

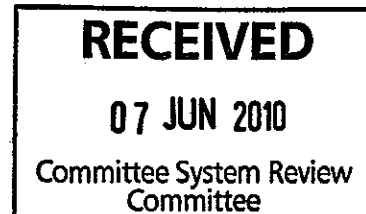


LEGISLATIVE COUNCIL

OFFICE OF THE CLERK

2 June 2010

Hon Judy Spence MP  
Chair  
Committee System Review Committee  
Parliament House  
George Street  
Brisbane Qld 4000



Sub# 27

11-1

Dear Ms Spence

**REVIEW OF THE QUEENSLAND PARLIAMENT COMMITTEE SYSTEM**

I refer to your letter of 8 April 2010 seeking a submission to your Committee's review.

I note that your terms of reference focus on '...how the Parliamentary oversight of legislation could be enhanced and how the existing Parliamentary Committee system could be strengthened to enhance accountability.' I am please to provide you with the attached information about the Legislative Council Committee system to inform your review.

I do hope that our submission is of assistance to you. Please feel free to contact our Clerk Assistant – Committees, Steven Reynolds on (02) 92302464 for further information.

Yours sincerely,

Lynn Lovelock  
Clerk of the Parliaments

**QUEENSLAND PARLIAMENT  
COMMITTEE SYSTEM REVIEW COMMITTEE**

**REVIEW OF THE COMMITTEE SYSTEM OF THE QUEENSLAND  
PARLIAMENT**

**Submission of the NSW Legislative Council**

2 June 2010

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**1. LEGISLATIVE COUNCIL COMMITTEE SYSTEM**

**Background**

While Committees have operated in the Legislative Council since its earliest days, it wasn't until the late 1980s that the committees began to develop into one of the Council's key accountability mechanisms.

In 1985 the House appointed the Select Committee on Standing Committees to investigate and report on a structured system of standing committees. Through that process two initial standing committees, the State Development and Social Issues Committees, were created in 1988. A third standing committee, the Standing Committee on Law and Justice, was first appointed in 1995. The GPSCs were first established in 1997. Each of these Committees have been reappointed in subsequent parliaments and, in conjunction with the Procedure Committee and Privileges Committee, form a robust and effective committee system.

**Current committee system**

The Legislative Council has ten standing committees, as follows.

- Standing Committee on Social Issues
- Standing Committee on State Development
- Standing Committee on Law and Justice
- General Purpose Standing Committee No 1
- General Purpose Standing Committee No 2
- General Purpose Standing Committee No 3
- General Purpose Standing Committee No 4
- General Purpose Standing Committee No 5
- Privileges Committee
- Procedure Committee.

In addition, select committees are established from time to time to inquire into specific issues that arise. Commonly one or two select committees are established each year. Currently there are two select Committees:

- Select Committee on Recreational Fishing
- Select Committee on the NSW Taxi Industry.

Further information about these committees and their current and past inquiries can be found on the NSW Parliament's website: [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au) .

The Legislative Council Committees are governed by the standing orders and the resolutions establishing them. I have attached for your information the relevant chapter of our standing orders that relates to committees, as well as the resolutions of the House that established the Standing Committees on Social Issues, State Development and Law and Justice and the General Purpose Standing Committees (GPSCs) for the current Parliament (**Attachment A**).

The Standing Orders and the *Parliamentary Evidence Act 1901* (NSW) (**Attachment B**) confer considerable powers upon Legislative Council committees, including the ability to summon witnesses, to require an answer to questions and to call for the production of documents. These powers enhance the effectiveness of the committees, particularly when scrutinising the Executive. It is true to say, however, that most committee inquiries operate on a voluntary basis and it is only seldom necessary for committees to rely on their coercive powers.

NSW Legislative Council members do not have regional electorates and are therefore able to devote more of their time to committee work, which is reflected in our members approaching their committee roles in a dedicated manner.

Also attached is the extract from the Legislative Council's 2008-2009 Annual Report that covers the activities of the committees for that period (**Attachment C**). The information provides a useful overview of the considerable activity of the Legislative Council Committees and that of their members.

## 2. OVERSIGHT OF LEGISLATION

The Legislative Council committee system is very much policy oriented and there is not a strong tradition of legislation being referred to our committees for inquiry and report. I note by way of contrast that in the Senate bills are routinely referred for inquiry before they reach the House.

The Legislative Council Committees do not have a specific legislative oversight function. In NSW a scrutiny of bills function is, however, undertaken by the Legislation Review Committee, which is a joint committee comprising five LA and three LC members and administered by the Legislative Assembly. That Committee reviews legislation according to very specific criteria related to human rights and does not review the policy merits of the legislation.

Under their general inquiry powers the standing committees do, however, have the power to inquire into bills if they received terms of reference that relate to a bill. The following inquiries, all conducted in the past 15 years, illustrate this point:

- GPSC No 3 (2007) Inquiry into the Correctional Services Amendment Bill
- GPSC No 4 (2004) Inquiry into the Transport Safety Legislation (Safety and Reliability) Bill
- Law and Justice (2002) Inquiry into the proposed State Arms Bill
- Social Issues (2002) Inquiry into the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2001
- Law and Justice (2000) Inquiry into the Crimes Amendment (Child Protection Excessive Punishment) Bill
- Law and Justice (2000) Inquiry into a NSW Bill of Rights

- Law and Justice (1997) Inquiry into the Family Impact Commission Bill
- Law and Justice (1995) Crimes Amendment (Mandatory Life Sentences) Bill.

In addition the following inquiries have been conducted into the impact of certain legislation:

- Law and Justice (2006) Inquiry into the impact of the Commonwealth's *Family Law Amendment (Shared Parental Responsibility) Act 2006* (Cth)
- Social Issues (2005) Inquiry into the *Inebriates Act 1912*
- Law and Justice (2004) Inquiry into the impact of the *Criminal Procedure Amendment (Pre-Trial Disclosure) Act 2001* (NSW)
- Law and Justice (2002) Inquiry into the impact of the *Home Building Amendment (Insurance) Act 2002* (NSW)
- Law and Justice (2001) Inquiry into the *Crimes (Forensic Procedures) Act 2000*
- State Development (1998) Inquiry into the impact of the operation of the *Sydney Market Authority (Dissolution) Act 1997* until 31 December 1997.

Further information about these inquiries can be found on the NSW Parliament's website: [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au) .

I also note that standing order 226(2) permits a committee to include in any report made to the House a draft bill to give effect to the recommendations of the committee. To date no committee reports have contained a draft bill.

### 3. EXECUTIVE ACCOUNTABILITY

The Legislative Council's GPSCs play an important executive accountability function in NSW, most specifically through their annual Budget Estimates hearings.

#### Budget Estimates

The first committee scrutiny of the budget estimates in recent times came in 1991. During the period 1991 to 1994 joint estimates committees were established comprising members of both the Council and Assembly. In 1995 the Council established three estimates committees of its own. This process continued again in 1996. In 1997 the budget estimates were examined by the newly-established GPSCs and this practice continues today.

Each of the five GPSCs is allocated responsibility for overseeing specific government portfolios. Each GPSC has seven members: two Opposition members, two cross bench members and three Government members, with the chair usually being from the Opposition or cross bench. The GPSCs were modelled on the Senate legislation committees, and similarly the estimates system in use in the Council today is also based on that of the Senate.

The GPSCs conduct an annual budget estimates inquiry. The resolution referring the budget estimates and related papers for inquiry and report is usually passed well in advance of the hearings, typically at the end of the previous year. In recent years the reference has included the dates and commencement and conclusion times for the hearings.

The GPSCs conduct an initial round of hearings followed by an initial round of supplementary hearings. Each GPSC can continue to hold further supplementary hearings, provided that they occur before the reporting date. The resolution establishing this year's budget estimates inquiries is attached, and contains the timetable agreed to by the House.

By convention, Ministers from both the Council and the Assembly appear at the initial Estimates hearings and answer questions from the Committee. Ministers are usually accompanied by a number of senior departmental officers. While Ministers have at times appeared at the supplementary hearings, it is usual practice for these hearings to be attended by departmental officers only.

During the hearings witnesses may request to take questions on notice and provide written answers at a later date. The resolution establishing the budget estimates also provides for Committee members to submit written questions on notice following the hearings. When the hearings are completed each GPSC is required to report to the House. The reports tend to be brief and outline the key issues raised at hearings. The GPSCs do not make recommendations in their reports.

The initial budget estimates hearings in 2009-2010 took place in September and November 2009. The GPSCs sat for a total of 70 hours during the initial round of hearings, and more than 1,770 written questions on notice were lodged with government agencies. The GPSCs held five supplementary hearings.

### **Other inquiries**

As the GPSCs have a 'self-referral' power and a non-government majority they have considerable power to scrutinise the actions and policies of the Executive Government. This power is supported by the requirement of the House that the Government respond to each of the recommendations in a committee report within six months (this obligation is applicable to *all* committee reports), a requirement that is usually met.

To self-refer an inquiry three committee members must sign a letter seeking a meeting to consider proposed terms of reference. The Committee must then decide to adopt the terms of reference and a majority vote is required. This method of holding the government to account has been used very effectively on a number of occasions since the GPSCs were established in 1997. The following recent inquiries illustrate the kinds of issues that these committees scrutinise:

- GPSC No 1 (2008) Inquiry into the need for a mini-budget
- GPSC No 2 (2010) Inquiry into the provision of education to children with special needs
- GPSC No 3 (2008) Inquiry into the privatisation of prisons and prison-related services
- GPSC No 4 (2009) Inquiry into Badgery's Creek land dealings and planning decisions
- GPSC No 5 (2009) Inquiry into rural wind farms.

For the full range of inquiries conducted by the GPSCs see the NSW Parliament's website: [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au) .

## **4. FURTHER INFORMATION**

For further information contact our Clerk Assistant – Committees, Mr Steven Reynolds on (02) 92302464.

