel including names of Members travelling and the cost is included in the Annual Report of the Legislative Assembly.

5.5.18. Loyalty programs

Since 1 July 2002, frequent flyer points no longer accrue for travel booked under the NSW Government contract as increased rebates are now applied to fares.

Members are reminded that any benefits accrued by way of loyalty/incentive schemes, such as frequent flyer points, as a consequence of committee travel are to be used only for parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited.

Similarly, staff acquiring frequent flyer points as a result of committee or other official travel may only use those points for official travel. Staff are required to make an annual declaration to the Clerk indicating the number of points accrued and what use has been made of those points.

5.5.19. Gifts

Gifts provided by the Legislative Assembly may be given to persons who give significant assistance to the committee in the course of its official business. Gifts are generally given during the course of overseas committee travel as tokens of appreciation. Committee staff, in consultation with the Chair, will make recommendations as to appropriate gifts, and seek approval from Les Gönye for the expenditure.
Chapter 6: Parliamentary Procedure – Committees

This material provides a broad overview of the role and functions of the Legislative Assembly Committees. More detailed information is available in the publication Guide to Committees of the Legislative Assembly, May 2007, which is available on the intranet and in Grove R (ed) New South Wales Legislative Assembly Practice, Procedure and Privilege (2007), particularly Chapter 26.

6.1. Role of Committees

Parliamentary committees are groups of members appointed by the House (or Houses) to undertake a particular task or function.

Parliamentary committees in NSW:

- Oversee specific activities of the Executive in more detail than the House;
- Examine legislative proposals, regulations and the operation of policy in detail;
- Link Parliament and the people, providing an authoritative forum where interest groups can put their views on the record;
- Provide a link to Parliament and ultimate accountability for a number of independent statutory officers such as the Auditor-General, the Ombudsman and the Independent Commissioner Against Corruption; and
- Are established by and report to the Parliament.

Committees focus attention on specific issues and encourage meaningful deliberations in the public interest.

Committees are designed to be of a size that permits effective working relationships between members. While committees have rules and procedures, generally the atmosphere of proceedings is less formal and much less adversarial than the plenary sessions in the House.

Committees provide mechanisms for public engagement and validation of the democratic process. Committees often call for submissions from the public. They hold public hearings and meetings that provide opportunities for interest groups, academics, experts and individual citizens to inform the committee of their views on particular topics.

Committee inquiries which are open to the public educate members and the public on policy issues, competing policy concerns, the constraints to certain courses of action and the democratic process.

Committee membership provides an opportunity for members to become well informed in particular subject areas. Information made available through committee work can be helpful in addressing concerns raised by constituents.

Committees make recommendations to the House. They can identify problems with the operations of government or, in some cases, make proposals to change policy or administrative arrangements. These can lead to increased public awareness of an issue that may lead to changes in government policy.

However, members should be aware that there are limits on the powers of committees to implement change directly. For instance, in New South Wales, few
committees of the Legislative Assembly have the unlimited power to comment on Government policy in their subject area.

On its own, a committee report or recommendation may not lead directly to change.

6.2 Types of Committees

The Legislative Assembly may appoint standing, select, sessional, statutory, domestic, legislation, estimates and joint committees. The terms "standing", "select" and "sessional" refer to the duration of the life of a committee. Committees may consist either of members of the Legislative Assembly alone or from both the Assembly and the Legislative Council.

6.2.1. Standing committees

Standing committees are appointed to investigate and report on specific subject areas for the life of a Parliament. While they continue to exist until Parliament is dissolved, in the absence of statutory authority, they are generally considered unable to transact business during any prorogation of the Parliament (when a session of Parliament has been ended by proclamation of the Governor).

6.2.2. Select committees

Select committees are appointed by either or both Houses to investigate or report on specific matters. They cease to exist when they have completed their functions or on a date nominated by the House or Houses. They also cannot transact business during any prorogation of the Parliament.

6.2.3. Sessional committees

Sessional committees cease to exist at the end of a session of Parliament.

6.2.4. Statutory committees

Statutory committees are created under the authority of an Act of Parliament. Apart from any specific legislative provisions, they operate under the rules for standing committees. Statutory committees continue to exist whilst the Acts under which they are created are in force and Parliament continues to appoint members to serve on them. They continue to operate during a prorogation of Parliament.

6.2.5. Domestic committees

The House may also appoint standing committees concerned with matters internal to the House such as catering, the library and House procedural matters.

6.2.6. Legislation committees

Legislation committees are established to investigate and report on amendments to the clauses and schedules of a particular bill. These committees are appointed after the House has agreed to the bill in principle and they must report within six months.

6.2.7. Estimates committees

The Legislative Assembly is able to appoint committees to examine in detail the Government's estimates of revenue and expenditure for the following year and the appropriation bills.

6.2.8. Joint committees

Joint committees are be established by resolution of both the Legislative Assembly and the Legislative Council or by statutory provision.
6.3. Membership

Standing orders provide that committees may consist of between five and 10 members. Statutory committees may have a greater number.

Members are appointed and discharged from committees by motion on notice in the House.

The Speaker, Deputy Speaker and Assistant Speaker are unable to serve on committees, except with their consent, and by convention, Ministers do not serve on committees. Some statutes preclude Ministers and Parliamentary Secretaries from serving on certain committees.

A member should not decline to serve on a committee and there is no provision for a member to resign from a committee appointed by resolution. In such cases a member is required to be discharged by motion agreed to by the member’s House. Provision is made in legislation establishing a number of statutory committees for members to resign by writing to the Speaker. Normally, members are discharged when they are no longer eligible to be committee members because they have been appointed to another office.

Unless the resolution establishing a committee nominates the committee Chair, the committee elects a Chair from amongst its members at its first meeting. The Chair has particular powers to lead the committee.

The first meeting also elects a Deputy Chair who acts as the Chair in the Chair’s absence.

6.4. Characteristics of Effective Committees

Effective committee membership requires members to devote time and effort to learning about the issues under investigation.

Committees operate best if the members share information in an open and constructive manner and treat the views of others with mutual respect.

6.4.1. Role of Chairs

Committee Chairs are responsible for ensuring that committees abide by their terms of reference and the standing orders the same way that the Speaker maintains order in the House through upholding the standing orders. Chairs also have specific powers under the standing orders and relevant statutes relating to their leadership role. These powers include:

- the right to question witnesses first before opening questioning up to other members
- in most cases, the power to resolve gridlocked decisions by virtue of having both a casting and a deliberative vote and
- the power to present draft reports to the committee as the “Chair’s draft”.

In practice, Chairs also tend to provide strategic guidance to the committee secretariat on operational matters and speak in public on behalf of committees.

However, Chairs rely on the continued support of the committee membership for the committee to complete its work. Principles for maintaining this support include:

- consulting members about committee work programs;
- consulting members about hearing dates and potential witnesses;
- providing adequate notice of meetings (a week’s notice is a reasonable standard);
- early distribution of relevant material to committee members; and
- fostering a non-partisan environment that allows discussion of diverse points of view before making decisions as a committee.
6.4.2. Role of members
All members can contribute to effective committees by:

- familiarising themselves with material before attending meetings;
- participating fully in committee discussions;
- treating each other with mutual respect; and
- abiding by the rulings of the Chair in the conduct of committee proceedings.

6.4.3. Meetings
Committees are not properly constituted unless a quorum, or minimum number of members, is present within 15 minutes of the start of a meeting.

6.5. Powers and Activities of Parliamentary Committees

6.5.1 Sources of Committee Powers
Although there are many different types of parliamentary committees in NSW, their powers and their procedures emanate from the following common sources.

6.5.1.1. General statutes
- Parliamentary Papers (Supplementary Provisions) Act 1975 — authorises committees to publish material;
- Defamation Act 2005 — confers a defence of absolute privilege against an action for defamation in respect of the publication of documents by committees;
- Parliamentary Evidence Act 1901 — provides a code for the summoning, attendance and examination of witnesses by committees; and
- Article 9 of the Bill of Rights 1688, adopted in NSW by the Imperial Acts Application Act 1969, guarantees the privilege of freedom of speech for witnesses appearing before committees.

6.5.1.2. Particular statutes
The statutes establishing statutory committees may define special requirements such as the number of members and particular powers or limitations on their operations. Where statutes are silent, the relevant standing orders apply.

6.5.1.3. Standing orders
The standing orders of both Houses (which are given force and effect by the Constitution Act 1902) have provisions relevant to the conduct of committees. Normally, the standing orders of the Legislative Assembly apply however, members of the Legislative Assembly may also be appointed to serve on joint select committees initiated by the Legislative Council in which case the Council’s standing orders and practice apply.

While joint committees by convention are subject to the standing orders of the originating House, many committees are established under legislation and enacting provisions will specify whether the standing orders of the Assembly or Council will apply. If the legislation is silent on any aspects of a committee’s role or functions, the relevant standing orders of the specified House will then apply. As all the statutory based committees provide for the Clerk of the Legislative Assembly to call the first meeting of the respective committees, Legislative Assembly standing orders and practice is adopted.
6.5.1.4. Resolutions establishing committees
The resolution of the House appointing a committee can define specific powers or limitations. Such resolutions can include detailed terms of reference, the number of members, the names of members and reporting dates.

6.5.1.5. Committee resolutions
At the first meeting of each committee, the members consider a number of standard procedural resolutions on such matters as arrangements for contacting witnesses and publication of information about the committee.

Some committees also have “self-referencing” powers that mean they can determine the terms of reference for particular inquiries on their own resolution.

6.5.1.6. Practice and convention
Where there is no rule or precedent applicable to a particular situation, regard is had to the practice of the Australian House of Representatives. In rare circumstances, it may be necessary to consult English precedent as set out in the latest edition of *Erskine May’s Parliamentary Practice*.

6.5.2. Typical committee activities
Some committees may conduct wide-ranging public inquiries into relevant issues. Others may be restricted by the initiating resolution or their terms of reference to much narrower investigations or specific factual inquiries. In addressing their terms of reference or fulfilling their statutory functions, committees typically hold private or deliberative meetings and public hearings and preparing reports to the House.

6.5.2.1. Deliberative meetings
Only the committee members and secretariat attend deliberative meetings. In these meetings committees conduct their administrative and private deliberative functions such as the adoption of minutes, scheduling of meetings, deciding on courses of inquiry, selection of witnesses and the consideration of draft reports.

6.5.2.2. Calling for submissions
Committees often start their investigations by calling for submissions from the public and relevant organisations that address their terms of reference. The committees use the information provided in these submissions to form the basis of their deliberations.

6.5.2.3. Formal Hearings
For the purpose of hearing witnesses, often people who have previously made submissions attend formal hearings. These are usually held in public but may in some circumstances be held “in camera” or private with only committee members, staff and witnesses in attendance.

Formal hearings are subject to the protection of parliamentary privilege and the requirements of standing orders. Evidence taken in camera is confidential to the committee.

6.5.2.4 Round table discussions
Committees may convene informal round table discussions with key stakeholders.

6.5.2.5 Other means of gathering information
Committees may use other means of gathering information such as attending conferences or seminars; organising public forums where members of the public express their views directly to committee members; or by conducting surveys. Alternatively, briefings could be obtained from experts in a particular field or by
consulting with non-community groups. Committees sometimes meet with the parliamentary committees from other jurisdictions.

6.5.2.6 Visits of inspection
It may be beneficial for committees to inform themselves about issues by undertaking visits of inspection to appropriate sites.

6.5.2.7 Reporting
The most visible products of the work of committees are their reports to the House. A report contains a summary of the evidence and other information collected during the committee’s consideration of an issue and the results of the committee’s deliberations. Once tabled, reports are publicly available on the committee’s web page and are normally printed for inclusion in the parliamentary papers series.

6.6. Key Procedural Issues
Committees are appointed by the Parliament, and their operations are governed by the standing orders, provisions in a number of different Acts, and the practice and conventions of the Parliament. More detailed information is available in the publication Grove R (ed) *New South Wales Legislative Assembly Practice, Procedure and Privilege*, from Committee Managers or from Les Gönne.

6.6.1. Privilege
The proceedings of a duly constituted Parliamentary committee are regarded as proceedings of the Parliament and so attract the protection of parliamentary privilege. As in the House, members who speak in deliberative meetings and hearings are protected from defamation actions.

No action may be taken against a person for making a submission or statement to a committee and the submission or statement may not be used in courts or tribunals to question the truth, motives or credibility of any person. However, any re-publication of a statement or a submission made to a committee without the express authorisation of the committee does not attract the same protection.

6.6.1.1 Importance of maintaining a quorum
A committee is not properly constituted if it does not have a quorum. Without a quorum, a committee cannot make any resolutions or decisions. Also, the protection of parliamentary privilege is less certain if the committee is not formally constituted.

Although the number of members required for a quorum varies from committee to committee, unless otherwise specified, a quorum consists of three members. For joint committees, there must be at least one member of each House in attendance.

