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Marking 25 years of the committee system in the Legislative Council

Debate on the motion to mark the
25th anniversary of the modern
committee system in the Legislative Council
19 September 2013





New South Wales

Legislative Council

**PARLIAMENTARY
DEBATES
(HANSARD)**

FIFTY-FIFTH PARLIAMENT
FIRST SESSION

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LEGISLATIVE COUNCIL

Thursday 19 September 2013

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Pursuant to resolution debate to mark the twenty-fifth anniversary of the modern committee system in the Legislative Council proceeded with.

TWENTY-FIFTH ANNIVERSARY OF THE MODERN COMMITTEE SYSTEM IN THE LEGISLATIVE COUNCIL

The PRESIDENT: I welcome into the President's Gallery the Hon. John Johnson, a former President of the Legislative Council. He is here to attend the C25 debate marking the twenty-fifth anniversary of the modern committee system in the Legislative Council.

The Hon. JENNIFER GARDINER [9.38 a.m.], on behalf of the Hon. Duncan Gay: I move:

- (1) That this House notes that:
 - (a) 2013 marks the twenty-fifth anniversary of the modern committee system in the Legislative Council; and
 - (b) the committee system began in 1988 with the establishment of the Standing Committee on Social Issues and the Standing Committee State Development, followed by the establishment of the Standing Committee on Law and Justice in 1995 and the General Purpose Standing Committees in 1997.
- (2) That this House notes:
 - (a) the significant contribution to the committee system made by former and current members of this House, along with the valuable contribution of individuals and representatives of community organisations who have participated in committee inquiries; and
 - (b) that the work of the modern committee system will be celebrated and reflected on at a seminar to be held on Friday 20 September 2013 at Parliament House.
- (3) That this House notes that the work of committees has continued, and will continue, to enable the Legislative Council to effectively:
 - (a) hold the Government to account;
 - (b) allow for community engagement in the parliamentary process; and
 - (c) develop sound policy for New South Wales' citizens.

It is with pleasure that I move the motion to mark the twenty-fifth anniversary of the Legislative Council's modern committee system on behalf of the Hon. Duncan Gay. Further to subparagraphs (a) and (b) of paragraph 2, I place on record my appreciation of the fantastic contributions to the work of the Legislative Council's committees by the staff of those committees throughout those 25 years. The quality of their procedural advice, committee support and report drafting has been absolutely outstanding.

With other current and past members of the Legislative Council, I look forward to participating in events celebrating 25 years of remarkable committee work in this House, including tomorrow's C25 Seminar that will examine how the upper House committee system can hold a government to account, how it produces substantial well-researched bodies of policy addressing wide-ranging issues, and how it engages communities, individuals and organisations in so doing. The seminar will provide an opportunity for participants to take stock and suggest where to from here for the Legislative Council committee system. The Hon. Ron Dyer, who is a

former Labor member of the Legislative Council, was a key player in the establishment of the committees. Responding to Michael Egan's remarks about Ron's impending retirement, Ron said:

The Hon. Michael Egan is someone with whose views I have usually agreed over the years, but I believe that he is profoundly wrong regarding one matter. The Leader of the Government has said that he will remain as a member of this House until 2016 or as long as it takes to abolish the House. I happen to believe in the bicameral system of government, and I think that this House, in particular the committee system of this House, plays a useful role.

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Ron Dyer listed his achievements as a Minister, but stated:

However, I consider that my main achievement was not a ministerial achievement, but the contribution I sought to make to the committee system of this House. In 1986 I chaired the Select Committee on Standing Committees, which was commonly called the committee on committees. That led, in turn, albeit under a Coalition Government—I want to give credit where credit is due—to the establishment of a permanent system of standing committees.

After ministerial service, Ron Dyer chaired the Standing Committee on Law and Justice, which had "produced some significant reports". Indeed, that was so. He lists some of them. He referred to the "incandescent rage" expressed by then Premier Carr at the establishment of the New South Wales bill of rights inquiry. He was probably not the only Premier who has glowed in the dark at what he or she believed were Legislative Council committee trespasses against them. Ron Dyer stated:

However, I was determined to get something out of that exercise.

Consequent upon that inquiry's recommendations, the Regulation Review Committee was upgraded to the Legislation Review Committee, which, of course, scrutinises bills. Quite rightly, though, we still do not have a bill of rights. The first standing committees were the Standing Committee on Social Issues and the Standing Committee on State Development. The latter was established with a particular brief, at the insistence of the National Party, so that a share of the committee inquiries would focus on non-metropolitan issues. That focus has been maintained for 25 years.

Recently the Clerk of the Parliaments, Mr David Blunt, appeared before the Privileges Committee and quoted the former Clerk of the Senate, Mr Harry Evans. In 2006 he wrote about the "remarkable boldness" of the Legislative Council in attacking Executive prerogatives and dragging reluctant governments to account. Harry Evans said the New South Wales Legislative Council has reaped the reward of being more courageous than its Federal counterpart and, indeed, than any comparable House. He said, "It is a world leader in this area; in some respects ahead even of the United States Congress."

I have participated in countless Legislative Council inquiries, site inspections and hearings, and chaired many of them. Like many members, I am sure, undertaking committee work is one of the most rewarding parts of the role of an upper House member. It is fair to say that some of those inquiries have generated committee actions that Harry Evans might describe as courageous and adventurous. Some members on the other side of the House at that time would probably say they were outrageous. They might have been all of those things.

The Orange Grove inquiry by General Purpose Standing Committee No. 4 was one such inquiry. You could write a book about that inquiry alone. Among other things, it was the inquiry in which—for the first time since the formation of the standing committees in 1988—a ministerial staffer was summonsed to appear before a parliamentary committee. That committee went on to invite further ministerial advisers to appear before it, but after that summons was issued they appeared voluntarily.

The same applied to Mr Frank Lowy, who was desperate to appear by videolink from London rather than have to return to Sydney to appear in person before the committee. However, the committee was insistent. In the end Mr Lowy's lawyers gave up and he appeared voluntarily in the Jubilee Room. The Orange Grove inquiry brought so many riveting revelations that at one hearing Quentin Dempster's *Stateline* crew missed a big story as they had packed up and gone home. Quentin was unimpressed and for the rest of the hearings there was a permanent television camera filming every second of the public proceedings, which kept *Stateline* supplied with ample clips for many more episodes.

One of the earliest general purpose standing committee inquiries that microscopically followed up on budget estimates hearings was that which inquired into rural and regional health services. It engaged communities by conducting public hearings in Lismore, Wagga Wagga, Kempsey, Armidale, Bathurst, Albury, Griffith, Deniliquin and Parliament House. The inquiry examined the financial management and the budgets and

estimates for the 10 area health services in regional New South Wales and the implications of those financial positions for the delivery of health services. Health professionals galore were only too keen to appear at hearings to aid a long overdue expose of a failing rural health system. At one hearing, the Minister for Health vigorously defended the Government's performance, but was shifted out of the Health portfolio to the Planning portfolio at the next reshuffle.

The General Purpose Standing Committee No. 4 inquiry into Pacific Highway upgrades generated large public galleries at hearings in Lismore, Ballina, Byron Bay, Murwillumbah and Coffs Harbour. At Coffs Harbour a larger venue had to be found at short notice, such was the public interest in the issue. There were deficient public consultation processes at the Roads and Traffic Authority in planning the routes for the massive works needed for the highway duplication. It meant a great deal to people and businesses affected by those plans that the Parliament, via a general purpose standing committee, reached out to them, made site visits and heard their pleas for genuine consultation and consideration, which led to some cultural and practical change at the Roads and Traffic Authority.

The closure of the Casino-Murwillumbah rail service inquiry by the General Purpose Standing Committee No. 4 held public hearings across the Northern Rivers. Again, large crowds of observers came to watch the work of the committee at each centre. The General Purpose Standing Committee No. 4 inquiry into the transport needs of Sydney's north-west sector presaged one of the core infrastructure commitments of the O'Farrell-Stoner Government, the North West Rail Link project, which will now come to fruition.

Some of the committees have conducted heart-wrenching inquiries that are painful for the witnesses as they voluntarily unburden themselves—but oftentimes cathartic—and sad for committee members. This could be said of the Standing Committee on Social Issues inquiry on adoption information, chaired by the Hon. Max Willis, the recommendations of which were translated into law by the National Party Minister for Community Services, the Hon. Robert Webster. Another was the adoption practices inquiry, which many years later resulted in the apology to those affected made in this Parliament last September. Witnesses at the medically acquired AIDS inquiry and the recent General Purpose Standing Committee No. 2 inquiry into drug and alcohol treatment and services told their heart-breaking stories in the hope that policies might be developed and implemented so that other families might be spared the grief of parents of young people who have died from drug overdoses or illness.

In a different vein, I refer to the inquiry into Badgery's Creek land dealings and planning decisions. At the commencement of the first hearing of that inquiry I made extensive remarks about the sub judice rule and the need for committee members to exercise caution so as to avoid possibly prejudicing the police investigation of the murder Mr Michael McGurk. This did not deter Ms Sylvia Hale, The Greens member on that committee.

The Hon. Mick Veitch: Best question ever.

The Hon. JENNIFER GARDINER: Out of respect for current court proceedings, I will not go over that ground now. Suffice it to say, Sylvia ploughed in and I ruled a certain question out of order. It may be that it was the best question ever asked, but I understand that the Clerks informally refer to that as the most famous ruling out of order so far made in the history of the modern committee system. I have so many memories about the committee system, but so little time left to speak. The committee work that all members are allocated to undertake as part of their work in this House is significant. With colleagues and staff I look forward to celebrating the important role that the Legislative Council committees have played in the last 25 years.

I acknowledge the massive amount of work that has gone into and been produced by those inquiries. I acknowledge the members instrumental in getting them up and running, such as the Hon. Max Willis and the Hon. John Hannaford, and the support provided by successive Presidents, including you, Mr President, and the Hon. Johnno Johnson. I acknowledge the Clerks of the Legislative Council, who have overseen the resourcing and procedural framework in which the committees have thrived. I am sure that all members of the Legislative Council look forward to examining in coming days how the Legislative Council committee system might best robustly serve our democracy for the next 25 years.

The PRESIDENT: I welcome to the President's Gallery our former Clerk of the Parliaments, Mr John Evans, PSM, and a former member of the House, the Hon. Elisabeth Kirkby.

The Hon. LUKE FOLEY (Leader of the Opposition) [9.48 a.m.]: The first Legislative Council committee was appointed on 31 May 1825. Three of the five members of the Legislative Council were asked to

investigate the subject of the female factory at Parramatta. Further committees were established in the 1820s and 1840s. Following the advent of responsible government in 1856 the Legislative Council established at least 11 select committees.

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With the introduction of a bicameral legislature, joint committees in the Legislative Assembly were also established. Legislative Council select committees continued during the twentieth century. Today we are celebrating the twenty-fifth anniversary of the modern committee system of the Legislative Council. Why did that modern committee system not take shape before 1988? The modern committee system of the Australian Senate took shape in 1970. The former leader of the Labor Party in the Australian Senate, Lionel Murphy, is often credited with being the father of the Senate committee system. I think of him as the midwife who delivered the system and I think of Jim Odgers as the father of the Australian Senate system.

Jim Odgers went on a United States study trip in 1955 to study the Congressional committee system in the United States. Jim Odgers was then the Deputy Clerk of the Australian Senate and it was a very unusual act by him. Australia's Parliaments had always looked to the United Kingdom. In this place we are fond of talking about our Westminster system and our Westminster traditions. The truth is that the Westminster tradition has involved a large degree of power for Executive government. Odgers looked beyond the Westminster system to the American system of Congressional committees. For all the talk of Murphy being a left-winger, it was Murphy's admiration for all things American that led him to take a close interest in the system of Congressional committees that operated in the United States. No discussion of the modern committee systems in Australian upper Houses should let go unacknowledged the roles of Jim Odgers and Lionel Murphy—I think of them respectively as the father and the midwife of the modern committee system.

The modern committee system was adopted by the Australian Senate by two resolutions, both carried by only one vote. Why did it take this House a further 18 years to adopt its modern committee system? We need to go back to the reconstitution of the Legislative Council in 1978. The gradual replacement of those members indirectly elected prior to 1978 by 15 directly elected members at the 1978, 1981 and 1984 elections meant that it took until 1984 for this House to be fully reconstituted as a House whose members were directly elected by the people. In 1985 the Parliamentary Remuneration Tribunal determined that members should be paid a full-time salary. The evolution of the Legislative Council from a Chamber comprised of indirectly elected, part-time members to a Chamber comprised of directly elected full-time members made it possible for a modern committee system to be established.

On 28 February 1985 the Leader of the Government in the Legislative Council, the Hon. Barrie Unsworth, moved a motion establishing the Select Committee on Standing Committees of the Legislative Council. That motion was welcomed by members of the then Liberal-Nationals Opposition. The committee held 51 meetings between March 1985 and November 1986. When it reported to the House in November 1986, the Hon. Barrie Unsworth was no longer Leader of the Government in the Legislative Council; he was a member of the other place and Premier of the State. The committee had looked at the Australian Senate's system of committees. One of the witnesses to appear before the committee was Jim Odgers.

I acknowledge the role of my Labor colleague the Hon. Barrie Unsworth in initiating the Select Committee on Standing Committees of the Legislative Council and of Ron Dyer, who was chairman of that committee. I also acknowledge the genuine commitment of senior Liberal Party members of this House in the late 1980s to the implementation of a Senate-style committee system, in particular Max Willis, John Hannaford and Ted Pickering. To their credit, the leading Liberal Party figures in this Chamber maintained their commitment to a modern committee system when the Coalition formed the Government in 1988.