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**Standing Rules and Orders of the Legislative Council**

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**CHAPTER 35 – COMMITTEES****204. Sessional committees**

- (1) The House may establish sessional committees at the commencement of each session of Parliament to consider matters relating to the provision of services to members.
- (2) The functions and composition of any sessional committee will be as determined by the House from time to time.

**205. Procedure committee**

- (1) A Procedure Committee will be appointed at the commencement of each Parliament.
- (2) The committee may:
  - (a) consider on its own initiative any amendments to the standing orders,
  - (b) propose to the House changes in practice and procedures of the House, and
  - (c) consider any matter relating to the procedures referred to it by the House or the President.
- (3) The President, Deputy President, Leader of the Government and Leader of the Opposition are to be among the members of the committee.
- (4) Members may be appointed to the committee as substitutes for a member of the committee, by notice in writing to the Chair of the committee.
- (5) Nominations may be made by the Leader of the Government, the Leader of the Opposition, the Government and Opposition Whips, and Cross Bench Members, as applicable.

**206. Standing committees**

- (1) The House may establish standing committees which have power to sit during the life of the Parliament.
- (2) The functions, source of references and composition of any standing committee will be as determined by the House in the resolution appointing the committee.

**207. Select committees**

- (1) The House may appoint select committees to consider matters referred by the House. A select committee has power to sit during the life of the Parliament. When the committee completes its inquiry and presents its final report to the House, the committee ceases to exist.
- (2) The composition of any select committee will be as determined by the House.

## GENERAL COMMITTEE PROVISIONS

### 208. Powers

A committee has power:

- (a) to adjourn from time to time,
- (b) to adjourn from place to place,
- (c) to send for and examine persons, papers, records and things,
- (d) to make visits of inspection within New South Wales and, if authorised by the House, with the approval of the President, elsewhere in Australia and outside Australia, and
- (e) to request the attendance of and examine members of the House.

### 209. Must not sit while the House is sitting

- (1) A committee may sit during any adjournment of the House.
- (2) A committee must not sit while the House is sitting, unless the House otherwise orders.

### 210. Membership

- (1) The composition of each committee is to be determined by the House in the resolution appointing the committee.
- (2) Government members are to be nominated by the Leader of the Government.
- (3) Opposition members are to be nominated by the Leader of the Opposition.
- (4) Cross bench members are to be nominated by agreement between cross bench members.
- (5) In the absence of any agreement the representation on a committee is to be determined by the House.
- (6) Nominations for membership of the committees are to be in writing to the Clerk within seven days of the passing of the resolution appointing the committee.
- (7) Members may also at any time, by motion on notice, be discharged by the House from attending a committee, and other members appointed or added.
- (8) The President may not be elected to any committee other than one of which the President is an ex officio member.
- (9) If the Deputy President is elected to serve on a committee and declines to do so, another member is to be elected.
- (10) No member may take part in a committee inquiry where the member has a pecuniary interest in the inquiry of the committee.

**211. Chair and Deputy Chair**

- (1) Chairs and Deputy Chairs of Committees are to be appointed or elected by the committee in accordance with the resolution of the House appointing the committee.
- (2) The member nominated as Deputy Chair is to act as Chair when the Chair is absent from a meeting.
- (3) In the absence of both the Chair and Deputy Chair from a meeting of a committee, a member of the committee is to be elected by the members present to act as Chair for that meeting of the committee.
- (4) The Chair, Deputy Chair or other member acting as Chair at a meeting of a committee has a deliberative vote and, in the event of an equality of votes, a casting vote.

**212. Priority of references**

The priority to be accorded to a reference received by a committee may be determined by the Chair of the committee, unless the committee decides otherwise.

**213. First meeting**

- (1) The Clerk is to fix the time and place for the first meeting of each committee in such a manner as the Clerk thinks fit.
- (2) At the first meeting, before proceeding to any other business the Chair and Deputy Chair are to be elected, unless the resolution of the House appointing the committee provides otherwise.

**214. Quorum**

- (1) Unless otherwise ordered, the quorum of a committee is three members.
- (2) If, after 15 minutes from the time appointed for the meeting of a committee, a quorum is not present, the meeting is adjourned and the Chair of the committee will fix the next meeting of the committee.
- (3) The clerk of the committee is to record the names of the members present.

**215. Loss of a quorum during a meeting**

If, during the sitting of a committee, the loss of a quorum is brought to the attention of the Chair by another committee member, after 10 minutes has elapsed the Chair will suspend the proceedings of the committee to a later hour. If a quorum is not then present, the committee will be adjourned to another day, to be fixed by the Chair.



**216. Member attendance**

- (1) A member must seek leave of the committee in order to be absent from four or more consecutive committee meetings.
- (2) If a member fails to attend four consecutive meetings of a committee without leave of the committee, the absence is to be reported by the Chair to the House.
- (3) If the member fails to attend the next meeting without leave of the committee, the Chair is to again inform the House. This procedure is to continue until the member attends a committee meeting.
- (4) These requirements do not apply to those committees for which the House has made provision for substitute members.

**217. Sub-committees**

- (1) Where the resolution appointing a committee makes provision for sub-committees, a committee has power to appoint sub-committees consisting of two or more of its members:
  - (a) to assist the committee in the exercise of any of its functions, or
  - (b) to investigate and report on any matter referred to the committee.
- (2) A sub-committee has the same powers as the committee appointing it.
- (3) The committee is to appoint one of its members to act as Chair of any sub-committee and the member appointed has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (4) Unless otherwise ordered, the quorum of a sub-committee is two, of whom one must be a government member and one a non-government member.
- (5) A sub-committee is to report to the committee on any matter referred to it by the committee. The committee may adopt the report, reject the report, or adopt the report with variations.
- (6) A sub-committee is to conduct its meetings and business in the same manner as the committee appointing it.

**218. Participation by members of the House and others**

- (1) Unless a committee decides otherwise, a member of the House who is not a member of the relevant committee may take part in the public proceedings of a committee and question witnesses but may not vote, move any motion or be counted for the purpose of any quorum or division.
- (2) Persons other than members of the House and officers of a committee may attend a public meeting of a committee, but will not attend a private meeting except by express invitation of the committee, and will always be excluded when the committee is deliberating.

**219. Meeting or joining with other committees**

A committee or any sub-committee may:

- (a) join together with any other committee of the House or the Legislative Assembly to take evidence, deliberate and make joint reports on matters of mutual concern, and
- (b) meet with any other State or Commonwealth parliamentary committees to inquire into matters of mutual concern.

**220. Joint committees**

- (1) A proposal for a joint committee of the House and Legislative Assembly must contain the names of the members of the House appointed to serve on the committee.
- (2) Any such proposal agreed to by the House will be forwarded to the Legislative Assembly by message.
- (3) The proceedings of a joint committee will be reported to the House by one of the members appointed to serve on the committee.
- (4) At least three members of the House must be present at any meeting of a joint committee.
- (5) If the House agrees to a proposal from the Legislative Assembly to appoint a joint committee, the House will determine the time and place of the first meeting of the committee.

**221. Submissions**

Any person or body may make written or recorded submissions to a committee with respect to any inquiry being conducted by the committee.

**222. Evidence**

- (1) A committee is to take all evidence in public unless the committee decides otherwise.
- (2) A witness before a committee is to be given the opportunity of correcting their transcript of evidence, but corrections must be confined to verbal inaccuracies or explanations of answers. Corrections in substance can only be made by further giving of evidence.

**223. Publishing submissions and evidence**

- (1) A committee has power to authorise publication, before presentation to the House, of submissions received and evidence taken.
- (2) Evidence taken in camera may be published by resolution of the committee where it is in the public interest to do so.

## Standing Rules and Orders of the Legislative Council

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- (3) A committee:
  - (a) may make available to any member of the public a copy of:
    - (i) any written submissions made to it,
    - (ii) the report of any inquiry carried out by it, or
    - (iii) the record of any evidence taken in public, and
  - (b) may charge a reasonable sum for making copies available.
- (4) A committee or sub-committee may authorise the tape recording of its public hearings.

### 224. Unauthorised disclosure of evidence and documents

- (1) The evidence taken by a committee and documents presented to it, which have not been reported to the House, may not, unless authorised by the House or committee, be disclosed to any person other than a member or officer of the committee.
- (2) Paragraph (1) does not apply to:
  - (a) any proceedings of the committee that are open to the public and news media,
  - (b) any member of the committee or officers of the House or committee in the exercise or performance of their duties,
  - (c) press releases or statements made by a member of the committee on the authority of the committee,
  - (d) written submissions presented to a select committee and authorised to be published by the committee,
  - (e) any submission or document of the committee referred to any person for comment to assist the committee in its inquiry, and
  - (f) any document authorised to be published by the committee.
- (3) Any person committing a breach of this standing order may be reported to the House.

### 225. No representation of witnesses

A person or body is not entitled or permitted to be represented by counsel or a solicitor at a hearing of a committee unless the committee decides otherwise.

### 226. Reports

- (1) A committee has leave to report to the House from time to time its proceedings, evidence taken in public, and recommendations as it deems fit.
- (2) A committee may include in any report made to the House a draft bill to give effect to the recommendations of the committee.
- (3) For the purposes of preparing a draft bill for incorporation in a report to the House, a committee may, with the consent of the relevant Minister, make use of the services of any staff of the Parliamentary Counsel's Office.
- (4) A committee may publish discussion papers for the purpose of any inquiry.

## Standing Rules and Orders of the Legislative Council

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### 227. Consideration of reports

- (1) The Chair, on the request of the committee, is to prepare a draft report and submit it to the committee.
- (2) The draft report is to be considered at a meeting convened for that purpose and may be amended as the committee thinks fit. A report may be reconsidered and amended.
- (3) The report of a committee, as agreed to by the committee, must be signed by the Chair, or in the event of the Chair refusing, any other member appointed by the committee.

