



ANNUAL REPORT

DEPARTMENT OF THE
LEGISLATIVE COUNCIL

2015-16



Legislative Council

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12 October 2016

The Hon Bruce Atkinson MLC
President of the Legislative Council
Parliament House
EAST MELBOURNE 3002

Dear Mr President

I have pleasure in forwarding to you the Clerk's report to the Legislative Council on the operations of the Department of the Legislative Council for the year ended 30 June 2016.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Young'.

Andrew Young
Clerk of the Legislative Council

Contents

Contents	4	Council Committees	19
Clerk's Overview	7	Economy and Infrastructure Committee	19
Departmental Vision	9	Environment and Planning Committee	19
Departmental Goals	9	Legal and Social Issues Committee	19
Business of the Department	9	Port of Melbourne Select Committee	20
Organisation Chart 2015-16	11	Committee Services Office	20
Service Delivery	13	Committee Office Activities 2015-16	20
Procedural Advice	13	Hospitality and Visitors	23
Private Members' Bills	13	Official Visitors and Delegations	23
Production of Documents	13	Corporate Governance	23
Procedure Committee	13	Sister State Delegations	25
Standing and Sessional Orders	13	Australian Political Exchange Council Delegation	25
Members' Seminars – Legislative Council	14	Presiding Officer's Travel	25
Council Sittings and Documentation	14	Members' Client Survey	25
Sittings of the House	14	Heritage Management Working Group	25
Council Business Group	14	Disaster Recovery Plan	26
Resignation of Member (Damian Drum)	14	Senior Staff Changes	26
Resignation and election of the Deputy President	14	Retirement of Deputy Clerk – Matthew Tricarico	26
Allegations of misuse of Members' staff budget entitlements – Matter referred to the Ombudsman – Ombudsman Case / Supreme Court Hearing	14	Human Resources Management	26
Parliamentary Publications	15	Occupational Health and Safety Committee	26
Sitting Statistics	15	Security	26
Breakdown of Business 2014-15	15	Security Management Board	26
Statutory Compliance	16	Visitor Management at Parliament House	26
Register of Members' Interests	16	Security Operations Group	27
Community Engagement and Education	16	Professional And Personal Development	27
Victoria University Law Lecture	16	Presiding Officers and Clerks Conference	27
Annual Calendar Committee	16	ANZACATT Professional Development Seminar (19-21 January 2016, New Zealand)	27
Australasian Study of Parliament Group	17	ANZACATT Vice-President (North Carolina)	27
Seminar for Public Service Officers	17	Private Members' Bill Training with Office of the Chief Parliamentary Counsel	27
YMCA Youth Parliament	17	Finance	28
Open Day	17	Legislative Council Budget	28
Joint Investigatory Committees	18	Appendix A	31
Accountability and Oversight Committee	18	Role of the Legislative Council Staff	31
Economic, Education, Jobs and Skills Committee	18	Clerk's Office	31
Environment, Natural Resources and Regional Development Committee	18	Chamber Support Office	31
Independent Broad-based Anti-corruption Commission Committee	18	Attendant Staff	31
		Committees' Office	31
		President's Office	32

Appendix B	33
Comparative workforce data for 2015-16	33
Table 1: Summary of employment levels in June of 2015 and 2016	33
Table 2: Detail of employment levels in June of 2015 and 2016	34
Appendix C	35
Members of the Legislative Council – 58 th Parliament as at 30 June 2016	35
Appendix D	36
Selected statistics relating to sittings of the Legislative Council	36
2011-12 to 2015-16	36
Appendix E	37
Statistics relating to Committees administered by the Legislative Council	37
Appendix F	38
Legislative Council Expenditure Statements, 2015-16	38
Legislative Council – Members – Special Appropriations	38
Appendix G	39
Major Outputs and Performance Measures – Legislative Council	39
Appendix H	40
Joint Investigatory Committees – Expenditure Statements, 2015-16	40
Appendix I	41
LC Parliamentary Committee Inquiries conducted during the 58 th Parliament – FY Ending 30 June 2016	41
Appendix J	43
Disclosures made under the <i>Protected Disclosure Act 2012</i>	43

Clerk's Overview

I have pleasure in presenting my report on the operations of the Department of the Legislative Council for 2015-16.

In the first full year of the 58th Parliament, the department has experienced great challenges in meeting the demands of committees, the impact of sessional orders and an unprecedented level of procedural activity by the eight parties in the Chamber.

The level of activity of Council standing committees and the complexity of inquiry subjects and processes resulted in many and various approaches to trying to resource inquiries for which the Council has never been funded. Inquiries such as 'End of Life Choices' and 'Unconventional Gas' involved matters of great significance that deserved far more resources than were available to support them. This resourcing was further strained by the establishment of a select committee to review the proposed Port of Melbourne lease. I congratulate all Council committee staff and other staff within the department and elsewhere in the Parliament who ensured as high a standard of support as was possible to Members, witnesses and other stakeholders for all inquiries.

The four joint investigatory committees administered by the department have also undertaken inquiries that, although better funded, have been highly complex and presented greater challenges than usual in dealing with legally and politically contentious matters. Inquiries across matters of public importance such as the Fiskville CFA facility, integrity regimes and portability of long service leave were successfully supported by the joint committees' team.

A number of sessional orders have led to a significant increase in procedural and administrative work in the Chamber Support Office (Table Office) and for key stakeholders, particularly Ministers' offices and departments. Reforms to 'Question Time' and 'Constituency Questions'; a significant number of Orders for the Production of Documents; and a record pace of Questions on Notice has led to an increase of information flow between Government and the department.

Following the Premier's decision to allow Members to seek the assistance of the Office of Chief Parliamentary Counsel (OCPC) to draft bills based on requests through the Clerk, the number of private members' bills has increased dramatically. The department has sought to have a number of staff trained to assist Members with

drafting instructions and coordination with OCPC. I am very pleased to acknowledge the cooperative and collaborative relationship that continues to develop between Council officers and OCPC in relation to non-government bills and the significant number of amendments to bills.

In February, the House directed the President to join proceedings in the Supreme Court of Victoria in relation to a matter of the Ombudsman's jurisdiction. The specific directions from the House for the President to engage counsel and to argue certain points of law led to expenses and staff research commitments that were unexpected and a difficult challenge for the department.

The Legislative Council has experienced different and increasing demands from Members and committees from one Parliament to the next since the end of the 55th Parliament, when constitutional changes took effect. Chamber Support staff have responded well to the demands described above. A review of the Chamber Support / Table Office was carried out in 2015-16 and the implementation of the review's outcomes in 2016-17 aim to put in place a structure and culture of increased adaptability to ensure that we can respond to changing demands of Members and committees in the future. Building the capacity of staff to work across chamber, committee and administrative areas is not only a response to the unpredictability of the House, but also a necessary response to insufficient funding.

Both the former Clerk and I have reported in previous annual reports the unsustainable funding model for the Council. The Council, as a 'House of review', increasingly made up of diverse parties and independents, has generated committees, procedures and decisions that were never part of the funding model that pre-dated November 2006. There has been a consistent and clear need for the Legislative Council's annual appropriation to be increased to reflect its role, actual levels of activity and Members' expectations. However, in this most recent decade, the Council's appropriation has not merely failed to increase, but has been cut in real terms. This is explained in more detail in my Finance commentary found in the report that follows.

Notwithstanding these challenges, the greatest reward for the management and staff of the Legislative Council is the rare privilege of being able to assist Members, the President and committees in such a politically and

procedurally dynamic environment. Similarly, there is great satisfaction in the working relationships with our colleagues in the Department of the Legislative Assembly and the Department of Parliamentary Services. There are so many governance and service delivery outcomes that are only possible because the three separate departments that constitute the administration of Parliament work well together. I would like to acknowledge another highly successful Parliament Open Day, held in March, led by the efforts of Richard Willis (Usher of the Black Rod) and Andrea Agosta (Project Officer) in collaboration with many other staff from all three departments.

In closing I wish to thank all staff in the department's various teams – Attendant Group, Chamber Support, Committees, Clerk's (and project) Office and President's Office - for their great service to Members, the Parliament and the community during the year.

Andrew Young
Clerk of the Legislative Council

Departmental Vision

DEPARTMENTAL GOALS

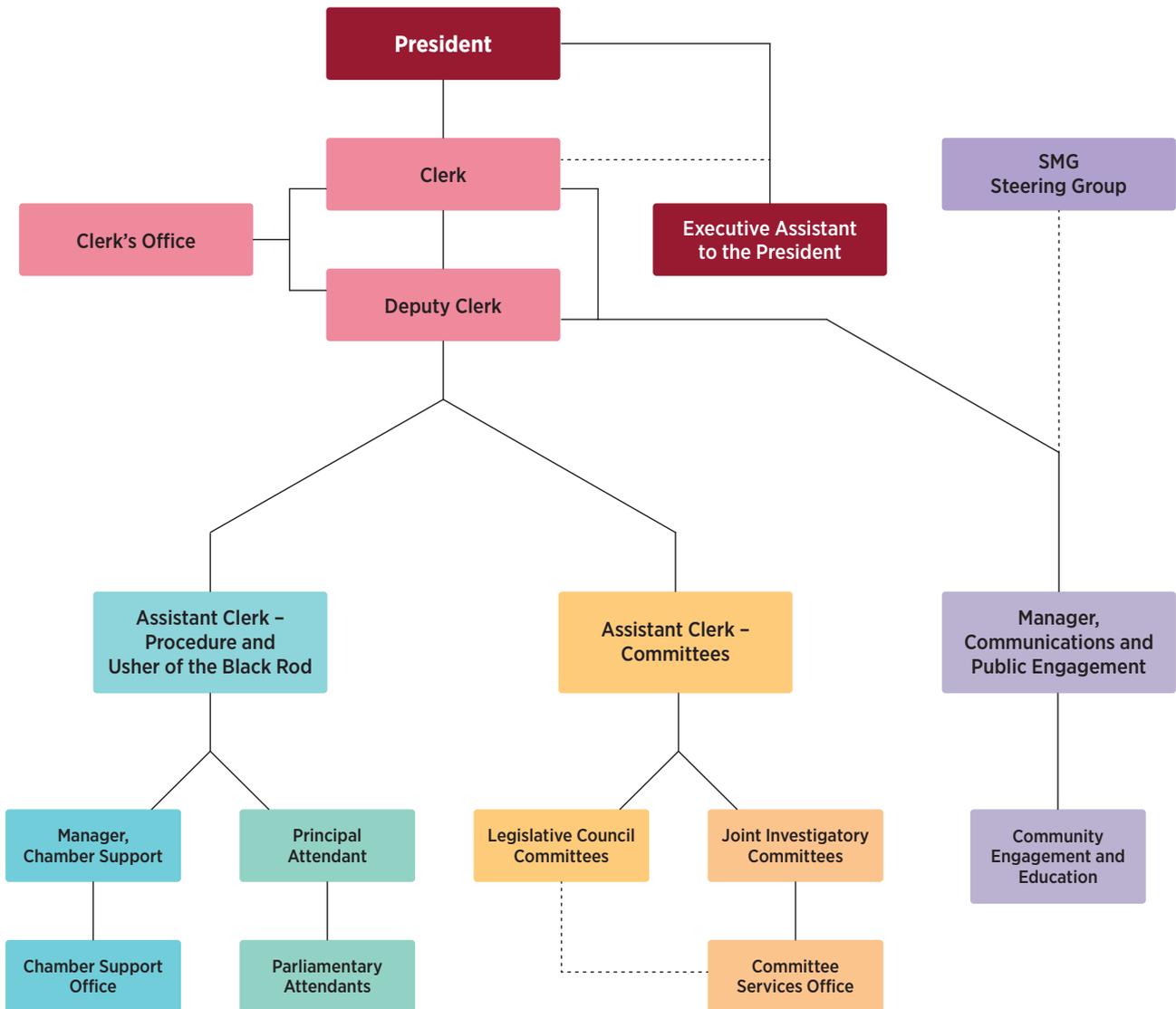
Within the context of the Parliament's Strategic Directions 2015-18 the department focused on three goals in the year under review. These were: Service Delivery; Corporate Governance; and People and Resources.