6.6.1.2 Other factors limiting privilege
When conducting interstate or international meetings, a committee cannot exercise the same powers that it can during proceedings in New South Wales. In particular, a committee cannot swear in witnesses nor compel persons to attend. Interstate briefings can still be transcribed or recorded, but are not covered by parliamentary privilege. If a transcript is made, the committee should therefore table it at the next meeting within its State jurisdiction in order to deem it a formal committee proceeding. Interstate committee meetings and visits of inspection should also be minuted when there is a quorum of members attending.

Hearings and visits of inspections held elsewhere within New South Wales are procedurally no different from any held in Parliament House and should also be minuted.
6.6.1.3. Powers of investigation limited to terms of reference
As creations of the Parliament, committees have the power to conduct investigations. However these powers of inquiry are confined to their particular functions. For instance, statutory committees such as the Committee on the ICAC or the Committee on the Health Care Complaints Commission (HCCC) have been established to oversee statutory bodies but have no function to reconsider the decisions of the ICAC or HCCC respectively in relation to a particular investigation or complaint. Similarly, a standing or select committee established by a resolution of the House has only those powers that are required to fulfil its functions as agreed to by the House.

In some cases committee functions are left fairly wide with the resolution passed by the House indicating that the committee can investigate “any other relevant matter”.

6.6.1.4. Suspension of standing orders
The House makes the standing orders of the Legislative Assembly. Therefore committees, being lesser bodies, cannot by their own resolution suspend the operation of standing orders.

6.6.2. Meeting procedures
Each motion in a committee meeting needs a mover. It is not necessary for a motion to be seconded, although this indicates broader support among members of the committee.

A division can be held on any question.

The minutes should record the names of members disagreeing with decisions if they request this without calling a division.

6.6.3. Coercive powers
Committees have substantial powers under SO 288 “to send for persons, papers, records, exhibits and things”. In most cases, however, information and evidence is provided voluntarily and committees rarely resolve to use their coercive powers.

6.6.3.1. Calling for submissions and papers
Committees can invite the public or key stakeholders to produce documents relevant to the committee’s terms of reference by calling for submissions. A formal request that documents or records be produced should only be made (whether or not an invitation to produce documents or records has previously been made) when the committee has resolved that the circumstances so warrant.

There is no statutory penalty for failure to produce documents. However, the committee may produce a special report to the House on the matter. This could lead to a House resolution that the documents or records be produced.

6.6.3.2. Summoning witnesses
Most witnesses are not summoned, as they are willing to appear before committees voluntarily. However on some occasions public servants and others will request issue of a summons as indication of compulsion to attend and answer questions. A committee can resolve that the Chair issue a summons which may be served personally on the witness.

There are severe penalties under the Parliamentary Evidence Act 1901 if a person fails to attend without reasonable excuse in response to a summons, so personal service of a summons should be first discussed with Les Gönye.

6.6.3.3. Calling members of Parliament
A committee conducting an inquiry can only request, and not summons, the appearance of a Member of Parliament to appear before it. This means that,
should a member refuse to give evidence to an inquiry, no action can be taken against the member but the committee can report such a refusal to the House. The House could resolve to direct a member to appear before a committee.

If a committee wishes to hear evidence from a Member of the Legislative Council, the House needs to send a message to the Council seeking leave for that member to attend if the member agrees.

6.6.4. Hearing procedure

6.6.4.1. Swearing in of witnesses

Section 10(2) of the Parliamentary Evidence Act 1901 requires that “Every witness attending to give evidence before a committee... shall be sworn by the chair of such committee.” An affirmation may also be given.

6.6.4.2. Recording of evidence

SO 292 provides that “the questions and evidence of witnesses shall be reported by Hansard unless otherwise ordered by the committee.” Witnesses have the opportunity to correct their evidence in relation to verbal inaccuracies only.

6.6.4.3. Refusal to answer question or answering falsely

A witness refusing to give an answer to a lawful question from a committee may be deemed to be in contempt of Parliament and may be immediately detained in the custody of the Serjeant-at-Arms, and, if the House orders, imprisoned for up to one month. In addition, a witness who knowingly makes a false statement is liable for a period of penal servitude up to five years.

Usually, when witnesses refuse to answer a question, the refusal is on the grounds of one or more grounds of immunity as described below. It is a matter for the committee to decide whether a question is lawful and whether the committee wishes to continue to pursue the question.

6.6.5. Main Immunities

6.6.5.1. Sub judice

Sub judice, meaning “under consideration”, refers to matters that are currently being considered by a court. While there is no standing order or law relating to sub judice, parliaments have adopted a self-discipline to avoid discussions in the House that could prejudice court proceedings.

In relation to committees, the sub judice convention requires the committee to assess whether a particular inquiry or line of questioning would prejudice proceedings before a court. If the committee is in doubt, it should consider taking that portion of evidence in camera.

6.6.5.2. Public interest immunity

Public interest immunity, also known as “executive or Crown privilege” protects from compulsory disclosure in the courts any information which would be detrimental to an identifiable public interest. As this principle is in conflict with the powers of the Parliament to call for persons, papers and things, neither the Houses nor parliamentary committees have formally acknowledged that they are bound to sustain objections by Ministers or officials to the production of documents or the giving of oral testimony merely because of assertions that such disclosures would be contrary to the public interest. This type of conflict also arises when the committees’ statutory powers to investigate a matter come up against binding statutory confidentiality provisions such as those for the Auditor-General in the Public Finance and Audit Act.
6.6.5.3. Commercial in confidence
Witnesses may claim that the disclosure of certain information may affect the commercial performance of themselves or third parties. Committees should balance the need for the information to complete their inquiries against the real risk of disclosure. If required, such information can be treated in confidence.

6.6.5.4. In camera evidence
In most cases committees take evidence in public. However, it may be appropriate to hear evidence in private in certain circumstances.
Witnesses are usually offered the opportunity to make application, before or during the hearing of their evidence, for any or all of the evidence to be heard in camera, and are invited to give reasons for any such application.

6.6.5.5. Natural justice
Where comments have been made that may give rise to potential adverse findings against a person, the principle of natural justice requires that the committee extend an opportunity to the affected person to put their version of events. This may include resolving to release relevant sections of transcripts of in camera evidence to the affected person.

6.6.5.6. Questioning public servants
Public servants should not be asked to give their opinions of government policy. However, they may be asked to describe past and present policy, the effects of changes in policy and other relevant facts. Where a public servant refuses to answer a question on the grounds of public interest immunity, they should be allowed the opportunity to defer giving evidence on the matter until their Minister is consulted.

The Cabinet Office has prepared guidelines for public servants appearing before parliamentary committees. Officers have been asked to give evidence of a factual nature and to refer questions seeking opinions or judgements of a political nature to the Minister. The full guidelines have been circulated as Premier’s Circular 2003-47 and is published on the website of the Department of the Premier and Cabinet.

6.6.5.7. Admissibility of questions
During hearings the Chair may on occasions need to rule on the admissibility of questions or a line of questioning, particularly where issues of relevance, public interest immunity, commercial confidentiality or sub judice matters may be involved.

6.6.5.8. Conflict of interest
SO 276 provides that a member cannot sit on a committee if personally interested in the inquiry before the committee. This is an extension of the standing order regarding pecuniary interests, that is, a member is precluded from voting on any matter in the House in which the member has a direct pecuniary interest not held in common with other citizens of the State.

6.6.6. Maintaining information in confidence
The files and other records of a committee are confidential to it and may be made available to others only by order of the committee or of the House itself, or in limited circumstances, by authority of the Speaker. This includes all transcripts of evidence, submissions and draft committee reports. However documents which were in the public domain prior to their submission to a committee are not confidential.

Some statutory committees have specific secrecy provisions in relation to certain matters that prescribe penalties of imprisonment for breaches of confidence.
Release of such information is a breach of parliamentary privilege and can be reported to the House in the form of special reports or, alternatively, in a report to the committee Chair.

6.6.1. In camera evidence

Committees should take particular care to protect transcripts of evidence taken at in camera hearings because of the potentially greater negative consequences of their publication.

6.6.2. Committees may release material

Committees may resolve to release non-confidential submissions and transcripts of evidence at any stage of their inquiries. If not done sooner, transcripts and submissions may be released when the committee’s report is tabled.

6.6.3. Release of in camera evidence

As some in camera evidence may only need protection for a limited period, it may be appropriate for a committee to resolve in due course to release such evidence in the public interest. While some committees are able to do this without the agreement of the relevant witness, certain statutory committees require the written permission of the provider of confidential information in order to disclose it.

6.6.7. Committee reports

Under SO 299, committees are empowered to report upon their deliberations and to present minutes, evidence or other documents to the House.

6.6.7.1. Chair’s draft reports

Under SO 300, it is the responsibility of the Chair to prepare and circulate the draft report for the rest of the committee to consider.

6.6.7.2. Considering reports

Committees should consider draft reports in deliberative meetings. The standing orders provide for reports to be considered paragraph by paragraph unless the committee agrees otherwise. Members may move amendments to the draft at any stage of the consideration of the report. The report may then be adopted with or without amendments.

6.6.7.3. Dissent from reports

As the committee’s report is expected to reflect the views of the majority of its members, there is no provision for dissenting reports under Legislative Assembly standing orders. However, some committees’ terms of reference have previously included specific provision for dissenting reports.

The differing views of members should be addressed by proposing them as, and debating, amendments to the draft report. Proposed and adopted amendments along with any divisions on proposed amendments or recommendations are minuted for the public record. Members can propose a motion that “dissent be noted” in the minutes or vote against a motion to adopt the report. Such actions including the wording of any proposed amendments should be included in the committee’s minutes.

6.6.7.4. Tabling

The committee Chair or another member appointed by the committee may table the report in the House together with the minutes, evidence and other documents. Reports from joint committees are tabled in both Houses, usually by the Chair in one House and the most senior Government member or Deputy Chair being members of the other House.

The member tabling the report would then move that it be printed. This is done without debate. The report is then publicly available.
If the House is not sitting, the committee may send a report and associated documents to the Clerk. Upon receipt, the report is deemed to be tabled and ordered to be printed and can be publicly released although it is not reported to the House until the next sitting day. For tabling of reports from joint committees out of sitting times, the report is sent to the Clerk of each House.

6.6.7.5. Timing

Unless a reporting date is included in the committee’s terms of reference, the timing of presenting a report is at the committee's discretion. If a committee considers that it is unable to meet a reporting deadline, it should agree for the Chair to consult with Les Gonye about requesting an extension by the House. The motion for an extension would normally be moved by the Leader of the House.

6.6.7.6. Taking note of reports

There is provision under SO 306 for committee reports to be considered by the House between 1:00 pm and 1:30 pm on sitting Fridays. Reports are listed on the Business Paper in the order in which they were presented to the House. Should debate on committee reports not occur on a particular day, it is postponed until the next Friday or adjourned. If postponed and not debated on the next day, the order of the day for the debate lapses.

6.6.7.7. Government responses

Under SO 303A, the Government is required to respond to Committee recommendations within 6 months of the tabling of the report.

6.6.7.8. Information provided to previous committees with similar roles

SO 310 provides that committees may have access to evidence and records of similar committees appointed during a previous session of the same or of a previous parliament. However committees are not bound by any decisions made by previous similar committees.

6.7. Administrative Arrangements

6.7.1. Committee Secretariats

Administrative, procedural and research support is provided to committees by secretariats of parliamentary officers who are permanent employees of the Legislative Assembly. Each secretariat usually supports two committees and consists of between four and six staff depending on operational needs from time to time.

6.7.1.1. Secretariat structure

Each secretariat consists of:

- A committee manager – who directs research and committee activities, providing procedural and administrative support;
- One or two senior committee officers – who manage complex committee activities, including planning of particular inquiries, under the supervision of the Committee Manager;
- A committee officer – who provides research and administrative support;
- An assistant committee officer – who provides administrative and clerical support; and
- A secretariat may also use a research officer for assistance with research and report writing if it is needed for a particular activity.
6.7.1.2. Rotation of committee staff
Officers are assigned to secretariats depending on operational needs as determined by the Clerk-Assistant (Committees) from time to time.
Individual staff may be rotated between secretariats to supplement resources on a needs basis, and to provide opportunities to broaden their committee experience and enhance skills development.

6.7.1.3. Secondees / consultants
Where committees need specialist advice on particular issues, they may be able to use consultants or secondees.

6.7.1.4. Role of secretariat
The secretariat makes arrangements for all committee activities in consultation with the Chair. This includes: arranging meetings; hearings; liaising with witnesses; visits of inspection; preparing and distributing meeting papers; drafting correspondence; and, drafting reports. The secretariat also regularly contacts other committee members to ascertain their availability to participate in committee activities. Committee travel arrangements for all committee members are made by the secretariat.