### 228. Members' opinions to be reflected

- (1) The report of a committee is, as far as practicable, to reflect a unanimity of opinion within a committee.
- (2) It is the responsibility of a committee Chair and all members of a committee to seek to achieve unanimity of opinion.
- (3) Where unanimity is not practicable, a committee's report should be prepared so as to reflect the views of all members of the committee.
- (4) Where unanimity is not practicable, any member may append to the report a brief statement of dissent, provided that:
  - (a) the member has sought to have their opinions included in the report agreed to by the committee,
  - (b) the statement of dissent is relevant to the committee's report and the terms of reference of the inquiry,
  - (c) the statement does not contain any matter which would unreasonably adversely affect or injure a person, or unreasonably invade a person's privacy,
  - (d) the statement of dissent is signed by the member or members making it,
  - (e) the statement of dissent is no more than 1,000 words in length.

### 229. Chair's foreword

A committee Chair's foreword must be approved by the committee prior to tabling of the committee's report in the House, if the committee so resolves.

### 230. Tabling reports

The report of a committee, with accompanying documents, is to be tabled in the House by the member signing the report, or in the absence of the member, by some other member of the committee, within 10 calendar days of the report being adopted by the committee.

### 231. Tabling out of session

- (1) If the House is not sitting when a committee wishes to report to the House, the committee is to present copies of its report to the Clerk.

## Standing Rules and Orders of the Legislative Council

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- (2) A report presented to the Clerk is:
  - (a) on presentation, and for all purposes, deemed to have been laid before the House,
  - (b) to be printed by authority of the Clerk,
  - (c) for all purposes, deemed to be a document published by order or under the authority of the House, and
  - (d) to be recorded in the Minutes of the Proceedings of the House.

### 232. Debate on committee reports

- (1) On tabling of a report from a committee a motion may be moved without notice "That the House take note of the report".
- (2) At the conclusion of the speech of the mover, the debate is to be adjourned to the next day on which committee reports have been given precedence.
- (3) Unless otherwise ordered, the order of the day for the resumption of debates on committee reports is to be set down on the Notice Paper in the order in which the reports were presented.
- (4) The debate on committee reports on any day on which the debate has precedence is to be interrupted after one hour. The interrupted debate is to stand adjourned and be set down on the business paper for the next day on which it has precedence.
- (5) Each speaker in the debate on committee reports is to be limited to 10 minutes, except the committee Chair who is allowed 15 minutes and a further 10 minutes in reply.

### 233. Government response

- (1) On the tabling of a report from a committee, which recommends that action be taken by the government the Clerk is to refer the report to the Leader of the Government in the House who must within six months of a report being tabled, report to the House what action, if any, the government proposes to take in relation to each recommendation of the committee.
- (2) If, at the time at which the government seeks to report to the House, the House is not sitting, a Minister may present the response to the Clerk.
- (3) A response presented to the Clerk is:
  - (a) on presentation, and for all purposes, deemed to have been laid before the House,
  - (b) to be printed by authority of the Clerk,
  - (c) for all purposes, deemed to be a document published by order or under the authority of the House,
  - (d) to be recorded in the Minutes of the Proceedings of the House, and
  - (e) to be distributed by the clerk of the committee to inquiry participants.
- (4) The President is to report to the House when any government response has not been received within the six month deadline.

## Standing Rules and Orders of the Legislative Council

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### 234. Resources

- (1) A committee is to be provided with the resources necessary to carry out its functions.
- (2) A committee may, with the consent of the appropriate Minister, make use of the services of any staff or facilities of a government department, administrative office or public body.
- (3) A Chair of a committee may report to the President on any matter relating to the administration, functioning or operation of the committee.
- (4) The Clerk is to appoint an officer of the Council to act as clerk to the committee.
- (5) The clerk to a committee must record and include in the committee's report to the House:
  - (a) the names of the members attending each meeting of a committee,
  - (b) the proceedings of the committee and every motion or amendment moved and the name of the mover, and
  - (c) the names of the members voting on each side in a division.

**LEGISLATIVE COUNCIL**  
**1st SESSION, 54th PARLIAMENT**

**COMMITTEES**

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**GENERAL PURPOSE STANDING COMMITTEES**

*Resolution passed 10 May 2007, amended 17 June 2009, Legislative Council Minutes No. 106, item 4, last amended 2 December 2009, Legislative Council Minutes No. 132, item 7.*

That notwithstanding anything contained in the standing orders:

**Appointment**

1. Five General Purpose Standing Committees, reflecting Government Ministers' portfolio responsibilities, be appointed as follows:

(a) General Purpose Standing Committee No. 1

Premier  
Arts  
Central Coast  
The Legislature  
Treasury  
State Development  
Ports and Waterways  
Tourism  
Science and Medical Research  
Hunter  
Commerce

(b) General Purpose Standing Committee No. 2

Community Services  
Women  
Aboriginal Affairs  
Ageing  
Disability Services  
Education and Training  
Health

(c) General Purpose Standing Committee No. 3

Attorney General  
Industrial Relations  
Police  
Finance  
Gaming and Racing  
Sport and Recreation  
Local Government  
Mental Health and Cancer  
Juvenile Justice  
Volunteering  
Youth  
Veterans' Affairs

(d) General Purpose Standing Committee No. 4

Infrastructure  
Planning  
Redfern Waterloo  
Fair Trading  
Citizenship  
Emergency Services  
Rural Affairs  
Small Business  
Transport  
Illawarra  
Housing  
Western Sydney

(e) General Purpose Standing Committee No. 5

Corrective Services  
Climate Change and the Environment  
Public Sector Reform  
Special Minister of State  
Energy  
Mineral Resources  
Regulatory Reform  
Primary Industries  
Lands  
Water  
Regional Development

**Initiation of inquiries**

2. (1) The committees may inquire into and report on:

- (a) any matters referred to them by the House,
- (b) the expenditure, performance or effectiveness of any department of government, statutory body or corporation, and
- (c) any matter in any annual report of a department of government, statutory body or corporation.

(2) A meeting of a committee to consider a self-reference under this paragraph may be convened at the request of any three members of the committee in writing to the Clerk of a committee.

(3) The Clerk of a committee must convene a meeting of the committee within seven days of the receipt of the request providing that members are given at least 24 hours' notice of that meeting.

(4) The majority of the members of the committee will then be required to endorse the self reference for it to proceed.

(5) The terms of the self-reference should be reported to the House on the next sitting day.

**Membership**

3. Each committee is to consist of seven members, comprising:

- (a) three Government members,
- (b) two Opposition members, and
- (c) two Cross Bench members.



**Substitute members**

4. (1) Government, Opposition or Cross Bench members may be appointed to a committee as substitutes for a member of the committee for any matter before the committee, by notice in writing to the Chair of a committee.
- (2) Nominations for substitute Government or Opposition members may be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whips or Deputy Whips, as applicable.
- (3) Nominations for substitute Cross Bench members may be made by another Cross Bench member.

**Participating members**

5. Unless the committee decides otherwise, a member of the House who is not a member of the relevant committee may take part in a private meeting of the committee but may not vote, move any motion or be counted for the purpose of any quorum or division.

**LEGISLATIVE COUNCIL**  
**1st SESSION, 54th PARLIAMENT**  
**COMMITTEES**

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**STANDING COMMITTEES**

*Resolution passed 10 May 2007, Legislative Council Minutes No. 3, item 6*

That notwithstanding anything contained in the standing orders:

**Appointment**

1. Three standing committees, reflecting Government Ministers' portfolio responsibilities, be appointed as follows:
  - (a) Law and Justice Committee,
  - (b) Social Issues Committee, and
  - (c) State Development Committee.

**Law and Justice Committee**

2. The committee may inquire into and report on:
  - (a) matters concerned with legal and constitutional issues including law reform, parliamentary matters, criminal law and administrative law,
  - (b) issues arising in connection with the New South Wales criminal justice system, including matters concerned with the Attorney General, police, corrective services and juvenile justice, and
  - (c) industrial relations, emergency services, and fair trading.

**Social Issues Committee**

3. The committee may inquire into and report on:
  - (a) any proposal, matter or thing concerned with the social development of the people in all areas of New South Wales,
  - (b) equality of access to services and benefits including health, education, housing, ageing, disability, children's and community services provided by the government and non-government sector to the people in all areas of New South Wales,
  - (c) citizenship, social relations and cultural diversity,
  - (d) recreation, gaming, racing and sporting matters, and
  - (e) the role of government in promoting the welfare of the people in all areas of New South Wales.

**State Development Committee**

4. The committee may inquire into and report on:
  - (a) options for future policy directions and emerging issues to ensure that opportunities for sound growth and wise development for the benefit of the people in all areas of New South Wales are pursued,
  - (b) any proposal, matter or thing concerned with economics and finance, commerce, infrastructure and planning, energy and utilities, natural resources, transportation, tourism, public administration, local government, primary industry, agriculture and fisheries, mineral resources, industrial and technological developments, science and medical research, and environmental issues in New South Wales, and

- (c) any proposal, matter or thing concerned with the problems or disadvantages uniquely or predominantly experienced in rural areas, including the viability of cities and towns in those areas.

#### **Referral of inquiries**

5. (1) A committee:

- (a) is to inquire into and report on any proposal, matter or thing relevant to the functions of the committee which is referred to the committee by resolution of the House,
- (b) may inquire into and report on any proposal, matter or thing relevant to the functions of the committee which is referred by a Minister of the Crown,
- (c) may inquire into and report on any annual report or petition relevant to the functions of the committee which has been laid upon the Table of the Legislative Council.

- (2) Whenever a committee resolves to inquire into a matter under paragraph 5(b) or 5(c), the terms of the reference or the resolution is to be reported to the House on the next sitting day.

#### **Powers**

6. A committee has power to make visits of inspection within New South Wales and, with the approval of the President, elsewhere in Australia and outside Australia.

#### **Membership**

7. Each committee is to consist of six members, comprising:

- (a) three Government members,
- (b) two Opposition members, and
- (c) one Cross Bench member.