BUSINESS OF THE DEPARTMENT

The business of the department is to:

- provide procedural advice to Members of the Legislative Council;
- provide support for Members in the instruction of private members' bills and amendments to legislation;
- process legislation;
- prepare documentation required for sittings of the Legislative Council;
- prepare records of the proceedings for sittings of the Legislative Council;
- provide information relating to the proceedings of the Legislative Council;
- provide parliamentary law and procedure research for the President and Members;
- assist government to comply with and respond to procedural requirements and decisions of the House;
- provide administrative support, research assistance, procedural and policy advice and produce draft reports to the Legislative Council Standing, Select, Procedure and Privileges Committees;
- provide administrative support, research assistance, procedural and policy advice and produce draft reports to the joint investigatory committees administered by the Legislative Council;
- provide operational support to Members of the Legislative Council;
- participate in the Parliament's Community Engagement Strategy, including coordination of events; and
- provide a secure, safe and healthy workplace.

Organisation Chart 2015-16



Service Delivery

PROCEDURAL ADVICE

Private Members' Bills

As reported in the 2014-15 Annual Report, non-government party Members of the Council no longer require permission from the Premier for assistance from the Office of Chief Parliamentary Counsel (OCPC) to draft private Members' bills.

A process has now been put in place between the Council and OCPC, which has resulted in Council staff taking a more active role in assisting Members prepare drafting instructions. A total of six staff are currently trained to provide this advice.

During this period assistance was sought to prepare drafting instructions for a total of 18 private Members' bills, however for various reasons some Members elected not to proceed with the bill. The details of private Members' bills for 2015-16 are as follows:

Bills not proceeded with	6
Bills defeated in the Council	2
Bills currently in the Council	6
Bills being drafted by OCPC	2
Currently assisting with drafting instructions	2

Production of Documents

At the end of the reporting period, a total of seven orders for the production of documents were made by the Council; three responses were provided in full, two orders in part, one was responded to in the form of an electronic presentation to Members at a specified time and place. In total, over 475 documents were provided with a significant portion provided towards the end of the reporting period.

The Government continued its practice of not opposing the initial motions for the production of the documents, but considering the request and providing a response to the resolution of the Council at a later date. In each of the seven orders made in the 2015-16 period, the Government tabled an initial response claiming they did not have sufficient time to respond to the resolution but would do so as soon as possible. Due to the volume of the documents produced in response to the resolutions

of the House, alternative methods to host viewing access to the documents have been considered, including the possibility of utilising existing online resources provided by parliament. Options will be developed to be implemented within the next reporting cycle.

Procedure Committee

During the reporting period, the Procedure Committee met for four deliberative meetings. In addition, one matter has been referred to the Procedure Committee in the 2015-16 reporting period. The House resolved that e-petitions are to be implemented in the Legislative Council by 31 January 2017 and has charged the Committee with determining the mechanisms and relevant changes to standing or sessional orders required to permit this, with a reporting date of 25 October 2016.

Standing and Sessional Orders

New Sessional Orders adopted early in the 58th Parliament introduced constituency questions and questions without notice directed for written response by the President. The impact of this has been felt by the Chamber Support Office during the 2015-16 reporting period as there has been a significant increase to the number of questions asked and responded to. The Chamber Support Office worked to evolve the manner in which timely tracking of information is delivered. As a result, two spreadsheets were redesigned that allow the data to be filtered to simplify identifying when such questions have been asked, answered, and who the relevant Members and responsible Ministers are.

In relation to Constituency questions, 539 questions were asked and 563 responses received, whilst questions without notice directed for written response increased from 59 to over 250 in the 2015-16 reporting period. The higher amount of questions directed for written response is a product of Ministers taking questions on notice rather than answering the questions in the Chamber, as well as the President directing a higher amount of written responses in accordance with the sessional orders. To see the full statistics, please see the breakdown of business 2015-16.

Members' Seminars – Legislative Council

The clerks participated in jointly presenting, with the Assembly, a further two procedural development seminars for Members in the reporting period –

- the role of parliamentary committees, August 2015; and
- Register of Members' Interests, Code of Conduct, protected disclosures and rights of reply, February 2016.

COUNCIL SITTINGS AND DOCUMENTATION

Sittings of the House

In 2015-16, the Council met for a total of 18 sitting weeks. The Council sat for three days each sitting, Tuesday to Thursday. The Council did not utilise its ability to sit on a Friday during this reporting period. Ministers used Standing Order 4.08 to extend sitting past 10.00 p.m on 13 sitting days and sat past midnight 5 times. The Council sat on 54 days in 2015-16, sitting for a total of 518 hours and 16 minutes. The average length of each sitting day was 9 hours and 13 minutes exclusive of meal breaks.

Council Business Group

The establishment of a Council business group was an initiative at the commencement of this 58th Parliament. The group, which meets every Monday of a sitting week, is convened by the President and is generally chaired by the Deputy President in order to bring the parties together to discuss the organisation of business for the sitting week. The group is administratively supported by the Clerks and the President's Office.

Resignation of Member (Damian Drum)

On Thursday, 26 May 2016, the Hon Damian Drum formally resigned from the Legislative Council to stand in the 2016 Federal Election. He had served the North West Province and then the Northern Victoria Region since 2002. Mr Drum was successful in securing the Federal seat of Murray and as of the date of reporting, the vacancy has not been filled.

Resignation and election of the Deputy President

On Thursday, 23 June 2016, Ms Gayle Tierney resigned from her position as Deputy President after being appointed to Cabinet Secretary. Mr Khalil Eideh was elected unopposed as Deputy President the same day and underwent instruction from the Clerks to prepare him for his new role for when the House returns from winter break in August.

Allegations of misuse of Members' staff budget entitlements – Matter referred to the Ombudsman - Ombudsman Case / Supreme Court Hearing

On 25 November 2015, the House resolved to refer a matter to the Victorian Ombudsman under section 16 of the *Ombudsman Act 1973*. In response, the Ombudsman expressed the uncertainty of the Ombudsman's power to investigate and sought a ruling from the Supreme Court under section 27 of the *Ombudsman Act 1973*. In February 2016, the Legislative Council, represented by the President, and the Attorney-General joined the Supreme Court proceeding to represent their respective views on the jurisdiction of the Ombudsman to investigate matters under section 16 of the Act.

The matter was heard by the Honourable Justice Cavanough in the Supreme Court of Victoria on Monday, 9 and Tuesday, 10 May 2016. The Court heard arguments from Counsel for the Attorney-General and Counsel representing the President on behalf of the Legislative Council. Counsel for the Ombudsman were present, but declined to put forward arguments further to the Ombudsman's written submissions, which were neutral in nature, advancing arguments both for and against jurisdiction in the matter. As a result of the in depth cases put forward by both sides, Justice Cavanough sought further written submissions on certain matters. At this point in time, the final order from the Court is pending.

Parliamentary Publications

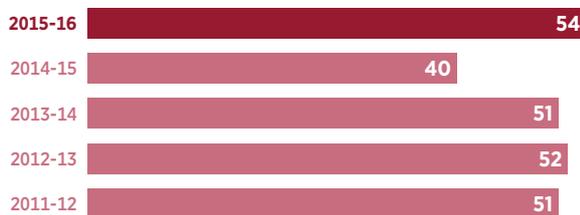
The department is responsible for the preparation and circulation of a number of parliamentary publications. In the 2015-16 reporting period the following documents were published and distributed:

Notice Paper (daily)	54
Minutes (weekly)	18
Minutes (daily proof)	54
Committee of the whole Council Supplement	18
Unanswered Questions On Notice Booklet	18
Adjournment Matters Awaiting Response Booklet	18
Procedural Bulletins December-June 2015 and August-December 2014	
Rulings from the Chair 1979 – 2015 (9 th Edition)	

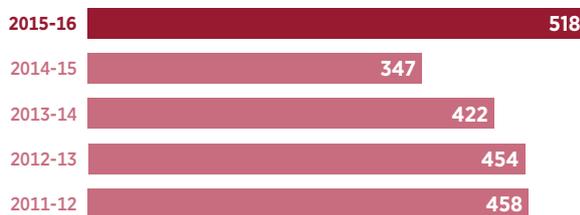
A number of new information sheets were created during the reporting period and are in the process of being finalised for publishing during the beginning of the next reporting period.