6.7.2. Allowances

6.7.2.1. PRT Determination
The *Parliamentary Remuneration Act 1989* (the Act) provides for salary and allowances for members of Parliament. They are updated annually in determinations by the Parliamentary Remuneration Tribunal.

6.7.2.2. Committee Chairs
Chairs of statutory and standing committees listed as recognised office holders under the Act receive an additional salary of 7%, an expense allowance of 7% and a greater stationery entitlement.

6.7.2.3. Purpose of the allowance
Committee Chairs are able to use the expense allowance for costs incurred as a consequence of holding the office of Chair such as entertaining visitors and witnesses or for Committee business cards.

6.7.2.4. Sitting allowance for other Chairs
Not all committees are covered by the Act. Chairs of joint select committees or select committees who are not listed as office holders under the Act receive a sitting allowance for each day they attend a meeting or an official visit of inspection if that day is not a sitting day of their House.

6.7.2.5. Public Accounts Committee members
Because of the statutory nature of the Public Accounts Committee and its role in Government activities, an annual rate of allowance is payable to Members of the Public Accounts Committee.

6.7.3. Visiting Delegations
On occasion, committee members may be asked to meet delegations of members or officials visiting from another Australian or international jurisdiction to share information about how they operate.
In many cases, the committee Chair will be the only member involved, however, other members may be asked to attend if the Chair is not available. In some cases, it may be appropriate for several members of a committee to meet a visiting delegation.
Secretariat staff would normally attend such meetings and provide background information to assist members.
Chapter 7: Electorate Offices

7.1. Background Information

This section contains detailed information about electorate offices, their operation and set-up.

In addition, there is "quick find" information at the end of this chapter about who to contact for IT consumables or when equipment maintenance or repairs are required.

Information about electorate office staff is outlined in Chapter 8.

7.2. Purpose and Use

In accordance with the Parliamentary Remuneration Tribunal Determination, each Member of the Legislative Assembly is provided with an electorate office so that Members can carry out their roles in representing their electorate.

The work undertaken in electorate offices will be wide-ranging and varied.

Electorate offices are not to be used as campaign offices for any election at any time and electorate office staff are not to be utilised by Members in their campaign offices unless on approved leave.

Similarly the Determination and the Members' Code of Conduct prohibit the use of public resources and entitlements for any electioneering, campaigning or fund-raising purposes. Public resources includes the staff, electorate office and equipment resources supplied for the use of the Member.

An exception is the display of campaign posters in electorate offices, which is specifically permitted under section 151 B(3)(d) the Parliamentary Electorates and Elections Act 1912.
7.3. **Insurance**

The operation of electorate offices is covered by various types of insurance:

- Public liability insurance;
- Property and contents insurance; and
- Workers compensation insurance.

Insurance issues can be complex. Where Members are uncertain about any individual situation, or have any general concerns about insurance or insurance related issues, the can provide general advice or put Members in touch with specialist staff. Phone (02) 9230 2292.

7.3.1. **Unlimited liability insurance**

Members are provided with unlimited liability insurance cover that includes their electorate office and some of the other activities undertaken by Members as part of their official duties.

7.3.2. **Coverage**

This insurance covers all day-to-day activities that are undertaken in the Member’s electorate office. Further, this public liability cover also extends to public meetings held by Members in their capacity as a local Member. The Treasury Managed Fund will provide a certificate of currency if required.

All requests for certificates of currency should be made to Kim Smith on (02) 9230 2292.

7.3.3. **Limitations**

This cover does not extend to jointly sponsored public events or where attendance fees are levied. In these situations, separate insurance cover would need to be arranged.

Similarly any illegally based operation is also excluded.

Liability under this policy is excluded for payment under any Workers Compensation Act or ordinance, pollution liability to persons, property or environment (except accidental and non-preventable) and personal injury or death covered by any third party policy issued under the Motor Accidents Act 1988.

7.3.4. **Property and contents insurance**

All equipment, furniture, stationery, etc provided by the Parliament for use by Members in their electorate offices are covered for full replacement value.

Electorate office fit-outs that are paid for by the Legislative Assembly are also covered by the Parliament’s contract of insurance, and plate glass insurance cover is also included. Personal items brought into the electorate office are not covered by the Parliament’s property and contents insurance.

7.3.5. **Reporting requirements**

In the event of equipment including mobile telephones and laptop computers being stolen or lost, an insurance Incident Report Form must be completed by the Member or officer who had custody of the item at that time.

The incident is required to be reported to Police and the event number allocated recorded on the Incident Report Form.

These report forms are available from Keith Ferguson, phone (02) 9230 2197 or Finance, phone (02) 9230 2292.

Members are advised to make private insurance arrangements for privately owned furniture, equipment and personal effects.
7.4. General Conditions and Standards for Electorate Offices

Members are provided with a fitted out, equipped and maintained electorate office to an appropriate standard. The Parliamentary Remuneration Tribunal has determined that the Members for Murray-Darling and Barwon are each provided with an additional electorate office.

In the event of an election or electoral boundary alteration, the incoming Member will initially be required to utilise the existing electorate office.

All fit-outs and leasing arrangements are required to be approved by the Speaker.

The Speaker will only consider a Member’s request to relocate offices if a release from the lease can be obtained at minimal or no cost to the Legislative Assembly, the existing premises are considered unsuitable or there are other compelling reasons, and funding is available to fit-out a new office.

Electorate offices should have an area of approximately 120 square metres and be considered to be offered at a fair market rent for the location concerned as certified by the Legislative Assembly’s nominated valuer.

David Auert is responsible for arranging electorate office leases and the coordination of fit-outs, phone (02) 9230 2907, fax (02) 9230 2429. Frank Danek manages the technical lease requirements for the Legislative Assembly, phone (02) 9230 3503, fax (02) 9230 2429.

7.4.1. Leases

The Crown holds all Legislative Assembly leases. Wherever possible, new leases will contain a clause giving the Crown the option to be released from the lease should the premises no longer be required due to the Member ceasing to hold office for any reason or because of an electoral boundary alteration.

A copy of this clause and the standard lease used for electorate office leasing can be obtained from David Auert, phone (02) 9230 2907.

Additionally, wherever possible, leases are prepared by the Crown Solicitor’s Office acting on the instructions of the Legislative Assembly.

Owners/agents should be made aware of these requirements early in any negotiations for new premises.

7.4.2. Payments

The Department of the Legislative Assembly is responsible for the payments of all “standard” leases for electorate offices.

Parliamentary Accounts pays rent on electorate offices automatically each month on receipt of a tax invoice from the lessor or managing agent. Advice on amounts payable in respect to an electorate office can be provided by David Auert, phone (02) 9230 2907.

The Legislative Assembly will not be responsible for any lease payments for offices other than the official electorate office.

7.4.3. Fit-out

The Legislative Assembly will provide electorate office accommodation in accordance with established guidelines, offering a Member’s office, a general work area with workstations, a reception area and a storeroom.

An interview room and kitchenette/toilet facilities may be accommodated, provided the proposed leased floor area is of sufficient area to accommodate these inclusions and the services are available.
7.4.4. **Signage**

Illuminated under awning signs will only be permitted if there is already one existing.

Other signage allowed is the Member's name, electorate, hours of business, and office phone and facsimile numbers.

If the premise is a shopfront and has an awning, the Member's name is permitted on the front of the awning.

As the electorate office is a public office, no signage is permitted on public display that indicates the political party with which the Member is affiliated.

7.5. **Establishment of Offices**

Initial submissions to relocate or establish an electorate office should be submitted in writing to the Speaker, outlining all relevant particulars.

The final decision on the establishment of new electorate offices and office relocations will be at the Speaker’s discretion.

Where existing premises are considered to be suitable for electorate office purposes, requests to relocate may not be approved.

A Member, or the Member’s family, should not own the proposed premises or should not have (or a person with whom they are associated with should not have, as far as the Member is aware) a financial or other interest with regard to the premises. Examples of such interests could be holding ownership rights to the premises, either personally or through an interest in a company; the premises were used as a campaign office or the political party to which the Member belongs had or currently has an interest in the premises.

The locating of suitable premises and the negotiation of leases is undertaken by David Auert. Wherever possible, all proposed premises will be inspected in relation to office relocations and a report made to the Speaker.

Proposed new premises should be in good condition and, preferably, be carpeted and air-conditioned.

Consideration must also be given to occupational health and safety issues in the workplace, with all new premises to meet a reasonable standard.

All proposed new premises should offer adequate accessibility for all constituents including the elderly, disabled, and those confined to wheelchairs. Proposed premises should therefore be on the ground floor (with a ramp if there are steps) or have lift access.

Proposed new premises should be situated as to offer adequate parking for the Member, staff and constituents, and be readily accessible by public transport.

Premises that offer some complementary car parking will be viewed favourably. Where car parking is in extremely short supply, the Speaker may consider the leasing of one car parking space per office. This will only be considered under exceptional circumstances provided the overall cost is still within acceptable limits.

To enable a proper determination on merit, all applications for relocation of electorate offices should include a detailed comparison of the present electorate office, proposed new office and other available options within the electorate.

7.5.1. **Further information**

Contact David Auert to discuss any aspect of electorate office leases or the coordination of fit-outs, phone (02) 9230 2907.
7.6. **Furniture and Equipment**

The Legislative Assembly provides all furniture and equipment allocated for electorate offices and ensures that the equipment is maintained to an appropriate operating standard.

7.6.1. **Replacement and repairs**

From time to time, furniture and equipment will be replaced as part of an overall asset management strategy or when the item becomes uneconomic to repair.

7.6.2. **Costs of consumables**

The costs associated with the provision of consumables (e.g. photocopy paper) or operating costs (e.g. telephone calls) are met under a variety of arrangements. Some items or services are paid for by the Legislative Assembly; whilst others are paid for from Members’ LSA. More details are provided by the Department of Parliamentary Services.

7.6.3. **Furniture**

In the electorate office, standard issue furniture is provided and paid for by the Legislative Assembly for the Member’s office, the general office, the reception areas and amenities/tea area.

Furniture provided includes:

- Member’s desk;
- Standing return (1);
- Member’s chair (1);
- Bookcases with various design options (2);
- Discussion/coffee table;
- Coat cupboard (1);
- Two-seater lounge (1) (optional – see below);
- Workstations with screen panels and open shelves (2);
- Mobile pedestal to each workstation;
- Clerical chairs (3);
- Compactus storage unit standard shelving and toast racks system or 11 x 4 drawer filing units (total of 11 for Parliament House office and electorate office);
- Interview table (1);
- Interview/visitors chairs (12);
- Brochure holder, display;
- Clothes lockers (2);
- Pinboards (3); and
- Whiteboard – 1200 mm x 900 mm magnetic single-sided (on request).

Furniture provided for the reception area includes 1 two-seater lounge.

If the lounge option is taken up in both the Member’s office and the reception area, 8 interview(visitor chairs rather than the standard 12 will be supplied.

Furniture provided for the amenities/tea area includes 1 kitchen table and 4 kitchen table chairs.
7.7. Non-Computer Equipment

The following non-computer equipment is provided for electorate offices and paid for by the Legislative Assembly:

- Multi-function device with: print; facsimile; copy capability;
- Folding/inserting machine;
- Paper shredder;
- Telephone answering machines (provided on request for both home and electorate office use);
- Wired and/or wireless telephone headset systems (on request);
- Digital transcription system (voice recorder and transcription kit & 2 digital headsets (on request);
- Document holders (2);
- Desktop stapler (1);
- Wall clock, battery operated;
- Fan heaters (if premises are not air conditioned);
- Electric fans, small (2) (if premises are not air-conditioned);
- Fire extinguisher – wall mounted 2 kg CO2 (supplied and tested under contract);
- Safe – 750 mm x 550 mm x 550 mm (provided on request and if access is available and the building structure will support the weight);
- Document trays;
- Postage scales;
- Guillotine, small;
- Refrigerator – 127 litre;
- Electric kettle or mini boil unit – automatic 2 litre;
- First-aid kit – type “C”;
- Footrests, adjustable;
- Waste bins;
- Step ladder small (provided on request);
- Trolley, collapsible (provided on request); and
- Carpet saver mats (provided on request).

7.7.1. Additional equipment

In addition, Members may use their LSA to purchase minor equipment to the value of $2,500 (ex GST) per item subject to approval and the applicable guidelines.

7.8. Computer Equipment and Software

Members and electorate offices are provided with computer equipment that is compatible with the Standard Operating Environment (SOE) used by Parliament.

7.8.1. Electorate offices

Each electorate office is allocated personal computers for staff and the Member, and laser printers, supported by the multi-functional device. Independent Members have one extra computer for the additional staff member.
The computers and printers are networked which enables them to share files and printers.

All computer equipment is connected to Parliament House via a digital communication line which enables the electorate office to log into the Parliamentary network, access the library systems, the intranet databases, the internet and to use GroupWise to send and receive electronic mail.