In short, the most important recommendation of the select committee was for the establishment of four adequately resourced standing committees. Two were established in 1988 under the then Coalition Government and a third followed in 1995 after the election of the Carr Labor Government. Those three standing committees continue today, conducting inquiries into significant, difficult and controversial issues. The parallel stream of standing committees—the five General Purpose Standing Committees—were created in 1997. The ministerial portfolios are split up between those five General Purpose Standing Committees. They conduct inquiries into portfolio-related matters and they perform the scrutiny function of budget estimates. In the very short time available to me, I want to talk about that scrutiny function.

A fundamental tenet of our democratic system is that the Executive government is responsible to and answerable to the Parliament for everything it does. I believe, in order to perform our proper role of scrutinising

and holding accountable the Executive government, this House will need to push the boundaries out when it comes to our estimates process. I agree with the views of the Government Whip on this. He has much experience in the arena of Senate estimates. The current estimates process of this House provides for insufficient scrutiny of Ministers and departments. I do not seek to make a partisan political point in saying that. It may well be that it was the former Labor Government that ensured that the estimates process of this House is curtailed and provides for insufficient scrutiny.

When I last checked the Senate estimates process I noted that there were eight estimates committees, meeting four at a time, three times a year. When one compares our system, it is revealed as grossly insufficient. Members of the Opposition and members of the crossbench get perhaps 20 minutes to scrutinise a senior Minister with an annual budget in the billions; if they are lucky, they get two lots of 20 minutes; and if they are extremely lucky, they get three lots of 20 minutes. There is much more we can do to push the boat out in the effective operations of our estimates committees.

The Legislative Council's key role is scrutiny and review. I submit that the test of an effective committee system is that it enables an upper House to conduct inquiries into matters independently of the Executive government. The subjects most worthy of parliamentary inquiry are almost always in the areas where the Executive government of the day wishes to avoid inquiry and would prevent it, if it were able to do so. The Legislative Council's key role is scrutiny and review. New South Wales Ministers, public servants and ministerial staff should ask themselves this question when they are going about their work each day: Will this act survive scrutiny at a Legislative Council General Purpose Standing Committee or select committee? The accountability mechanism that is at the heart of the Legislative Council's modern committee system deserves the ongoing support of all sides of politics. That accountability mechanism is in the interests of both the Government and the Opposition and is in the interests of the people we serve.

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The PRESIDENT: I welcome to the President's gallery Reverend Dr Gordon Moyes, another former member of the Chamber who is joining us for this debate today.

Reverend the Hon. FRED NILE [9.59 a.m.]: On behalf of the Christian Democratic Party I am pleased to support the motion of the Hon. Duncan Gay, which states:

- (1) That this House notes that:
 - (a) 2013 marks the twenty-fifth anniversary of the modern committee system in the Legislative Council, and
 - (b) the committee system began in 1988 with the establishment of the Standing Committees on Social Issues and State Development followed by the establishment of the Standing Committee on Law and Justice in 1995 and the general purpose standing committees in 1997.

The motion goes on to state appreciation of all members of the House who have served on those committees. I add my personal thanks to all members of the various committee secretariats since 1988 who have served and provided assistance to those committees to carry out their role. Without those secretariats the committee system would not be as effective as it has been in this House. The motion continues:

- (3) That this House notes that the work of committees has continued, and will continue, to enable the Legislative Council to effectively:
 - (a) hold the Government to account;
 - (b) allow for community engagement in the parliamentary process; and
 - (c) develop sound policy for New South Wales' citizens.

As members know, the Legislative Council is the House of review. The committee system has been one important, perhaps the most important, way the Legislative Council carries out its role as a House of review. Importantly, committees must operate in a bipartisan way, which is not always possible. I am pleased that over the years I have had favourable comments from secretariat members serving those committees. I have chaired at least 21 inquiries and one day secretariat members told me, "We call your inquiries the smiling committee." I asked, "Why do you call it the smiling committee?" They replied, "Well, usually the members of the committee retain a happy attitude and are smiling during the inquiry." That is not always true of other committees where, perhaps, there is more personal conflict.

I am very pleased that with God's help I have been able to promote a consensus to have committees work together to achieve an outcome rather than to score political points. That is a very important aspect of the committee system. The temptation is for Oppositions—whether Liberal or Labor—to use the committee system for particular political purposes, which undermines the committee system. It is very important to maintain the bipartisan aspect in our committee systems. Committees are not established to score political points; they solve problems that in the long run will help the Government be more effective and also meet the needs of the people of New South Wales.

I am pleased that from the very beginning and over the years I have had the opportunity to serve on the Standing Committee on Social Issues, which is a new experience for all members. I am pleased that it was able to bring about changes in government policy. Some important aspects of being a bipartisan committee include being able to bring in new and effective adoption laws in New South Wales and resolving compensation for individuals who had acquired AIDS through medical procedures, such as blood transfusions et cetera, which were very controversial issues. I had the opportunity also of serving on the Standing Committee on Law and Justice in a number of inquiries into the Motor Accidents Authority, insurance and compensation, and finally serving on the Standing Committee on State Development dealing with new planning laws for New South Wales.

Often members of the public do not realise the comprehensive committee system in the Legislative Council. I have had the privilege of serving on the Privileges Committee since its commencement in 1988 and which has played a valuable role in this Parliament; the Procedure Committee, formerly known as the Standing Orders Committee; the various standing committees to which I have referred already; the five general purpose standing committees that were established in May 1997 on which all members of Parliament serve; various select committees established to consider specific matters referred by the House; statutory committees on which members of this House serve, such as the Committee on Children and Young People; the Committee on the Health Care Complaints Commission; the Committee on the Independent Commission Against Corruption; the Legislation Review Committee; the Committee on the Office of the Ombudsman, the Police Integrity Commission and the Crime Commission; and the Joint Committee on the Office of the Valuer-General.

All of those committees play an important role in the work of this House as well as joint committees established for particular purposes, such as the Joint Standing Committee on Road Safety, known as the Staysafe Committee; the Joint Standing Committee on Electoral Matters; and the Joint Select Committee on the Cross City Tunnel, which I had the privilege of chairing. In fact, there was also the inquiry regarding the Lane Cove Tunnel, which was interesting for committee members because they were able to stand in the tunnel during construction to investigate the ventilation system that was to be incorporated within it; the Joint Select Committee on Tobacco Smoking; and the Joint Select Committee on the Royal North Shore Hospital established in October 2007, which I had the privilege of chairing and which, hopefully, brought about some recommendations to assist the hospital system in this State.

The general purpose standing committees play very important roles in this House and I chaired an inquiry by General Purpose Standing Committee No. 1 prior to the Olympic Games concerning, members may remember, the deal of controversy over Olympic Games ticketing arrangements. General Purpose Standing Committee No. 1 was given the task of resolving that very complicated issue. Mr Michael Knight, who was the Minister responsible, thanked me for, he said, saving the Olympic Games. He said that at one point quite a state of confusion had been reached. General Purpose Standing Committee No. 1 then held another inquiry into the Olympic Games budgeting. Other important inquiries I chaired included one into multiculturalism. That committee's report laid out the policies the Government adopted regarding multiculturalism in New South Wales. I chaired an inquiry that dealt with the New South Wales workers compensation scheme. A number of other inquiries were held in 2001 and 2002 that I believe helped to bring about a fairer workers compensation system in this State.

The inquiry into serious injury and death in the workplace was held, obviously, in cooperation with the union movement in this State and, again, I believe brought about positive changes on behalf of the workers of this State. Perhaps the most controversial inquiry I chaired was the gentrader transactions inquiry in February 2011. Despite every attempt by the then Labor Government to prevent that inquiry, even to the extent of proroguing Parliament—President Amanda Fazio had to hold an inquiry to determine whether a committee can meet when Parliament has been prorogued because it was assumed that the reason for prorogation was to stop the committee meeting—I insisted that the committee continue its role. Eventually my argument was upheld and the committee conducted its inquiry following the proroguing of Parliament. That was very historical: it had never happened before and, hopefully, will never happen again.

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I believe that inquiry was important and brought out valuable information. The other inquiries that I chaired were a Joint Select Committee inquiry into Royal North Shore Hospital—hopefully the recommendations improved the hospital system in this State—the Select Committee on Electoral and Political Funding, and the inquiry into the Closure of the Cronulla Fisheries Research Centre of Excellence, which neither the Government nor the Minister appreciated. I believe that the Cronulla Fisheries Research Centre of Excellence should not have been closed down but should have continued its important role in serving New South Wales. I thank the House for the opportunity to serve on those committees.

The Hon. WALT SECORD [10.10 a.m.]: As Labor's shadow Special Minister of State, I make a contribution on the motion recognising the twenty-fifth anniversary of the establishment of the modern committee system in the New South Wales Legislative Council. I indicate publicly my support for the role of modern committees in the parliamentary process. I believe they are important for three key reasons. First, they allow community engagement in the parliamentary process by oral and written submissions. While citizens may observe proceedings from the visitors' gallery, they cannot directly address the Chamber. An organisation or individual can lodge a submission or appear before a committee and provide evidence and explain to a committee why a particular legislative approach is supported or opposed.

Secondly, committees play an important role in the development of sound evidence-based policy. Committees allow for a level of scrutiny and exploration of issues that upper and lower Houses seldom allow. The Westminster system is adversarial by its nature. However, the committee system is flexible. It can be inquisitorial and, in some cases, almost conversational when it comes to hearing evidence. Unfortunately, this Chamber rarely allows space for such exploration of policy matters that we would like. Hence, the ability to refer policy matters to a committee creates a third space for the examination of policy matters. Thirdly, committees of the Legislative Council play a significant role to ensure the accountability and scrutiny of Executive Government. I believe this is the most important role of the modern committee system.

The Legislative Council's modern committee system is essential to the overall role as a House of review in our bicameral system. We often find ourselves moderating the excesses of Executive Government. Indeed, this was the very purpose of the original New South Wales Legislative Council, which reported directly to the Governor of the day. This was decades before the creation of the Legislative Assembly. I go further and say that more accountable, effective and reflective laws are created due to our bicameral system. A State Government and its Executive that is compelled to navigate its legislation through a House of review, where it does not enjoy a solid overall one-party majority, creates better laws. I have come to that conclusion as a result of working in Opposition and Government. It is evident that the voters of New South Wales share a similar view. Rarely do they deliver an absolute majority to one political party in both chambers.

Former Legislative Council clerks Ms Lynn Lovelock and Mr John Evans, who is here today, in their book *New South Wales Legislative Council Practice* state that the history of committees dates back as far as 1586 in the British Parliament. Committees are part and parcel of the Westminster system. Ms Lovelock and Mr Evans say that the first committee of the New South Wales Legislative Council was established on 31 May 1825, which was less than a year after the appointment of the first Council in August 1824. More than 188 years later, committees are still evolving and being reshaped and improved by the Legislative Council. The modern committee system continues to find new and innovative ways to keep the Executive Government in check in New South Wales. For example, in May 1997, General Purpose Standing Committees [GPSCs] were created to ensure oversight of specific government portfolios and a rigorous budget review process. This is about keeping the Executive, including the Premier and his Ministers, accountable for their decisions on expenditure.

Even this month we see the continuation and evolution of the modern committee system as a mechanism to achieve new levels of accountability. I refer to the recent establishment of the Select Committee on Ministerial Propriety in New South Wales. I note that advertisements appeared yesterday calling for submissions. Central to its deliberations will be the issue of "ministerial responsibility to Parliament, including the doctrine of individual ministerial responsibility". This will be a timely analysis of the Executive's performance against the longstanding Westminster convention of ministerial accountability. Under this convention, a Minister bears responsibility for the actions of his or her Ministry or department. Ultimately, Ministers are accountable for the department's successes and failures.

Essential to this accountability is that Ministers must resign if they have misled Parliament or failed to correct the record at the first possible opportunity. Unfortunately, this longstanding convention has been ignored

recently. I hope the work of this new Committee will serve to remind the Executive of its ministerial responsibilities. The current developments remind me of the New Zealand Minister for Railways and Public Works, Robert Semple, who in 1943 refused to resign over the construction of a railway tunnel. His historic defence—"I am responsible but not to blame"—is an infamous one that immediately comes to mind. But I digress. I return to the motion.

Since the beginning of the Forty-ninth Parliament in 1988, when a modern committee system was established in this Chamber, the New South Wales Legislative Council has conducted more than 300 inquiries. I will not list them, but I will give a quick summary to show their wide range. They include: suicide in rural New South Wales; spent convictions for juvenile offenders; New South Wales prisoner population numbers; recreational fishing; schoolchildren safety around buses; mandatory life sentences; adoption practices between 1950 and 1988; medical negligence; a New South Wales bill of rights; whistleblower protections; same-sex marriage; overcoming Aboriginal disadvantage; local government amalgamations; surrogacy; and the broadcast of parliamentary proceedings.

The Hon. Luke Foley: And agistment of horses.

The Hon. WALT SECORD: And Yaralla Estate. Since 1991, in various capacities, I have closely followed the New South Wales parliamentary process. While this House, under section 5A of the Constitution Act 1902, is unable to block annual appropriation bills from the Legislative Assembly, it has the power to amend and reject legislation when it deems the Executive has clearly exceeded its authority. In the last 2½ years, I have noticed there has been an unfortunate move to reduce the role of the Legislative Council as a House of review. It appears the Executive wants to reshape the Legislative Council into a pale version of the Legislative Assembly. That is a retrograde step. The Legislative Council is a House of review and it must remain a House of review. The Legislative Council, as the original House in New South Wales, plays an important role as a protector of our unique form of democracy.