SITTING STATISTICS

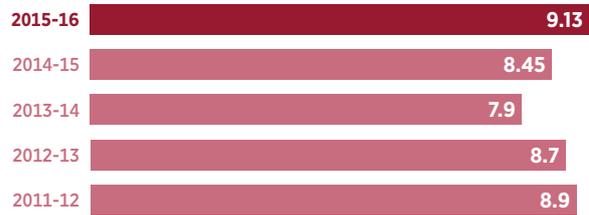
Sitting Days, Legislative Council, 2011-12 to 2015-16



Sittings Hours, Legislative Council, 2011-12 to 2015-16



Average Length of Daily Sittings (Hours) exclusive of meal breaks, Legislative Council, 2011-12 to 2015-16



Questions on Notice processed by the Department of the Legislative Council 2011-12 to 2015-16



BREAKDOWN OF BUSINESS 2015-16

There was a significant increase in the workload for the Table Office/Chamber Support in 2015-16.

- The number of sets of amendments circulated almost doubled from the last reporting period. This is the highest amount of amendments the Council has circulated in the past five years. Staff worked closely with Office of Chief Parliamentary Council and Members to make sure all amendments were ready and proofed in time for debate.
- The introduction of constituency questions in the 58th Parliament has added to the administrative burden of the Council. As Members have become more confident in utilising constituency questions as an added opportunity to question time, the number of constituency questions and subsequent responses has increased.
- Questions on notice have also increased and have surpassed the high of the 2011-12 reporting period. Subsequently, the number of answers to questions on notice has been high, with 4429 answers tabled during the reporting period. Additionally, 112 questions were reinstated by order of the President.
- 217 written responses to questions without notice were processed in this reporting period. This is an increase of 325 per cent from the previous reporting period, where 56 questions without notice were ordered by the President. Nine of those questions

were reinstated for a further response by the President. One of the reasons there was such a dramatic increase over the reporting period was the Government's position of volunteering to provide a written response to the majority of questions asked, instead of answering the question in the House.

- Petitions tabled this reporting period experienced a 396 per cent increase from the previous reporting period. Petitions relating to 'Sky Rail' and the Infant Viability Bill 2015 were the most recurrent and accounted for the majority of all petitions received for 2015-16.
- Due to the full reporting year, adjournment matters have increased from 279 to 683 adjournment matters raised in the House. Subsequently responses to adjournment matters have also increased, with the majority of matters responded to within the reporting period.

STATUTORY COMPLIANCE

Register of Members' Interests

Under the *Members of Parliament (Register of Interests) Act 1978*, Members are required to provide details of their interests. This information is required from new Members upon their election to Parliament within 30 days of upon taking and subscribing the oath or affirmation (i.e. Primary Return) and from all existing Members by 29 August each year (i.e. Ordinary Return). Members may also lodge variations to their interests at any time during the year. This information is contained in a register which is maintained by the Clerk of the Parliaments, currently the Clerk of the Legislative Assembly. However, by arrangement between the Houses, the Department of the Legislative Council continues to maintain the Register of Members' Interests on behalf of the Clerk of the Parliaments.

During 2015-16, the following reports were prepared and tabled:

- Summary of Variations Notified between 27 May 2015 and 22 June 2015
 - Summary of Returns — June 2015 and Summary of Variations Notified between 23 June and 7 October 2015
 - Cumulative Summary of Returns, 30 September 2015
 - Summary of Primary Returns — December 2015 and Summary of Variations Notified between 13 October 2015 and 8 February 2016
- Summary of Variations Notified between 10 February 2016 and 22 June 2016
 - Ordinary Return forms will be sent to all Members of Parliament on 1 July 2015 and a summary of those returns, together with a Cumulative Summary as at 30 September 2015, will be tabled in October 2015.

COMMUNITY ENGAGEMENT AND EDUCATION

YMCA Youth Parliament

Celebrating its 30th anniversary, the YMCA Youth Parliament was staged at Parliament House on 27, 28 and 30 June 2016. The Opening Ceremony was held in the Legislative Council Chamber and was officially opened by the 'Youth Governor', Ms Caitlin Myer, who, along with participants, was joined at the ceremony by the President of the Legislative Council, the Minister for Youth Affairs, other Members of Parliament, YMCA organisers and other guests. A special function was held in Queens Hall on 28 June to celebrate the 30th anniversary.

Over the three days, Members assisted as Acting Presidents or Speakers during debates in the respective chambers. These debates were conducted as consistently as practicable with parliamentary procedure and proceedings and were recorded by Hansard for a day in both the Council and Assembly. At the conclusion of the sittings, the "bills" were presented to the Minister for Youth Affairs, the Hon Jenny Mikakos, at the closing ceremony in the Assembly.

The planning and conduct of the event was supported by the Assistant Clerk – Procedure and Usher of the Black Rod and Chamber Support Office staff with many other staff assisting during debates.

Open Day

A very successful Open Day was held on Sunday, 6 March 2016. It was the Legislative Council's turn to take the lead with organising the event under the coordination of the Usher of the Black Rod and the Project Officer. However, the success of the event was due to the cooperation and input of all three Parliamentary Departments across multiple work units. A number of Parliamentary staff worked on the day hosting information displays on the work of Parliament and answering questions from visitors.

The Public Record Office Victoria, Victorian Ombudsman, the Victorian Auditor-General's Office, Independent Broad-based Anti-corruption Commission and Museum of Australian Democracy at Eureka also had displays.

The Monash Trio Jazz Band entertained visitors on their arrival to Parliament. As visitors entered Parliament House, they received an Open Day tour map providing details of the route to be taken and the various displays. Entertainment was also provided in the parliamentary gardens by the Box Hill High School Band.

Australasian Study of Parliament Group

The Department's commitment to parliamentary related education is reflected in its ongoing support and participation in the Australasian Study of Parliament Group (ASPG). The Victorian Chapter conducted four seminars at Parliament House during the reporting year:

- *4 August 2015 - 'A New Zealand Perspective - The New Zealand Electoral System and its Impact on Parliament'*. Presented by Dr. Therese Arseneau, Senior Fellow, School of Social and Political Sciences, University of Canterbury, New Zealand.
- *10 November 2015 - 'Cross-bench Q&A - The new Upper House cross-benchers reflect on their first year in Parliament'*. Presented by the five cross bench Members of the Legislative Council, Mr Jeff Bourman, Dr Rachel Carling-Jenkins, Ms Fiona Patten, Mr James Purcell, and Mr Daniel Young.
- *22 March 2016 - Enhancing MPs' Professional Development: Can we do better?* Presented by Hon Tim Fischer, AC, former Deputy Prime Minister; Assoc. Prof. Ken Coghill and Adj. Prof. Colleen Lewis, Monash University.
- *7 June 2016 - The Media and Politics Friend or Foe?* Presented by Ms Maxine McKew, former journalist and former Member for Bennelong; and Ms Josephine Cafagna, former journalist and former Head of Communications in the Office of the Victorian Premier.

Seminar for Public Service Officers

During the reporting period, the department participated in two seminars (below) for public service officers. The day-long seminar is coordinated by the Council, but brings together officers from both Houses and the Office of Chief Parliamentary Counsel who present on the constitutional, legislative and scrutiny aspects of the Parliament. Public servants from various departments and authorities attended the seminar which has the dual

aims of assisting the professional development of public service officers and improving the working relationships between the Parliament and the public service.

- **17 November 2015** – Hon Peter Walsh, MP, Hon Mary Wooldridge, MLC and Mr Don Nardella, MP, formed the panel of Members as part of the seminar program. 55 delegates attended the seminar on the day.
- **28 April 2016** – Mr Don Nardella, MP, Hon Edward O'Donohue, MLC and Ms Sue Pennicuik, MLC, formed the panel of Members as part of the seminar program. 41 (anne 46 registered) delegates attended the seminar on the day.

Victoria University Law Lecture

On Thursday 10 September 2015, the Clerk gave a lecture and powerpoint presentation to students studying for their Bachelor of Law or doing a double degree (one being law) at Victoria University, City Queen Campus, College of Law & Justice. Andres Lomp, Manager of Communications and Public Engagement, came along to take some photographs as part of community engagement.

The theme was "Reporting on Parliament: Parliamentary Privilege and Freedom of Speech". While the focal points were on parliamentary privilege, freedom of speech and contempt of parliament through the centuries to present day, the presentation also delved into parliament's growing engagement with the community through social media, the emerging issues and trends of social media in today's technological age and media landscape, to how media and parliament work in practice on reporting on parliament and elections, not just politics.

In September 2016 the Clerk will undertake another lecture to privacy and media law students at the University.

Annual Calendar Committee

The Victorian Parliament's Annual Calendar Committee (VPACC) includes a representative from each area of the Parliament - the Legislative Assembly, the Legislative Council, the Committee Services Office, the Education and Community Engagement Unit in the Department of Parliamentary Services and the Parliamentary Library.

The meeting is chaired by the Communications and Public Engagement Manager and the VPACC met on three occasions to discuss events, including partnerships with other organisations that could enhance community engagement and effective methods to publicise the annual calendar.

JOINT INVESTIGATORY COMMITTEES

Accountability and Oversight Committee

The Accountability and Oversight Committee tabled two reports in October and December 2015. The reports examined the 2013-14 and 2014-15 annual reports of the three agencies the Committee oversees — the Victorian Ombudsman, Freedom of Information Commissioner and Victorian Inspectorate. The Committee examined the performance of these agencies, including assessing trends and changes in volumes of complaints, requests and appeals.

In mid-May 2016, a delegation of the Committee travelled to Sydney and Brisbane to meet with equivalent oversight agencies and parliamentary committees, as part of information gathering in identified best practice jurisdictions.

The Committee is currently undertaking an *Inquiry into education, training and communications initiatives of Victorian oversight agencies* and will shortly commence a concurrent review of the 2015-16 annual reports of the oversight agencies.

Economic, Education, Jobs and Skills Committee

Inquiry into portability of long service leave entitlements

The Committee worked on one inquiry during the reporting period, the *Inquiry into portability of long service leave entitlements*. The Committee tabled its final report on 8 June 2016. The Committee found merit in introducing portable long service leave for the contract cleaning and security industries on the basis of providing equity to workers and the existence of similar schemes interstate. It recommended that the Victorian Government commission feasibility studies into the introduction of portable long service leave schemes for these industries. The Committee also found there was merit in expanding portability to the community services sector.