All computers are supplied with a pre-installed Standard Operating Environment (SOE).

More information is provided by the DPS.

7.8.2. Computer equipment - additional

In addition, Members may also use their LSA to purchase other computer equipment to the value of $4,999 (ex GST) per item subject to approval and the applicable guidelines.

Members proposing to use hardware outside the SOE are advised to consult with Information Technology Services (ITS). Formal approval, with endorsement from ITS, is required prior to purchase if the item is to be connected to any computer attached to the Parliament’s network.

7.8.3. Software - additional

Members may also purchase approved computer software, other than software supplied by the Parliament, using their LSA, subject to the following conditions:

- The software will not be supported by ITS;
- The software is first tested by ITS, and then if approved as part of the SOE, installed by ITS on the Parliament’s computers;
- The software must be removed from the computers supplied by the Parliament if there is any conflict with the standard software or with the Parliament’s computer network; and
- The software is not to be used for political campaigning or electioneering purposes.
- Members may need to purchase upgraded version of the software when a new SOE is introduced.

7.8.4. Payment

As noted earlier, a variety of payment arrangements are in place:

- The Legislative Assembly pays for all commonly issued computer equipment, data lines and software (together with its maintenance and repair);
- Members are responsible for the payment, from their LSA, of the purchase and maintenance costs of computer equipment acquired beyond the standard allocation;
- Members are also responsible for the purchase, through their LSA, of consumable items such as storage devices and printer toner cartridges. These items can be obtained directly through a supplier or through the Parliamentary Stationery Store.

7.9. Telecommunication Equipment

A variety of telecommunication equipment and services is provided to electorate offices. These include:

- A telephone system and wired and/or wireless headset (on request);
- Messaging/answering services; and
- Facsimile services.

### 7.9.1. Telephone system

All Members’ electorate offices are provided with four exchange lines as listed:

- Three lines connected to the Commander Vision telephone system (or similar) with three key stations (handsets). (An additional key station is provided for Independent Members’ Research Officer).
- One fax line (incorporating the back to base security alarm connection).

If a Member wishes to add an extra telephone line within the electorate office with the cost to be paid personally, permission must first be formally requested from the Clerk. The cost of an additional key station may be met from the LSA.

The Commander Vision telephone systems are purchased and maintained by the Legislative Assembly. Rental on the telephone lines is also met by the Parliament.

### 7.9.2. Telephone numbers

Under no circumstances may Members arrange to cancel or transfer the existing telephone numbers assigned for their electorate office without prior written approval from the Clerk.

### 7.9.3. System functionality

The Commander Vision systems have a music on hold facility, however, each Member will be required to provide, at their expense, their own source of music e.g. radio or CD and meet all associated licence or royalty costs.

The Legislative Assembly will also meet the cost of rotary (line hunt) on two or three of the exchange lines if required, subject to availability through the local telephone exchange.

This facility allows calls to automatically divert to the next available line if the main electorate line is engaged.

Members may wish to nominate two lines in rotary thus keeping the private line available for selected incoming and outgoing calls. This private line need not be advertised.

### 7.9.4. Conference Calls

Conference link calls can be made from a Member’s electorate office or Parliament House office.

When arranging “ConferLink”, Members must obtain a telephone number from each participant for billing purposes and advise the ConferLink Reservations Centre of this information when the reservation is made.

Members must ensure that if they participate in “ConferLink” calls they are billed for their contribution only and not that of other participants. If more than one Member is participating in the same conference call, the cost must be apportioned equally between all Members involved. Payment through the Member’s LSA of these charges will be subject to the provision of an itemised call listing, an original tax invoice and a completed claim form.

Where participants refuse to pay their portion of the charges, the convenor is responsible for them. If a Member is the convenor then the Member will be personally responsible for the costs of the other participants. In line with the Parliamentary Remuneration Tribunal’s Determination, the use of an individual Member’s LSA is to meet the costs incurred exclusively by that Member during the execution of their Parliamentary duties.

Therefore if a Member is responsible for costs of all participants involved in a conference call, the other participants’ costs cannot be met by the Member’s LSA.
Should Members have any queries in relation to these guidelines please contact Finance on (02) 9230 2653. Enquiries about the “ConferLink” service itself should be made to Telstra on 1800 011 080.

7.9.5. Call Number Display - outgoing
Where the service is available through the local telephone exchange, Telstra customers will automatically have their telephone numbers displayed if the call recipient has the Call Number Display (CND) facility activated when a telephone call is placed to an outside line (silent lines being the exception).

To restrict call recipient access to CND requires either call number or line blocking to be activated for the outgoing calls on the office telephone services.

7.9.6. Call Number Display - incoming
Activation of the CND facility for incoming calls (allowing recognition of the incoming telephone numbers) requires subscription to the CND service at a cost current @ July 2008 of $6 per line, per month. On the current Commander Vision system, which incorporates at least two lines, most electorate offices will be charged a minimum of $12 per month.

This charge will be billed to the Member’s monthly account for which the cost can be met through the Member’s LSA.

To activate CND email the NSW Government Delivery Team on nswgovernment@team.telstra.com with your request. An automated reply will be sent, followed by a call from one of their representatives within a few days.

If Telstra do not follow up as expected, please contact Electorate Offices Support via email or phone (02) 9230 2050.

7.9.7. CND and/or line blocking
CND blocking prevents the electorate office number/s being sent when making a single call.

Line Blocking automatically blocks the electorate office number/s from being sent for all calls made. In order to have CNB or line blocking activated email the NSW Government Delivery Team with your request, and if Telstra do not follow up as expected, please contact Electorate Offices Support on (02) 9230 2050.

7.9.8. Call blocking – nuisance/threatening calls
Should a Member and/or the Member’s staff receive unrelenting nuisance / threatening telephone calls to an electorate office, a request to block the incoming calls can be made through Electorate Offices Support, via email.

More than one telephone number at a time can be blocked and the service is only available for blocking of Australian numbers.

A Member may delegate this task to electorate staff but staff must confirm with Electorate Offices Support officers that they have the Member’s authorisation to carry out the task.

To avoid delays in activating the service, the request should be sent via email to both:

ian.clissold@parliament.nsw.gov.au
and
natasha.zammit@parliament.nsw.gov.au

It should also be copied to:
keith.ferguson@parliament.nsw.gov.au

For the request to be actioned the email must address the following six points.
1. The history and/or reference to previous contact regarding the nuisance/threatening telephone calls.
2. The Member’s authorisation.
3. The telephone number wished to be blocked.
4. The electorate office telephone number or numbers affected by the call.
5. The Member’s acknowledgement that the fee charged by the service provider will be added to the Member’s monthly telephone account. The monthly fee as at April 2008 is $2.20 incl GST (per line to be blocked – a line hunt/rotary system would need all lines on the system blocked, therefore charges will be for at least two lines.) The monthly fee includes blocking from 1 up to 15 numbers per line.
6. The Member’s acknowledgement that once the request is activated, the dial tones of all electorate office telephones will change and all will have the same ring tone.

The service provider will be contacted and call blocking will be activated within 2 business days from receipt of the Member’s authorisation email by Electorate Offices Support and approval is given by the Clerk.

For personal safety, if the calls are threatening harm to person/s, the Member should discuss this with the Clerk and/or report the incident to the local police.

A request to deactivate the service must be received from the Member.

The costs for this service will be met from the LSA.

7.9.9. Telephone redirection or relocation

Should telephone redirection services be required in conjunction with an electorate office relocation, associated costs will be met by the Legislative Assembly for 3 months from the date of relocation for a standard redirection service. The cost of redirecting calls beyond the 3 month period may be met from the Member’s LSA.

Arrangements for telephone redirection will be coordinated by David Auert to coincide with the relocation.

Requests to relocate the telephone system or extensions within the existing electorate office or additional equipment requirements should be referred to Ian Clissold on (02) 9230 2050.

It should be noted that any additional lines or equipment costs exceeding the standard allocation would need to be met by the Member either personally or from the Member’s LSA.

7.9.10. Directory listings

The Legislative Assembly will provide, at its cost, a telephone directory listing in each telephone directory that covers all or part of a Member’s electorate. For country based Members, this usually requires listings in a number of different directories.

The entry will appear under the heading ‘Parliament of New South Wales’ and will list the Member’s name, name of electorate and main electorate office number.

Apart from the Parliament of New South Wales entry, Members are entitled to have a further telephone directory listing under their own name within the telephone directories that cover their electorate at the Legislative Assembly’s expense.

This entry may include the Member’s fax number and electorate office address in lower case non-bold print.

Electorate Offices Support is responsible for placing and maintaining these directory listings. For more information contact Natasha Zammit on (02) 9230 2848.
7.9.11.  **Additional listings**

Members are personally responsible for arranging additional telephone directory entries that appear under their own name.

Members requiring telephone directory entries in the Yellow Pages or under their party name will be personally responsible for placing the listing and meeting the cost.

Members requiring enhanced entries including light face capitals; bold print; party affiliation; email address; website address; or extra lines of information are required to meet the cost personally or from their LSA, subject to sufficient funds being available.

7.9.12. **Answering machine**

A telephone answering machine is provided as standard office equipment for each electorate office (on request) for connection to the Commander Vision system.

7.9.13. **Fax machine**

Electorate offices are provided with a fax machine (or similar) and telephone line to the exchange.

7.9.14. **Additional telephone equipment and services**

The cost of any additional telephone equipment (handsets), extra lines and subsequent rental and maintenance charges will not be met by the Legislative Assembly. The cost may be met from the LSA or personally by the Member, subject to prior approval from the Clerk.

7.9.15. **Telephones and fax - call charges**

The cost of telephone and fax calls will be met as follows.

The Legislative Assembly will meet the cost of all telephone call charges within Australia made on the approved telephone exchange lines with the exception of 1900 numbers and other charged information/service calls and reverse charge calls.

Members holding any of the offices listed below are also entitled to 100 per cent reimbursement on all overseas telephone calls (except reverse charge) provided such calls are certified in writing as relating to Parliamentary or electorate business. A certification form is issued by Finance to office holders on receipt of a telephone account containing overseas call charges:

- Speaker;
- Deputy Speaker;
- Ministers;
- Assistant Speakers;
- Leader of The Nationals;
- Deputy Leader of The Nationals;
- Leader of the Opposition;
- Deputy Leader of the Opposition;
- Government Whip;
- Deputy Government Whip;
- Opposition Whips; and
- Parliamentary Secretaries.
7.9.16. Restricted service numbers

Members are advised that it is possible to place access bars on information call services, such as 1900 numbers, within the electorate office. Members will need to notify Electorate Offices Support in writing for referral to Telstra of the telephone numbers and services that need to be restricted.

7.9.17. Telephone accounts - payment

Electorate office telephone accounts are addressed as indicated below and are forwarded directly to Parliament House, usually on a quarterly basis, for payment processing:

Director, Finance
For (Member's name) MP
Parliament House
Macquarie Street
Sydney NSW 2000

The above billing address does not alter the electorate office details that appear in the telephone directory. Finance will then arrange for the payment of the Legislative Assembly’s portion of the telephone account directly to Telstra.

Members will be advised of the amount payable by themselves (if any) and it will be the Member’s own responsibility to effect payment of this amount directly to Telstra.

Enquiries with regard to payment of telephone accounts should be referred to Finance. Phone (02) 9230 2492 or (02) 9230 2457 for the enquiry to be directed to the Accounts Clerk processing claims relating to your electorate.

The NSW Government has entered into a contract with Telstra for the provision of telephone services that attracts discounts and rebates.

7.10. Services in Electorate Offices

A variety of services are provided to electorate offices at the Legislative Assembly's expense; these include:

- Air conditioning;
- Cleaning;
- Electricity or gas;
- Recycling;
- Waste removal; and
- Security.

7.10.1. Air conditioning

Wherever possible, leased office accommodation will be provided where air conditioning is an integral part of the building fabric and forms part of the leasing arrangement.

Where accommodation does not offer air conditioning and subject to the lessor’s approval, an air conditioning system will be provided as part of the electorate office fit out.

7.10.2. Cleaning

The cleaning of electorate offices is provided under the NSW Government Contract and is administered by the Department of Commerce on behalf of the Legislative Assembly.

Should Members experience any problems with the standard of cleaning or service provided, they should contact Ian Clissold on (02) 9230 2050.
Upon receipt of a written request, provision can be made for a sanitary hygiene service to be provided. Enquiries regarding the provision of this service can be directed to David Auert, phone (02) 9230 2907.

Cleaning invoices are referred to the electorate office.

The Member or electorate officer should endorse that the work has been satisfactorily completed, sign and date it, and forward the original to the Director, Finance, Parliament House, Level 8, Macquarie Street, Sydney, for payment.

Minor cleaning material, toilet requisites and eligible medical items for the office first aid kit, up to $150.00 per current financial year, may be purchased locally and the tax invoice/receipt, with a covering note, forwarded to Ian Clissold for reimbursement.