#### **Chair And Deputy Chair**

- 8. (1) The Leader of the Government is to nominate in writing to the Clerk of the House the Chair of each committee.
- (2) The Leader of the Opposition is to nominate in writing to the Clerk of the House the Deputy Chair of each committee.

#### **Quorum**

9. The quorum of a committee is three members, of whom two must be Government members and one a non-government member.

#### **Sub-committees**

10. A committee has power to appoint sub-committees.

#### **Participating members**

11. Unless the committee decides otherwise, a member of the House who is not a member of the relevant committee may take part in a private meeting of the committee but may not vote, move any motion or be counted for the purpose of any quorum or division.

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# Parliamentary Evidence Act 1901

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Reprint history (since 1972):

Reprint No 1 9 May 1979

Reprint No 2 29 October 2002

An Act to consolidate the law relating to the summoning, attendance, and examination of witnesses before either House of Parliament or any Committee thereof.

## 1 Name of Act

This Act may be cited as the Parliamentary Evidence Act 1901.

2 \*\*\*

## 3 Definitions

In this Act:

**Assembly** means the Legislative Assembly.

**Committee** means a Committee of the Council or Assembly.

**Council** means the Legislative Council.

**President** means the President of the Council.

**Speaker** means the Speaker of the Assembly.

## 4 Witnesses how summoned

(1) Any person not being a Member of the Council or Assembly may be summoned to attend and give evidence before the Council or Assembly by notice of the order of the Council or Assembly signed by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be, and personally served upon such person.

(2) Any such person may be summoned to attend and give evidence before a committee by an order of such committee signed by the chairman thereof and served as aforesaid.

## 5 Members of Parliament

The attendance of a Member of the Council or Assembly to give evidence before the Council or Assembly or a committee shall be procured in conformity (so far as practicable) with the mode of procedure observed in the British House of Commons.

## 6 Expenses of witnesses

(1) Every witness summoned as aforesaid shall be entitled to be paid at the time of service of such notice or order the witness's reasonable expenses consequent upon the witness's attendance in obedience thereto according to the witness's condition or profession, to be calculated in accordance with the scale in force for the time being for the payment of witnesses in actions in the Supreme Court.

(2) The expenses of any witness summoned at the instance of a party shall be defrayed by such party; but if the witness be summoned for any public inquiry to be examined either by the Council or Assembly or by a committee, the witness's expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund on the receipt by the Treasurer of a written authority in that behalf signed by the Clerk of the Parliaments or Clerk of the Assembly or Chairman of the Committee respectively, according to the nature of the summons.

## **7 Non-attendance of witness to be certified to a Judge**

If any witness so summoned fails to attend and give evidence in obedience to such notice or order, the President or the Speaker, as the case may be, upon being satisfied of the failure of such witness so to attend and that the witness's non-attendance is without just cause or reasonable excuse, may certify such facts under the President's or the Speaker's hand and seal to a Judge of the Supreme Court, according to the form in Schedule 2, or to the like effect.

## **8 Issue of warrant**

Upon such certificate any Judge of the said Court shall issue a warrant in the form in Schedule 3, or to the like effect, for the apprehension of the person named in such certificate, for the purpose of bringing the person before the Council, Assembly, or Committee to give evidence.

## **9 Warrant and order of President or Speaker to be sufficient authority for acts thereunder**

(1) Such warrant shall be a sufficient authority for all persons acting thereunder to apprehend the person named in such warrant, and to retain the person in custody, to the intent that the person may from time to time be produced for the purpose of giving evidence, or be remanded and finally be discharged from custody, pursuant to any order under the hand and seal of the President or Speaker, as the case may be.

(2) Every such order shall be a sufficient warrant for all persons acting thereunder.

## **10 Administration of oath**

(1) Every witness attending to give evidence before the Council, Assembly, or a Committee of the Whole shall be sworn at the bar of the House; and the customary oath shall be administered by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be (or in the Clerk's absence by the officer acting for the Clerk).

(2) Every witness attending to give evidence before a Committee other than a Committee of the Whole shall be sworn by the chairman of such Committee.

(3) Provided that in any case where a witness, if examined before the Supreme Court, would be permitted to make a solemn declaration or to give evidence in any other way than upon oath, a witness summoned under this Act shall be in like manner allowed to give evidence upon declaration or otherwise, as aforesaid.

## **11 Penalty for refusal to answer**

(1) Except as provided by section 127 (Religious confessions) of the Evidence Act 1995, if any witness refuses to answer any lawful question during the witness's examination, the witness shall be deemed guilty of a contempt of Parliament, and may be forthwith committed for such offence into the custody of the usher of the black rod or sergeant-at-arms, and, if the House so order, to gaol, for any period not exceeding one calendar month, by warrant under the hand of the President or Speaker, as the case may be.

(2) Such warrant shall be a sufficient authority for all gaolers and other officers to hold the body of the person therein named for the term therein stated.

(3) No person acting under the authority of this section shall incur any liability, civil or criminal, for such act.

## **12 Privilege of witness**

No action shall be maintainable against any witness who has given evidence, whether on oath or otherwise, under the authority of this Act, for or in respect of any defamatory words spoken by the witness while giving such evidence.

## **13 Penalty for false evidence**

If any such witness wilfully makes any false statement, knowing the same to be false, the witness shall, whether such statement amounts to perjury or not, be liable to imprisonment for a term not exceeding five years.

## 14 Joint committees

A reference in this Act to a **committee** shall extend to include a reference to a joint committee of the Council and the Assembly appointed either before or after the commencement of the *Parliamentary Evidence (Amendment) Act 1939*.

In the application of the provisions of this Act to and in respect of any such joint committee, such provisions shall be construed as if the joint committee were a committee of that House of the Parliament in which the proposal for the appointment of the joint committee originated.

## Schedules

### First Schedule

#### Schedule 2 Certificate

Section 7

##### Form of certificate

To His Honour/Her Honour

In the matter of the "Parliamentary Evidence Act 1901," and A.B. of

THIS is to certify to your Honour that it hath been made to appear to me that the said A.B. has been duly summoned to attend and give evidence before the pursuant to the "Parliamentary Evidence Act 1901," and that the said A.B. has failed to appear, and that his or her non-appearance is without just cause or reasonable excuse.

Given under my hand and seal at this day of in the year one thousand nine hundred and .

President of the Legislative Council

or

Speaker of the Legislative Assembly

(as the case may be).

##### Form of certificate

To His Honour/Her Honour In the matter of the "Parliamentary Evidence Act 1901," and A.B. of THIS is to certify to your Honour that it hath been made to appear to me that the said A.B. has been duly summoned to attend and give evidence before the pursuant to the "Parliamentary Evidence Act 1901," and that the said A.B. has failed to appear, and that his or her non-appearance is without just cause or reasonable excuse. Given under my hand and seal at this day of in the year one thousand nine hundred and . President of the Legislative Council

or

Speaker of the Legislative Assembly

(as the case may be).

### Schedule 3 Warrant

Section 8

##### Form of Judge's warrant

In the Supreme Court of New South Wales.

In the matter of the "Parliamentary Evidence Act 1901," and A.B. of

To the Sheriff of New South Wales, the Sheriff's deputy and assistants, and to all constables and other His Majesty's officers and ministers of the peace whom it may concern.

WHEREAS it hath this day been certified under the hand of\* that of has been duly summoned to attend and give evidence before the pursuant to the "Parliamentary Evidence Act 1901," but hath failed to appear.

This is to require you forthwith to apprehend the said and to detain him or her in custody for the purpose of being brought before to give evidence and there to obey all further orders under the hand of the\* for his or her remand or for his or her final discharge from custody.

Given under my hand and seal at aforesaid this day of in the year one thousand nine hundred and

A Judge of the Supreme Court of New South Wales.

\*President or Speaker (as the case may be)

##### Form of Judge's warrant

In the Supreme Court of New South Wales.

In the matter of the "Parliamentary Evidence Act 1901," and A.B. of To the Sheriff of New South Wales, the Sheriff's deputy and assistants, and to all constables and other His Majesty's officers and ministers of the peace whom it may concern. WHEREAS it hath this day been certified under the hand of\* that of has been duly summoned to attend and give evidence before the pursuant to the "Parliamentary Evidence Act 1901," but hath failed to appear. This is to require you

forthwith to apprehend the said and to detain him or her in custody for the purpose of being brought before to give evidence and there to obey all further orders under the hand of the\* for his or her remand or for his or her final discharge from custody. Given under my hand and seal at aforesaid this day of in the year one thousand nine hundred and A Judge of the Supreme Court of New South Wales. \*President or Speaker (as the case may be)

### Historical notes

Table of Acts

Parliamentary Evidence Act 1901 No 43. Assented to 7.11.1901. This Act has been amended as follows:

#### 1939

No 8

Parliamentary Evidence (Amendment) Act 1939. Assented to 4.9.1939.

#### 1986

No 16

Statute Law (Miscellaneous Provisions) Act 1986. Assented to 1.5.1986.

#### 1994

No 95

Statute Law (Miscellaneous Provisions) Act (No 2) 1994. Assented to 12.12.1994.

Date of commencement of Sch 3, assent, sec 2.

#### 1995

No 16

Statute Law (Miscellaneous Provisions) Act 1995. Assented to 15.6.1995.

Date of commencement of the provisions of Sch 2 relating to the Parliamentary Evidence Act 1901, assent, Sch 2.

No 27

Evidence (Consequential and Other Provisions) Act 1995. Assented to 19.6.1995.

Date of commencement, 1.9.1995, sec 2 and GG No 102 of 25.8.1995, p 4355.

#### 1999

No 94

Crimes Legislation Amendment (Sentencing) Act 1999. Assented to 8.12.1999.

Date of commencement of Sch 4.144, 1.1.2000, sec 2 (1) and GG No 144 of 24.12.1999, p 12184.