Inquiry into community energy projects

The Committee received a reference from the Legislative Assembly for an *Inquiry into community energy projects* on 23 June 2016. The terms of reference require the Committee to consider the role and benefits of community energy projects and strategies to encourage

their uptake, including in metropolitan areas. The Committee will commence this inquiry in the next reporting period.

Environment, Natural Resources and Regional Development Committee

The Environment, Natural Resources and Regional Development Committee continued its *Inquiry into the CFA Training College at Fiskville* which began in early 2015.

In December 2015, the Committee travelled to Germany on a study trip to gather evidence related to the Inquiry. The Committee visited several cities, including Berlin, Dessau, Nürnberg and Düsseldorf. The Committee also held 59 public hearings in Victoria as part of the Inquiry.

The Committee tabled its final report in May 2016. The report examined the history of Fiskville site, how it was contaminated, options for the site's remediation and options for affected people. In total, the Committee made 31 recommendations.

At the completion of the Fiskville Inquiry, the Committee began two inquiries: an Inquiry into the sustainability and operational challenges of Victoria's rural and regional councils; and an *Inquiry into the control of invasive animals on Crown land*.

Independent Broad-based Anti-corruption Commission Committee

The Committee commenced the year by furthering its understanding of the duties and functions of IBAC, the Victorian Inspectorate and other bodies within Victoria's Integrity system and how each agency works in relation to the other. The Committee was briefed by key stakeholders, undertook site visits and observed public examinations conducted by IBAC into Operation Dunham. The Committee travelled to Brisbane and Sydney to see how anti-corruption agencies and equivalent parliamentary oversight bodies in these states operated and to learn from their experience. Whilst in Brisbane the Committee also attended the 2015 Australian Public Sector Anti-Corruption Conference (APSAC).

In February 2016 the Committee tabled its report *Strengthening Victoria's Key Anti-corruption Agencies? The first report of the Independent Broad-based Anti-corruption Commission Committee*. This report followed the introduction of the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015 (Vic) into Parliament by the Victorian Government in December 2015. The bill proposed a

number of reforms to anti-corruption and integrity agencies within Victoria, including the Independent Broad-based Anti-corruption Commission and Victorian Inspectorate. The Committee's report considered issues that had been raised by stakeholders in closed hearings, submissions and reports about the Victorian integrity system and whether the issues raised have been addressed by the proposed legislation. The Committee identified some issues which remained unresolved and made 13 recommendations to the Victorian Government to consider or further investigate as part of its ongoing review process of Victoria's integrity system.

In March the Committee commenced an investigation into the *Protected Disclosure Act 2012 (Vic)* and its operation to determine how it could be improved. From April to the end of June the Committee has carried out an extensive literature and policy review, been briefed by key stakeholders, called for and received submissions, conducted public and closed hearings in Melbourne and Sydney, reviewed relevant legislation in other Australian jurisdictions and commenced the drafting of the report. During this time the Committee has also considered various processes and models in other Australian and international jurisdictions that assess the performance of integrity bodies.

COUNCIL COMMITTEES

Economy and Infrastructure Committee

The Economy and Infrastructure Committee worked on four inquiries during 2015-16.

The Committee has an ongoing reference to investigate and report on infrastructure projects every six months. Between August and November 2015, four public hearings were held with key infrastructure delivery agencies. The first infrastructure report was tabled in December 2015. A second, more extensive round of public hearings took place between February and May 2016, with 20 hearings conducted. The second infrastructure report was tabled in June 2016.

A final report for the Committee's inquiry into restricted-breed dogs was tabled in March 2016. This inquiry received significant public interest, with approximately 500 submissions. The report included 31 recommendations, dealing with the management of domestic dogs, the encouragement of responsible pet ownership and strategies to prevent dog attacks.

The Committee also commenced work on an inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015 and an inquiry into the appropriate structure of

regulation for ride-sourcing services such as Uber. The Committee took submissions from March 2016 onwards in relation to the Overtaking Bicycles Bill and held 22 public hearings in May and June. The public hearings included a number of interstate witnesses, who appeared by video-conference. Submissions for the ride sourcing inquiry opened in June 2016. Reports for both inquiries are expected to be tabled in 2016-17.

Environment and Planning Committee

During 2015-16 the Environment and Planning Committee:

- held 87 public hearings
- held 3 site visits/inspections
- received 1730 submissions
- tabled five reports (see below for details).

The Environment and Planning Committee completed the following reports during 2015-16:

- *Inquiry into the Planning and Environment Amendment (Recognising Objectors) Bill 2015* – report tabled on 4 August 2015
- *Inquiry into onshore unconventional gas in Victoria – Interim Report* tabled on 1 September 2015 and final report tabled on 8 December 2015
- *Inquiry into rate capping policy – First Report* (report required every six months) tabled 8 December 2015 and *Second Report* tabled 7 June 2016. The *Third Report* is due to be tabled by 8 December 2016.

Legal and Social Issues Committee

During the 2015-16 financial year the Legal and Social Issues Committee held 27 deliberative meetings, conducted over 100 hearings, 3 site visits and received 1633 submissions. The Committee presented five reports.

The Committee conducted three Inquiries during the year:

- A self-referenced *Inquiry into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015* – report tabled 4 August 2015. The Committee received 28 submissions and conducted two public hearings for the Inquiry. The report did not make recommendations therefore a government response was not required.

- *Inquiry into machinery of government changes – Interim Report* tabled 10 December 2015; final report tabled 5 May 2016. Three submissions were received and the Committee conducted two public hearings. A government response is due in November 2016.
- *Inquiry into end of life choices – Interim Report* tabled 20 November 2015; *Final Report* and *Final Report: Summary Booklet* tabled 9 June 2016. The Inquiry received 1037 submissions, conducted 17 hearings, 3 site visits, three informal private briefings and two videoconferences. In late March the Committee visited Amsterdam, Netherlands; Zurich, Switzerland; Ottawa and Montreal in Canada, and Portland in the United States to gather evidence for the Inquiry. A government response is due by December 2016.

On 24 February the House agreed to a reference to the Committee:

- *Inquiry into the retirement housing sector – report* due 1 March 2017. The Committee has received 257 submissions to the Inquiry and is currently planning hearings.

Limited resources may influence reporting dates during the next financial year.

Port of Melbourne Select Committee

Following the introduction of the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015, the Legislative Council resolved to establish a select committee to inquire into the proposed lease of the Port of Melbourne. The Committee was required to examine a range of issues including the structure of the lease, the impact of expansion of the port, and impact of the development of a second container port.

The Committee commenced the inquiry with a site visit of the Port of Melbourne along with a briefing from the Port of Melbourne Corporation and the Department of Treasury and Finance. These greatly assisted the Committee to better understand the operation of this state asset. Although this was a significant inquiry, given it related to legislation currently before the Council, the inquiry was completed in about four months.

In response to the Committee's call for written submission a total of 87 submissions were received. The Committee also held 10 days of hearings with 78 individuals, organisations or stakeholder groups, including one in camera session.

COMMITTEE SERVICES OFFICE

Committee Office Activities 2015-16

Procedural resources – During 2014-15 and 2015-16 the joint investigatory committee office undertook a substantial review and re-write of the committees procedures manual. An updated version of the manual has now been issued and released in ecompress. The manual now focusses principally on procedural and practice matters, with administrative resources now hosted on the committee intranet collaboration pages. The manual will now be subject to ongoing two-monthly rolling chapter reviews, to ensure that its relevance and utility is maintained.

Committees intranet collaboration – Parliamentary committees have increased the use of collaboration pages under Billy/SharePoint, to provide a central and convenient location to host information on the intranet for secretariat use and reduce reliance on email for distribution of documents. The Committees Services Office and Information Technology have also made substantial progress developing a more user-friendly collaboration page, which is expected to be rolled out in early 2016-17.

Inquiry debrief sessions – The secretariat of the AOC and IBACC jointly hosted an in-house information session on the activities of those committees, and the secretariat of the LRRSC hosted an inquiry debrief on the *Inquiry into fuel drive-offs*.

Electorate officer engagement sessions – The joint investigatory committees hosted two electorate officer engagement sessions, in August 2015 and February 2016.

Practice guidelines – Practice guidelines for participants at risk and public hearings security were developed and released, following consultation with other departments of the Parliament.

Standardisation of committee resources – A range of standard templates for committee documents, including committee papers and briefing materials, were developed over the course of 2015-16 and hosted on the committee intranet site. Standard templates were also introduced for committee reports and formal documents and have substantially enhanced the consistency and appearance of committee publications during the course of the year.

Community engagement – In collaboration with the Community Engagement and Education Unit, the committees substantially increased the use of social media for advertising and publicity, including the increased use of on-line video to publicise inquiries. The committees also worked with the Community

Engagement and Education Unit to explore opportunities to improve the effectiveness of print media advertising by participating in consolidated advertising of committee inquiry activity in one major metropolitan daily newspaper.

Stakeholder Feedback Survey – The committees office developed a concise online survey instrument to assist committee secretariats to improve to provision of information to inquiry stakeholders.

Video conferencing – The use of in-house facilities for video conferencing increased substantially over the course of the 2015-16 year. Committees principally used video conferencing to allow witness participation during public hearings, and to facilitate remote meetings with interstate and international stakeholders. Other departments of the Parliament also made extensive use of video-conferencing facilities during the year.

Corporate Governance

HOSPITALITY AND VISITORS

Official Visitors and Delegations

A number of distinguished visitors and delegations visit the Parliament each year and special arrangements are customarily made for their reception. All three parliamentary departments work collaboratively to ensure security, protocol, catering and other logistics are in place for every official visit. During 2015-16, the department assisted in arrangements for the reception for the following visitors and delegations:

20 August 2015 – Visit by a delegation from the Parliament of Saudi Arabia. The Presiding Officers hosted an official luncheon in their honour which was attended by both Clerks. Arrangements for this visit were made through the Clerk of the Legislative Assembly's Office.

20 August 2015 – First Official Call on the Presiding Officers by the High Commissioner of India, His Excellency Mr Navdeep Suri. In attendance was the Clerk of the Legislative Assembly, and the arrangements for this visit were made through the Speaker's Office.

24 August 2015 – Official Call on the Presiding Officers by the Vice Governor of Aichi Prefecture, Japan, His Excellency Mr Senta Morioka. The Vice Governor's visit was to mark the 35th anniversary of the sister-state relationship between Victoria and Aichi Prefecture. Both Deputy Clerks were in attendance, and the arrangements for this visit were made through the President's Office.