7.10.3. Electricity

Electricity charges in electorate offices are fully paid by the Legislative Assembly if the premises are separately metered and rental does not include the cost of electricity.

Payment is made directly to the relevant supply authority. Generally arrangements are with the supply authority for the account to be in the name of the Legislative Assembly and forwarded directly to the Director, Finance for payment.

7.10.4. Recycling

The recycling service in electorate offices is provided on request, subject to a fee that is paid by the Legislative Assembly, upon receipt of the Visy invoice/statement certified by the electorate officer that the service has been provided.

The current NSW Government contract holder, providing this service to the electorate office is Visy Recycling.

Arrangements will be made by Visy for the supply/collection of recycling bins. Visy may arrange for a local contractor to attend offices located outside their collection area.

The recycling service covers all office paper waste including white paper, newsprint, telephone books and glossy magazines.

Members should note however, that this service does not include security disposal of documents.

As the bins are collected outside the electorate office and could be quite heavy to move, it is important that appropriate and clear collection arrangements are made in the first instance.

General enquiries in relation to the recycling service and application forms are available from Natasha Zammit on (02) 9230 2848.

As mentioned above the recycling service in electorate offices is provided under the Government contract and the cost of any alternative office paper recycling service or additional services will be required to be met from the Member’s LSA. These could include services such as secure and confidential disposal (whether by shredding or otherwise), tip charges and so on.

7.10.5. Waste removal

Commercial trade waste services i.e. garbage/rubbish removal, (but not recycling services as above) are provided by the local Council or the Council’s contractor. The Legislative Assembly meets these costs.

7.10.6. Security - electronic

The Legislative Assembly has installed a back-to-base monitored security system in electorate offices, which includes duress buttons and infrared motion detectors.
Duress buttons aim to protect Members and their staff while they are in the office and feel that they are in a physically threatening situation. The system has the capacity to have a number of duress alarm buttons as required situated in various locations within the electorate office.

Infrared motion detectors aim to protect the premises overnight and out of office hours.

The alarm system must be armed at the close of business each day and is monitored 24 hours, 7 days a week by the Parliament House Control Room Special Constables.

The system does not restrict the use of the offices outside of normal hours and can be armed and disarmed to suit the requirements of Members and staff.

This system is monitored at all times by Parliament House Special Constables and, should a detectable incident occur, the Special Constable on duty makes an immediate telephone call to the police radio which then places a radio broadcast message for response to the incident scene by the closest available Police.

The policy covered by Security on duress alarms, available on the intranet, specifies that 10 minutes after contacting the Police following an alarm activation, Special Constables will contact the electorate office or nominated key holders if after hours.

7.10.7. Security - physical

If not already installed, the Legislative Assembly will provide locks, opened by key from the outside and by single lever action from the inside, to entrance and rear doors.

In accordance with the Building Code of Australia, the aim of providing this type of lock is to provide ease of egress direct to a place of safety in the event of fire or other emergency.

Deadlocks keyed both sides and security locks/bolts to all other openings will also be provided.

A safe for papers and smaller items of office equipment is available to Members, subject to access availability and the building supporting the weight.

A purpose built security counter and glass security screen (over the counter) will be installed.

7.10.8. Security - monitoring and maintenance

Parliamentary Security Services should be contacted for repairs to alarm systems. There may be occasions when emergency or after hours repairs are required on alarm systems and in such cases Members may contact the repairer directly, however, Parliamentary Security Services should be informed at the earliest opportunity, phone (02) 9230 2842.

7.10.9. Incident Response Plan

An Incident Response Plan for dealing with violent and threatening persons has been developed.

The Plan should be regularly reviewed by all Members and their staff. To view the Plan on the intranet click here.

7.10.10. Further information

The Security Manager, Dean Fechner is always available to consult with Members should they have any particular concerns or issues that they wish to discuss.
7.11. Repairs and Maintenance

The Legislative Assembly will provide advice and support to ensure that the premises, furniture and equipment are maintained to an effective operating standard.

7.11.1. Equipment

Contact details for office equipment repairs can be found at the end of this chapter. In all cases, details of the nature of the repair should be provided to the contact officer in writing by letter, fax or email.

7.11.2. Computers, printers, scanners and software

Requests for repairs should be directed to the Service Desk, Information Technology Services, phone (02) 9230 2339, fax (02) 9230 2358 or by email to Servicedesk@parliament.nsw.gov.au.

The Service Desk will assist with solutions to technical problems, arrange and coordinate any required repairs/services and will also provide advice on the systems installed including electronic mail, network services and standard issue hardware and software.

7.11.3. Telephones system

Requests for repairs or service on the office telephone system should be directed to Ian Clissold, phone (02) 9230 2050, fax (02) 9230 2429.

7.11.4. Fire extinguishers

The fire extinguishers supplied to electorate offices are required to comply with a 6 monthly maintenance service schedule.

Servicing of the extinguishers is undertaken on a zone basis.

7.11.5. Other equipment

Requests for repairs should be directed to Ian Clissold, phone (02) 9230 2050 or fax (02) 9230 2429.

The Ricoh high-speed copy printers are no longer under a maintenance agreement so approval to carry out any repairs or services should be sought from Electorate Offices Support on (02) 9230 2050. Consumables such as toner, if the cost is reasonable, can be purchased without approval and reimbursement sought through the Member’s LSA.

7.11.6. Non-standard equipment

Repair costs and service arrangements for any items purchased from the LSA are the Member’s responsibility. To recoup the cost incurred a claim form should be completed and forwarded with an original tax invoice to Finance.

7.11.7. Office furniture

Should a Member require any repair or maintenance work to be carried out in their electorate office (including office furniture), prior approval must be sought from the Clerk of the Legislative Assembly through Ian Clissold, phone (02) 9230 2050.

Requests must be in writing detailing the nature of work required. Once approved, an order will be forwarded to an approved contractor to carry out the work as soon as possible.

Depending on the extent and nature of work required, it may be necessary for the Department to have the premises inspected or have an estimate of costs prepared prior to any authorisation for the work to proceed.
7.11.8. **Emergency repairs**

The Legislative Assembly has in place systems and procedures to support emergency office repairs and maintenance both within and outside regular working hours.

Contact Ian Clissold on (02) 9230 2050 or David Auert on (02) 9230 2907 for clarification as to the responsible party for repairs.

Depending upon the nature of the repair, written advice of the emergency office repairs and/or maintenance either via email or fax from the electorate office may be required.

Should any emergency remedial work be the responsibility of the Legislative Assembly and not the owner of the premises, arrangements will be coordinated for an approved contractor to be engaged to make the work place safe.

Any subsequent original tax invoice for services rendered together with a covering letter should be forward to Ian Clissold for payment processing.

If an emergency occurs outside of normal business hours and the electorate office alarm system is triggered, Parliamentary Security Services will notify the local Police who will attend the office.

Depending on the nature of the occurrence, Parliamentary Security Services will then contact the Member and possibly an electorate officer to attend, assess and secure the office until any remedial repairs are arranged, contact phone (02) 9230 2050 or fax (02) 9230 2429.

After initial phone contact, a letter, email or fax detailing the nature of the emergency or incident, for example damaged shop front windows or flooding of the electorate office, should be forwarded to Ian Clissold, Natasha Zammit or Keith Ferguson.

7.12. **Asset Management**

Members and their electorate office staff are responsible for the management of the assets provided by the Legislative Assembly.

7.12.1 **Asset Manager**

Under the Legislative Assembly’s Assets Policy, Keith Ferguson is responsible for the monitoring, recording and stocktaking (control) of all assets in electorate offices, at Parliament House and in Members’ homes and in Members’ custody and implementing cyclical replacement of equipment.

7.12.2 **Custody assets**

All custody assets are the property of the Legislative Assembly.

Custody or custodial assets are those assets generally with a purchase cost under $5,000 and above $100 ($300 in the case of LSA purchases) and are placed under the custody (care but not control) of a particular person or group and have a useful life of more than one year, or despite being under $100 (or $300), are considered by their nature to be “attractive items”.

A Custody Asset Advice Form is used for recording, receipting, transferring, relocating and disposing of an asset. To obtain a copy of the form contact Keith Ferguson, phone (02) 9230 2197 or click here.

7.12.3. **Purchase of assets**

Members, through the use of their LSA, are able to purchase, on request, certain assets they require beyond those issued to all Members or provided to electorate offices.
7.12.4. Asset Register

All custodial assets including LSA purchases will be entered into the Parliament's Asset Register.

This Register allows all assets to be tracked over their life and ensures that the Legislative Assembly's policy for purchase, management and disposal are followed and recorded.

The following categories of items will be maintained on the Asset Register:

- All assets in the custody of either Members (above $300 in value) or staff (above $100 in value);
- Assets valued over $300 that were purchased by Members from their LSA;
- Assets for which service and repair histories are to be maintained; and
- Certain attractive items under $300 in value.

7.12.5. Custody Asset Advice Form

Upon receipt of an asset, Members must complete a Custody Asset Advice Form, which is to be forwarded to Keith Ferguson.

Custody Advice Asset Forms do not need to be completed for each item that forms part of a major upgrade of equipment. Specific instructions relating to these asset acquisitions will be provided at that time.

7.12.6. Issue and return

A Member who receives an asset is responsible for the safekeeping of that asset until such time as the asset is returned for reissue, repair or eventual disposal.

7.12.7. Relocation

Under no circumstances are assets to be relocated i.e. moved to any place other than the place noted in the Asset Register, without the prior approval of the Clerk.

A Custody Asset Advice Form must be completed and referred to the Asset Manager.

A stocktake or audit of the assets in the custody of Members is undertaken annually.

7.12.8. Audits/stocktakes

An additional audit is undertaken at the beginning and at the end of each Parliament unless these dates coincide with the annual audit.

Arrangements will be made and a schedule prepared so that each electorate office is subject to a physical stocktake by Keith Ferguson at least once per Parliament.

These checks will be in addition to the normal yearly verification exercise.

If a Member of Parliament or staff member (including electorate officer) resigns, retires or otherwise leaves employment with the Department, a stocktake of any equipment under the custody of that Member or officer will be undertaken prior to the departure to ensure that all assets are either returned and/or accounted for.

7.12.9. Loss, damaged or missing assets

In the case of a lost, damaged or missing asset, the custodian must make a full report to the Clerk who will pass on a copy of the report, with any direction, to the Asset Manager and to the Director, Finance.

The Asset Manager will certify the results of the stocktake and follow up any issues.
Members of the Legislative Assembly and Assembly staff will be required to sign a verification of assets report on a yearly basis.

7.12.10. Disposal of surplus and unserviceable goods
Following submission to the Clerk by the Assets Manager, goods may be disposed of through the following means:

- Transfer to Government Departments;
- Auction;
- Direct or negotiated sale (including to Members) of items with a current book value of under $1,500;
- Donation to charitable or community organizations;
- Destruction and/or disposal at a waste management facility; and
- Tenders/written quotation for sale of items up to $150,000.

7.12.11. Writing off an asset
An asset can be written off if it is:

- Lost or missing;
- Unserviceable or irreparable;
- Uneconomic to repair; or
- No longer required, replaced or disposed of.

The custodian of the asset must make a written submission to the Clerk for the writing off of an asset.

The submission should include a statement of the circumstances resulting in the loss/damage, action taken to recover the missing item/s and changes in procedures to prevent similar situations arising again.

In instances where theft is suspected, a Police report should also be appended to the submission. Insurance procedures should be followed up with the Director, Finance., telephone (02) 9230 2292.

7.12.12. Reporting lost, damaged or stolen assets
All incidences of lost or stolen Legislative Assembly property are to be reported to the closest Police station or PAL 131444 as soon as practicable after the theft or loss is discovered, and an incident event number obtained.

Additionally, any lost or stolen mobile telephones or portable telecommunication devices, such as a BlackBerry, are to be reported as soon as practicable by the custodian (Member or officer) to the network provider to arrange suspension of the service.

The loss, theft or accidental damage of all such equipment must also be reported to the Legislative Assembly Asset Manager, phone (02) 9230 2197.

On receipt of this advice, an insurance claim form will be forwarded, which is required to be completed by the equipment custodian. Details recorded on the claim form are to include the name of the Police station that the theft or loss was reported, plus the incident event number assigned by the Police.

No replacement equipment will be supplied until the completed insurance claim form has been returned.

Arrangements will be made to replace equipment with the same model or another model with similar features at no cost to the custodian of the equipment.

Two insurance claims for loss, theft or accidental damage of the same type of equipment (eg mobile phone and BlackBerry) will be permitted per custodian in any four-year period.
Theft, loss or damage to multiple pieces of equipment (e.g. mobile phone and BlackBerry) at the same time is treated as a single claim per type of equipment.

Theft, loss or accidental damage resulting in a third claim within four years of the date of the first claim made will require the custodian to contribute 50% of the equipment replacement cost.