In conclusion, I acknowledge the important role that the modern committee system plays to protect responsible and representative democracy in New South Wales. On a personal note, I take this opportunity to mention that this twenty-fifth anniversary motion coincides with a personal twenty-fifth anniversary. Yesterday marked the twenty-fifth anniversary of my arrival in Sydney. I have lived longer in Australia than Canada. I owe so much to Australia. It has given me a wonderful life and so many opportunities. My greatest honour was becoming a legislator in the State's first and oldest legislative body and serving in the State's House of review. I commend the motion on the twenty-fifth anniversary of committees to the House and thank the House for its consideration.

The PRESIDENT: I welcome the Hon. Max Willis, one of my predecessors, to the President's Gallery. Welcome to the Legislative Council today for this debate on the twenty-fifth anniversary of the modern committee system in which you played a key role as one of the first chairs.

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The Hon. MARIE FICARRA (Parliamentary Secretary) [10.19 a.m.]: I enthusiastically support this motion. We have reached the twenty-fifth anniversary of the modern committee system in the Legislative Council. This system has provided immense, wideranging and tangible benefits to New South Wales governance and democracy. The first elements of this modern committee system arose out of the electoral promises of the Greiner Government in the late 1980s. These first steps can now be seen as the beginning of a historical sequence that would reinforce and entrench the role of the Legislative Council as a House of review and deliberation. To cite a statement of Liberal Party policy from 1988, the Greiner Government aimed to:

Establish an effective committee system of both Houses of Parliament, similar to that in the Australian Senate to deal with specific bills as well as subjects of general concern.

The Government delivered on its promises by establishing the Legislative Council Standing Committee on State Development and the Legislative Council Standing Committee on Social Issues early in the life of the Forty-ninth New South Wales Parliament. The upper House committee system has expanded substantially over the years, developing new institutions which have become key components of the legislative process in New South Wales. The establishment of the Legislative Council Standing Committee on Law and Justice in 1995 and the five general purpose standing committees in 1997 signalled the consolidation of a dynamic and healthy ensemble aimed at formulating sound policy and auditing the performance and activity of the Executive. The establishment of numerous Legislative Council select committees, as well as joint select and joint standing committees since 1988, along with the multiplication of the conduct of inquiries and of the tabling of reports, is testament to the vibrancy, transparency and accountability of the committee system.

Prior to 1988, Legislative Council committees almost exclusively concerned themselves with the analysis of bills before the House. The establishment of the new committee system expanded the purpose and scope of Legislative Council committees in three important directions. First, the new system greatly improved the legislative process through the greater deployment of an instrument—the committee inquiry—which allowed extensive amounts of time and effort to review issues that had fallen under legislative scrutiny. It was the careful and prolonged examination of specific issues, especially complex issues, which allowed the compilation of thorough committee reports, informing members of findings and, in turn, permitting the delivery and reception of informed recommendations for policy development. These reports have been delivered with a high degree of analytical excellence and have contributed to the making of sound policy and the development of effective governance.

Secondly, the committee system ushered in an important new dimension in the oversight of the Executive, and the accountability of the Executive in relation to its decision- and policy-making powers increased under the new committee system. It also afforded increased transparency of the legislative and executive processes in New South Wales. The general purpose standing committees and in particular their estimates hearings, via the direct questioning of Ministers and their senior departmental officers, have delivered thorough audits of government policy, performance and influence. These insights were then made available to members, the Government and the general public.

Thirdly, the increased activity and scope of Legislative Council committees gradually redefined, in part, the environment in which the Legislative Council would exercise its functions. Through the very nature of committee inquiries, the Legislative Council's modern committee system has come to involve and integrate the general public of New South Wales much more deeply into our legislative process. The extensive provision of testimony at committee hearings has allowed community participation into the affairs of Parliament to a degree which otherwise would have been unforeseeable. The very nature of the political set-up of the Legislative Council has been altered through committee procedures. The bipartisan, crossbench and balanced leadership of committee hearings has enhanced the status of the Legislative Council as a House of genuine legislative review, with members concerned with the search for factual accuracy and sound solutions as part of their committee roles.

The establishment of the Legislative Council's modern committee system represents a momentous development in the legislative history of New South Wales and in the shaping of the Legislative Council. I am proud to have played a part in this history of sound policy-making, executive accountability and community participation through my personal involvement in committees over the years. I am honoured to have served as a member of committees dedicated to a variety of important purposes—four committees in the Legislative Council and three committees as a member of the Legislative Assembly. I have been honoured to serve and chair General Purpose Standing Committee No. 2 since May 2011, and to have overseen the auditing of Executive performance for more than two years in areas as diverse and crucial as health care, medical research, education, women's issues, sports and recreation, family and community services and disability services.

Since its establishment General Purpose Standing Committee No. 2 has reported on a variety of issues. It started with a special report on a possible contempt of the committee system. This was followed by a report on rural and regional New South Wales Health services. Then came reports into rural doctors, aged care and mental health services and disability advocacy funding. Other reports of General Purpose Standing Committee No. 2 included: Quality of care for public patients and value for money in major non-metropolitan hospitals in New South Wales; complaints handling within NSW Health; the operation of Mona Vale Hospital; post-school disability programs; health impacts of air pollution in the Sydney Basin; review of inquiry into complaints handling within NSW Health; the operations of the Home Building Service; the management and operation of the Ambulance Service of NSW; the program of appliances for disabled people; governance of New South Wales universities; bullying of children and young people; review of the inquiry into the management and operations of the Ambulance Service of NSW; the provision of education to students with a disability or special needs; Building the Education Revolution program; the Education Amendment (Ethics Classes Repeal) Bill 2011; and drug and alcohol treatment. I am proud to have taken part in some of those inquiries.

I am assured of the importance and benefits of this vibrant, democratic committee system from my experience as a member in both Houses of this Parliament, a committee member—both in Government and in Opposition—and a member of the public. I believe the twenty-fifth anniversary of the modern committee system comes at an opportune time for us to recollect, reflect and reconsider committee proceedings in order to make them more efficient for decades to come; and that we may further build on an impressive and important

system for legislative review and executive superintendence. I encourage honourable members to attend the C25 Seminar marking 25 years of the committee system in the Legislative Council to be held at Parliament House tomorrow, 20 September 2013. This involvement will assist in providing insights into future improvements to the Parliament and the Legislative Council committee systems.

I thank all in the legislature, both present and past, and especially those seated in the President's Gallery today, who have played their part in committee proceedings in this Parliament. Their dedication and service contributes immensely to the conduct of effective democratic governance. I thank also members of staff who have followed, supported and enabled committee proceedings for the past 25 years. Finally, unending praise needs to be directed to members of the general public, organisations and community groups across New South Wales who have provided insight into their lives, professional interests and social and economic concerns, and so have provided important testimony in the course of committee hearings. As servants of the people of New South Wales, we have a duty to listen; the committee system has brought us closer to that objective. I commend the motion to the House.

The PRESIDENT: I welcome to the President's Gallery Mr Les Jeckeln, a former Clerk of the Parliaments, who is here for the debate marking the twenty-fifth anniversary of the modern committee system in the Legislative Council.

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The Hon. ROBERT BROWN [10.29 a.m.]: I am grateful to be part of this assembly today and to stand in this Chamber and add my 10 cents worth to this debate and the contributions being made by members of this Parliament, the oldest Parliament in our nation. I note that many members talked about the history of the committee system, and definitions of what Parliament is and why we are here. I also note the contribution of the Hon. Marie Ficarra in which she reminded us that tomorrow we will have a full day of debate, conjecture and opinion backwards and forwards to discuss some of the issues and where we go from here. There is no doubt that this institution has a proud history. It has played an enormous role and, in an evolutionary manner, an increasing role in the good governance of this State.

The Shooters and Fishers Party is a small crossbench party which I think has carried its weight in the committee system. Our founder and first member of Parliament, the Hon. John Tingle, was on the Joint Standing Committee on Road Safety from his election in 1995 through to his retirement in May 2006—that is, over 11 years. When I came into this place to replace John upon his retirement, he was very vocal in his advice to me that I should also undertake committee work as part of the duties of a member of this House and also to inform myself better about the operation of Parliament and its procedures. In 2007 we had a second member elected, the late Roy Smith, and as such were able as a party to participate in a greater number of committees.

My colleague the Hon. Robert Borsak and I participate in a number of current committee inquiries. I have to admit that I do enjoy the committee work. Both Robert and I live in Sydney so it is fairly easy for us to make ourselves available to those committees. Many members in this House have some distance to travel and when they undertake committee work—as they must because only a limited number of people are available to sit on committees—it is quite a workload for some of them. As the chair of a committee my view of my colleagues—that they are diligent people who work hard—is continually reinforced. Sometimes the public do not seem to recognise that, but that is probably our fault not theirs.

The rest of my written speech refers to the relativities between this House and the other place. We have some distinguished guests in the President's gallery this morning so I will discard the last two pages of my written speech and continue to talk off the cuff. Today we are talking about the history of the committee system and where we stand in the mix of parliaments. I note that behind the President is the heraldic emblem of the State of New South Wales and, to the left and to the right of the President, flags representing the State and Federal governments. They are there to remind us why we are here. We also remember the oath that each of us took upon entering Parliament. It behoves us all to behave in a manner that upholds the standards of these reminders we see before us every day.

The modern committee system has done the people of New South Wales a great service—I do not think there is any argument about that from either side of Parliament or from the crossbenches. Tomorrow the debate will be more about where we go to from here. We heard a contribution today from the Leader of the Opposition in which he talked about wanting to see a more robust system of committees and referred to the way in which our colleagues in the Federal Parliament work with their committee system—that may or may not come to pass. My view is that we should probably move forward and not just stand still. We need to uphold the traditions of this place. At the same time, the current Legislative Council has the opportunity not only to repeat history but

also, perhaps, to make some history. Tomorrow I will be making a more thorough contribution on this issue so I will not canvass all my views today.

I want to put a couple of things on the record today. I feel that, like all government, sometimes the committees of this House are constrained by a lack of budget. I have done a bit of research on that so I will talk about it tomorrow. I cannot speak for the other House, but I have sat on joint committees. Committees could not exist and would be irrelevant were it not for the accurate and diligent work of the committee secretariats. Without their work we would just be, like we are often in this House, flapping our gums across the Chamber without necessarily having a lot of research behind what we are saying. The Hon. Walt Secord made the point that committees also give the voters in this State an insight into the work of the Parliament. It gives them an opportunity to have their say in a public forum where they are protected by privilege—as we are every day in this Chamber. I think it is also sometimes an education for the members themselves to sit there and listen to the views of a wide range of constituents.

I have chaired some controversial committees. The coal seam gas committee was rather interesting. The one thing I took away from that committee was a sense that the people who gave evidence at the hearings of that committee were grateful that they as ordinary citizens had a chance to have their say. Sometimes people gather out the front of this Parliament to have their say, generally with slogans. But being able to sit in front of a committee of the Parliament and to address one's concerns directly to a formal parliamentary body, to have those concerns recorded for posterity in *Hansard* and to have one's submission honestly considered is of enormous importance. Of course the diversity of opinion means that not all opinions can be represented in the outcomes of those committees.

Having been a member of Parliament and a member of a number of committees for some time I can also now start to see some trends in the way in which governments of various colours respond to committee recommendations. Generally speaking, it supports my growing view that the recommendations of committees provide executive governments of the day—even though they may not necessarily be happy with the committee system or even the existence of this House of review—with information and/or viewpoints that perhaps they had not considered. Bear in mind that governments have a great deal of time pressure on them to get policy into place and to get things built, changed, pulled down or whatever. So I think I can point to evidence that the committee system, particularly in New South Wales and particularly in this House, bears fruit when it comes to informing the Executive Government. Many pieces of legislation are varied after committee deliberations. In closing, I take pleasure in congratulating the committee staff with whom I have worked on their professionalism, dedication and expertise. I commend this motion to the House.

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The PRESIDENT: I welcome to the public gallery a delegation of officials from the China Power Investment Corporation, guests of the member for Oatley.

The Hon. PETER PRIMROSE [10.39 a.m.]: I will make only a brief contribution to the debate on this important motion to acknowledge the twenty-fifth anniversary of the modern committee system. Firstly, I join with the House in welcoming the esteemed former Presidents, Clerks and members of this House who have taken the time to be here today in recognition that this is more than a symbolic discussion. It is hoped that it is the beginning of a broader discussion about the direction in which we want our committee system to go. I commend and acknowledge the former speaker, the Hon. Robert Brown. I concur with most if not all of his sage comments about the committee system and, in particular, the important role played by the secretariat in the successful operation of committees.

On a number of occasions in the past in this place I have spoken about the development and importance of our committee system. In discussing the direction the committee system may take in future I will reflect on an aspect of one committee of which I was a member. As a neophyte member of this House back in 1998—which seems like a million years ago and some people would say it is—I was appointed to the Standing Committee on Social Issues. We were tasked with looking into and reporting on the scourge of hepatitis C. The report the committee ultimately produced was entitled, "Hepatitis C: The Neglected Epidemic. Inquiry into Hepatitis C in New South Wales", and it was presented to the House on 11 November 1998.