25 August 2015 – Official Call on the Presiding Officers by the High Commissioner of Botswana, His Excellency Mr Molosiwa Selepeng. Both Deputy Clerks were in attendance, and the arrangements for this visit were made through the President's Office.

28 August 2015 – The Presiding Officers hosted a luncheon in honour of a visit by Dr Luis Céspedes, Chile's Minister of Economy, Development and Tourism. In attendance was the Ambassador of Chile, His Excellency Mr Daniel Carvallo, Victorian Consul General for Chile, Mr Gariel Jara; Mr Peter Lochert, Secretary of Department of Parliamentary Services; Mr John Richardson, Victorian Director of the Department of Foreign Affairs and Trade; and representatives of the Chilean Productivity Board. Arrangements for this visit were made through the Speaker's Office.

15 September 2015 – Final Call on the Presiding Officers by His Excellency Dr Hassan Hanafy Mahmoud El-Laithy, Former Ambassador for Egypt, accompanied by the Victorian Consul General for Egypt, Mr Khaled Mohamed Youssir Rizk. Arrangements for this visit were made through the President's Office

30 September 2015 – Official visit by the Sultan and Governor of the Special Region of Yogyakarta, Indonesia, His Excellency Hamengku Buwono X, accompanied by Her Majesty Queen Hemas Hamengku Buwono; and Victorian Consul General for Indonesia, Ms Dewi Savitri Wahab. The President met with the Sultan over afternoon tea which was attended by the Clerk of the Legislative Assembly. Arrangements for this visit were made through the President's Office.

12 October 2015 – The Presiding Officers and Clerks hosted a delegation of departmental staff from the Vietnamese Ministry of Justice for a briefing on parliamentary processes, followed by afternoon tea. Arrangements for this visit were made through the President's Office.

26 October 2015 – Visit by a delegation from Oman's Duqm Special Economic Zone Authority, led by the Minister of the Special Economic Zone Authority at A'Duqum, Sultanate of Oman His Excellency Yahya Bin Said Bin Abdullah Al-Jabri. The delegation was accompanied by the Victorian Consul General for the Sultanate of Oman, Mr Hamed Al Alawi. Arrangements for this visit were made through the President's Office.

9 November 2015 – First Official Call on the Presiding Officers by the Consul General of Sri Lanka, Mr Walpita Gamage Sampath Prasanna. In attendance was the Clerk of the Legislative Council, and the arrangements for this visit were made through the President's Office.

12 November 2015 – Visit by a delegation of French Senators led by Mr Marc Daunis, President of the France-Australia friendship group. The delegation observed Question Time in both houses followed by a lunch in their honour hosted by the Presiding Officers. In attendance were Members of the Victorian Parliament and the Clerks of both Houses. Arrangements for this visit were made through the Speaker's Office.

19 November 2015 – Official Call on the Presiding Officers by the High Commissioner of Sri Lanka, His Excellency Mr Somasundaram Skandakumar. In attendance was the Clerk of the Legislative Assembly, and the arrangements for this visit were made through the Speaker's Office.

19 November 2015 – First Official Call on the Presiding Officers by the High Commissioner of South Africa, His Excellency Mr Joel Sibusiso Ndebele. In attendance was the Clerk of the Legislative Council, and the arrangements for this visit were made through the President's Office.

21 December 2015 – The President, Clerks and Secretary of the Department of Parliamentary Services hosted a delegation from Gyeonggi-do Assembly Secretariat, South Korea for a roundtable discussion on relevant parliamentary laws and regulations. The arrangements for this visit were made through the President's Office.

16 March 2016 – First Official Call on the Presiding Officers by the High Commissioner of Botswana, His Excellency Mr Lapologang C. Lekoa. The arrangements for this visit were made through the President's Office.

4 April 2016 – Visit by a delegation from the Commonwealth Parliamentary Association of Uttar Pradesh Branch, India, led by the Speaker of the Uttar Pradesh Legislative Assembly, Mr Mata Prasad Pandey. The Presiding Officers hosted an afternoon tea which was attended by the Assistant Clerks, and Ms Manika Jain, Victorian Consul General of India. The arrangements for this visit were made through the President's Office.

11 April 2016 – The Presiding Officers hosted a luncheon in honour of Mr Rapil Zhoshybayev, Deputy Foreign Minister of Kazakhstan. In attendance was Mr Murat Smagulov, NSW Consul General of Kazakhstan, and Mr Andrew Fernyhough, Victorian Honorary Consul General of Kazakhstan. The arrangements for this visit were made through the President's Office.

13 April 2016 – Official Call on the Presiding Officers by His Excellency Mr Manuel Cacho, Ambassador of Spain. The Ambassador was accompanied by Mr Juan Carlos Gafo Acevedo, Victorian Consul General of Spain. The arrangements for this visit were made through the Speaker's Office.

15 April 2016 – Visit by a delegation from the Shanghai Municipal Government, led by Mr Wu Zhiming, Chairman of the Chinese People's Political Consultative Conference. The arrangements for this visit were made through the President's Office.

21 April 2016 – Official Call on the Presiding Officers by His Excellency, Mr Sumio Kusaka, Ambassador of Japan, accompanied by Ms Keiko Haneda, Victorian Consul General of Japan. Both Clerks were in attendance and the arrangements for this visit were made through the President's Office.

3 May 2016 – The Presiding Officers held a luncheon in honour of the visit by a delegation from the National Diet of Japan, led by Mr Keisuke Suzuki, Member of the House of Representatives, with the Clerk of the Legislative Council in attendance. Arrangements for the visit were made through the Clerk of the Legislative Council's Office.

5 May 2016 – Visit by Dr Belaisha Ali Khalifa Bin Belaisha, Director of Legislative Audit Office, and Dr Mansoor Abdulrahman Al Osaimi, Senior Legal Advisor with the Director of Legislation Directorate, from the Supreme Legislation Committee, Government of Dubai. They met with Jayne Atkins from the Office of the Chief Parliamentary Counsel together with the Department Heads for a roundtable discussion on relevant parliamentary laws and regulations. The arrangements for this visit were made through the Clerk of the Legislative Assembly's Office.

25 May 2016 – Commonwealth Parliamentary Association Attachment Program by Ms Viniana Namosimalua, Secretary General of the Parliament of Fiji. Ms Namosimalua met with staff and received various briefings. The attachment was arranged through the Clerk of the Legislative Assembly's Office.

26 May 2016 – Official Call on the Presiding Officers by the Ambassador of Ukraine, His Excellency Mr Mykola Kulnich. The arrangements for this visit were made through the Speaker's Office.

2 June 2016 – Official Call on the Presiding Officers. by the Australian High Commissioner to Fiji, Her Excellency Ms Margaret Twomey. The Clerk of the Legislative Assembly was also in attendance for a discussion on the Victorian Parliamentary Partnership Agreement with the Fijian Parliament. The arrangements for this visit were made through the Speaker's Office.

15 June 2016 – Visit by a delegation from the Parliament of Ethiopia which included representatives from the Ethiopian House of Federation Standing Committee. Arrangements for this visit were made through the Speaker's Office.

Sister State Delegations

To mark the 35th anniversary of the sister-state relationship between Victoria and Aichi Prefecture Japan, Victoria received two delegations from Aichi in August 2015. The delegation from Aichi Prefectural Government led by Vice Governor Morioka was hosted by the Department of Premier and Cabinet. Parliament hosted a delegation from the Aichi Prefectural Assembly led by the Vice Chairperson Mr Takashige Sugiura from 23-26 August 2015.

On 24 August, the Presiding Officers hosted an official dinner in honour of the Prefectural Assembly delegation at the Atlantic restaurant at Crown Casino. The following day the delegation visited Parliament House to participate in a policy briefing with the Parliamentary Secretary to the Premier, and attended an official luncheon in their honour, co-hosted by the Presiding Officers and the Parliamentary Japanese Friendship Group.

Australian Political Exchange Council Delegation

During 2015-16, the Parliament hosted two delegations under the auspices of the Australian Political Exchange Council. The first of these was a delegation from the People's Republic of China on 10 November 2015. The delegation were given a tour of the building, briefed by the Clerk of the Legislative Council on the three levels of government in Australia, observed Question Time in the Legislative Assembly and dined with the President in Parliament's Cafe. This was the 23rd delegation to Australia from the People's Republic of China under the auspices of Australian Political Exchange Council.

The second delegation from the National Diet of Japan visited the Parliament on 3 May 2016. The delegation received a briefing by the Clerk of the Legislative Council on the three levels of government in Australia, provided a tour of the building, observed Question time in both Houses and attended a lunch in their honour hosted by the Presiding Officers. This was the 15th delegation to Australia by the National Diet of Japan under the auspices of Australian Political Exchange Council.

DEPARTMENTAL MANAGEMENT AND PLANNING

Presiding Officer's Travel

During 2015-16 the President travelled overseas on one occasion to Japan and South Korea.

The President's travel and accommodation costs covered by the Department amounted to \$560.90.

From 7 to 20 May 2016, the President led a delegation to Japan and South Korea comprising himself, the Speaker (for the Japan visit only), another Member from the Legislative Council and two Members from the Legislative Assembly.

The official programmes in Tokyo and Seoul were organised through the Victoria Government Business Offices. In Nagoya and Busan the delegation were the guests of Aichi Prefectural Assembly and Busan Metropolitan City. Both Aichi Prefecture and Busan have long standing sister-state relationships with Victoria, and this visit was aimed at strengthening the cooperation and exchange in various areas including trade and investment, education, community and cultural programs.

Members' Client Survey

The annual Members' Client Survey was opened to Members in mid May 2016 and closed in early June 2016. The survey seeks Members' views on the quality and timeliness of service and advice provided by the House departments, Department of Parliamentary Services and the Joint Investigatory Committees.

In relation to the Legislative Council (including Council standing committees), 38% of Council Members responded to the survey compared to 40% in 2015. In relation to joint investigatory committees 33% of committee members responded to the survey. The key results of the surveys are reflected in the major outputs and performance reporting in the appendices to this report.

Heritage Management Working Group

The Heritage Management Working Group (HMWG) was set up to coordinate and collaborate on the management of heritage items across the three departments. The HMWG met twice to discuss heritage items such as plans, drawings, photos, images, artwork, documents, attire, signage, chamber items and furniture.