Theft, loss or accidental damage resulting in a fourth claim within four years of the date of the first claim will require the custodian to contribute 100% of the equipment replacement cost.

In the event of a third or fourth claim, replacement equipment will not be issued until payment or written confirmation that payment will be made is received from the custodian of the equipment.

For the purpose of calculating the four-year period since the date of the first claim the applicable date is the actual date of the loss or theft.

In the event that equipment has been accidentally damaged and can be repaired at a cost less than the contribution required then the custodian will only be required to meet the cost of repair.

On the advice of the Risk Co-ordinator and after considering the Police report, the Speaker may approve the acceptance of claims at the Parliament's expense in excess of the limit imposed above.

For this approval to be given the Speaker will need to be satisfied that reasonable care has been taken or that extenuating circumstances exist.

Extenuating circumstances do not include the loss of equipment or the theft of equipment left in taxis, public transport or private motor vehicles.

Prior to consideration being given to any such request the custodian of the equipment is required to comply with the reporting requirements detailed above.

No claim will be accepted by the Legislative Assembly for Members own personal telephones, pagers or portable equipment unless prior approval in writing has been given by the Clerk or the Speaker, accepting liability for replacement of this equipment in the event that it is lost, stolen or damaged.

All Parliament House owned equipment provided to Members or officers that is broken, faulty or considered redundant is to be returned to Parliament House for repair or disposal.

Note that all LSA purchased equipment is owned by the Parliament and is subject to these guidelines.

Under no circumstances is this equipment to be disposed of by the custodian, unless prior approval in writing has been given by the Clerk or the Speaker.

7.12.13. Exemptions from claim restrictions

Theft of Parliament House owned equipment from a Member's home will be exempt from the above claim restrictions subject to receipt of a Police report confirming that proper and reasonable security precautions were taken.

Other issues relating to the theft, loss or accidental damage to portable equipment (the property of the Legislative Assembly) will be dealt with on a case-by-case basis by the Speaker having regard to the advice of the Risk Co-ordinator and the insurer.
## 7.13. Contacts for Repairs and Maintenance

See also Legislative Services Directory at Section 3.5.

<table>
<thead>
<tr>
<th>Equipment/Furniture</th>
<th>First Contact</th>
<th>Maintenance Arrangement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset Management (disposal of assets allocated to Members e.g. old furniture, computer equipment)</td>
<td>Keith Ferguson (02) 9230 2197</td>
<td>Will organise disposal of old equipment/furniture, asset management</td>
</tr>
<tr>
<td>Soul (ADSL) data communications from electorate offices to Parliament</td>
<td>ITS Service desk (02) 9230 2339</td>
<td>ITS will check line and contact Soul if necessary</td>
</tr>
<tr>
<td>Building Maintenance (electorate offices)</td>
<td>Ian Clissold (02) 9230 2050 Natasha Zammit (02) 9230 2848</td>
<td>Will organise repairs</td>
</tr>
<tr>
<td>Computer and Printer Supplies</td>
<td>Stationery Store (02) 9230 3004</td>
<td>Consumables such as toner cartridges</td>
</tr>
<tr>
<td>Fax Machines</td>
<td>Ian Clissold (02) 9230 2050 Natasha Zammit (02) 9230 2848</td>
<td>Will place a service call. Toner may be ordered through Stationery</td>
</tr>
<tr>
<td>Furniture (electorate offices)</td>
<td>Keith Ferguson (02) 9230 2197</td>
<td>For assistance with the supply and repair of approved furniture items</td>
</tr>
<tr>
<td>GBC Folding Machines</td>
<td>Service – 1800 422 349 Supplies – 1800 224 439</td>
<td>Quote Serial Number and model when placing service call or ordering supplies</td>
</tr>
<tr>
<td>Mobile Phones (Members)</td>
<td>DPS (02) 9230 2351</td>
<td>Will organise service calls</td>
</tr>
<tr>
<td>Telephone system answering machine (electorate offices)</td>
<td>Ian Clissold (02) 9230 2050 Natasha Zammit (02) 9230 2848</td>
<td>Will organise service calls</td>
</tr>
<tr>
<td>Photocopier Machines</td>
<td>Ian Clissold (02) 9230 2050 Natasha Zammit (02) 9230 2848</td>
<td>Will place a service call</td>
</tr>
<tr>
<td>Ricoh Copy/Printer</td>
<td>Service – 1300 362 577 Supplies – 1300 362 588</td>
<td>Quote serial number and model of machine when placing a service call or ordering supplies</td>
</tr>
<tr>
<td>Standard Operating Environment (SOE) Software, which includes the following software:</td>
<td>ITS Service desk (02) 9230 2339</td>
<td>Supported by ITS</td>
</tr>
<tr>
<td>Windows XP</td>
<td>ITS Service desk (02) 9230 2339</td>
<td></td>
</tr>
<tr>
<td>Novell Network Client connectivity</td>
<td>ITS Service desk (02) 9230 2339</td>
<td></td>
</tr>
<tr>
<td>Symantec Antivirus</td>
<td>ITS Service desk (02) 9230 2339</td>
<td></td>
</tr>
<tr>
<td>Equipment/Furniture</td>
<td>First Contact</td>
<td>Maintenance Arrangement</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>GroupWise</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lotus Notes (databases only)</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acrobat Reader</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MS Word 2007</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Picasa 2</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internet Explorer (Internet and intranet)</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roxio CD burning</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excel and PowerPoint</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td>Limited assistance</td>
<td></td>
</tr>
<tr>
<td>MS Publisher 2007</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td>Limited assistance</td>
<td></td>
</tr>
<tr>
<td>Standard Operating Environment (SOE) Hardware, which includes the following hardware:</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td>Fully supported by ITS</td>
<td></td>
</tr>
<tr>
<td>Computers and Printers</td>
<td></td>
<td>All equipment is under warranty. ITS will check what is wrong with the equipment and then place a service call if necessary</td>
</tr>
<tr>
<td>Hewlett-Packard computers</td>
<td>ITS Service</td>
<td>desk</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional software and Hardware</td>
<td>ITS Service</td>
<td>Limited assistance. Online supplied HELP in programs or purchase of training manuals</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Readiris</td>
<td>ITS Service</td>
<td>Limited assistance</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BlackBerry devices</td>
<td>DPS Telstra Helpdesk for settings and operational issues – 1800 010 253</td>
<td></td>
</tr>
<tr>
<td>Firefox Internet browser</td>
<td>ITS Service</td>
<td>Limited assistance</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LSA Purchases</td>
<td>Members Services</td>
<td></td>
</tr>
<tr>
<td>(02) 9230 3041</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advice and assistance for purchasing computer hardware and software from LSA</td>
<td>ITS Service Desk</td>
<td>For advice regarding SOE compatible software and hardware. ITS can often secure price savings using the Parliament’s contracts</td>
</tr>
<tr>
<td>(02) 9230 2339</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HP printers – purchased through LSA</td>
<td><a href="http://www.hp.com.au">www.hp.com.au</a></td>
<td>Unless maintenance is purchased with the printers,</td>
</tr>
<tr>
<td>Equipment/Furniture</td>
<td>First Contact</td>
<td>Maintenance Arrangement</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>inkjet printers have a 1 year back to base warranty and the colour laser printer 2 years onsite next day</td>
</tr>
<tr>
<td>Canon digital cameras</td>
<td>ITS Service desk</td>
<td>For assistance installing the camera. Further assistance can be found on the website – <a href="http://www.canon.com.au">www.canon.com.au</a>, select model number to find support</td>
</tr>
<tr>
<td></td>
<td>Canon Helpdesk (cameras only)</td>
<td>(02) 9805 9772</td>
</tr>
<tr>
<td>e.g. MS Access, Adobe Acrobat, Quicken Personal Plus, Photoshop</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For assistance installing the camera. Further assistance can be found on the website – www.canon.com.au, select model number to find support.
Chapter 8: Electorate Office Staff

8.1. Permanent Staff Provided
Pursuant to the Determination of the Parliamentary Remuneration Tribunal, all Members are entitled to the services of an Electorate Officer grade 2 (EO2) and an Electorate Officer grade 1 (EO1).

Members elected as an Independent Member are also provided with the services of a Research Assistant.

8.2. Role
Electorate office staff are provided to assist the Member to serve the constituents of the Member’s electorate and fulfil their Parliamentary duties.

Members should not ask electorate officers, who are publicly funded employees, to undertake any task related to election campaigning or to undertake private work for Members. Use of publicly funded staff for this purpose is precluded by the Parliamentary Remuneration Tribunal Determination.

Specifically, Members should not request staff to perform activities of a direct electioneering or potential campaigning nature during hours of paid employment; assist in any private business activities of the Member; or assist with any political party (or support group) membership drives or fundraising.

8.3. Employment Relationship and Status
For industrial purposes, the Speaker is the employer of the electorate office staff.

The Speaker must approve all appointments of staff. All matters relating to the terms and conditions of employment, salary or discipline of electorate officers are matters for the Speaker’s approval.

Termination of employment, other than by resignation or withdrawal of services by the employee, may only be made by the Speaker.
8.3.1. Crown Employees (Parliamentary Electorate Offices) Award

The Crown Employees (Parliamentary Electorate Officers) Award determines the terms and conditions of the electorate office staff employment. A copy of the Award is located on the Parliament's intranet or a printed copy may be obtained by contacting Organisational Development, phone (02) 9230 2640.

8.4. Further information

Organisational Development (DPS) provides administrative and support services to all Parliament House staff (including electorate office staff) in all areas of human resources. In many areas these services are provided directly to staff e.g. payroll processing and leave administration. However in most other areas such as training and development, OHS and industrial relations, Organisational Development works at the direction of the Legislative Assembly. As Members' staff resources are provided through the determination of the Parliamentary Remuneration Tribunal, the DPS Members' Entitlements Handbook should be consulted for rules, guidelines and other policies that are in place in regard to electorate office staff.
Chapter 9: External Relations

9.1. Commonwealth Parliamentary Association

The Commonwealth Parliamentary Association (CPA) is an association of Commonwealth Parliamentarians who, irrespective of race, religion or culture are united by a community of interest, respect for the rule of law and the rights and freedom of the individual citizen, and by pursuit of the positive ideals of Parliamentary democracy.

The Association's mission is to promote the advancement of Parliamentary democracy by enhancing knowledge and understanding of democratic governance. It seeks to build an informed Parliamentary community able to deepen the Commonwealth's democratic commitment and to further co-operation among its Parliaments and Legislatures. This mission is achieved through a strategic plan, which ensures CPA activities continue to meet the changing needs of today's Parliamentarians.

The CPA provides the sole means of regular consultation between Commonwealth Parliamentarians. Through its activities, it seeks to build understanding and co-operation amongst Parliaments and promote greater respect through the study of Parliamentary institutions throughout the Commonwealth.

The objectives of the CPA are pursued by various means, including:

- Annual parliamentary conferences and regional conferences;
- The interchange of delegations;
- Publications, such as *The Parliamentarian*;
- Practical assistance through the Parliamentary Information and Reference Centre; and
- By Members making individual study tours overseas to investigate matters of particular interest.

Active CPA Branches now exist in nearly 170 national, state, provincial and territorial Parliaments and Legislatures, with a total membership approaching 15,000 Parliamentarians.

Branches of the CPA are grouped geographically into nine regions of the Commonwealth for the purpose of representation on the CPA Executive Committee (responsible for control and arrangement of the activities of the association), and organising regional conferences and seminars on the parliamentary practice and procedure. Additional information can be obtained from the CPA website at [www.cpahq.org](http://www.cpahq.org).

The Australian region is comprised of branches from the Commonwealth Parliament, all Australian states and territories, and Norfolk Island.

The NSW Branch of the CPA is comprised of the following members:

- Ordinary members – every member of the NSW Parliament upon election, and after payment of the joining fee;
- Associate members – any member of the Branch upon ceasing to be a Member; and
- Visiting members – members or honorary members of any Branch of the association who may be visiting New South Wales.
The officers of the NSW Branch are the Joint Presidents, the Vice Presidents and the Honorary Secretary. There are also fifteen elected members who, together with the office holders, for the NSW Branch executive committee.

The Joint Presidents are the Speaker of the Legislative Assembly and the President of the Legislative Council. The Vice Presidents are the Premier (or Minister of the Crown nominated by the Premier), and the Leader of the Opposition. The Honorary Secretary is the Clerk of the Legislative Assembly, Russell Grove.

9.1.1. CPA activities

The focal point of the NSW Branch’s involvement in CPA activities is through participation in various conferences and seminars, both regional and Commonwealth which are held on an annual or biennial basis.

9.1.1.1. Commonwealth Parliamentary General Conference

The Commonwealth Parliamentary General Conference is held annually and is the major activity of the Association with representation by all Commonwealth nations. The Branch sends one delegate.