In my various roles I often have time to reflect on not only the outcome of that committee but also how the procedure was conducted. The committee report was more than 400 pages in length and contained a multitude of recommendations, most of which were accepted by the Government of the day in its policy development of the approach to hepatitis C. The committee process achieved what we hope all committees will

achieve. That is, the committee did its job and provided a substantial outcome for the people of New South Wales.

I have always wondered why that Standing Committee on Social Issues was so successful. What was it about that early committee that made it work? Firstly, it had good staff and there was a preparedness by all parties to see it work. The committee sought widespread involvement from community members and some very good people were members of the committee. Over its lifetime the membership of the committee changed a number of times. Indeed, as a consequence of an election which was inconveniently held in the middle of its deliberations, the chairperson of the committee changed. They may be unknown to some people, but the committee was made up of such people as the Hon. Jan Burnswoods, the late Hon. Dr Marlene Goldsmith, the Hon. Dr Arthur Chesterfield-Evans, the Hon. James Kaldis and the late Hon. Doug Moppett, who I believe was one of the greatest orators in this House and had the respect of the entire Parliament.

Other members included me, the Hon. Carmel Tebbutt, the Hon. Ann Symonds, the Hon. Dorothy Isaksen and the Hon. Elisabeth Kirkby from the Australian Democrats. It is clear that the committee members represented a diverse range of opinions and views. People came to the committee with a lot of preconceptions based not only on politics but also on their personal views and things they had seen in the media about the causes of hepatitis C. Members had preconceived views about whether people who had hepatitis C were worthy or unworthy, what should happen and what should be the role of government. During its inquiry the committee received voluminous submissions and a great deal of expert evidence. Also, 92 people who had hepatitis C appeared before us and gave oral evidence. Sadly, as is indicated in chair's foreword, a number of them passed away as a result of their disease during the term of the inquiry. That is recorded in the minutes.

Putting all the elements together, the message I took from my experience of serving on that committee was that it was a success because its members respected the evidence that was given to them. Despite the fact that we had our own perceptions as human beings, members of political parties and people who read correspondence and opinions in the media, the committee went where the evidence took it. To me, the value of that was the fundamental lesson. We went in with personal views, but we listened to what we were told by people experiencing the disease, their families and the experts. That took us to places to which many of us thought at the beginning of the inquiry we would not go.

Accordingly, the committee, which was made up of such disparate people with different opinions, came out with many recommendations and a unanimous 400-page report. We presented our recommendations to the Government of the day as a unanimous front solely because committee members were willing to go where the evidence led them. That is in contrast to what has unfortunately been the case in some other committees with which I have been involved where members have had a preconception and then searched out evidence to back it up.

I have been as guilty of that as anyone else, but the Legislative Council is at its very best when we go where the evidence leads us even though it might take us to something we had not previously thought we would agree with. We owe that to our citizens and those who appear before us. We certainly owe it to public policy development in New South Wales. I commend everyone who is involved in the committee system, including the support staff and the members who put in so much time, effort, blood and tears to make the system work. If we have as our beacon the fact that we will go wherever the evidence takes us the committee system of the Legislative Council will have a shining future.

The Hon. CHARLIE LYNN (Parliamentary Secretary) [10.48 a.m.]: I support the motion to acknowledge the twenty-fifth anniversary of the modern committee system in the Legislative Council. I acknowledge former eminent members who are here today including former President the Hon. Max Willis, the Hon. John Johnson, the Hon. Elisabeth Kirkby, former Clerks John Evans and Les Jeckeln, and Reverend the Hon. Dr Gordon Moyes. It is good to see them here.

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The history of committees in the British Parliament dates back as far as 1586 with the beginning of the custom of appointing standing committees at the opening of each Parliament to decide disputed elections. In New South Wales, the Legislative Council first met as an appointed body in 1824. Shortly after, the first committee of the council was appointed on 31 May 1825. The minutes of proceedings record the appointment of a subcommittee comprising three of the five members of the council to investigate "the subject of the Female Factory at Parramatta". In the following years, committees also were appointed to consider domestic matters, such as the rules and orders of the council, the Parliamentary Library and matters of privilege. However, the

majority of early committees appointed by the council were formed to consider bills. Private members' bills originating in the council routinely were referred to a select committee for inquiry and report. The reports of those committees, being somewhat more succinct than committee reports of the present day, were recorded in the minutes of proceedings.

With the introduction of responsible government in 1856, there followed within five years at least 11 select committees of inquiry on issues of general public concern. They included inquiries into the separation of the northern districts, shipwrecks and shipping disasters, Australian Federation, the railways and the business of the Supreme Court. The establishment of a bicameral Legislature in 1856 also introduced the possibility of committees of the Legislative Council conferring with committees of the Legislative Assembly, and for the appointment of joint committees. The standing orders adopted by the council in 1856 provided for such collaboration. The library committees of the two Houses first conferred in December 1856 and continued to do so periodically before a joint library committee was later appointed. However, the vast majority of select committees appointed following the introduction of responsible government were constituted to inquire into specific private and public bills. The appointment of such committees was a regular and ongoing feature of the operation of the council throughout the latter half of the 1800s.

It was not until the 1980s that committees began to develop into one of the council's key mechanisms for review of executive activity. In 1985 the House appointed the Select Committee on Standing Committees to investigate and report on a structured system of standing committees for the council. The committee's report recommended the establishment of four standing committees covering subordinate legislation and deregulation, State development, social issues and country affairs. Following the election of the Greiner Government in 1988, the Government made a commitment to establish an effective committee system of both Houses of Parliament, similar to that in the Australian Senate, to deal with specific bills as well as subjects of general concern. It acted on this commitment when the council appointed the Standing Committee on State Development and the Standing Committee on Social Issues in June 1988, in accordance with the recommendation of the Select Committee on Standing Committees.

The Standing Committee on Law and Justice was not appointed until May 1995, following the election of the Carr Labor Government. The recommendation for the appointment of a standing committee into country affairs has not been adopted to date, and the State Development Committee has responsibility for rural issues. Since their establishment, those policy-oriented standing committees have developed a reputation for conducting detailed inquiries into complex matters of public policy. Many of the standing committee inquiries have relatively long time frames allowing a committee to conduct an in-depth analysis. Generally the standing committees produce consensus reports and develop bipartisan recommendations for addressing public policy issues. The committees also have a good record of having their recommendations implemented and have developed a reputation among stakeholders for the high quality of their reports and the outcomes achieved as a result of their inquiries. The council's fourth standing committee, the Privileges Committee, was first appointed as the Standing Committee upon Parliamentary Privilege by resolution of the House in October 1988.

In May 1997, the council also appointed five general purpose standing committees, with each committee allocated responsibility for overseeing specific government portfolios. The general purpose standing committees were modelled on the Senate legislation committees and were appointed on a motion of the Liberal-Nationals opposition with the support of crossbench members. The Labor Government opposed the appointment of the general purpose standing committees at the commencement of the parliaments in 1997 and 1999. However in 2003, and again in 2007, the Government itself moved the motion to appoint the committees, which the opposition and crossbench members supported. The creation of the general purpose standing committees effectively established a second and parallel standing committee system alongside the Social Issues, State Development and Law and Justice standing committees. A distinguishing feature of the general purpose standing committees is that, in addition to receiving references from the House, they have the power to self-refer matters for inquiry.

The general purpose standing committees also are distinctive by not having a government majority of members, thereby reflecting the constitution of the House. As a result, they usually have had a non-government chair. The general purpose standing committees traditionally have been less likely to reach consensus on both the conduct of an inquiry and in their reports than the policy-oriented standing committees. It also has proven to be the most dynamic arm of the council's scrutiny and inquiring functions, reporting on an impressive range of subjects of more immediate and long-term political interest. The very political nature of their inquiries has tended to make this reporting process more confrontational.

The council's committee system was placed at the forefront of political controversy when in June 2000 General Purpose Standing Committee No. 3 decided to conduct an inquiry into the adequacy and effectiveness of policing in Cabramatta in Sydney's south-west. As well as being ethnically diverse, Cabramatta is and continues to be an area of socio-economic disadvantage with high unemployment and low incomes. It was also a major centre for drug crime. Although invited to do so, neither a former Commissioner of Police, Peter Ryan, nor the local member for Cabramatta, Reba Meagher, appeared before the inquiry. Evidence by Tim Priest, who previously was a detective at Cabramatta for more than four years, threw further fuel on the fire. As a sign of the inquiry's political impact, in March 2002 the Government took pre-emptive action by announcing plans to combat drug problems in Cabramatta.

The inquiry into policing in Cabramatta illustrates why the general purpose standing committees are among the most important development in the council's role as a House of scrutiny and inquiry. I commend past and present members of the Legislative Council for their contribution over the years by ensuring the Legislative Council will continue to provide good governance for the people we serve. I also commend the committee staff, who are the committees' engine room, for their dedicated professionalism in the work they do.

The PRESIDENT: I welcome to the President's gallery another former member who is joining us, the Hon. Lloyd Lange, who also played a very key role as a member of Ron Dyer's committee along with Max Willis when the modern committee system was being developed.

Dr JOHN KAYE [10.56 a.m.]: It is my honour and pleasure to support the motion. I acknowledge in the Chamber today the presence of former presidents, former members and former clerks, many of whom played a key role in establishing the committee system, which provides so much benefit not just to this Chamber but to the people of New South Wales. The starting point for this is that the committee system disposes of the assertion that there are two things that should not be seen by the public: the manufacture of laws and the manufacture of sausages. In this particular case, it is not about sausages but about laws. There is no question that the better side of members of Parliament and where we do our very best is in committees. The great measure of the success of the committee system has been the public enthusiasm for participation both as observers and participants in the work of committees. That enthusiasm is the highest level of support that this Chamber and any politician or any political body can enjoy.

For 25 years the benefits of the committee system have ranged across four separate but overlapping functions. The first of those and the most obvious is the provision of government accountability. The capacity for detailed examination of government spending and government actions, which often is informed by in some senses the hostile examination of witnesses from both the bureaucracy and the government, especially Ministers of the government, has provided a level of accountability that simply was not available prior to the creation of the committee system and certainly is not created during question time. In my short term as a member of this House the finest example of that was the gentrader inquiry in early 2011, which uncovered substantial risks to the public purse from the quasi-privatisation of the electricity system by the previous Labor Government. It was a hard-fought inquiry in which extracting evidence from witnesses was the proverbial blood from stone process.

The Hon. Trevor Khan: And getting them to appear.

Dr JOHN KAYE: As the Hon. Trevor Khan points out, even getting them to appear in many cases was quite challenging and to this day has left strained friendships on my side of politics. But ultimately the committee system was successful in exploring a failed public policy and exposing that failed public policy as well as in creating a policy environment in which it would be unlikely that any government would ever again try to undertake such an activity that would expose the public purse to such substantial risk.

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The second function of the committee system is the examination of the provision of proposed legislation. Taking bills out of the House where the debate is robust but limited and where the debate often falls into deeply partisan discussion and into a committee allows for proposed legislation to be exposed to detailed examination, aided by expert opinion and advice. The early 2012 inquiry into campaign donation reform was useful. It resulted in an amendment recommended by the inquiry and put forward by the O'Farrell Government to reduce the unintended exposure of third party campaigners—unions, the environment movement and so on—to the provisions of the proposed changes to the electoral donations laws. I had the honour of chairing that inquiry; it is the only one I have chaired. It was an interesting but difficult inquiry and it put stress on each member present.

The inquiry resulted in a law that is not perfect, but it is a better law. I believe that should be a model for the future: Where legislation is contentious we should be open to referring that legislation to a committee for inquiry where we can obtain expert advice, examine the provisions of the legislation in more detail and uncover unsuspected or unintended consequences. The third function of the committee system is the unravelling of complex or contentious issues, particularly where we can get expert advice on public opinion to bear on matters that are not necessarily partisan but are usually complex and difficult.

I served on the Standing Committee on Social Issues inquiry into Closing the Gap—Overcoming Indigenous Disadvantage in NSW, which inquired into closing the gap on Aboriginal life expectancy. It was chaired by the Hon. Ian West. The Hon. Trevor Khan and the Hon. Mick Veitch were also members of the committee during that inquiry. It was my first inquiry and it was very moving. I learnt a great deal. The committee provided an opportunity for a number of Aboriginal community members to come forward and to proffer their opinions on ways forward. I am not sure that the committee had the impact it set out to have, but it was an opportunity for members of this Chamber to develop their opinions and policy processes with respect to Aboriginal disadvantage.

The fourth function of the committee system is to allow the public to have a voice and to have an impact on public policy. In 2009 General Purpose Standing Committee No. 2 held an inquiry into special needs education. Representatives from hundreds of public schools made submissions on the inadequacy of funding and resourcing for children with disabilities and children with learning difficulties. Reform has been slow, but if the outcome of the Gonski inquiry survives the change of Federal Government, there will be some resolution to those issues. For 25 years the committee system has delivered benefits. It is not a perfect system and there is need for innovation. Previous speakers have mentioned the inadequate time allotted for the budget estimates committees. My experience is that 15 minutes each year to cross-examine the Minister for Tourism, Major Events, Hospitality and Racing to be inadequate for a portfolio that oversees an industry worth many billions of dollars and has massive social and economic consequences.

The Hon. Trevor Khan: I think you went for about five minutes.