#### 2001

No 56

Statute Law (Miscellaneous Provisions) Act 2001. Assented to 17.7.2001.

Date of commencement of Schs 3 and 4, assent, sec 2 (1).

### Table of amendments

No reference is made to certain amendments made by Schedule 3 (amendments replacing gender-specific language) to the Statute Law (Miscellaneous Provisions) Act (No 2) 1994.

Sec 2

Rep 2001 No 56, Sch 4.

Sec 7

Am 2001 No 56, Sch 3.4 [1].

Sec 8

Am 2001 No 56, Sch 3.4 [2].

Sec 11

Am 1986 No 16, Sch 23; 1995 No 27, Sch 1.

Sec 13

Am 1999 No 94, Sch 4.144.

Sec 14

Ins 1939 No 8, sec 2.

First Sch

Rep 2001 No 56, Sch 4.

Sch 2, heading (previously Second Sch, heading)

Subst 2001 No 56, Sch 3.4 [3].

Sch 2 (previously Second Sch)

Am 1995 No 16, Sch 2.

Sch 3, heading (previously Third Sch, heading)

Subst 2001 No 56, Sch 3.4 [4].

## Committees

During 2008/09 there were 10 Legislative Council committees in operation, comprised of five standing committees and five general purpose standing committees. The committees were supported by the staff of the Legislative Council's committee section, which has 17 staff.

### Role of Legislative Council Committees

Legislative Council committees are one of the Council's key mechanisms for scrutiny and review of executive activity and issues in the public interest. The core business of committees is to conduct inquiries.

Committee inquiries enable members to examine an issue in more detail than if the matter was considered by the House as a whole. Inquiries also enable members to obtain expert opinions and advice on complex policy matters.

Importantly, committee inquiries provide an opportunity for citizens to participate in and witness the development of public policy in New South Wales. Individuals and groups can put their views directly to elected representatives by making written submissions and giving oral evidence at public hearings and forums. In addition, copies of final reports and published committee documents are publicly available and in most cases hearings may be reported by the media.

### Overview of committee activity

Activity	2008/09	2007/08	2006/07 <sup>4</sup>	2005/06	2004/05	2003/04
Meetings <sup>5</sup>	161	127	107	174	152	196
Inquiries	26	29	22	39	39	36
<b>Consultation and public participation</b>						
Submissions	1,491	681	245	1,021	3,005	1,169
Hearings	82	58	56	99	90	93
Witnesses (hearings and public forums)	668	622	417	875	879	934
Duration of hearings (hours)	383	300	206	265	368	331
<b>Reports tabled</b>	<b>19</b>	<b>22</b>	<b>15</b>	<b>28</b>	<b>21</b>	<b>20</b>

<sup>4</sup> Committees in 2006/07 ceased operation in December 2006 when the House was prorogued for the March 2007 NSW State election. Prorogation is the act of the Government that brings to an end a session of Parliament and terminates all business before the House, including parliamentary committees. Figures therefore represent six months' activity.

<sup>5</sup> Meetings refers to all meeting types including deliberative meetings, hearings, site visits, forums and briefings.

Committee membership reflects the diverse political make-up of the House. Most members of the Council (excluding ministers) are members of one or more of its committees. Members may also be on one or more of the joint standing committees administered by the Legislative Assembly.

Legislative Council committees operate under the authority of the House and share the privileges of the House. Committee procedures are determined by the House, and committee powers are outlined in the standing orders, sessional orders and resolutions relating to particular committees and inquiries. In addition, committees are regulated by the provisions of several Acts, including the Parliamentary Evidence Act 1901 (NSW), and guided by past precedents of the House and parliamentary practice and tradition.

### Overview of committee activity

In 2008/09 the committees examined a diverse array of issues, including the management and operation of the NSW Ambulance Service, the privatisation of prisons and prison related services, the transport needs of Sydney's North-West sector, contamination of the former uranium smelter site in Hunters Hill, homelessness and low cost rental accommodation, and altruistic surrogacy. An overview of committee activity is provided in the following table:



In addition to the activities described in the table, the committees conducted 12 site visits. Sydney sites visited included City West Housing in Pyrmont, the Penrith and Sydney Ambulance Centres and the Long Bay Correctional Complex. Outside of Sydney the committees travelled to Armidale, Parklea, Cessnock, Junee, Griffith and Broken Hill.

## Government responses

Under standing order 233(1), the Government is required to respond to the recommendations of a committee inquiry within six months of the tabling of the report. During the reporting period, ten Government responses fell due and all ten were provided.

The Government responses received are summarised in the following table:

### Government responses to committee reports

Inquiry	Response due	Response received	Response to recommendations
Standing Committee on Law and Justice: The publication of the names of children involved in criminal proceedings	21 October 2008	30 October 2008	The Government supported 6 of the 8 recommendations made. The Government did not support an extension of the prohibition to cover the period prior to charges being laid to include children reasonably likely to become involved in criminal proceedings.
Select Committee on Electoral and Political Party Funding in NSW	19 December 2008	19 December 2008	19 recommendations have been implemented in whole or in part. Recommendations that were not accepted related to bans, caps or other restrictions on political donations or expenditure. The Government indicated that these issues should be examined as part of a co-ordinated national approach under the Commonwealth Government's Electoral Reform process.
Standing Committee on Law and Justice: The exercise of the functions of the Motor Accidents Authority and Motor Accidents Council – Ninth Review	2 March 2009	10 March 2009	The Response advised that the Government supported 10 of the 16 recommendations and that three were being given further consideration. Two recommendations were not supported, and one recommendation was made to the Legislative Council and agreed to by resolution of the House.
GPSC 5: The former uranium smelter at Hunter's Hill	30 March 2009	26 March 2009	The Government indicated it was either in the processing of undertaking or will undertake all of the Committee's recommendations.

Inquiry	Response due	Response received	Response to recommendations
Standing Committee on State Development: Nanotechnology in NSW	29 April 2009	29 April 2009	The Government response supported the thrust of the report's recommendations. The response advised that action was being taken to implement or address 10 of the 18 recommendations. The response advised that it would raise four of the recommendations with the Federal Government. Four recommendations were not supported.
Standing Committee on Law and Justice: The exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council – First Review	30 April 2009	4 May 2009	The Response advised that action was being taken to implement the first recommendation. In relation to the second recommendation the Response stated that the current review arrangements were adequate and the Authority is currently preparing a paper on the provision of advocacy services within the Scheme.
GPSC 2: The management and operation of the NSW Ambulance Service	20 April 2009	4 May 2009	The Government stated that it is already addressing issues in relation to the majority of the report recommendations. New activity is to be initiated in response to three recommendations. No action will be taken on a small number of recommendations.
GPSC 2: The program of appliances for disabled people	15 June 2009	15 June 2009	The Government fully supported 12 of the Committee's recommendations. It partially supported boosting the program's funding, noting the Government had announced an additional funding enhancement of \$5 million from 2009/10 for NSW Health disability equipment. The Government did not support changing the eligibility criteria for the program. A further three recommendations are being considered and three were not supported.

Inquiry	Response due	Response received	Response to recommendations
GPSC 4: The transport needs of Sydney's North-West sector	19 June 2009	23 June 2009	The Government response supported three of the recommendations. The response indicated that the Government was taking action that was in general accord with four of the report's recommendations. Four recommendations were not supported.
Standing Committee on Social Issues: Overcoming indigenous disadvantage in NSW	27 May 2009	27 May 2009	The Government response supported or partially supported all of the recommendations of the Committee's final report.

### Budget estimates inquiry

Each financial year, the five General Purpose Standing Committees (GPSCs) examine the budget estimates and related papers, presenting the amounts to be appropriated from the Consolidated Fund for Government programs and spending initiatives. The Inquiry into the budget estimates ensures parliamentary oversight of the budget, and provides a mechanism for the accountability of the executive government to the Council.

The way in which Budget Estimates was conducted changed considerably from previous years. The Legislative Council referred the inquiry in December 2007, six months prior to the tabling of the Budget Papers, setting down five days in October 2008 for initial hearings and a further five days in November 2008 for supplementary hearings.

Unlike previous years, all hearings were to be held within normal working hours, from 9.00 am to 6.00 pm during a non-sitting week. Considerable cost savings to the administration of Parliament resulted from this scheduling.

Committee examination of the budget estimates began with an initial round of hearings in October 2008. The hearings were conducted by the GPSCs according to their portfolio responsibilities, and were attended by the relevant ministers and accompanying departmental officials.

Following the initial round of hearings, seven supplementary hearings were held. The seven supplementary hearings held in 2008/09 compare to two held the previous financial year, and 14 the year before that. In total, 1800 questions were placed on notice, up from 800 the previous year.

Committee examination of the 2009/10 budget estimates will be covered in the next Annual Report.

### Improving service delivery

#### Survey of inquiry participants

During 2008/09 the committee survey of inquiry participants continued. Witnesses who gave evidence at committee hearings were asked for their feedback on the work of committee staff in dealing with witnesses and arranging hearings<sup>6</sup>.

Completed questionnaires were received from 194 witnesses. Seventy-seven percent of witnesses gave evidence in a representative capacity, while the remaining gave evidence as private citizens. The results of the survey are summarised in the following table:



*The Honourable Arranda Fazio and Stephen Frappell, Committee Clerk at a Budget Estimates Hearing.*

<sup>6</sup> The questionnaire was based on a witness survey used in the Scottish Parliament. It was initiated by Ms Merrin Thompson, Principal Council Officer, who participated in a staff exchange to Scotland in 2005/06.

Survey of inquiry participants

	Number	Percentage
Questionnaire responses	194	100
	Number	% (of respondents)
First-time witnesses	110	57
Committee staff professional and helpful		
– agreed	70	36
– strongly agreed	121	62
Committee staff approachable at hearings		
– agreed	55	28
– strongly agreed	136	70
Satisfaction with witness experience		
– Good/very good	172	89
– Neither good nor bad	13	7
– Poor/bad	7	4

**Other service delivery initiatives**

Committee staff met with a number of groups throughout the year, to promote the work of the Council and make the parliamentary process more accessible to the public, including:

- visiting parliamentary delegations from Australian and overseas jurisdictions
- students participating in the Education Department's secondary schools program.