9.1.2. CPA study tours

Individual Members may be endorsed by the Branch to undertake a study tour.

Upon selection, delegates advise the Joint CPA Presidents of the specific matters into which they wish to enquire during their study tour, and then consult with the Joint Presidents and the Honorary Secretary in arranging their itineraries.

The Member is given a grant of $8,500 for transport and an allowance of $400 per day for each day on tour up to a maximum of 42 days, which may only be taken as a maximum of 21 days at any one time.

The allowance is to cover all incidental expenses including telephone calls. The Parliament will not reimburse calls made from a Member’s mobile telephone whilst overseas.

The grant and allowance may be used to offset the costs of an accompanying spouse / de facto / approved relative.

A condition of the study tour is that the Member must visit at least one other CPA branch overseas on each tour and provide a written report to the Branch within two months of the Member’s return.

It is suggested that a travel diary or detailed itinerary should be kept for each overseas trip for taxation purposes.

For further details contact the Honorary Secretary, Russell Grove (Clerk of the Legislative Assembly) on phone (02) 9230 2222.

9.1.3. Australian and Pacific Regional Conference

The Australian and Pacific regions hold a biennial joint regional conference in the alternate year to the Australian and Pacific Regional Seminar. The purpose of the conference is to devote special attention to matters of particular regional interest. The Branch sends two delegates and the Honorary Secretary.

9.1.4. Australian and Pacific Regional Seminar

The Australian and Pacific regions hold a biennial joint regional seminar in the alternate year to the Australian and Pacific Regional Conference. The purpose of the seminar is to devote special attention to regional issues of parliamentary practice and procedure not appropriately discussed at the Commonwealth seminar. The Branch sends one delegate.
9.1.5 Commonwealth Parliamentarian Conference
Each of the Australian Branches hosts the conference on an annual basis. Any Member is eligible to attend.

9.1.6 Commonwealth Parliamentary Seminar
A Branch of one of the nine regions hosts an annual parliamentary seminar on a rotating basis with assistance from CPA Secretariat.

9.1.7 Seminar on Parliamentary Practice and Procedure
The United Kingdom Branch hosts a seminar on parliamentary practice and procedure, held annually at Westminster. The seminar is designed as an intensive study period for Members with a significant parliamentary role. The Branch may nominate to send a delegate.

9.1.8 Commonwealth Parliamentary Visit
The United Kingdom Branch hosts an annual parliamentary visit for approximately 25 Members from different Commonwealth nations. The purpose of the visit is to gather Members from different nations to meet and discuss issues with Members of the Westminster Parliament. The Branch may nominate to send a delegate.

9.1.9 Twinned Parliaments
In July 2007 the Australian Regional Executive of the CPA agreed upon a suite of Australian/Pacific parliamentary twinning arrangements aimed at the promotion of co-operation between developed and developing branches of the CPA. The Parliament of NSW has been twinned with the Autonomous Region of Bougainville (the House of Representatives) and the National Parliament of the Solomon Islands.

9.1.10 Selection of CPA representatives
The nomination of delegate/s of the NSW Branch to CPA events is on a rotational basis. For example, if a Government Member is a delegate to the CPA General Conference in one year, then a non-Government Member is the delegate the following year.

After the approval by Speaker and the President the honorary secretary advises the relevant party Whip of the event and requests the nomination of an appropriate delegate/observer. The honorary secretary then formally advises the relevant CPA organisation and the Presiding Officers of the details of the nominated delegate. The delegate then liaises with the honorary secretary regarding travel arrangement, agenda items, papers etc.

9.2 Official Parliamentary Delegations
New South Wales has a number of sister state agreements with other jurisdictions that seek to enhance social, cultural, economic and governmental ties between states.

General agreements provide for the exchange of delegations with the respective legislatures of the sister state, province, council or prefecture.

The Parliament has had agreements with:
- Guangdong Province, China;
- Tokyo Metropolitan Government, Japan;
- Seoul Metropolitan Council, South Korea; and
- California, USA.
New South Wales Parliament's official delegations generally comprise:

- Leader (the Speaker or President);
- 4 MPs (2 Government, 2 Opposition);
- 2 MLCs (1 Government, 1 Opposition); and
- 1 Secretary to the delegation.

Outward bound delegations are entitled to business class airfares from Sydney to the sister state. The host legislature pays for accommodation and meets the cost of meals and ground transport for the purposes of the official program unless other arrangements are agreed upon between the parties.

The costs to be met by the Parliament include:

- Departure taxes;
- Distinctive apparel or elements of a uniform;
- Interpreter and translation fees;
- Meals, accommodation and internal transportation costs within the country not provided or met by the host legislature;
- Official entertainment costs reciprocating hospitality provided by the hosts;
- Official gifts for hosts;
- Return business class airfares from Sydney to the host state;
- Stationery costs such as foreign language business cards; and
- Vaccinations.

Members of these official delegations are to be paid an allowance (differentiating between the Presiding Officer, Members and the Secretary to the Delegation) based on appropriate Public Service categories.

This allowance is partially reduced for incidentals and those meals met by the host legislature.

Members may not cash in or exchange a return business class ticket for two economy tickets.

No spouse may accompany a Member.

Members are expected to remain with the delegation for the duration of the visit.

Members may only extend their stay or proceed on further travel at their own expense for the purposes of private leave or for other Parliamentary purposes with the approval of the Speaker.

9.3. Visiting Other Parliaments

The Clerk of the Legislative Assembly can arrange introductions for Members visiting other Commonwealth parliaments. This service is mainly reserved for Commonwealth parliaments, but the Clerk may be aware of contacts and be able to assist with introductions in other non-Commonwealth parliaments.

9.4. Official Passports

Members of Parliament are entitled to an Official Passport, valid for a period of 4 years and 6 months, which may be used by the Member for all travel during this period.
Use of an Official Passport is optional, as there is no requirement for Members to travel with an Official Passport. Accordingly, Members are advised that the costs of obtaining an Official Passport will need to be met by the Member personally.

Costs incurred in obtaining an Official Passport is not an allowable expense claimable through the LSA as overseas travel entitlements are not extended under the PRT Determination.

9.4.1. Procedures

Members are responsible for making application for an Official Passport through the Passport Office of the Department of Foreign Affairs and Trade.

A letter from the Legislative Assembly, provided upon request through the Office of the Clerk, is required to accompany the standard passport application forms, which are available from any Post Office. Following submission of the completed forms at the Passport Office, a "Conditions for issue of an official passport" form will also be required to be completed by the Member. The guaranteed service of two working days is dependent on all necessary information being received by the Passport Office with the application.

Spouses/partners of Members of Parliament may also be issued an Official Passport with the same period of validity. However, the spouse/partner passport can only be used when accompanying the Member on official government-funded travel.

The passport will be ready in approximately ten working days (unless priority processing has been requested) from the date all relevant information is received in the Passport Office and subject to the passport being collected from the Passport Office.

The Passport Office in Sydney is located at:

Gateway House
Henry Deane Place
26 Lee Street
SYDNEY NSW 2000.

Telephone enquiries should be directed to the Australian Passport Information Service on phone 131232 (from anywhere in Australia). Hours of operation for the telephone service are Monday to Friday, from 8:00 am to 8:00 pm; Saturday and Sunday 8:30 am – 5:00 pm.

Lost, stolen or damaged passports should be reported immediately to the Australian Passport Information Service on phone 131232. If you are out of Australia and your passport is lost or stolen, you must contact the nearest Australian diplomatic or consular mission. Official passports are to be returned to the Passport Office upon ceasing to be a Member.

9.5. Official Travel by the Speaker

9.5.1. Overseas

In line with Ministerial travel entitlements, the Speaker may undertake one overseas visit during each four-year Parliamentary term for study purposes with the specific objective of enhancing the Speaker’s expertise and knowledge of Parliamentary democracy.

The journey is to be undertaken during Parliamentary recesses and confined to a maximum of 21 days.

The Speaker’s approved relative and a senior officer of the Legislative Assembly with relevant expertise who is working in the fields related to the investigations undertaken on the journey may accompany the Speaker.
The officer accompanying the Speaker, when on the same flight, may use the same class of travel as the Speaker, if required to do so by the Speaker.

Accommodation shall be of an appropriate standard to meet the needs of the Speaker, their approved relative and the official travelling with the Speaker.

The cost of travel is to be met from funds provided in the budget allocation for the Legislative Assembly, unless otherwise specially approved.

The costs to be met by the Legislative Assembly include:

- Actual accommodation and meals;
- Airfares;
- Departure taxes;
- Internal transport costs within the country visited (including taxi, train and bus fares);
- Official entertainment;
- Official gifts for hosts and hospitality; and
- Vaccinations.

Similar to arrangements made for ministerial travel, the Speaker, the Speaker’s spouse and accompanying senior officer of the Assembly shall be entitled to be reimbursed actual expenses including incidental or out of pocket expenses for the official portion of the overseas visit. Where practical, receipts are required to be retained as evidence of expenditure incurred otherwise a diary record is to be maintained.

When travelling overseas in an official capacity paid for by the Legislative Assembly, the Speaker is entitled to reimbursement of reasonable overseas call costs made in connection with Parliamentary business.

In cases of unforeseen and unavoidable variations to planned itinerary, such as accidents or weather delays, the cost of any additional night/s accommodation and meals will be met by the Legislative Assembly.

Private or recreational activities undertaken on weekends or other free time will not be met by the Legislative Assembly. Private activities prior to or after the official portion of the study tour will be at the Speaker’s expense including any extra fares, accommodation or meals.

Insurance for the Speaker, spouse and officer will be provided through the NSW Treasury Managed Fund (at the cost of the Legislative Assembly) with hospital and medical cover of up to $1,000,000 per person plus $10,000 coverage for loss or theft of personal luggage and effects for the official portions of the official visit.

A travel diary or detailed itinerary is to be kept and submitted to Parliamentary Accounts together with original invoices, accounts or receipts, within two weeks of the return date from the tour.

9.5.2. Within Australia

Reasonable actual travel expenses for accommodation, meals and incidentals are payable where the travel relates to official business as Speaker.

The actual expenses are subject to an indicative upper limit for intrastate travel, determined by the PRT in its report and determination with effect from July each year. Reasonable costs for interstate travel are met by the Legislative Assembly where such travel is in response to an official invitation from another Parliament. Original tax invoices / receipts substantiating the expenditure incurred are to be supplied to Parliamentary Accounts.

Other travel within Australia by the Speaker and the Speaker’s approved relative is to be undertaken utilising the LSA. All airfare, car rental and private vehicle costs are to be met from the Speaker’s LSA.
9.6. **Presiding Officers’ Conferences**

An annual conference is conducted for Presiding Officers and Clerks from various national and state Parliaments of the Australian and Pacific Region of the CPA.

These conferences provide a valuable regional forum for the continuing professional development of the Speaker and a formal avenue for exchanging information on trends in Parliamentary procedure and administration.

The conferences are hosted in rotation amongst the member branches.

The guidelines applying to official visit travel by the Speaker also apply to attendance at these conferences when held outside Australia.

For conferences held within Australia, the Legislative Assembly will meet the cost of the airfare for the Speaker and approved relative.

Travel to Victoria, the Australian Capital Territory and Brisbane is restricted to economy class. Business class travel may be used to all other destinations.

Subject to the provision of itemised accounts and receipts as evidence of expenditure incurred the Legislative Assembly will meet the cost of:

- Travel;
- Accommodation;
- Meals;
- Official hospitality; and
- Incidental expenses.

The Speaker may be accompanied by the Speaker’s spouse, de facto, or approved relative, and by the Clerk. The Clerk may also be accompanied by Clerk’s spouse, de facto or approved relative. The Clerk is entitled to the same travelling allowance and travel arrangements as the Speaker.

9.7. **Additional Information**

Additional information can be obtained from the Office of the Clerk on (02) 9230 2222.
Appendix A: Members’ Code of Conduct

A.1. Background

The Code of Conduct for Members was adopted by the House for the purposes of section 9 of the ICAC Act 1988.

For the current Parliament the following Code was adopted on 8 May 2007 and amended on 21 June 2007.

A.2. The Code

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.

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

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 that 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, the Member is not required to make a further disclosure during the Parliamentary debate.

This resolution has continuing effect unless and until amended or rescinded by resolution of the House.
Appendix B: Miscellaneous Matters


B.2. Government Gazette
Members receive, free of charge, one copy of the Government Gazette that is published each week. If Members do not wish to receive this publication, contact should be made with the Gazette Coordinator at the NSW Department of Commerce on (02) 9372 7447.

The current issue of the NSW Government Gazette may also be downloaded from the NSW Department of Commerce website, and is available from 2:00 pm every Friday. To access the Gazette online click here.

B.3. Translating and Interpreting Services
A summary of the services available to Members is set out in a memorandum issued by the Manager, Members’ Services on 4 August 2010.