Dr JOHN KAYE: That is simply incorrect. There is also a need for continual innovation. I would be interested to see how the Select Committee on Ministerial Propriety in New South Wales performs. I am a member of that committee and I look forward to working on it. As the pendulum continues to swing towards the right of politics, it raises the prospect of a majority of Government members in this House. The challenge will be for the Government to resist the temptation to turn the general purpose standing committees and other committees into diversion therapy to keep Government backbenchers occupied and out of mischief. The unanswered question is: Can the accountability function survive the temptation of a Government majority to dilute it? We have already seen general purpose standing committees chaired by Government members.

I mean no disrespect to the Hon. Marie Ficarra and the Hon. Sarah Mitchell who, for felicitous reasons, cannot be here today. When chairing committees, both members have been courteous and fair when allocating time. Nonetheless, the temptation will always exist for party loyalty to intervene. We must secure accountability across a future where it is possible that the Government holds a majority in the Legislative Council. The message I seek to deliver to the Government is that accountability does not create good governance but good governments. The discipline of a rigorous system of accountability, fuelled by a passion and the ideological tensions that come out of a committee that is not dominated by the Government, will create a better and more electable government.

I acknowledge those who led us to where we are today, the men and women of the Liberal-Nationals Coalition and the Labor Party, some of whom are present today, whose passion for democracy and deep commitment to accountability created and nourished the system. They are too many to name, but I join with the Hon. Luke Foley in identifying the late Senator and High Court Judge, Lionel Murphy, whose role in the Senate delivered that Chamber from irrelevancy to being a beacon for accountability. The real heroes of the committee system are the staff members, the people who sort through thousands of submissions and deal with witnesses—many of whom are even more eccentric than we are—and who give advice to the committee to prevent members from making major mistakes. They deal with extremely complex issues to create draft reports that are always sensible and accurate. Today should be dedicated to them. I pay tribute to their hard work, commitment and professionalism.

The Hon. TREVOR KHAN [11.09 a.m.]: I speak today on the twenty-fifth anniversary of the modern committee system. I will address a matter that others have not addressed and that is the impact of our committee

system on the capacity of members of this place and the interaction of members with other members of this Chamber. I believe that one of the unspoken, but fundamentally important, effects of the committee system has been their impact on members. Putting aside any legislative change that has occurred, the committee system provides for a level of interaction between members that is quite different from that achieved in the other place. Our strong committee system allows members to interact with each and to gain an understanding on a more informal level of their opinions and attitudes, irrespective of their politics. The committee system allows each and every member to become a more rounded individual with a better understanding of why we come to this place and of how we can do something worthwhile.

I have been a member of a number of committees, but I will speak today about two that I have worked on recently that demonstrate how that interaction at a personal level impacts upon me but also on the final result. The first is the Select Committee into the Partial Defence of Provocation, chaired by the Reverend the Hon. Fred Nile. Coalition members of the committee were the Hon. David Clarke, Mr Scot MacDonald and me; Labor Party members of the committee were the person who moved the motion, the Hon. Helen Westwood, and the Hon. Adam Searle; and The Greens member of the committee was Mr David Shoebridge.

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Dr John Kaye: That's true.

The Hon. TREVOR KHAN: And it will not be the last time, either. Nevertheless, that committee comprised a diverse group of people with quite different ideas about what should happen. Over a period we heard compelling evidence from witnesses, and there was a level of interaction between committee members notwithstanding their different positions on a variety of issues. Reverend the Hon. Fred Nile and I are known to have quite different views on certain matters. Nevertheless, a degree of mutual respect developed on this committee because we had common views on some matters: People were not entitled to be beaten up and did not deserve to be killed for any reason. That brought all of us closer in our discussions and in developing a unanimous report.

Whilst the committee's report has not resulted in the Government introducing legislation, we know it received affirmative comment from the Premier of New South Wales. We have little doubt that the Government is trying to turn that report into action, which I hope to see before the end of the year. The report provided helpful information that assisted members to understand the issues. The other committee, which perhaps was more contentious, was the General Purpose Standing Committee No. 4 inquiry into the medical use of cannabis. As I have said in this House previously, this was a committee and a subject with which I did not want to be involved. Nevertheless, I was. Again, committee members came from quite diverse positions.

Dr John Kaye: Some more diverse than others.

The Hon. TREVOR KHAN: That is correct. We heard considerable evidence. We heard compelling evidence from a former member of this place, Mr Paul O'Grady, and others. We heard from a variety of people and stakeholders. Once again, notwithstanding the diversity of our views, when we became members of that committee we were prepared to put aside our preconceptions and the political risks and adopt a unanimous position that reflected our humanity. Whether anyone outside the committee agrees with our approach I do not know, but to those who do not I can honestly say, "Tough." We adopted that position because we felt it was the right thing to do. The two examples I have given reflect the committee system and the dynamism that flows from meeting together. One has only to be a member of a joint select committee to see the difference between us and how we interact with each other and—

The Hon. John Ajaka: And them.

The Hon. TREVOR KHAN: As the Minister says, "And them" from the other place. The combativeness of Legislative Assembly members in the Chamber, and their tribalism in and out of the Chamber was reflected in their interaction on the committee; it was quite different from the interaction between members of this House. But we can infect them in a nice way. For example, I served on the Joint Select Committee into the Parliamentary Budget Office.

Dr John Kaye: Oh God!

The Hon. TREVOR KHAN: Yes, it was an interesting committee. What was also interesting was the interaction between me and former Premier Kristina Keneally, who is from the other side of politics. Her only

interaction with me up to that point had been during budget estimates hearings and, I believe, on the Badgerys Creek inquiry. It is fair to say that her opinion of me was pretty low.

The Hon. Dr Peter Phelps: Go on!

The Hon. TREVOR KHAN: It surprised me as well. Nevertheless, her opinion was pretty low. Unlike some other members, by the end of the process—I will verbal her—she actually came to have a slightly more relaxed view of me, perhaps as a person.

The Hon. Steve Whan: She remembered your name.

The Hon. TREVOR KHAN: Yes, she remembered my name. My experience on the joint select committee is an example of how personal interaction changed the dynamics of our interactions, and changed the appreciation each of us had for the other. That experience makes us better people, better politicians and better law makers. As our committee structure develops and becomes stronger, we should never forget that this makes us better people.

The Hon. SHAOQUETT MOSELMANE [11.15 a.m.]: I also acknowledge our guests in this House, former presidents, former clerks and former members of this House. I acknowledge also the considered views of members who have spoken to this motion. I too make a brief contribution on the motion moved by the Hon. Duncan Gay marking the twenty-fifth anniversary of the modern committee system in the Legislative Council and note the important inquisitorial contribution committees make to our democratic system in assisting this House, the House of review, to keep a check on the Government and its Executive, and hold them to account. Holding government to account is a complex process. Given our adversarial system, it certainly is not an easy task. This is particularly so given the inherent financial and political limitations imposed on committees. Those limitations will continue to cause a strain on the role of committees as long as they exist.

Holding the Executive to account is a common feature of our Westminster system. Committees are a tool in that armament. Committees are intended to, or can, push the boundaries, social and political, and challenge the established norms. Committees can be seen as being the watchdog of the Executive and government expenditure. Importantly, committees monitor the efficiency and deficiencies of government. The committee system plays an important part in the Legislative Council's role as a House of review, enabling backbenchers, such as me, to question, investigate, report and form views important to the people we represent. Committees assist the Legislative Council to do its job as a House of review, inquiring, investigating, reviewing, reporting, and making recommendations for the betterment of all.

The efficiencies of the committee system work best if they are well resourced, empowered and not subject to or controlled by the Government, Opposition or minor parties. The effectiveness of committee system will work best if it is not part of political point-scoring, or the bidding of one party against another or one lobby group against another that can have certain influence on the committee system. After all, our political system is based on responsible government and as members of the Legislative Council we have the opportunity and responsibility to challenge. No doubt, committee engagement is one success story of the Westminster system. Committees engage not only citizens concerned about governance, social, religious and moral issues but, importantly, also their representation. Constituency representation is critical to carry the voice of those who have little voice or access to Parliament.

I hope and believe that the committee system can safeguard the public interest, shine the light on deficiencies in government and failings in the system, and expose hidden agendas. The committee system will succeed if the Government acts on committee recommendations and does not allow committee reports to gather dust in libraries, resources committees and their secretariats, and does not politicise committees by stacking them with Government members derailing the aims and objectives of the committee—or Opposition or minority party members. I am speaking generally. Committees can be a powerful tool to help advance responsible government and enhance the role of the Legislative Council as a real House of review and a House of service to the people of New South Wales.

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The Hon. NATASHA MACLAREN-JONES [11.20 a.m.]: I speak with pleasure in support of the motion to mark the twenty-fifth anniversary of the modern committee system in the Legislative Council. I acknowledge the former presidents, former members and former clerks who are present today. In 1988 the Standing Committee on Social Issues and the Standing Committee on State Development were established, followed in 1995 by the Standing Committee on Law and Justice and in 1997 the general purpose standing

committees. As a current member of the Standing Committee on Social Issues, I focus my remarks on the significant contribution that this committee has made and acknowledge the outstanding contribution the staff have made over the past 25 years to ensure that an effective and efficient process is carried out.

The New South Wales Legislative Council committee system, comprising five standing committees and five general purpose standing committees, is generally robust, democratic and modern, but there is always room for improvement. The number of written submissions often fluctuates depending on the nature of the inquiry, but it also reflects the strength of the process and the level of engagement by the public. For example, the recent inquiry into the same-sex marriage bill generated the largest number of submissions received by any inquiry. The 2011-12 inquiry into coal seam gas also generated a lot of public interest. The secretariat staff provide invaluable support and assistance to committee members, but particularly when managing a large number of submissions.

One of the strengths of the three standing committees is the unique ability of the committee to accept the terms of reference referred by Ministers. Over the years, there has been an increase in the number of inquiries into public policy initiated by Executive Government, such as the Standing Committee on Social Issues inquiry into domestic violence trends and issues in New South Wales, and the transition support for students with additional or complex needs and their families. I have participated in these inquiries, which involved the exploration of administrative and legislative reform. The work of the committee was acknowledged by the introduction of legislative reforms. The Minister for Family and Community Services, and the Minister for Women, stated:

The NSW Government has welcomed the opportunity presented by the Parliamentary inquiry to pursue comprehensive, systemic reform in relation to domestic violence. In tandem with findings of the Auditor General in relation to NSW responses to domestic and family violence, the Government has used the Committee's recommendations to provide critical input into the development of a new, comprehensive Domestic and Family Violence Framework for NSW.

In August this year she announced the appointment of eight non-government members to the panel of the NSW Domestic and Family Violence Council, which takes a whole-of-government approach to tackle this important issue. In December 1989 the Standing Committee on Social Issues conducted an inquiry that was referred by the Minister for Police and Emergency Services entitled, "Drug Abuse Among Youth." The inquiry concluded in 1990. It examined the extent and nature of drug use among youth between eight years and 18 years, the social and material costs, and the steps taken to solve this extremely pressing problem, in addition to examining the current deterrents and preventative measures and programs. The Hon. Max Willis, Chairman, stated in his foreword:

There will be some who will disagree with our recommendations, but that is inevitable with such a controversial and multi-dimensional issue. There is no single solution, nor any finite body of solutions to this problem. What we have sought to do in this Report is address some of the most pressing aspects, in the hope of making a meaningful contribution in those areas.

What has become apparent over the years is the significant contribution this inquiry made by recommending reforms in this area. However, 24 years later drug abuse among young people remains a critical issue. The current Standing Committee on Social Issues is also inquiring into alcohol abuse among young people. A robust inquiry was conducted by the previous standing committee, which resulted in a number of significant recommendations that challenged the culture of the time. It took a further two decades for some of the recommendations to be implemented. The inquiry focused on alcohol and tobacco use.

At the time, it was revealed that 500 school students had smoked their first cigarette, 70,000 teenagers each year became regular smokers, 75 per cent of adults began smoking as adolescents, 35 per cent began smoking before the age of nine, and schoolchildren spent more than \$30 million on cigarettes. The inquiry was presented with evidence that argued that the link between smoking, lung cancer, increased risk of coronary heart disease, stroke and emphysema and its effect on Australian youth should be taken into consideration. Although the committee made a number of recommendations, I specifically comment on recommendations Nos 10 to 13, which focused on the prohibition of tobacco advertising that appealed to children, additional tobacco warnings, increasing the age to 18 for those wishing to purchase cigarettes, and stronger penalties for those who sold cigarettes to anyone under the age of 18.

All of these recommendations were implemented through the Tobacco (Advertising) Prohibition Act 1990. Two decades on, the Cancer Council research has revealed that, in 1984, 27.3 per cent of young people smoked; in 2008 the figure had reduced to 8.6 per cent. In 1984, figures revealed that 32.1 per cent had never smoked; in 2008, 74.7 per cent had never smoked. What is evident from the inquiry and the recommendations

that the Government of the day implemented was that reforms can make a significant contribution to improving the health and wellbeing of the people of New South Wales. Recommendation No. 18 stated:

That all restaurants in New South Wales which seat in excess of 100 people must provide a "smoke-free" area.

At the time, this was supported by the Government in principle only and is possibly reflective of the culture at the time. However, 20 years later reforms have been implemented that prevent smoking in outside areas. Past and present governments in New South Wales have led the way in banning smoking. I will comment on the budget estimates process and the culture that has developed over a number of years, to which I believe all sides of government have become accustomed. I am a strong believer that the budget estimate process must allow for a robust examination of the operations of government departments and authorities. There is a difference between the New South Wales and Commonwealth parliamentary budget estimates processes by way of the tactical activity displayed by participating members and also the process that is followed.