A Committee staff member also gave presentations to students in the Public Interest Advocacy Centre's 'Practising in the Public Interest' course.

**Standing Committees**

The Legislative Council has three policy-oriented standing committees: the Standing Committee on Social Issues, the Standing Committee on State Development, and the Standing Committee on Law and Justice. These committees tend to conduct detailed inquiries into complex matters of public policy.

The Social Issues and State Development committees were appointed in 1988, and the Law and Justice Committee in 1995. The fourth standing committee, the Privileges Committee, was appointed in 1988. In addition to the four standing committees, the current standing orders adopted in 2004 provide that the Procedure Committee is to be appointed at the commencement of each Parliament.

The responsibilities of each of the four standing committees, plus the Procedure Committee, are outlined below:

- **Standing Committee on Social Issues**  
Conducts inquiries on matters concerned with the social development of the people of New South Wales, including health, education, housing, ageing, disability, and children's and community services provided by the government and non-government sector. Exercises statutory functions under the Motor Accidents Compensation Act 1999 and the Motor Accidents (Lifetime Care and Support) Act 2006.

- **Standing Committee on State Development**

Conducts inquiries in the following key areas: economics and finance, commerce, infrastructure and planning, energy and utilities, natural resources, transportation, tourism, public administration, local government, primary industry, agriculture and fisheries, mineral resources, industrial and technological developments, science and medical research, environmental issues, and issues unique to, or predominant in, rural areas.

- **Standing Committee on Law and Justice**

Conducts inquiries on matters concerned with legal and constitutional issues including law reform, parliamentary matters, criminal and administrative law and the criminal justice system, police, corrective services and juvenile justice, industrial relations, emergency services and fair trading.

- **Privileges Committee**

Considers matters relating to parliamentary privilege referred to it by the House or the President; considers citizens' rights of reply to statements made about them in the House; and undertakes functions relating to members' ethical standards under Part 7A of the Independent Commission Against Corruption Act 1988. Known as the Standing Committee on Parliamentary Privilege and Ethics between 1995 and 2003.

- **Procedure Committee**

Required by standing order to consider any amendments to the standing orders; propose changes in practice and procedures of the House; and consider any matter relating to the procedures referred to it by the House or the President.



**Standing committee membership**

Membership of the five standing committees is summarised in the following table:

Member	Party	Social Issues Committee	State Development Committee	Law and Justice Committee	Privileges Committee	Procedure Committee
Ajaka, John	LP			Member		
Brown, Robert	S					Member
Catanzariti, Tony	ALP		Chair			
Clarke, David	LP			Deputy Chair		
Della Bosca, John	ALP					Member
Donnelly, Greg	ALP	Member		Member	Member	Member
Fazio, Amanda	ALP			Member	Member	Member
Ficara, Marie	LP	Member				
Gallacher, Michael	LP					Member
Gardiner, Jenny	N				Deputy Chair	
Gay, Duncan	N					Member
Griffin, Kayee	ALP				Chair	
Hale, Sylvia	G			Member		
Harwin, Don	LP				Member	Deputy Chair
Kaye, John	G	Member				
Kelly, Tony	ALP					Member
Khan, Trevor	N	Deputy Chair				
Macdonald, Ian	ALP					Member
Mason-Cox, Matthew	LP		Member			
Nile, Fred	CDP		Member		Member	Member
Pavey, Melinda	N		Deputy Chair			
Primrose, Peter	ALP					Chair
Robertson, Christine	ALP		Member	Chair		
Veitch, Mick	ALP	Member	Member			
West, Ian	ALP	Chair				

• ALP – Australian Labor Party • CDP – Christian Democratic Party • G – The Greens • LP – Liberal Party • N – The Nationals  
• I – Independent • SP – Shooters Party

### Standing committee activity

The activities of the five standing committees in 2008/09 are summarised in the following table:

#### Overview of standing committee activity

	Social Issues	State Development	Law and Justice	Privileges	Procedure
Inquiries	2	2	6	1	1
Submissions	81	112	395	0	0
Meetings	20	13	21	4	1
Hearings	3	9	8	0	0
Witnesses	101	75	97	0	0
Public forums	0	0	0	0	0
Forum speakers	0	0	0	0	0
Site visits	4	0	1	0	0
Reports tabled	1	1	3	1	1

### Standing Committee on Social Issues inquiry

#### Inquiry into overcoming Indigenous disadvantage in NSW

Referred by: Minister for Aboriginal Affairs

Date: 25 September 2007

Report date: 27 November 2008

Hearings: 3

Submissions: 89

Inquire into and report on policies and programs within Australia and internationally aimed at closing the lifetime expectancy gap between Aboriginal and non-Aboriginal people.

#### Summary of terms of reference:

Inquire into and report on policies and programs being implemented both in Australia and internationally aimed at closing the gap between the lifetime expectancy between aboriginal and non-aboriginal people.

#### Summary of report/recommendations:

In its final report, the committee recognised that numerous inquiries and reviews have been conducted into Indigenous disadvantage with many suggestions for change, and yet Indigenous disadvantage remains. The 23 recommendations built on existing frameworks and tools and identified areas for improvement, including the way that government engages with Aboriginal communities and the way that restrictive bureaucratic systems result in a failure to address inherent problems within Aboriginal communities. The Committee also identified greater flexibility in service design, provision and implementation as a high priority for every government department.

**Government response:** Received 27 May 2009

**Inquiry into Homelessness and low cost rental: Social Issues Committee**

Referred by:	Minister for Housing and Western Sydney
Date:	3 December 2008
Report date:	Inquiry still proceeding at 30 June 2009
Hearings:	6
Submissions:	66

**Summary of terms of reference:**

Inquire into and report on policies and programs outside of mainstream public housing that are being implemented within Australia and internationally to reduce homelessness and increase the availability of key worker accommodation.

**Standing Committee on State Development inquiries****Inquiry into nanotechnology in New South Wales**

Referred by:	Minister for Science and Medical Research
Date:	5 December 2007
Report date:	29 October 2008
Submissions:	26
Hearings:	5

**Summary of terms of reference:**

Inquire into and report on issues relating to the emerging area of research and development in nanotechnology in NSW, including current and future applications, the appropriateness of current regulatory frameworks, the level of community understanding and engagement, and the support required to capture the benefits of nanotechnology while addressing health, safety and environmental concerns.

**Summary of report/recommendations:**

The report noted that the area of nanotechnology is as broad as science itself and that it is an area under constant development. Many of the issues the Committee examined were still, and continue to be, investigated and acted on by international, national and state agencies and departments.

The Committee reported that any new regulatory frameworks for the management of nanomaterials over their life cycle will be most effective if they are implemented nationally and applied consistently at the State and Territory level, with a clear and consistent national response.

The Committee made a number of recommendations to improve the State's capacity to foster research in nanotechnology and to improve public awareness of this field.

**Other comments and background to the inquiry:**

The Inquiry examined the impact on NSW of the Australian Government's National Nanotechnology Strategy, part of which included a review of the current national regulatory frameworks for nanomaterials.

**Government response:** Received 29 April 2009



### **Inquiry into the New South Wales planning framework**

Referred by: Minister for Planning  
Date: 24 June 2008  
Report date: Inquiry still proceeding at 30 June 2008  
Submissions: 114  
Hearings: 8

#### **Summary of terms of reference:**

Inquire into and report on national and international trends in planning and the need for further development of the NSW planning framework and its underpinning legislation.

#### **Other comments and background to the inquiry:**

The NSW Parliament passed amendments to the Environmental Planning and Assessment Act 1979. During debate in Parliament on these amendments, the issue of whether there was a need for a systematic review of the NSW planning system as a whole was raised. This was the catalyst for the Inquiry being referred to the Committee.

### **Standing Committee on Law and Justice inquiries**

#### **Inquiry into the exercise of the functions of the Motor Accidents Authority and Motor Accidents Council – Ninth Review**

Referred by: Statutory review under section 210 of the Motor Accidents Compensation Act 1999 (NSW)  
Date: The Committee resolved to commence the Inquiry on 5 March 2008  
Report date: 1 September 2008  
Submissions: 10  
Hearings: 1

#### **Summary of terms of reference:**

The Committee has an ongoing role in reviewing the exercise of the functions of the Motor Accidents Authority (MAA) and the Motor Accidents Council (MAC). The MAA is a statutory corporation that regulates the NSW Motor Accidents Scheme. It was established under the Motor Accidents Act 1988 on 10 March 1989 and continues to be constituted under the Motor Accidents Compensation Act 1999.

#### **Summary of report/ recommendations:**

In this Review the Committee focused on the Claims Assessment and Resolution Service (CARS), an early dispute resolution service for compensation matters. The Committee reported that the MAA and the MAC continue to perform their functions in a competent and effective manner and that CARS is performing well. The Committee made 16 recommendations relating to CARS and other aspects of the Scheme.

#### **Other comments and background to the inquiry:**

The Committee made a recommendation to the Legislative Council to consider amending the resolution designating its review role, so that reviews of the MAA and MAC were carried out biennially instead of annually. The Legislative Council supported this recommendation and the resolution was amended on 22 October 2008.

**Government response:** Received 10 March 2009

### Inquiry into the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council – First Review

Referred by:	Statutory review under the Motor Accidents (Lifetime Care and Support) Act 2006 (NSW)
Date:	The Committee resolved to commence the Inquiry on 5 March 2008
Report date:	30 October 2008
Submissions:	9
Hearings:	1

#### Summary of terms of reference:

The Act requires a committee of the Legislative Council to 'supervise the exercise of the functions' of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council. The Lifetime Care and Support Scheme commenced operation in October 2006.