B.4. Counselling Services – Employee Assistance Program
Members of the Legislative Assembly and their families may access the Parliament’s Employee Assistance Program (EAP). The program offers free counselling services either by telephone or face-to-face for Members or their families for any reason. It does not have to be related to Parliament or to being a Member. For example there may be school issues for children, or issues related to coping with stress, bereavement etc.

It is totally confidential and no reports on individuals are made to Parliament.

Davidson Trahaire Corpsych can be contacted by telephone on 1300 360 362 to arrange an appointment.

To view further information on the EAP on the intranet click here.

B.5. Coaching and Dealing with Staff
Supervising or managing staff can sometimes lead to challenging situations in the interrelations between Members and their staff or between staff themselves with expectations of the Member resolving the matter.

Manager Assist is a telephone coaching and support service that Members can access through the Parliament’s EAP provider Davidson Trahaire Corpsych.

Some examples of matters that may be discussed are dealing with difficult performance issues, raising sensitive issues with staff, overcoming negative responses or avoidance and resolving issues between staff.

B.6. Courtesies
Members are provided with courtesies by the following organisations:

- The Australian Jockey Club;
- The NSW Harness Racing Club;
- The NSW Leagues Club (Honorary membership);
- The QANTAS Chairman’s Lounge (Members elected before March 2007);
- The QANTAS Club (LSA cost);
- The Sydney Cricket Ground; and
- The Sydney Turf Club.

Further details of these courtesies can be provided by the DPS, phone (02) 9230 3041.

B.7. Jury Service

Under the Jury Act 1977, Members of the Legislative Assembly and officers and staff of the Houses (including electorate office staff) are currently ineligible to serve as jurors.

Accordingly, when a Member or 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 exemption no longer applies to spouses or de facto partners of Members and staff.

However, under the Jury Amendment Act 2010 (which is expected to come into force before the end of 2010) staff of the Houses will no longer be exempt from jury service. Members will continue to be exempt.

B.8. Members’ Badges and Identity Passes

All Members are issued with a numbered badge thereby identifying them as a current Member of the Legislative Assembly.

In the event of loss, replacement badges can be obtained upon the payment of a $10 fee to the Clerk.

Upon the application to the Clerk, photographic access (swipe) passes will be made available to Members and their spouses/partners, to facilitate access to the building and to office areas on each floor.

The pass will display the name and photograph of the Member or their spouse/partner, to enable immediate identification by security personnel.

B.9. Motor Vehicle Purchase Discount

Members intending to purchase a new motor vehicle primarily for use on Parliamentary business may be assisted with a certificate from the Clerk for presentation to a motor dealer indicating that the purchaser is a primary user and that the vehicle will be used primarily on Parliamentary business.

The certificate may enable Members to obtain a “fleet owner’s” discount. The availability and amount of the discount is at the discretion of the individual dealers.

Certificates will be issued upon request from the Clerk, phone (02) 9230 2222.

Members are the only persons entitled to organise press conferences in the Media Room on Level 6.

The holding of press conferences for non-Parliamentary organisations in the Media Room is only permissible when the Member concerned is present and is identified as the sponsor.

The Parliamentary Theatrette is the only area where Members may sponsor press conferences addressed by members of the public. Bookings must be made through the Presiding Officers.

Members wishing to sponsor the dissemination of material from non-Parliamentary groups into the Press Gallery pigeonholes are required to disseminate the material themselves.

B.11. Retention of the Title “Honourable”

The Governor may recommend, for the approval of the Queen, that persons be permitted to retain the title of “Honourable” after ceasing to hold any of the following offices:

- Premier (after 1 years service);
- Minister (after 3 years service); or
- Speaker and Deputy Speaker (after 3 years service).

Application for the retention of the title “Honourable” should be addressed in writing within six months of the date of leaving office to:

The Honourable the Premier
Premier’s Office
Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Telephone enquiries may be made to Ministerial and Parliamentary Services, Department of Premier and Cabinet, phone (02) 9228 3624.

B.12. Smoking Restrictions

All employers are required under the Occupational Health and Safety Act 2000 to accept a duty of care for the health and safety of all people in the workplace.

Implementing this duty of care requires all persons in the workplace to be aware of potential hazards and take steps to prevent workplace injuries and illnesses.

Under the Workers Compensation Act 1987, workers may be entitled to compensation if it is found that passive smoking has contributed to the development of a disease or aggravated an existing disease.

B.12.1. Parliament House

Parliament House was declared a smoke-free working environment with effect from 1 January 1994, by way of resolution of both Houses. No person is therefore permitted to smoke in the enclosed areas of the Parliamentary precincts.

Smoking is only allowed in the following non enclosed areas:

- All open air balconies adjoining Members and staff rooms;
- Balconies adjacent to the lift lobbies on Levels 9, 10, 11 and 12;
- Balconies adjoining the Parliamentary Dining Room on Level 7;
• The Ministerial roof garden on Level 8;
• The roof garden on Level 9; and
• The Hospital Road open-air areas but not including the Loading Dock.

Please note that the Macquarie Street courtyard and verandah are not designated areas and therefore smoking in these areas is not permitted.

Should any Member require ashtrays or smokers’ receptacles for their balconies, contact should be made with the General Manager, Parliamentary Facilities, phone (02) 9230 2607.

B.12.2. Electorate offices

Electorate offices are an extension of Parliament House and are therefore governed by the same occupational health and safety policies and guidelines.

Consequently, smoking is not allowed in any enclosed area of an electorate office.

B.13. Parliamentary Crest and State Coat of Arms

The use of the Parliamentary Crest is subject to the following guidelines.

• Members are entitled to utilise the Parliamentary Crest in the conduct of their official business, such as on:
  – Newsletters;
  – Their website;
  – Christmas cards; and
  – Letterhead and other material produced which relates to their Parliamentary duties.

• The Presiding Officers have issued a policy on the use of the Parliamentary Crest for functions and events which should be referred to in relation to this particular type of proposed usage.

• The Crest cannot be utilised in conjunction with any political campaigning or electioneering material, notwithstanding the cost being met from private sources. This also applies to the State Coat of Arms.

• Following approval by the Speaker, external organisations are permitted to use the Crest but only on educational material, which is related to the Parliament.

The State Crest may also be utilised by Members in accordance with any Government guidelines issued.
B.14. **State Flags for Electorate Offices**

Upon request, a State flag is provided free of charge to each Member for display in their electorate office. Applications should be made to:

- The Director of Protocol
- Office of Protocol and Special Events
- Department of Premier and Cabinet
- Governor Macquarie Tower
- 1 Farrer Place
- Sydney NSW 2000

Further enquiries may be made on (02) 9228 4513.

B.15. **State Flags for Community Groups**

NSW State flags are free of charge to scout groups (one flag per group), girl guide districts (one flag per district), recognised youth associations and State headquarters of selected non-profit, charitable and community groups which have facilities to permit proper flying or display of the flag on a regular basis.

A recognised youth organisation is one which:

- Confines its membership predominantly to persons below the age of 21;
- Is of long standing or appears to have good prospects of stability;
- Is constituted under the guidance of an adult management;
- Has a recognised meeting place; and
- Has a wide range of youth activities.

Members requiring State flags for community groups should forward their request in writing (stating the name of the organisation requesting the flag and the purpose) to:

- The Director of Protocol
- Office of Protocol and Special Events
- Department of Premier and Cabinet
- Governor Macquarie Tower
- 1 Farrer Place, Sydney NSW 2000

Organisations that are confined to one activity do not qualify for a flag.

In the event that a flag is no longer suitable for use or is missing, Members may make a recommendation to the Office of Protocol and Special Events for replacement of the flag. It is generally expected, however, that each flag will remain serviceable for a period of five years.

Further enquiries may be made by phoning (02) 9228 4513.

B.16. **State Flags for Schools and Educational Institutions**

The supply of State flags to schools is the responsibility of the Department of Education and Training. State flags are also available to schools, students and teachers participating in overseas exchange programs.

These flags are provided free of charge and Members should place their request through their District or Regional Office of the Department of Education and Training.
B.18. Execution of Search Warrants by the ICAC on the Parliament House Offices of Members

Following recommendations of the Legislative Assembly Privileges and Ethics Committee and its equivalent Legislative Council committee, the Presiding Officers signed a memorandum of understanding with the ICAC Commissioner in December 2009 to adopt Procedure 9 of the Commission'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 stated objective of the memorandum and associated processes is to ensure that search warrants are "executed without improperly interfering with the functioning of Parliament and so its Members, and their staff are given a proper opportunity to claim parliamentary privilege in relation to documents in their possession."

Section 10 of the Operations Manual, referred to above, is set out in full below:

"Execution on Parliamentary Office

In executing a warrant on the office of a Member of Parliament, care must be taken regarding any claim of parliamentary privilege. Parliamentary privilege attaches to any document which falls within the scope of proceedings in Parliament. Proceedings in Parliament includes all words spoken and acts done in the course of, or for the purposes of or incidental to, the transacting of the business of a House or committee.

Parliamentary privilege belongs to the Parliament as a whole, not individual members.

This procedure is based on the protocol recommended by the Legislative Council Privileges Committee in February 2006 (Report 33).

1. A search warrant should not be executed on premises in Parliament House on a parliamentary sitting day or on a day on which a parliamentary committee involving the Member is meeting unless the Commissioner is satisfied that compliance with this restriction would affect the integrity of the investigation.

2. If the premises to be searched are in Parliament House the Executive Director, Legal will contact the relevant Presiding Officer prior to execution and notify that officer of the proposed search. If the Presiding Officer is not available the Executive Director, Legal will notify the Clerk or Deputy Clerk or, where a Committee's documents may be involved, the Chair of that Committee. The Clerk will arrange for the premises the subject of the warrant to be sealed and secured pending execution of the warrant.

3. To minimise the potential interference with the performance of the Member's duties the Executive Director, Legal should also consider, unless it would affect the integrity of the investigation, whether it is feasible to contact the Member, or a senior member of his/her staff, prior to executing the warrant. As far as possible a search warrant should be executed at a time when the Member or a senior member of his or her staff will be present.

4. The Commission will allow the Member and the Clerk a reasonable time to seek legal advice in relation to the search warrant prior to its execution and for the Member to arrange for a legal adviser to be present during the execution of the warrant.

5. The Executive Director, Legal will assign a lawyer to attend the search for the purpose of providing legal advice to the Search Team on the issue of parliamentary privilege.

6. On arrival at Parliament House the Search Team Leader and assigned lawyer should meet with the Clerk of the House and Member or the Member's representative for the purpose of outlining any obligations under
the warrant, the general nature of the allegations being investigated, the nature of the material it is believed is located in the Member’s office and the relevance of that material to the investigation.

7. The Search Team Leader is to allow the Member a reasonable opportunity to claim parliamentary privilege in respect of any documents or other things located on the premises.

8. The Search Team Leader should not seek to access, read or seize any document over which a claim of parliamentary privilege is made.

9. Documents over which parliamentary privilege is claimed should be placed in a Property bag. A list of the documents will be prepared by the executing officer with assistance from the Member or staff member. The Member, or Member’s staff should be given an opportunity to take copies before the documents are secured.

10. The Search Team Leader should request the Clerk to secure and take custody of any documents over which a claim for parliamentary privilege has been made.

11. At the conclusion of the search the Search Team Leader should provide a receipt recording things seized. If the Member does not hold copies of the things that have been seized the receipt should contain sufficient particulars of the things, to enable the Member to recall details of the things seized and obtain further advice.

12. The Search Team Leader should inform the Member that the Commission will, to the extent possible, provide or facilitate access to the seized material where such access is necessary for the performance of the Member’s duties.

13. Any claim of parliamentary privilege will be reported by the Search Team Leader to the Executive Director, Legal who will consider the matter in conjunction with the Executive Director, ID, the Deputy Commissioner and the Commissioner for the purpose of determining whether the Commission will object to such a claim.

14. Where a ruling is sought as to whether documents are protected by parliamentary privilege the Member, the Clerk and a representative of the Commission will jointly be present at the examination of the material. The Member and the Clerk will identify material which they claim falls within the scope of parliamentary proceedings.

15. A list of material considered to be within the scope of proceedings in Parliament will then be prepared by the Clerk and provided to the Member and the Commission’s representative.

16. Any material not listed as falling within the scope of proceedings in Parliament will immediately be made available to the Commission.

17. In the event the Commission disputes the claim for privilege over these documents listed by the Clerk the Commissioner may, within a reasonable time, write to the President of the Legislative Council or Speaker of the Legislative Assembly to dispute any material considered to be privileged material and may provide written reasons for the dispute. The issue will then be determined by the relevant House.”

There are other parts of the Procedure 9 of the Operations Manual which relate to general procedures prior to obtaining a search warrant; procedures prior to executing a search warrant; procedures to be followed during the conduct of a search warrant and obligations at the conclusive of a search. Full copies of Procedure 9 are available from the Clerk’s Office.
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