Although I have not been in this place for a long time, I worked for a Commonwealth Senator for more than seven years. The Commonwealth budget estimates process focuses heavily on matters relating to items of proposed expenditure. My experience in this place is that the focus tends not to be on proposed expenditure but on political point-scoring. At a Commonwealth level, the majority of questions asked by committee members are directed at officers of departments or their agencies, and refer to expenditure under consideration. This does not mean that Ministers are exempt, but they tend to focus their responses on policy matters. It is easy to defend or attack a past or current process, but it takes more effort to investigate what needs to be improved.

We have an opportunity to work in a bipartisan manner to examine and build on the strengths of our Chamber to improve our budget process and the committee system, not only to hold our Government to account but, most importantly, to ensure that the policies that we develop are in the best interests of the people of New South Wales. I am looking forward to the coming days and enjoying the impressive program of activities that have been prepared to celebrate the twenty-fifth anniversary of the modern committee system.

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The Hon. STEVE WHAN [11.30 a.m.]: It gives me much pleasure to support this motion and in so doing I shall record my thoughts on my short experience with the committee system in this place. I commence my contribution by acknowledging the former Presidents and former Clerks of the Parliaments joining us today. Twenty-five years of the modern committee system in the Legislative Council is a record to be proud of. I confess that when I first read this motion I thought 25 years seemed a short time. I then cast my mind back to when this place was democratically elected and that being the starting point of the adoption of some of these practices. The committee system is used well in the New South Wales Parliament, particularly in the upper House. But I have some different perspectives on this, having been a backbench member in the other place, a member of the Public Accounts Committee and then a Minister for a while. However, I suspect my attitudes to the committee system have changed since becoming an Opposition member in this House.

As other members have acknowledged, the traditions of the committee system are held together by the fantastic Legislative Council staff—the Clerk of the Parliaments and others who run the committee system in this place—and without them we could not achieve the positive results that we do. From my point of view it is a great luxury to be a member of a committee where the staff know exactly what needs to happen, how to go about getting information and how to organise the hearings so well. The Legislative Council staff, who essentially are the custodians of this valuable democratic process, play an incredibly valuable role.

I take this opportunity to acknowledge the comments made by the Leader of the Opposition in this debate. The Hon. Luke Foley spoke of the history of the committee system. He acknowledged the role of the Federal Senate in developing the committee system, as well as the role Lionel Murphy played in that process. The committee system has developed into an important role from a time in our history when we were questioning the role and future of upper Houses in the Australian system of democracy. In fact, I can remember writing an essay in the 1980s—as a university student—on why upper Houses were superfluous to the Australian system of democracy, and here I am today. Strange things do happen in one's career. But, in my defence, I was writing that essay before the invention of the modern committee system in this place.

The committee system has many positives, but some things need to be improved. From my experience in both Houses, committees need more resources to undertake independent research. For example, whilst committees do well on the resources available, they are often reliant on industry submissions for expert information on various issues. Probably one of the most rewarding aspects of the committee system is that committee inquiries offer an opportunity to those members of the public who feel their voices are not being

heard to put something on the record. A number of members who have served on committees have spoken of the emotional and serious issues they have been involved in. Often when people talk to me of their experiences of committees, the most rewarding experience for them is the opportunity to get that emotional testimony onto the record.

When I was Minister for Primary Industries, urged by Tony Catanzariti, we established an inquiry into wine grape marketing. At the time I thought it seemed like an interesting thing to do but since then I have been constantly surprised at the feedback I have had from people in the industry about how valuable they thought it was to give evidence—some in camera—about their experience. Some gave very emotional evidence about how practices in that industry were affecting them and their families. It is a great regret that the recommendations of that committee have subsequently been ignored by Government.

The Hon. Rick Colless: In your term.

The Hon. STEVE WHAN: It was actually a response by the current Government to that committee. It is a matter of regret to many when a lot of effort is put into an inquiry and the outcome is ignored. Indeed, the previous Government, and probably me as a Minister in that Government, was guilty of ignoring recommendations as well. It is important that these things are properly considered. Reverend the Hon. Fred Nile chaired the inquiry into the closure of the Cronulla Fisheries Research Centre of Excellence. Unfortunately, that inquiry had a similar response from the Government. Again, probably the most moving part of that inquiry was the evidence given at a forum held here at Parliament House by the people who were directly affected by the decision.

Some of the really positive committees in this place have a tradition of bipartisanship—for example, the State Development Committee. I have found it an interesting experience to be a member of that committee; the tradition of bipartisanship and unanimous recommendations has continued with the change of government. A number of members have commented on the need for more time in estimates hearings. I think the estimates could certainly do with more time. As a Minister in the previous Government I thought the estimates hearings were going to be annoying, but I was surprised at how easy they were and how short the time for questioning was. I did not find them to be particularly scary or that there was a high level of scrutiny at the time, but I suspect they should be. Ministers should have to spend quite a bit of time preparing for estimates hearings. We need more time and more ability to delve in depth. A previous speaker commented that compared with Senate committees, our estimates hearings are often about political point-scoring. In a sense that is because of time constraints; we do not have time to delve in depth into some of the policy areas.

Ministers have different attitudes about estimates committee hearings. Some take them seriously; others treat them as a bit of a joke. Some Ministers do not respect the questions being asked of them or seek to give very glib answers. That can only be dealt with by the committees having more time to question people in detail. As I have said, I have some different perspectives on this having been a backbench member in the other place, a member of the Public Accounts Committee and then a Minister for a while. I was aware that the upper House committees were looking into some useful things. Indeed, on occasion I was asked to assist with referrals to the committees. I am now an Opposition member in this House. Obviously there is a difference between being in Government and being in Opposition in the way one looks at the role and value of committees. Importantly, one should not only value the committees when in opposition—because they can be very useful—but they should be equally valued in government.

I agree with the previous speaker who expressed concern about the future of the committee system should we have a government majority in this place after the next election. I hope we will see a continuing respect for the system and for the ability of committees to scrutinise government as well as look into important issues with more considered consultation with the public. I again commend all those involved in maintaining the traditions and the life of the committee system, and the staff of the Parliament. I also commend all those who were involved in the development of the committee system over the years, including the former Presidents, Clerks of the Parliaments and members who are with us today.

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The Hon. NIALL BLAIR [11.39 a.m.]: I too take pleasure in associating myself with this motion and acknowledge the former members who are present in the galleries today. I will concentrate my contribution today on the committee that I chair, the Legislative Council Standing Committee on Social Issues. It is fair to say that my desire to enter politics was not driven by social issues. It is fair to say that I was not driven to join the National Party predominantly by social issues in my personal circumstances. When I look back now and

reflect on my position and what I do in this place, I am every day thankful that I have been assigned to the Legislative Council Standing Committee on Social Issues and honoured to be chair of that committee.

The Standing Committee on Social Issues was first established in the Forty-ninth Parliament by a resolution of the House of 9 June 1988. The committee was reappointed in each of the subsequent Parliaments, most recently on 9 May 2011 for the current, Fifty-fifth Parliament. Under the resolution the functions of the committee are to inquire into and report on any proposal, matter or thing concerned with the social development of the people in all areas of New South Wales. Areas that have been looked at by the social issues committee include health, education, housing, ageing, disability, children's services, community services and matters concerned with citizenship, sport and recreation, gaming and racing.

If members look back at the vast range of reports that the Standing Committee on Social Issues has produced, they will see that the committee has held inquiries into some very significant issues. To mention just a few of the reports: in 1989, "Accessing adoption information"; in 1994, "Suicide in rural New South Wales"; in 1997, "Enhancing Aboriginal Political Representation" in Parliament and "A Report into Children of Imprisoned Parents"; in 2003, "Report on Community Housing"; in 2004, "Inquiry into issues relating to Redfern and Waterloo"; in 2006, "Public Disturbances at Macquarie Fields"; in 2008, "Overcoming Indigenous disadvantage in New South Wales"; and, under the current committee, in 2012, "Domestic violence trends and issues in New South Wales" and "Transition support for students with additional or complex needs and their families"; and just recently, "Same-sex marriage law in New South Wales".

I want to put on record why I am proud to be part of the Legislative Council Standing Committee on Social Issues and the benefits I think the committee brings to everyone in New South Wales. My first point is something that the Hon. Steve Whan just mentioned—that is, the predominantly bipartisan support that the committee enjoys. The inquiries and reports that I have been involved in have been very much about the issues and very little about the politics. I think that is something special to the Standing Committee on Social Issues. These issues usually affect all members of our community. When we look at things like domestic violence there is no room to get caught up with political games or scoring cheap shots; it is about looking at the issue and seeing what we as members of Parliament can do to make a difference in that area. Therefore I feel that the Standing Committee on Social Issues has been, since my time at least, relatively free of political agenda.

I think the other benefit of the committee system, and particularly the Standing Committee on Social Issues, is that we are afforded significant time to actually look at an issue in depth and the resources to be able to do so. That is very important when we are tackling some of these very large issues. In some cases we have taken many months—and in one case we took over 12 months—to look at an issue in great detail, collate all the information and come up with sensible recommendations. Another benefit of the committees—I note this particularly as a regional member of this Parliament—is that they give members of the public access to the Parliament in a way that the Chamber and the debates held in the Chamber do not afford. Every member of the public has the ability to make a public submission and to then be invited along to give oral evidence at a committee hearing.

More importantly, and again I note this as a member of the National Party, we are able to take committee hearings out into the communities directly affected by the issues under investigation. An example of this was when we were looking at domestic violence in New South Wales. We went west of the Divide into some areas that have very specific issues in relation to domestic violence and we listened to people give evidence in their community. I think it is vitally important, particularly for our regional areas, that we make our committee system and our members of Parliament accessible and that we go out and listen to people in communities which have been directly impacted upon, particularly with social issues. I think the contribution made by the public has been one of the many successes achieved over the years in the reports and inquiries of the Standing Committee on Social Issues.

The success of the committee system must also be attributed to the fantastic staff with whom we are provided in our committees. They assist not only the committee chairs but also other members of the committee and collate the many different submissions we receive. The Standing Committee on Social Issues received over 7,000 submissions to the same-sex marriage inquiry. That is the largest number of submissions received by any Legislative Council committee inquiry in the 25 years that the committees have been operating. Someone has to go through each individual submission as it comes in and provide advice as to the topics and themes coming out of the submissions. Someone then has to "herd the cats" and get all committee members to meetings; and then organise regional visits and hearings. All of that work is done by the committee secretariats. They do a fantastic

job. I know that my job as a committee chair has been made a lot easier by the great work and advice provided to me by many of the staff who are in the Chamber here today.

Mr David Shoebridge: They make us all feel smart.

The Hon. NIALL BLAIR: Yes, they make me look fantastic—they make us all look very good. That is something that we will hear mentioned right across the debate today: the contribution of the staff in the secretariat of our committee system. It is something that I as a chair greatly appreciate, and I know that other members both past and present also appreciate it. I have been a member of this place for only a short time, and who knows how long I will continue to be a member of this place. The Standing Committee on Social Issues held an inquiry into domestic violence in this State, and we have already seen four pieces of legislation introduced and passed through both Houses of Parliament as a direct result of the work done by that committee.

I know that it may sound clichéd and I know that some people may be cynical when a politician stands up and says that they would like to make a difference, but I genuinely think that the work of committees, particularly the Standing Committee on Social Issues, will make a difference to the lives of the people of New South Wales. It may be hard to measure, but I think that we will save lives as a result of the work that we have done in that inquiry.

The Hon. Duncan Gay: But you are not a politician; you are a parliamentarian.

The Hon. NIALL BLAIR: I am a parliamentarian. I acknowledge that interjection of my boss, and thank him. I am proud of the work that we have done. As I said, I do not know how long I will be here but I can almost guarantee that when I reflect upon my time in this place, some of my best work—and the most important contribution I have made to not only the work of this House but also the lives of the people of New South Wales—will be the reports and the inquiries of the Standing Committee on Social Issues. I genuinely think that working on parliamentary committees gives us as parliamentarians, and particularly as backbenchers, an ability to make a real difference to our society and to our communities. It is something which will hopefully result in good government policy for years to come. It is something that I am genuinely appreciative of and I am thankful that the Leader of the House asked me to chair the Standing Committee on Social Issues. I did not get into politics to work on social issues, but I think that, when I look back on my career, it will be end up being the best thing that I have done. I am proud to be associated with not only the motion but also the committee system.

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The Hon. HELEN WESTWOOD [11.48 a.m.]: I support the motion to acknowledge the twenty-fifth anniversary of the modern committee system. Like other members, I will speak about the experiences I have found valuable as a member of a number of committees and as chair of the Joint Standing Committee on the Health Care Complaints Commission for four years during the previous Parliament. I acknowledge our former Clerks, Presidents and members who are with us today and thank them for fostering this system. I know it was in great hands while they were here. I have had the opportunity to look back at some of the wonderful and groundbreaking work they did as chairs and committee members. Some of the previous inquiries concerned areas of social policy that parliaments in this country had not previously examined or studied. I commend each and every one of them for their great contribution to this State.