The Oversight group consists of the Manager, Parliamentary Library and Information Services, Assistant Clerk - Procedure & Serjeant-at-Arms, Assistant Clerk - House and Usher of the Black Rod and the Manager, Buildings & Grounds Service.

Disaster Recovery Plan

During the reporting period, the Parliament completed the development of a Disaster Recovery Plan (DRP) to prepare for the continuation of Parliamentary functions during a severe business incident that results in the loss of access to all, or part of, Parliament House and is classified as a disaster.

SENIOR STAFF CHANGES

Retirement of Deputy Clerk – Matthew Tricarico

Mr Matthew Tricarico retired on 23 November 2015 after 36 years of service with the Legislative Council. Matthew was first recruited by the Legislative Council as a committee officer, having commenced his parliamentary career in the joint services department. By 1999 Matthew had progressed to be appointed Deputy Clerk of the Council after holding various key posts in the House, including Usher of the Black Rod.

From 1999, as Deputy Clerk, Matthew worked in partnership with Wayne Tunnecliffe, who was Clerk of the Council until June 2015. During that time, the House underwent significant changes flowing from amendments to the Victorian Constitution and the department underwent many structural and cultural changes to meet unprecedented demands relating to minor party representation, committee work and technological change.

Matthew's knowledge and skills in areas of parliamentary law, practice and procedure enabled him to provide years of professional and apolitical advice to Members and Presiding Officers throughout years of different Governments and majorities and balances of power in the Council. At the departmental level his mentoring of staff and humour have been highly regarded by many parliamentary officers past and present. Among a long list of achievements, Matthew's coordination of the Council's first and subsequent regional sittings are rightly regarded as outstanding successes.

This report acknowledges Matthew's significant contribution to the Legislative Council and the Parliament.

HUMAN RESOURCES MANAGEMENT

Occupational Health and Safety Committee

The Legislative Council continued to have a management representative (the Assistant Clerk – Procedure and Usher of the Black Rod) and a staff representative (Chris Welstead from the Attendant Group) on the Occupational Health and Safety Committee. The Usher of the Black Rod was the Deputy Chair of the Committee throughout the reporting period.

The Committee worked actively both at the practical level of resolving occupational health, safety and welfare matters brought before it by departmental representatives, at the policy development level and as a conduit for the dissemination of related information to other staff. The health and safety of Members and the public are included in the committee's work. Ten formal Committee meetings were held during 2015-16.

SECURITY

Security Management Board

The Parliament's Security Management Board was established in response to increasing awareness of issues of security of Members, staff and the public in the Parliament building and other parliamentary locations. The Board met once during the reporting period and includes the Presiding Officers, Members, Department Heads, Assistant Clerk – Procedure & Serjeant-at-Arms, Assistant Clerk – Procedure and Usher of the Black Rod, Victoria Police representatives and the Manager of the Security & Electorate Properties Unit (SEPU). The Board has proven to be of value in providing an advisory role to the Presiding Officers.

Visitor Management at Parliament House

The Parliament continues to address the operational risks in having a large number of visitors attend Parliament House and move within the building while balancing the need for Parliament House to remain as open and public accessible in the current security environment.

Following a review and report into Visitor Management Security Risks Assessment, the Parliament has undertaken a number of improvements to visitor management procedures to address identified security risks and to enhance the more orderly movement of visitors in the building.

During the reporting period, a number of access control infrastructure works have taken place in the front and rear entrances to the building and in Assembly and Council corridors in order to achieve public/private separation. Improved visitor sign in procedures and visitor identification procedures were successfully trialed during the reporting period and are now permanently in place. Further progress will be made in the escorting of visitors throughout the building and the introduction of visitor management software systems.

Security Operations Group

Since 2009, and the transfer of prime responsibility for Parliament's security function to the Security and Electorate Properties Unit (SEPU), the Usher of the Black Rod has remained the Legislative Council's representative on the Security Operations Group (SOG). This Group meets prior to the commencement of each sitting week with relevant parliamentary officers, Protective Services Officers and Parliament's private security provider. The SOG is a means of sharing information, raising issues and, generally, preparing for any security related matters in the week ahead.

PROFESSIONAL AND PERSONAL DEVELOPMENT

Presiding Officers and Clerks Conference

The President and the Clerk attended the 46th Presiding Officers and Clerks Conference, which was hosted by the Parliament of Tasmania from 6 to 9 July 2015.

Presiding Officers and Clerks from almost all jurisdictions in Australia, New Zealand and the Pacific attended. The program included a wide range of papers.

The 47th Conference of Presiding Officers and Clerks will be hosted by the Legislative Assembly of Tonga from 11 to 14 July 2016.

ANZACATT Professional Development Seminar (19-21 January 2016, New Zealand)

The Legislative Council was represented by 5 staff members at the Professional Development Seminar of the Australia and New Zealand Association of Clerks at-the-Table (ANZACATT) in Wellington, New Zealand, from 19 to 21 January 2016. The Seminar was held at Parliament House in Wellington and had the theme of *Keeping Parliament Relevant: Building relationships and meeting challenges*.

The seminar program included, amongst other subjects:

- Engaging indigenous people with Parliament
- Engaging the people with Parliament
- Making Parliament relevant for the next generation
- Emergence of ePlebiscites
- Courts and Parliament
- Executive and Parliament
- What place does the ancient concept of parliamentary privilege have in a modern parliament
- Technology's role as an enabler
- The Fourth Estate - Role of the media

The seminar provided not only lively and informative discussion about issues that are central to present-day and future parliaments, but enabled parliamentary officers from throughout the Westminster parliamentary world to meet and learn from each other. The Clerk assumed the position of ANZACATT President at the annual general meeting in Wellington.

ANZACATT Vice-President (North Carolina)

The Clerk, in his capacity as Vice-President of the Australia and New Zealand Association of Clerks at-the-Table, attended the American Society of Legislative Clerks and Secretaries (ASLCS) Professional Development Seminar in Raleigh, North Carolina, from 20 to 25 September 2015. In attendance were Clerks and Secretaries from most of the state legislatures in the USA, as well as representatives from international parliamentary jurisdictions. The Clerk presented a paper around issues of parliamentary privilege and conduct of Members, highlighting the difference between the Westminster system and the United States of America system of Executive separation from the legislature.

Private Members' Bill Training with Office of the Chief Parliamentary Counsel

A number of Council staff underwent training provided by the Office of Chief Parliamentary Counsel (OCPC) on bill drafting instructions. The training has enhanced the ability of Council staff to assist private Members who want to develop instructions for the objectives and content of bills, which are then drafted by OCPC. Since the Premier's decision that Members would no longer seek the Premier's approval for OCPC's bill drafting services, but instead request OCPC's services through the

respective Clerk's office, the Council has experienced a significant increase in private Members bill activity. The ability of Council staff to assist Members in the initial stage of drafting instructions is intended to assist both Members and OCPC in the context of this heightened demand for services. The training and involvement in bill development has proved to be an excellent addition to the knowledge of Council staff who previously dealt only with bills before the House, amendments and final passage.

FINANCE

Legislative Council Budget

The Legislative Council budget, prescribed by law in the annual appropriation (Parliament) bill is exclusive of Members' salaries and electorate and other allowances. The budget is an operating budget for the department which must cover all staff salaries and on costs, supplies, rent and other operating expenses for chamber operations, President's office and committee inquiries and the like.

In 2015-16 the appropriation for the Legislative Council was inadequate to meet the demands of Members and committees in a House of review. The department was only able to meet expenses due to the Presiding Officers approving transfers of funds (in accordance with s 31 of the *Financial Management Act 1994*) from joint committees early in the financial year and from the Department of Parliamentary Services later in the year.

There is a long term, structural deficiency in the Council budget which has developed over the past decade since the Council assumed the role of a genuine House of review. In the past ten years the Council has experienced a 5.5% cut to its budget in real terms during a period in which its core appropriation should have been increasing to reflect the demands of the chamber and its committees.

It is ten years since the final budget of the 55th Parliament. The final year of the 55th Parliament also marked the end of the 44 Member, provincial seat based Legislative Council. Changes to the Victorian Constitution took effect at the election in November 2006, which were expressly designed to distinguish the Council as a 'House of review.'

From this time on the Legislative Council has been marked by the increasing development of its own committee system and constant changes to standing and sessional orders designed to increase scrutiny of government, a core role of the House in addition to legislating. This, in turn, has led to a demand for increasing staff and other resources. At the same time

the department has sought to make its contribution to the increased demand in areas of protocol, community engagement and general, whole of parliament governance requirements.

A year by year breakdown of the annual appropriation for the Council is described below. It is marked by occasional, real increases (above the CPI), but similarly marked by real and actual cuts to the department's appropriation.

In effect, the Council's funding has not merely failed to keep up with its significantly increased scrutiny role, it has actually been cut in real terms over the ten years.

It is noted that the 2016-17 appropriation for the Council included a \$405,000 increase in base funding, but this only goes some way to arresting the ten year deterioration.

2006-07	\$2.651m	
<i>(final budget of the 55th Parliament)</i>		(BASE YEAR)
2007-08	\$2.667m	(0.6% increase)
2008-09	\$2.637m	(1.1% cut)
2009-10	\$2.724m	(3.3% increase)
2010-11	\$2.855m	(4.8% increase)
<i>(final budget of the 56th Parliament)</i>		
2011-12	\$2.934m	(2.8% increase)
2012-13	\$2.861m	(2.5% cut)
2013-14	\$3.081m	(7.7% increase)
2014-15	\$3.254m	(5.6% increase)
<i>(final budget of the 57th Parliament)</i>		
2015-16	\$3.155m	(3% cut)
\$0.504m increase over 10 years, a 19% increase.		

In real terms (CPI adjusted), the 10 year comparison represents a cut in the Council's budget since 2006-07. Allowing for the CPI adjustments from September 2006 (the first quarter of the base year) to the September 2015 (the first quarter of the 10th year), the CPI increased 24.5% based on the Australian Bureau of Statistics inflation calculator.