#### Summary of report/ recommendations:

In this First Review the Committee explored a range of issues that have emerged since the Lifetime Care and Support Scheme's commencement, a number of which it has suggested should be monitored as implementation proceeds. It recommended extending the interim participation of children in the Scheme and that consideration be given to the independent review of decisions, and the provision of independent advocacy for participants in the Scheme.

**Government response:** Received 4 May 2009

### Inquiry into legislation on altruistic surrogacy in NSW

Referred by:	Attorney General and Minister for Justice
Date:	22 July 2008
Report date:	27 May 2009
Submissions:	40
Hearings:	4

#### Summary of terms of reference:

Inquire into and report on whether NSW legislation requires amendment to better deal with altruistic surrogacy and related matters.

#### Summary of report/ recommendations:

The report noted the limited regulation of altruistic surrogacy in NSW and the contentious and divisive nature of the issue. The Committee adopted the principle of minimal government intervention, focusing its recommendations on areas where the process could be improved, rather than involving itself in the establishment of suitability and eligibility criteria.

Recommendations were made to improve the process by which parties enter into altruistic surrogacy arrangements, by way of appropriate counselling and legal advice; and to facilitate the transferral of parentage from the birth parent(s) to the intending parent(s).

**Government response:** Due 27 November 2009

### **Inquiry into adoption by same-sex couples**

Referred by:	Minister for Community Services
Date:	27 November 2008
Report date:	Inquiry still proceeding at 30 June 2009
Submissions:	341
Hearings:	2 Full days and 1 half day

#### **Summary of terms of reference:**

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

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

Referred by:	Statutory review under the Motor Accidents (Lifetime Care and Support) Act 2006 (NSW)
Date:	The Committee resolved to commence the inquiry on 19 March 2009
Report date:	Inquiry still proceeding at 30 June 2009
Submissions:	14
Hearings:	1

#### **Summary of terms of reference:**

The Act requires a committee of the Legislative Council to 'supervise the exercise of the functions' of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council. The Lifetime Care and Support Scheme commenced operation in October 2006.

## **Privileges Committee**

### **Citizen's right of reply**

Under standing orders 202 and 203, any person who has been referred to in the House by name, or in such a way as to be readily identified, may make a submission in writing to the President requesting that they should be able to include an appropriate response in the parliamentary record. The President then has the prerogative to refer the submission to the Privileges Committee for inquiry and report.

During the reporting period, the Committee tabled one report concerning a citizen's right of reply. Following a resolution of the House, the recommended reply was incorporated into Hansard. The right of reply was in response to comments made in an answer to a question on notice published in the Questions and Answers Paper.

### **Other activities**

During the reporting period, the Committee met with the members of the Tasmanian Select Committee on Ethical Conduct as part of the Tasmanian Committee's inquiry into ethical conduct.

The Committee also met with the Parliamentary Ethics Adviser, Mr Ian Dickson, in accordance with the resolution of the House of 28 June 2007 appointing the Parliamentary Ethics Adviser.

## Procedure Committee

### Inquiry into limiting debate, tabling of papers when the House is prorogued, absence of a quorum and rules in the galleries

Referred by: Self reference under SO 205(2)(a)

Report date: 12 March 2009

Submissions: 0

Hearings: 0

#### Summary of terms of reference:

The Committee adopted this reference in response to various matters raised by the President, arising in the House and raised by the Clerk.

#### Summary of report/ recommendations:

The Committee recommended that:

- Standing order 198 be amended by way of sessional order to require that the subsequent procedural motion on the suspension of standing orders be put without amendment or debate.
- Standing order 55 be amended by way of sessional order to clarify arrangements for the tabling of documents when the House is prorogued.
- Standing order 106 concerning a question before the House interrupted by the lack of a quorum be amended by way of sessional order to address any inconsistency with SO 176(4).
- The House adopt by resolution of continuing effect rules for visitors to the President's Gallery and Visitor's Gallery.

#### Other comments:

Following the tabling of the report, the above four recommendations were placed on the Notice Paper as Business of the House. Following consultation between the parties, the first three items were adopted by the House on 3 June 2009. The other item relating to rules for visitors remained on the Notice Paper at the end of the reporting period.

## General Purpose Standing Committees

The Legislative Council has five General Purpose Standing Committees (GPSCs), with each committee allocated responsibility for overseeing specific government portfolios. These accountability-oriented committees were appointed in 1997. A distinguishing feature of the GPSCs is that, in addition to receiving references from the House, they have the power to self-refer matters for inquiry. The GPSCs are also distinctive in not having a majority of Government members, thereby reflecting the composition of the House.

The ministerial portfolio responsibilities of each GPSC are outlined in the following table:

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

**General Purpose Standing Committee membership**

Membership of the five GPSCs is summarised in the following table:

Member	Party	GPSC 1	GPSC 2	GPSC 3	GPSC 4	GPSC 5
Ajaka, John	LP			Deputy Chair		
Brown, Robert	S					Member
Catanzariti, Tony	ALP		Member			Member
Clarke, David	LP				Member	
Cohen, Ian	G					Chair
Colless, Rick	N					Deputy Chair
Donnelly, Greg	ALP		Member	Member		
Fazio, Amanda	ALP			Chair		
Ficara, Marie	LP		Member			
Gardiner, Jenny	N				Chair	
Griffin, Kayee	ALP	Deputy Chair			Member	
Hale, Sylvia	G				Member	
Kaye, John	G	Member				
Khan, Trevor	N			Member		
Lynn, Charlie	LP					Member
Mason-Cox, Matthew	LP	Member				
Moyes, Gordon	CDP		Member			
Nile, Fred	CDP	Chair				
Parker, Robyn	LP		Chair			
Pavey, Melinda	N	Member				
Rhiannon, Lee	G			Member		
Robertson, Christine	ALP		Deputy Chair			
Sharpe, Penny	ALP	Member	Member			
Smith, Roy	S			Member	Member	
Tsang, Henry	ALP				Member	
Voltz, Linda	ALP				Deputy Chair	Member
West, Ian	ALP	Member				
Westwood, Helen	ALP			Member		Member

- ALP – Australian Labor Party • CDP – Christian Democratic Party • G – The Greens • LP – Liberal Party
- N – The Nationals • S – Shooters Party

### General Purpose Standing Committee activity

GPSC inquiries are generally initiated by the committees themselves, under their power to make a self-reference. GPSCs may also receive terms of reference from the House. In addition to undertaking inquiries into specific issues, GPSCs are responsible for the annual examination of the Budget Estimates. The activities of the five GPSCs in 2008/09 are summarised in the following table:

	GPSC 1	GPSC 2	GPSC 3	GPSC 4	GPSC 5
Inquiries	2	5	2	2	3
Submissions	0	265	453	185	0
Meetings	16	34	23	15	14
Hearings	12	21	11	9	9
Witnesses	51	145	75	69	55
Public forums	0	0	0	0	0
Forum speakers	0	0	0	0	0
Site visits	0	3	4	0	0
Reports tabled	2	4	2	2	2

### General Purpose Standing Committee No 1 inquiry

#### Inquiry into Budget Estimates 2008-09: GPSC 1

Referred by: Legislative Council  
Date: 5 December 2007  
Report date: 5 March 2009  
Hearings: 11  
Submissions: 0

#### Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Roads, Ports and Waterways, Finance, Infrastructure, Regulatory Reform, The Legislature, Treasury, Premier, Arts.

#### Inquiry into the need for a mini-budget

Referred by: Self-referred  
Date: 24 September 2008  
Report date: 30 October 2008  
Submissions: 0  
Hearings: 1

#### Summary of terms of reference:

Inquire into and report on the need for a mini-budget.

#### Summary of report/recommendations:

The Committee examined the need for a special mini-budget to reflect the changed fiscal outlook for New South Wales.

#### Other comments and background to the inquiry:

The Committee did not call for submissions given the short timeframe for the inquiry.

#### Government response:

The report did not include any recommendations.

## General Purpose Standing Committee No 2 inquiries

### Inquiry into Budget Estimates 2008-09: GPSC 2

Referred by: Legislative Council  
Date: 5 December 2007  
Report date: 3 March 2009  
Submissions: 0  
Hearings: 8

#### Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Health, Central Coast, Ageing, Disability Services, Aboriginal Affairs, Education and Training, Women, Community Services.

### The management and operation of the NSW ambulance service

Referred by: Self-referred  
Date: 15 May 2008  
Report date: 20 October 2008  
Submissions: 96 (120 in 2007/08)  
Hearings: 3  
Site visits: 1

#### Summary of terms of reference:

Inquire into and report on the management and operations of the NSW Ambulance Service, including its management structure and staff responsibilities; recruitment; training and retention; occupational health and safety; and operational issues.

#### Summary of report/recommendations:

Key issues raised during the Inquiry included serious concerns about the Ambulance Service's management and culture, particularly the occurrence of bullying and harassment. The Committee made 45 recommendations. The Committee emphasised that the Minister for Health and Director General of Health are responsible for ensuring that the Service's senior executive are fulfilling their duties.

#### Other comments and background to the inquiry:

The Committee recommended that GPSC 2 conduct a review of the recommendations of the report in October 2009.

**Government response:** Received 4 May 2009



### **Inquiry into the Program of Appliances for Disabled People**

Referred by:	Self-referred
Date:	26 June 2008
Report date:	15 December 2008
Submissions:	77
Hearings:	3

**Summary of terms of reference:**

Inquire into and report on the Program of Appliances for Disabled People (PADP), including adequacy of funding, impact of client waiting lists on other health sectors, effects of centralising lodgement centres, appropriateness and equity of eligibility requirements, and future departmental responsibility for the PADP.

**Summary of report/recommendations:**

The Committee made 21 recommendations. The key recommendations were to boost the program's funding and offer the program on an entitlement rather than eligibility basis. Other recommendations were designed to improve the provision of services and administration to more adequately support the needs of people with a disability.