There has been an omission from this motion in that it does not recognise the diligent work of the parliamentary committee staff. I know other members have acknowledged that they are the machinery that drives our committee system. I especially acknowledge their commitment, professionalism and hard work, which ensure the success of the committee system, and congratulate each and every one of them. As I said, I have been chair of only one committee but I have been a deputy chair or member of many more. The quality of advice, research and support that we have always received from the committee staff has made a real difference to our reports. As other members have said, some committee inquiries involve examination of complex issues. A particular example is the Select Committee on the Partial Defence of Provocation, which involved an extremely complex area of criminal law. As someone who has no legal expertise or experience, I have to say that I found elements of the inquiry difficult. Had it not been for their professionalism and the high quality of advice and support we received from the secretariat our report would not have been as well received and applauded as it was by those who were involved and had an interest in the outcome of the inquiry.

Other members have spoken about the history of parliamentary committees so I will not cover that ground. However, I believe that the establishment of permanent standing committees has provided New South Wales with a high standard of governance and transparency. I have found that to be the case while serving on a number of general purpose standing committees. Like other members, I do not have enough time in this debate

to detail all of my experiences while participating in General Purpose Standing Committee Nos 3 and 5 in the last Parliament, General Purpose Standing Committee No 2 in this Parliament, the Health Care Complaints Commission committee and the Standing Committee on Social Issues.

I will say that I have found the committee system to be of immense value in its capacity to examine issues in more forensic detail than would be possible if the matter were only to be debated in the House. To hear from experts in the field, practitioners and the general public about how an issue or area of law affects their day-to-day life has been invaluable to me. Many of the issues dealt with by the social issues committee falls into that category. I cite in particular the inquiry into transition support for students with complex needs and the inquiry into same-sex marriage laws in New South Wales. The inquiry into domestic violence trends and issues in New South Wales was of great importance to me due to the work I did before I came into this place.

During my involvement with committees I have seen members swayed and moved by the enormous amount of information, evidence and personal experiences that have been conveyed. I have no doubt that many members have had to readjust their preconceived ideas and philosophies based on the evidence and submissions put before them. I know that I and other members have left some committee inquiries with different views than we held at the beginning, which has been due to the quality of the information that we have received. As others have said, hearing the personal experiences of individual members of the public and listening to how an issue affects their lives in ways members of Parliament may not be aware of has changed members' perspectives on issues that may later come before the Parliament in a bill.

Committees increase public awareness and promote community debate on issues under consideration by Parliament. Many of the inquiries that I have been involved in have raised passions and arguments from both sides. I recall the level of public interest and scrutiny created by the Law and Justice Committee inquiry into same-sex adoption. I note that the report subsequently produced has been widely referred to and quoted by members of the media and academics alike. I also note that members of Parliament often refer to committee reports and rely upon them to inform their contributions to debates on bills before the House. The outcomes of committee hearings have the power to change or amend laws. An example is the same-sex adoption inquiry to which I referred earlier.

Another example is the Select Committee on the Partial Defence of Provocation that I moved to have established and about which other members have spoken. The recommendations made by that committee have been well received but I will not go into detail because the Hon. Trevor Khan covered that process accurately and eloquently. However, it is important to note that members of that committee had different ideological and party political perspectives but were all of the view that we wanted to bring about some good. We wanted to see some change to a law that we thought disadvantaged vulnerable people and did not achieve justice. Although we may have come to the inquiry with a particular view, we were willing to consider the evidence, information and perspectives of others. In the end we made some excellent recommendations which I believe the Premier has accepted and indicated that he will draft into a bill that will eventually come before the Parliament.

There is clear evidence that Legislative Council committees over the years have benefitted the community by reviewing proposed laws, facilitating more informed policymaking and ensuring greater government accountability. The committee hearings allow members of Parliament to speak directly to people to find out how individuals, organisations and communities feel about an issue. I acknowledge former members the Hon. Ann Symonds, the Hon. Janelle Saffin, the Hon. Dr Meredith Burgmann and the Hon. Jan Burnswoods. They are not here today but I know they have done great committee work and they have spoken to me about their experiences.

I also acknowledge a member about whom I spoke in this House regretfully at the time of her death, the Hon. Marie Claire Fisher. Marie set about making changes for her rural community and the wider rural community of New South Wales through committees and chaired a joint select committee that looked into the issues of the western division. The committee made some very significant recommendations that were implemented by subsequent governments. In conclusion, I acknowledge that the committee system not only holds Executive Government to account; it shines a spotlight on many complex social, legal and constitutional matters that members of this place as lawmakers need to understand to serve the best interests of our community.

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DEPUTY-PRESIDENT (The Hon. Trevor Khan): I acknowledge the presence in the public gallery of a former member of the Legislative Council, Patricia Forsythe.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.59 a.m.]: I also acknowledge my former colleagues, if not for the least reason that they help the quotient of grey in the place. Sometimes I feel I am the only grey-haired person in the House, except for the Deputy Leader of the Opposition.

The Hon. Helen Westwood: What about Charlie?

The Hon. DUNCAN GAY: Well, and Charlie.

The Hon. Rick Colless: And mine is silver.

The Hon. DUNCAN GAY: The Hon. Rick Colless is a bit older than I am. Having acknowledged my former colleagues, I acknowledge our eminent former Clerks, Les Jeckeln and John Evans. When I first entered Parliament Les Jeckeln was the clerk of clerks. We did not think we would get anyone who would get near him, but then we got John Evans and he was just as outstanding. Lloyd Lange is a long-time friend as well as a champion of business, this House and the committee system. I also acknowledge Max Willis, Gordon Moyes and my old friend Patricia Forsythe—not my old friend, but my friend Patricia Forsythe. They are all friends with whom I have worked.

The Hon. Mick Veitch: Very ageist.

The Hon. DUNCAN GAY: Yes, it was nearly an ageist comment. The member who preceded me in this debate, the Hon. Helen Westwood, made a very good point. This is a great motion, which I support, but it does not acknowledge the staff. My colleague from The Greens, Mr David Shoebridge, and I quickly wrote an amendment. I move:

That the question be amended by inserting after paragraph 2:

3. That this House acknowledges and thanks the committee staff for their hard work and professionalism in support of the committee system.

I thank members from all sides of politics for their contribution to this debate because they get it. They understand and appreciate the role of the committees. I notice that John Jobling has entered the Chamber, and I acknowledge also his presence in the House. Our former colleagues are rolling in from everywhere. This year is my twenty-fifty year as a member of this Parliament and coincidentally this is the twenty-fifth anniversary of the modern committee system in the Legislative Council. Only two members who served on the first committee are present in the Chamber, and that is Reverend the Hon. Fred Nile and me. In 1988 when I joined the Legislative Council—it coincided with a change of government, which was great for the State—I was privileged enough to sit on the very first standing committees, which were the Standing Committee on Social Issues and the Standing Committee on State Development.

The committees always have led the way in tackling tough issues. I am reminded that the first inquiry of the Standing Committee on Social Issues related to accessing adoption information. In the course of that inquiry, members of the committee travelled across the State to get the input of people from all walks of life. It provided us as committee members with the opportunity to accurately reflect those views in the inquiry. The committee even travelled to New Zealand, which in those days was outrageous, where legislation relating to adoption information had been in place for a number of years and the sky had not fallen in. Other members of that first committee all are our friends: the Hon. Annie Symonds, the Hon. Franca Arena, the Hon. Keith Enderbury—Annie, Franca and Keith were from the Australian Labor Party—the late Hon. Dr Marlene Goldsmith from the Liberal Party, my mate from out in western New South Wales, the Hon. Judy Jakins, who never missed an opportunity to speak her mind and good on her, Reverend the Hon Fred Nile from what was then the Call to Australia Party and is now the Christian Democratic Party, and later on the Hon Helen Sham-Ho.

The "Accessing Adoption Information" report recommended reform of the then existing provisions, which denied any adult adopted person the right to see his or her own birth records. This is a big call, but after 25 years in Parliament I think that was the best thing I have been involved in and achieved. The difference that it made to people affected by the then adoption laws was just palpable. The concern of some that reform would create a problem for others was not borne out. As we conducted the inquiry it became obvious that the affected community had an absolute respect for the rights of others. That is what drove the reforms. I notice that Max Willis, who was the chairman of that committee, is nodding in agreement. I note that the second inquiry of the committee, which related to drug abuse among youth, included recommendations calling for bans on many

forms of tobacco advertising. It is clear both inquiries exemplified the impact of committees on current social policy. I note that the recommendations are still relevant and are being discussed today—25 years later.

In the case of the Standing Committee on Social Issues particularly, it has delivered important results for the wider community in New South Wales. Issues the committee has investigated include juvenile justice in New South Wales, suicide in rural New South Wales, caring for the aged, Aboriginal representation, disability services, child protection and community housing. The Hon. Niall Blair referred to his position on the Standing Committee on Social Issues. As I indicated earlier, 25 years ago I joined the social issues committee and I do not regret one moment of it. That is why I had no hesitation in indicating to Niall that it is one of the most worthwhile things he could do in what I am sure will be a long and distinguished career. To complement the great work of the Standing Committee on Social Issues and the Standing Committee on State Development, in 1995 the Law and Justice Committee also was formed and the general purpose standing committees, which are among other things involved in the important budget estimates process—which, as a Minister, I just love—were formed in 1997.

Tomorrow the work of the modern committee system will be celebrated and reflected on at a seminar to be held at Parliament House. This celebration also will recognise the significant contribution of former and current members of the House, along with the valuable contribution of individuals and representatives of community organisations who have participated in committee inquiries. Members of this House have played an important role in the formation of the standing committees. I particularly recognise Max Willis and Lloyd Lange whose contribution to the modern committee system has been invaluable. Risky as it is, I would like to quote Max Willis reflecting on the formation of the standing committees, who wisely said: "Let us have a committee to really examine what standing committees are all about"—and hence that committee on committees! The Select Committee on Standing Committees of the Legislative Council, on which Max Willis and Lloyd Lange worked along with Delcia Kite, Finlay—or Toby as he was known—MacDiarmid, Ken Reed, and Ron Dyer as chairman, delivered recommendations that led directly to the formation of the standing committees we have now in the Legislative Council. To this day, we humorously refer to it as the committee on committees.

Community organisations also have been integral to the success and effectiveness of the standing committees. While we as upper House members have been elected to represent the State, it is important to still have active community participation in this process. I acknowledge the work of the many organisations and individuals who have made submissions, given evidence, and given their time to put forth their views and the views of the community during the past 25 years. I mention also the hardworking staff of the Legislative Council, particularly David Blunt and his team who are a significant source of information for us, and of course the staff who work full time to manage the standing committees and help us to deliver the reforms that have changed New South Wales so significantly. The work of committees has continued, and will continue, to enable the Legislative Council to effectively hold the Government to account—I am not sure how much I like that, now I have changed sides—and have allowed for community engagement in the parliamentary process as well as the development of sound policy for New South Wales citizens.

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The most interesting committee I served on—and I have served on dozens—was the select committee into the relationship between Tony Lauer, the Commissioner of Police, and Ted Pickering, the Minister for Police. Serving as the Minister for Roads and Ports is a picnic compared to tiptoeing through that minefield. But we found our way through, members acted in a proper manner and the staff of the Parliament served us well. I congratulate all the committees on this anniversary. I am proud to still be here, working within the committee system, 25 years on.

The Hon. AMANDA FAZIO [12.10 p.m.]: I acknowledge in the gallery former Clerks, former Presidents and former members. It is a pity that the former Clerk of the Parliaments and Clerk of the Legislative Council, Lynn Lovelock, is not here today. She struck a strong blow for the rights of Legislative Council committees when the Parliament was prorogued on 22 December 2010. I am referring to the General Purpose Standing Committee No. 1 Inquiry into the Gentrader Transactions. More can be learnt about that inquiry at the seminar tomorrow where I will be speaking about it at one of the sessions. I acknowledge and support the amendment moved by the Hon. Duncan Gay to include a reference to the good work of the committee staff. That amendment rectifies an oversight in the drafting of the notice of motion that we are discussing today.

General purpose standing committees generally look into accountability and controversial, hot-topic issues that arise. The three general purpose standing committees generally undertake in-depth analysis of more involved and controversial issues. I have been a member of a number of committees that are captured by today's motion. From 2003 to 2009 I was a member of the Standing Committee on Law and Justice. I enjoyed my time

on that committee. I served for three months on the Standing Committee on State Development and for a couple of years on the Standing Committee on Social Issues.

I have been a member of General Purpose Standing Committee No. 3 and I have substituted on many other inquiries held by general purpose standing committees. I have been a member of the Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities; the Select Committee on the Provisions of Election Funding, Expenditure and Disclosures; the Select Committee on the Continued Public Ownership of Snowy Hydro Limited; the select committee inquiry into juvenile offenders; and the select committee inquiry into mental health services in New South Wales. All were interesting and rewarding inquiries.

As a member of the Standing Committee on Social Issues, I came in on the tail end of the inquiry into Adoption Practices in New South Wales. That was a very thorough, detailed and lengthy inquiry. It was valuable because it provided an opportunity to people who were aggrieved by past adoption practices to state publicly—and to inform the children that they had relinquished—that they had been forced to relinquish their babies. In most cases it was not voluntary and it was something that they regretted. They were able to state that they had never stopped loving the children that they had relinquished. For many of those women, the opportunity to make that public statement was cathartic. It was also of great value for the children to know, even those who had decided not to put their names on the contact register. Hopefully the process led to more people putting themselves on the contact register so that they could establish a relationship with their birth mothers. That inquiry was important and groundbreaking.