The annual appropriation for the Council in 2015-16 was \$3.155m. In order to even partially meet the demands of complex committee inquiries and other decisions of the House, more than \$1m, approximately 25% of the department's actual expenditure, had to be obtained from other sources, including transfers of funds from other Parliament appropriations by the Presiding Officers and a grant from a government department to assist

with the end of life choices Inquiry. The assistance of the Presiding Officers and the Department of Parliamentary Services and the relevant government department is greatly appreciated. But these are one-off, ad hoc sources of funds which cannot be relied upon in future. The Council's role as an active House of review is highly likely to continue well into the future and an increased, core funding base is necessary to support the decisions of the House and its committees.

Appendix A

Role of the Legislative Council Staff

Clerk's Office

The department's administration is headed by the Clerk whose main role is to provide policy, procedural and management advice to the President and Members of the Council on all matters relating to the operations of the Council and the Committees which it services. The Clerk is assisted by the Deputy Clerk who is responsible for the day to day management of the department. The Clerk is required to provide an accurate record of the decisions and proceedings of the Council and to ensure that the passage of legislation is in accordance with legislative and procedural requirements. As Department Head, he has overall responsibility for the financing, staffing and administration of the department and is a member of the Parliamentary Executive Group. The Clerk's Office is also responsible for the management of projects and special events as well as a number of other administrative and operational matters. Other staff in the Clerk's Office are the Executive Assistant to the Clerk and the Project Officer. The Clerk is also Honorary Assistant Secretary to the Victoria Branch of the Commonwealth Parliamentary Association. The Department accordingly provides some support services to the Branch. The Deputy Clerk also maintains the Register of Members' Interests on behalf of the Clerk of the Parliaments.

Chamber Support Office

The Chamber Support Office undertakes the daily functions of the Table Office, procedural research and other research and administrative assistance. These functions are the overall responsibility of the Assistant Clerk — Procedure and Usher of the Black Rod and managed by the Manager, Chamber Support. The Chamber Support Office is comprised of the Manager, two Senior Chamber Support Officers and two Chamber Support Officers. The production and management of public documents which underpin the sittings of the House and official record keeping responsibilities of the Clerk are a priority for the Table Office. Procedural research, writing publications and web content, administrative assistance for the department and involvement in significant projects, such as Youth Parliament, Open Day and Openings of Parliament are other important aspects of the broader Chamber Support Office.

Attendant Staff

Under the direction of the Assistant Clerk — Procedure and Usher of the Black Rod, the Principal Attendant manages and supervises a team of Attendants. The Principal Attendant provides general assistance to the Table Officers and attends to various requirements of Members, especially during the sittings of the Council. He also plays a ceremonial role on parliamentary occasions such as the Opening of Parliament and, occasionally, in greeting and escorting dignitaries on official calls at Parliament House. The Attendants group is generally responsible for the daily cleaning and maintenance of offices, meeting rooms and other areas of the Council precincts, the provision of security and enquiry services, and a daily courier service within and outside the building. Attendant staff also provide services for the sittings of the House, meetings of Parliamentary Committees and at functions held at Parliament House. The Attendant team also contributes to the security of the building by, amongst other things, performing the Attendant — Security Control Room role and mail scanning function for which training and accreditation is required. Some Council Attendants also perform public tour duties on a daily basis as part of the Parliament's civic engagement function.

Committees' Office

The department is responsible for administering four of the Parliament's nine Joint Investigatory Committees — Accountability and Oversight; Economic, Education, Jobs and Skills, Environment; Natural Resources and Regional Development and Independent Broad-based Anti-corruption Commission. Centralised support services are provided by the Committee Services Office. The department is also responsible for administering the Council Committees Office which was established at the commencement of the 57th Parliament. There are currently three Committees — Economy and Infrastructure; Environment and Planning and Legal and Social Issues. The Assistant Clerk — Committees is responsible for the provision of accurate and timely advice, and effective and efficient support services to relevant joint investigatory committees (for which the Department has administrative responsibility), Council Standing Committees and any other select and standing committees which may be appointed by

the Legislative Council. The support services provided by the Committees' Office include the provision of financial resources and adequate and competent staff, the analysis of evidence and the presentation of reports to Parliament. The Assistant Clerk — Committees is responsible to the President for the oversight of the operations of those committees and their secretariats whose role is to provide administrative, research, procedural and budgetary support.

President's Office

The President's Office comprises one full-time and one part-time Parliamentary Advisor who provides advice and assistance to the President on matters of parliamentary administration, official delegations and ceremonial events, and projects sponsored by the President.

Appendix B

Comparative workforce data for 2015-16

Table 1: Summary of employment levels in June of 2015 and 2016

	Ongoing employees				Fixed term and casual employees
	Employees (headcount)	Full time (headcount)	Part time (headcount)	FTE (headcount)	FTE (headcount)
June 2016	32	31	1	31.4	7.2
June 2015	37	35	2	36.21	3

Table 2: Detail of employment levels in June of 2015 and 2016

	2016			2015		
	Ongoing		Fixed term and casual employees	Ongoing		Fixed term and casual employees
	Employees	FTE	FTE	Employees	FTE	FTE
	(headcount)	(headcount)	(headcount)	(headcount)	(headcount)	(headcount)
Gender						
Male	15	15	4.8	20	19.36	1
Female	17	16.4	3.34	17	16.85	2
TOTAL	32	31.4	8.14	37	36.21	3
Age						
Under 25	2	2	0	0	0	0
25 34	7	6.4	4.14	12	11.85	1
35 44	8	8	3	5	5	2
45 54	10	10	0	12	11.36	0
55 64	4	4	1	7	7	0
Over 64	1	1	0	1	1	0
TOTAL	32	31.4	8.14	37	36.21	3
Classification						
VPS 1	0	0	0	0	0	0
VPS 2	6	6	0	6	5.36	0
VPS 3	11	11	1	12	12	0
VPS 4	2	1.4	0.94	2	1.85	0
VPS 5	4	4	4.2	4	4	3
VPS 6	7	7	2	9	9	0
STS	0	0	0	0	0	0
Other	2	2	0	4	4	0
TOTAL	32	31.4	8.14	37	36.21	3

Appendix C

Members of the Legislative Council – 58th Parliament as at 30 June 2016

Region	Name	Party	Party	Members
Eastern Metropolitan Region	Hon Bruce Atkinson	LIB	ALP Australian Labor Party	14
	Hon Richard Dalla-Riva	LIB	LIB Liberal Party	14
	Ms Samantha Dunn	AG	NAT The Nationals	1
	Mr Shaun Leane	ALP	AG Australian Greens	5
	Hon Mary Wooldridge	LIB	SFP Vic Shooters and Fishers Party Victoria	2
Eastern Victoria Region	Ms Melina Bath	NAT	ASP Australian Sex Party	1
	Mr Jeffrey Bourman	SFP Vic	DLP Democratic Labour Party	1
	Mr Daniel Mulino	ALP	VILJ Vote 1 Local Jobs	1
	Hon Edward O'Donohue	LIB	TOTAL	39
	Ms Harriet Shing	ALP		
Northern Metropolitan Region	Mr Greg Barber	AG		
	Mr Nazih Elasmr	ALP		
	Hon Jenny Mikakos	ALP		
	Mr Craig Ondarchie	LIB		
	Ms Fiona Patten	ASP		
Northern Victoria Region^(a)	Hon Steve Herbert	ALP		
	Hon Wendy Lovell	LIB		
	Ms Jaclyn Symes	ALP		
	Mr Daniel Young	SFP Vic		
South Eastern Metropolitan Region	Hon Gavin Jennings	ALP		
	Mrs Inga Peulich	LIB		
	Hon Gordon Rich-Phillips	LIB		
	Hon Adem Somyurek	ALP		
	Ms Nina Springle	AG		
Southern Metropolitan Region	Ms Georgie Crozier	LIB		
	Mr Philip Dalidakis	ALP		
	Hon David Davis	LIB		
	Ms Margaret Fitzherbert	LIB		
	Ms Sue Pennicuik	AG		
Western Metropolitan Region	Dr Rachel Carling-Jenkins	DLP		
	Mr Khalil Eideh	ALP		
	Mr Bernie Finn	LIB		
	Ms Colleen Hartland	AG		
	Mr Cesar Melhem	ALP		
Western Victoria Region	Mr Joshua Morris	LIB		
	Hon Jaala Pulford	ALP		
	Mr James Purcell	VILJ		
	Mr Simon Ramsay	LIB		
	Ms Gayle Tierney	ALP		

(a) The Hon Damian Drum resigned as a Member of the Legislative Council on 26 May 2016. Mr Drum represented the Northern Victoria Region (the vacancy resulting from his resignation has not been filled as at 30 June 2016).

Appendix D

Selected statistics relating to sittings of the Legislative Council 2011-12 to 2015-16

	2011-12	2012-13	2013-14	2014-15	2015-16
Number of days House met	51	52	51	40	54
Number of hours House met	457 hrs 58 mins	453 hrs 40 mins	422 hrs 10 mins	347 hrs 11 mins	518 hrs 16 mins
Average number of hours per sitting day	8 hrs 59 mins	8 hrs 43 mins	7hrs 59 mins	8 hrs 27 mins	9 hrs 36 mins
Bills dealt with					
Initiated in LC	11	6	26	16	12
Received from LA	87	83	82	58	88
Passed without amendment	89	81	90	52	70
Passed with amendments	3	4	1	5	15
Defeated	1	3	2	3	1
Lapsed	0	0	0	12	0
Withdrawn	0	1	7	0	0
Ruled out of Order	0	0	0	0	0
Sets of amendments circulated	30	32	28	26	45
Bills considered in Committee of the Whole	57	48	43	32	37
Questions on notice processed	6,095	1045	922	1,089	6,182
Written (& further written) responses ordered to questions without notice^(a)	N/A	N/A	N/A	60	239
Petitions Tabled	57	81	38	28	88
Signatories to petitions	17,652	32,903	34,571	24,180	59,543
Papers tabled	1,483	1,653	1,707	1,529	1,434
Annual reports	309	327	337	324	375
Statutory Rules	178	192	176	202	165
Planning scheme amendments	469	507	460	433	416
Proclamations	49	62	55	49	55
Other (including special reports, Parliamentary Committee reports etc.)	454	565	679	386	423
Production of documents^(b)	13	11	3	9	7

(a) Written responses to questions without notice came into effect via Sessional Orders on 12 February 2015.

(b) Initial orders only. Follow-up resolutions excluded.