**Other comments and background to the inquiry:**

In 2006 PricewaterhouseCoopers prepared a report for the NSW Government, following a major review of the program. The NSW Government supported and had begun implementing 21 of the 30 recommendations, including centralising PADP functions.

**Government response:** Received 15 June 2009

### **Inquiry into the governance of NSW universities**

Referred by:	Self-referred
Date:	13 October 2008
Report date:	1 June 2009
Submissions:	35
Hearings:	4

**Summary of terms of reference:**

Inquire into and report on the current state of governance of NSW universities.

**Summary of report/recommendations:**

The report made 12 recommendations to improve university governance in NSW. The Committee recommended greater flexibility for university governing bodies to tailor their governance arrangements to meet their specific needs. Other recommendations included that universities be able to remunerate governing body members and to have access to an effective mechanism to dismiss a Chancellor.

**Government response:** Due 1 December 2009

**Inquiry into bullying of children and young people**

Referred by:	Self-referred
Date:	4 December 2008
Report date:	Inquiry still proceeding at 30 June 2009
Submissions:	57
Hearings:	3
Site visits:	1

**Summary of terms of reference:**

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

**General Purpose Standing Committee No 3 inquiry****Inquiry into Budget Estimates 2008-09: GPSC 3**

Referred by:	Legislative Council
Date:	5 December 2007
Report date:	9 December 2008
Submissions:	0
Hearings:	8

**Summary of terms of reference:**

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09; for the portfolios of Local Government, Mental Health, Police, Lands, Emergency Services, Attorney General, Justice, Industrial Relations, Gaming and Racing, Sport and Recreation, Juvenile Justice, Volunteering, Youth.

**Inquiry into the privatisation of prisons and prison-related services**

Referred by:	Self-referred
Date:	17 December 2008
Report date:	5 June 2009
Submissions:	453
Hearings:	4
Site visits:	3

**Summary of terms of reference:**

Inquire into and report on the impact, costs and experiences of privatisation of prisons and prison-related services in NSW and other jurisdictions.

**Summary of report/recommendations:**

The Inquiry arose after a decision was made by the NSW Government to privatise Parklea and Cessnock prisons and the Court Escort Security Unit (CESU). The Committee made 18 recommendations, which included extending plans to delay privatisation of the CESU, improving transparency and accountability in prisons, and allowing privately run prisons to revert to public management should they fail to meet fundamental contractual obligations.

**Other comments and background to the inquiry:**

After submissions had been made to the Inquiry the NSW Government reversed its decision to privatise Cessnock prison. It re-confirmed its decision to privatise Parklea, and put a six-month hold on the privatisation of the Court Escort Security Service.

**Government response:** Due 5 December 2009

## General Purpose Standing Committee No 4 inquiry

### Inquiry into Budget Estimates 2008-09: GPSC 4

Referred by:	Legislative Council
Date:	5 December 2007
Report date:	5 March 2009
Submissions:	0
Hearings:	6

#### Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Transport, Illawarra, Planning, Redfern Waterloo, Fair Trading, Citizenship, Small Business, Science and Medical Research, Tourism, Hunter.

### Inquiry into the transport needs of Sydney's North-West sector

Referred by:	Self-referred
Date:	29 August 2008
Report date:	19 December 2008
Submissions:	185
Hearings:	3

#### Summary of terms of reference:

Inquire into and report on the requirements and plans for an integrated transport system in the North-West sector; the proposed funding for transport including the distribution of developer and State infrastructure levies; and the plans and funding for the North-West Metro and the NSW Government's decision not to proceed with the North-West heavy rail link.

#### Summary of report/recommendations:

The report confirmed that for some time the North-West sector had been disadvantaged from a lack of significant and adequate public transport infrastructure. The report made 11 recommendations related to continued and improved planning for major rail transport infrastructure in the sector; and for a number of immediate enhancements to road and bus services.

#### Other comments and background to the inquiry:

At the time the inquiry was established the NSW Government was committed to delivering the North-West Metro in preference to its previous commitment to a North-West heavy rail link. Examination of this decision was part of the terms of reference for the inquiry. However, during the course of the inquiry the Government announced that the implementation of the Metro was indefinitely deferred.

**Government response:** Received 23 June 2009

## General Purpose Standing Committee No 5 inquiries

### Inquiry into Budget Estimates 2008-09: GPSC 5

Referred by:	Legislative Council
Date:	5 December 2007
Report date:	November 2008
Submissions:	0
Hearings:	7

#### Summary of terms of reference:

Inquire into and report on the Budget Estimates and related papers for the financial year 2008/09, for the portfolios of Climate Change and the Environment, Commerce, Primary Industries, Mineral Resources, Energy, State Development, Water, Rural Affairs, Regional Development, Housing, Western Sydney.

### Inquiry into the former uranium smelter at Hunter's Hill

Referred by:	Self-referred
Date:	14 May 2008
Report date:	30 September 2008
Submissions:	0 (23 in 2007/08)
Hearings:	2

#### Summary of terms of reference:

Inquire into and report on the Radium Hill uranium smelter site in Nelson Parade, Hunters Hill.

#### Summary of report/recommendations:

The operation of a uranium refinery between 1911 and 1915 in Hunter's Hill resulted in radioactive contamination of the refinery site and nearby properties. The Committee's 12 recommendations addressed the need for thorough retesting of all properties on Nelson Parade and nearby streets, with the cost of remediating all contaminated areas to be borne by the NSW Government.

#### Government response: 26 March 2009

The Government indicated it was either in the processing of undertaking or will undertake all of the Committee's recommendations.

### Inquiry into rural wind farms

Referred by:	Self-referred
Date:	25 June 2009
Report date:	Inquiry still proceeding at 30 June 2009
Submissions:	0
Hearings:	0

#### Summary of terms of reference:

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

## Select committees

Select committees are appointed by the Council to inquire into a particular issue. Joint select committees, made up of members from both Houses, can also be formed by either the Council or the Legislative Assembly. Once a Select Committee reports on the matter that it was established to inquire into, the committee ceases to exist.

There were no select committees appointed by the Council during 2008/09.

## Performance on issues identified in Future Outlook 2007/08

Issues identified in Future Outlook 2007/08	Progress in 2008/09
Continue to strive for excellence in the provision of services to members.	<ul style="list-style-type: none"> <li>• Provided sound advice on a number of high-profile and procedurally challenging inquiries</li> <li>• Produced well-developed policy recommendations in relation to complex and challenging subject matter</li> </ul>
Continue to strive for excellence in making the parliamentary process accessible to the public.	<ul style="list-style-type: none"> <li>• Continued surveys to measure witness satisfaction with the role of committee staff and the committee process</li> <li>• Engaged with visitors and students in Education Department programs and presented to students in the Public Interest Advocacy Centre's 'Practising in the Public Interest' course</li> </ul>
Staff will benefit from the standardisation of committee practices.	<ul style="list-style-type: none"> <li>• Continued consistency of minutes and administrative practices across committees, due to implementation of a standardised minutes template and the Manual on Administrative Practices for Staff of the LC committees</li> </ul>
Staff will become increasingly flexible in their work practices as they are required to work across several committee inquiries simultaneously.	<ul style="list-style-type: none"> <li>• Staff structure continued to meet shifting workloads between committees, maintaining a high level of service delivery to all committees and ensuring an equitable distribution of work between staff</li> </ul>
Staff will continue to maintain their high service standards following changes to staff structure in 2006/07.	<ul style="list-style-type: none"> <li>• Continued to successfully operate with the new staff structure of three rather than four committee directors, while maintaining current levels of support to staff and members</li> </ul>

## Future Outlook 2009/10

Legislative Council committees will continue to strive for excellence in the provision of services to the members and making the parliamentary process accessible to the public. Staff will continue to:

- align committee training materials and procedural advice with NSW Legislative Council Practice
- deliver training programs to, and engage with, members and staff from other Parliaments, with a focus on parliamentary committee systems in the Asia Pacific region
- engage with stakeholders to improve understanding of committee processes, through the delivery of structured workshops and seminars to target groups.

### **Video conferencing facility in Parliament House**

During 2009 several inquiries, particularly involving the Law and Justice Committee, took evidence from interstate witnesses by use of teleconference. Members requested access to video conference facilities, a request raised with the IT section of the Department of Parliamentary Services. In May 2009 a project group was established involving the IT section and committee staff of both the Legislative Council and the Legislative Assembly, to work with a consultant to establish in-house video conferencing facilities. A business case was prepared by the consultant and approved by the Presiding Officers. Equipment was purchased and installed in the Waratah Room for use by committees of both Houses.

An implementation team is currently working on preparing guidelines for use of the facilities and training of staff. These facilities will be used for committee inquiries in 2009/10. Considerable savings in witness expenses are expected, as witnesses will no longer need to travel to Sydney for hearings. These facilities will also enhance the ability to draw upon interstate experience without the need for committee travel.

### **Footage of Budget Estimates**

During the 2008/09 Budget Estimates inquiry the Committee Office contracted Greg Kay Productions to film footage of Estimates hearings. This footage has been edited and is used in various training activities such as training of Legislative Council staff, and members and their staff in Estimates procedures, seminars delivered to staff in the Department of Parliamentary Services and the Legislative Assembly, and training staff from overseas parliaments as part of the Department's capacity building initiatives.

### **Participation in Strengthening Parliament activities**

A feature of 2008/09 was the growing involvement of Committee staff in Strengthening Parliament activities within the Pacific region. Details of these activities are reported elsewhere in the Annual Report.

### **Assistance provided to Queensland Legislative Assembly**

In March 2009 Steven Reynolds, Clerk Assistant Committees was invited to provide expert assistance to a management consultant, Mr Wayne Bovey, in undertaking a review of the Queensland Committee Office. Mr Reynolds attended and assisted in interviews of committee and other parliamentary staff held in the week 16-20 March and provided advice to Mr Bovey in the formulation of his report delivered to the Clerk of the Parliaments, Queensland Legislative Assembly in April 2009. The report's recommendations are currently being implemented.