Appendix E

Statistics relating to Committees administered by the Legislative Council

Committee Activity	Legislative Council							
	Standing/Select Committees ^(e)				Joint Investigatory Committees ^(e)			
	EI	EP	LSI	PM	AO	EEJS	ENRRD	IBAC
Deliberative meetings ^(a)	22	27	27	9	9	13	17	17
Public hearings ^(b)	62	87	101	58	0	34	47	28
Visits/inspections ^(c)	1	3	3	1	11	0	2	11
Reports presented	3	5	5	1	2	1	3	1
Submissions received ^(d)	928	1731	1633	87		53	8	26

(a) Includes Subcommittee meetings.

Includes deliberative meetings only. Does not include minutes taken for: public hearings, site visits/inspections.

(b) Each witness or group of witnesses appearing before the committee is counted separately. For instance, one day of committee hearings with five witness groups appearing would equate to five different public hearings for the purposes of the statistics.

Closed hearings – included in public hearings figure.

(c) Site visits – Number of sites visited. If the committee visits 3 different sites in one day, it counts as 3 site visits.

Overseas trips (included in Inspections) - they are counted as one, irrelevant of how many meetings and site visits.

(d) Does not include supplementary submissions.

- (e) **EI** Economy and Infrastructure
EP Environment and Planning
LSI Legal and Social Issues
PM Port of Melbourne
AO Accountability and Oversight
EEJS Economic, Education, Jobs and Skills
ENRRD Environment, Natural Resources and Regional Development
IBAC Independent Broad-based Anti-corruption Commission

Appendix F

Legislative Council Expenditure Statements, 2015-16

2014-15 Actual \$	Expenditure	2015-16 Budget \$	2015-16 Actual \$
1,911,205	Staff salaries, allowances and overtime	2,507,700	2,587,184
869,709	Subsidiary expenses ^(a)	915,800	1,064,969
464,549	General expenses	1,118,500	842,000
57,851	Parliamentary printing	25,000	62,574
12,500	Auditor-General's Office audits	12,500	12,500
3,315,814	TOTAL – Departmental	4,579,500	4,569,227

Legislative Council – Members – Special Appropriations

2014-15 Actual \$	Expenditure	2014-15 Budget \$	2014-15 Actual \$
9,079,916	Members' salaries and allowances	9,529,000	9,256,764
-	Members' contributory superannuation	2,906,000	-
9,079,916	TOTAL – Members	12,435,000	9,256,764
12,395,730	TOTAL	17,014,500	13,825,991

- (a) Subsidiary expenses include long service leave and recreation leave provision, payroll tax, employer superannuation and WorkCover contributions.
- (b) This information is provided for the benefit of Members. A complete set of the financial statements of the Parliament of Victoria is provided in the Department of Parliamentary Services Annual Report for 2015 16.
- (c) This figure includes the following sources of funds –
 \$3.155m – *Appropriation (Parliament 2015-16) Act 2015*
 \$0.2m – Special Appropriation pursuant to s 94, *Constitution Act 1975*
 \$0.1m – Government Efficiency Dividend reversal
 \$0.1m – Grant from Government Department to assist with 'End of Life Choices' Inquiry conducted by Standing Committee on Legal and Social Issues
 \$0.5m – Transfer of funds from joint investigatory committees pursuant to s 31, *Financial Management Act 1994*
 \$0.5m – Transfer of funds from Department of Parliamentary Services pursuant to s 31, *Financial Management Act 1994*

Appendix G

Major Outputs and Performance Measures – Legislative Council

Major Outputs/Deliverables Performance Measures	Unit of Measure	Target	Actual
Procedural Support, Documentation Preparation and Provision of Information for Council			
Quantity			
Procedural references updated biannually	number	2	2
Quality			
Bills and amendments processed accurately through all relevant stages and other business of the House conducted according to law, Standing and Sessional Orders	per cent	100%	98%
Member satisfaction with accuracy, clarity and timeliness of advice ^(a)	per cent	80%	100%
Timeliness			
Documents tabled within time guidelines	per cent	95%	98%
House documents and other Sitting related information available online one day after sitting day	per cent	100%	99%
Cost			
Total output cost	\$ million	15.7 (4.579) ^(b)	12.5 (4.569) ^(b)

(a) Based on Members' Survey, May 2016.

(b) These amounts are the department's operating funds to achieve outputs.

Appendix H

Joint Investigatory Committees – Expenditure Statements, 2015-16

2014-15 Actual \$	Joint Investigatory Committee	2015-16 Budget \$	2015-16 Actual \$
260,837	Accountability and Oversight Committee ^(b)	363,600	323,925
—	Auditor-General investigation ^(e)	500,000	504,057
1,070,687	Committee Services Office ^(d)	1,861,513	1,328,892
230,035	Economic Development, Infrastructure and Outer Suburban/Interface Services Development ^(b)	—	—
42,284	Economic, Education, Jobs and Skills ^(e)	381,750	337,778
223,039	Education and Training ^(c)	—	—
318,091	Electoral Matters ^(a)	371,100	354,822
281,136	Environment and Natural Resources ^(c)	—	—
39,314	Environment, Natural Resources & Regional Development ^(b)	773,727	759,967
280,874	Family and Community Development ^(a)	466,500	455,390
171,527	Independent Broad-based Anti-corruption Commission ^(b)	382,400	339,886
330,183	Law Reform, Drugs and Crime Prevention ^(c)	—	—
—	Law Reform, Road and Community Safety Committee ^(a)	416,050	317,531
675,111	Public Accounts and Estimates ^(a)	1,080,110	1,001,387
279,250	Road Safety ^(c)	—	—
261,661	Rural and Regional ^(c)	—	—
412,541	Scrutiny of Acts and Regulations ^(a)	593,250	504,169
4,876,570	TOTAL	7,190,000^(f)	6,227,804

- (a) Committees administered by the Legislative Assembly: Electoral Matters Committee; Family and Community Development Committee; Law Reform Committee, Road and Community Safety Committee; Public Accounts and Estimates Committee; Scrutiny of Acts and Regulations Committee.
- (b) Committees administered by the Legislative Council: Accountability and Oversight Committee; Economic, Education, Jobs and Skills, Committee; Environment, Natural Resources and Regional Development Committee and the Independent Broad-based Anti-corruption Commission Committee.
- (c) These committees were discontinued in 2014-15 and are listed here for comparative reporting purposes only.
- (d) Both House Departments jointly administer the Committee Services Office. Its budget includes rental payments for committee accommodation and various other administrative overheads for whole of committee operations.
- (e) Specific funding provided for one-off investigation referred by both Houses.
- (f) This figure includes the following –
Appropriation (Parliament 2015-16) Act 2015
 Government Efficiency Dividend reversal
 Treasurer's Advance to fund a matter related to the Auditor General's office
 Transfer of funds from joint investigatory committees to the Legislative Council pursuant to s 31, *Financial Management Act 1994*

Appendix I

LC Parliamentary Committee Inquiries conducted during the 58th Parliament – FY Ending 30 June 2016

Committee	Inquiry name	Tabled
Accountability and Oversight Committee	Report into Victorian oversight agencies 2013-14	8 Oct 2015
	Report into Victorian oversight agencies 2014-15	8 Dec 2015
	Inquiry into education, training and communications initiatives of Victorian oversight agencies	Self-Referenced: 6 June 2016
Economic, Education, Jobs and Skills Committee	Inquiry into portability of long service leave entitlements	8 Jun 2016
	Inquiry into community energy projects	Received: 23 June 2016
Economy and Infrastructure Committee ^(a)	Inquiry into infrastructure projects	8 Dec 2015 23 Jun 2016 Reports 6 mthly
	Inquiry into the legislative and regulatory framework relating to restricted breed dogs	23 Mar 2016
	Inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015	Self-Referenced: 9 February 2016
	Inquiry into ride sourcing services	Self-Referenced: 24 May 2016
Environment, Natural Resources and Regional Development Committee	Inquiry into the CFA training college at Fiskville Interim report	24 Jun 2015
	Special report on production of documents	12 Nov 2015
	Final report	24 May 2016
	Inquiry into the sustainability and operational changes of Victoria's rural and regional councils	Received: 6 May 2016
	Inquiry into the control of invasive animals on crown land	Received: 14 April 2016
Environment and Planning Committee ^(a)	Inquiry into the Planning and Environment Amendment (Recognising Objectors) Bill 2015	4 Aug 2015
	Inquiry into unconventional gas in Victoria Interim report	1 Sep 2015
	Final report	8 Dec 2015
	Inquiry into rate capping policy	8 Dec 2015 7 Jun 2016 Reports 6 mthly
	Inquiry into the 2015-16 fire season preparedness	Self-Referenced: 3 May 2016
Independent Broad-based Anti-corruption Commission Committee	Strengthening Victoria's key anti-corruption agencies?	10 Feb 2016
	Protected disclosures review	Received: approx. April 2016

Committee	Inquiry name	Tabled
	Inquiry into the Children, Youth and Families Amendment (Restrictions on the making of Protection order) Bill 2015	4 August 2015
Legal and Social Issues Committee ^(a)	Inquiry into end of life choices	
	Interim report	10 Nov 2015
	Final report	9 Jun 2016
	Inquiry into machinery of government changes	
	Interim report	10 Dec 2015
	Final report	5 May 2016
	Inquiry into the retirement housing sector	Received: 24 Feb 2016
	Report on the Statute Law Repeals Bill 2014	Feb 2015
	Report on the Statute Law Revision Bill 2014	Feb 2015
Port of Melbourne Committee ^(b)	Inquiry into the proposed lease of Port of Melbourne	8 Dec 2015
Procedure Committee ^(b)	Petitions	Received: 8 June 2016

Committee	Tabled
Accountability and Oversight Committee	2
Economic, Education, Jobs and Skills Committee	1
Economy and Infrastructure Committee ^(a)	3
Environment, Natural Resources and Regional Development Committee	3
Environment and Planning Committee ^(a)	5
Independent Broad-based Anti-corruption Commission Committee	1
Legal and Social Issues Committee ^(a)	5
Port of Melbourne Select Committee ^(b)	1
TOTAL	21

(a) Standing Committee of the Legislative Council.

(b) Select Committee of the Legislative Council.



Appendix J

Disclosures made under the *Protected Disclosure Act 2012*

For the period 2015-16, no disclosures were made.