I also took part in the inquiry into Early Intervention into Learning Difficulties and the inquiry into Community Housing. I was a member of the inquiry into the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2001. It assisted in convincing me that my longstanding views on opposing censorship were right and I think that that was probably intellectually one of the more interesting social issues inquiries in which I was involved. As a member of the Standing Committee on Law and Justice I assisted in the inquiry into the Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001, the inquiry into back-end home detention, and the inquiry into Community Based Sentencing Options for Rural and Remote Areas in NSW and Special Need-Disadvantaged Populations. That was worthwhile work because the Government picked up a lot of the recommendations from those inquiries and the systems were improved.

The two most controversial and interesting committees were the inquiry into Adoption by Same-sex Couples and legislation on altruistic surrogacy in New South Wales. Again that was a case where the Government referred controversial issues in which there was not community agreement to the committee so that all parties were able to ventilate their concerns and views. Again, the committee produced sound, well-reasoned and well-argued responses. The Standing Committee on Law and Justice conducted an inquiry into the exercise and functions of the Lifetime Care and Support Authority and the Motor Accidents Authority, which I used to say were the inquiries for watching paint dry because they were mundane and boring. However, the more I worked on those committees, the more I realised that one could fine-tune those authorities to make them work better and become more accessible to the public.

From 2003 until 2009 I was the chair of General Purpose Standing Committee No. 3 and I was the first Government member to chair a general purpose standing committee. I am not putting that down to my personal popularity but to the fact that, at the first meeting after the 2003 election, Opposition members were late in arriving and when they finally arrived we had already held the election for chair.

The Hon. Jennifer Gardiner: The world is ruled by those who turn up.

The Hon. AMANDA FAZIO: That is right and the crossbench members were so annoyed about it that they nominated me and I was elected chair. What concerns me is that in this Parliament the Government has ensured that there are no Opposition members chairing general purpose standing committees. That is a shame as it makes it difficult to claim that committees are still able to hold the Government to account. I return to my work with General Purpose Standing Committee No. 3 which held a number of inquiries, mainly relating to Corrective Services but also the Kariung Juvenile Justice Centre. The one committee about which I want to speak received the least publicity and illustrates the value of general purpose standing committees.

The Correctional Services Legislation Amendment Bill 2006 was a bill prepared in haste in response to media stories. After it had passed through the other place members reconsidered their position and the bill did not proceed to the second reading in this House but was referred to General Purpose Standing Committee No. 3. We advertised for submissions and published them. When Parliament was prorogued, prior to the 2007 election,

the inquiry lapsed and the bill also lapsed. The purpose of the bill was to prohibit inmates who were serving sentences for serious indictable offences or awaiting sentencing for offences such as providing their reproductive material for use or storage for reproductive purposes at hospitals and other places.

It required inmates who had had their reproductive material stored for these purposes to pay charges for that storage during any period in which they were imprisoned. That was in response to one story in the paper about one prisoner and it meant that all medical practitioners in this State found themselves in a situation where they were expected to apply a different medical standard of treatment to people who were in jail. Every submission the inquiry received stated that the medical profession would not enforce the proposed legislation. That was an example of where a committee could do good in the community by killing off a bill that should never have been introduced in the first place. In the last Parliament I was concerned about some of the committees delving into areas where they were exploiting vulnerable members of the public who came forward to give evidence.

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In fact, our system is so good that the Legislative Assembly has replicated it. I think the Premier, who is well known for not liking the Legislative Council, is trying to undermine and diminish the role of Legislative Council committees by replicating them in the Legislative Assembly so that matters can be referred to all of its little committees and not many be referred to Legislative Council committees. That is because the Legislative Council is not as controllable by the government of the day as the Legislative Assembly. That is my compliment to the Legislative Council and also my comment on the Premier. In the remaining seconds I thank my colleagues, the clerks, the committee secretariat and, of course, the public for their submissions to and participation in making the committee system so strong.

The Hon. RICK COLLESS [12.20 p.m.]: I support the motion commemorating the twenty-fifth anniversary of the modern committee system in the Legislative Council. I acknowledge the many former members and clerks present in the Chamber today, many of whom had input into developing this committee process. In August 2000 I came into this House on the very same day as the previous speaker, the Hon. Amanda Fazio. It is a little ironic that she preceded me in this debate because I recall that I was sworn in first as my name was alphabetically higher. Since then we have been healthy adversaries and I have enjoyed debating with her over the years.

A few weeks after the Hon. Amanda Fazio and I came to this place the Hon. Greg Pearce also entered this Chamber. He and I commenced our first committee work on General Purpose Standing Committee No. 3 and the inquiry into policing in Cabramatta. As the Hon. Charlie Lynn mentioned in his contribution, that was quite an eye-opening committee on which to serve, particularly for someone like me who had been an agronomist in the bush and who was thrust suddenly into the interesting policing difficulties the people in Cabramatta faced—certainly a good introduction to committee work.

Currently, I serve on General Purpose Standing Committee No. 5 and have done since I came to this place, and I chair the Standing Committee on State Development which, as the Hon. Duncan Gay outlined, was established in 1988 as part of the first wave of committees. The Standing Committee on State Development has conducted 24 inquiries in 25 years; it has been quite busy. In the first two years of this Parliament it has completed two inquiries. I acknowledge also that the Hon. Mick Veitch is the deputy chair of that committee. He and I work very well, as do all members of that committee. Generally, that is how committees work; they are apolitical, to a large extent, for the benefit of the whole community to make sure things are done better.

I too have been a member of the Staysafe committee—the parliamentary roads safety committee—since about 2003 and I am deputy chair. I have served also on the Select Committee on Recreational Fishing, the Joint Select Committee on the Threatened Species Conservation Amendment (Biodiversity Banking) Bill, the Standing Committee on Law and Justice, the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission, and the Joint Select Committee on Bushfires in 2002.

I shall expand a little further on the work of General Purpose Standing Committee No. 5 as it is the one on which I spend most of my time. Of course, the Hon. John Johnson, who was present a little earlier, was a member of that committee when I first joined it and it was a privilege to serve with someone of his background and experience. General Purpose Standing Committee No. 5 has undertaken many inquiries, including the Northside Storage Tunnel, oils spills in Sydney Harbour, M5 East ventilation stack, Sydney Water's Biosolids Strategy, feral animals, land clearing by Transgrid and many others. When I first became a member of General Purpose Standing Committee No. 5 the chair was the Hon. Richard Jones. After the 2003 election the committee was chaired by the Hon. Ian Cohen, who did a great job. The committee examined other issues such as local

government amalgamations, the Murrumbidgee College of Agriculture, the Hunter economic zone, sustainable water supply in Sydney, which looked at the justification for the desalination plant, the uranium smelter at Hunters Hill, rural wind farms and the RSPCA raid on the Waterways Wildlife Park in Gunnedah.

After the 2011 election the Hon. Robert Brown took over chairmanship of that committee and he too is doing a good job. In this term of Government this committee has examined the coal seam gas issue and held an inquiry into the management of public lands in New South Wales in addition, of course, to many budget estimates hearings and publication of reports. What strikes me, as exemplified by the inquiries and committees in which I have participated, is the enormously wide range of issues about which members have to apprise themselves through the committee process. Those of us who worked in outside professional careers suddenly have to address and understand a range of issues to which they may not have been exposed. The committee system offers an extra level of debate over and above that in this Chamber; it allows members to discuss aspects of bills and procedures with non-parliamentarians in a much less formal atmosphere. However, I believe that sometimes those appearing before the committee may beg to differ that the committee process is somewhat less formal than the House.

As many members have mentioned already, the committee system contributes enormously to a transparent and accountable system of government. The vision 25 years ago of those members, some of whom are in the Chamber today, to develop this system is to be commended. Finally, I commend the many highly capable committee directors and staff, many of whom are in the Chamber today, who perform the majority of the background work. They arrange the terms of reference to be distributed, call inquiry participants, arrange hearings, draft reports and do all that hard legwork. I pay tribute also to the Hansard staff who, of course, often are required to travel to remote locations involving overnight stays, experiencing inconvenience to their normal lives being away from their homes and loved ones. Thank you to all the committee staff and the Hansard people for their commitment and dedication to the committee process; they really are the unsung heroes of the system because they make the whole system work. Thank you again to all the staff and the Hansard people. Congratulations to everyone involved. The system works well. I commend the motion to the House.

The Hon. MICK VEITCH [12.28 p.m.]: I associate myself with this worthy motion. In doing so, I acknowledge the former presidents, former clerks of the Parliament and other distinguished guests in the President's gallery, some of whom I have worked with on committees. I acknowledge also those involved in preparing the celebrations for this twenty-fifth anniversary of the committee system and its structure. I concur with a number of statements, particularly those of the previous speaker, the Hon. Rick Colless, regarding the committee secretariat. I read the submissions and often am quite taken by the amount of work the committee secretariat puts into preparing speeches. At some inquiries secretariat staff members propose suggested questions, and provide advice and guidance to members, particularly the chairs at meetings, in an admirably professional manner.

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I am also impressed with the work involved to prepare the trips and tours into regional New South Wales. As honourable members know, I have a penchant for travelling around rural and regional New South Wales. If it means I travel with some of my colleagues in this Chamber, then I will do so, particularly when we get to see some really nice parts of the country. As did the Hon. Rick Colless, I acknowledge Hansard. During one of my earlier committees one Hansard reporter said to me, "Mr Veitch, you need to speak more slowly." I acknowledge that person may well be sitting in the Hansard gallery now, and so I will speak more slowly—if I can. Hansard reporters prepare the transcripts—

The Hon. Rick Colless: Slow down.

The Hon. MICK VEITCH: Okay. Hansard reporters prepare the transcripts upon which all members will prepare questions and draw conclusions. Often the transcript will supplement the submissions that were received. In fact, at one inquiry into regional areas, more specifically Western Sydney, I do not know how the Hansard reporters could hear the testimony. The acoustics were terrible. Even the members who were sitting at the table could not hear what the witnesses were saying. It must be difficult at times to write down even what we say.

The Hon. Rick Colless: "Racka-racka-racka".

The Hon. MICK VEITCH: Yes. I believe the Hon. Trevor Khan is quoted as saying, "Racka-racka-racka". I also reflect on some of my committee work. I enjoy the trips to regional New South Wales. An important objective of the committee work is that we obtain views from rural and regional people on a whole

range of issues. It is important that we take the committees to the people and not expect people to turn up here to engage with the committee members.

The Hon. Trevor Khan: Do you think the Labor Party will try that again someday?

The Hon. MICK VEITCH: Members in the other place struggle to understand our committee structure and why it is so effective. They have tried to replicate it. Members in the other place do not understand why members in this House get along when we go away on committees. As the Hon. Rick Colless said, in most cases the committee work involves developing a process so that we each know where the other is coming from in order to make a decision. The journeys to regional New South Wales provide us with an opportunity to engage with each other and to discuss why we have certain views. On some of the State Development committees the Hon. Peter Phelps has even illuminated us with the reasons for his views.

We are the House of review and clearly use the committee processes and structures to provide that review. I suggest that the format of the committee process has matured since it commenced 25 years ago. We now have public forums with an open mic arrangement. Again, I do not know how Hansard reporters report those sessions, but that is an evolution of the committee structure, as is the way in which committees treat submissions such as the use of the red paper, which received a lot of attention during discussions at a recent meeting that I attended. Honourable members know that I like to have a little bit of fun as part of my day-to-day work.

The Hon. Niall Blair: Do you work?

The Hon. MICK VEITCH: Yes, I do work; a lot harder than you. It is nice to have a bit of humour and to have a joke as well as to acknowledge that there is important work to do. During one journey on an away committee, the Hon. Rick Colless organised a wonderful bus trip from Griffith to Wagga Wagga. All of the committee members, secretariat and Hansard arrived at Wagga Wagga almost ill, if not ill, because the bus was not so flash. Then there was the plane trip that I took out of Armidale when it was snowing. The Hon. Melinda Pavey may have been on that committee. We piled on to the plane, took our seats and then before the pilot took off he turned and said, "This could be a bit rough. You might want to hang on." The Hon. Tony Catanzariti was not too good; he did not like flying.

There was a moment during budget estimates when the then Treasurer, the Hon. Michael Costa—who used to like using his arms quite expansively—knocked a water jug over and water splashed across everyone's paperwork, which was quite impressive. Another element of the committee work that sticks with me, particularly at budget estimates, is that Government members are required to ask detailed, in-depth questions of our Ministers so that they have an opportunity to put something on the record. I notice it has not changed. Although there has been a change of government, the questions still seem to be one sentence comprising very small words. The detail and depth of the inquiry does not appear to be reflected in the questions.

The committee process in this House is important. It delivers outstanding reports. When one reads the body of our work—what we see and do—it is impressive. We influence public policy in this State via the committee process. Although it is a fact that members will come and go, and the secretariat staff and Hansard staff will come and go, I believe that the system and structure that has been established for committees will remain. It has been tested over 25 years. It has matured and evolved and, in my view, it will continue for some time. Past and present members and staff should be proud of their efforts. We are delivering some extremely good work for the people of New South Wales.

The Hon. DAVID CLARKE (Parliamentary Secretary) [12.35 p m.]: I join with other members of this House to support this worthy motion that marks the twenty-fifth anniversary of the modern committee system in the Legislative Council. The celebration notes its significance to the work of this Parliament and also the contribution of former and current members to that committee system. I have been a member of a number of committees of this House. I am currently Chairman of the Standing Committee on Law and Justice and express my deep conviction that the committee system is not only significant but indeed a pivotal factor in this Parliament, fulfilling the purpose that it is meant to fulfil on behalf of the people of New South Wales.

As the motion states, it holds the Government to account, engages the community in the parliamentary process, and plays a vital role in the development of sound policy. Democracy in its original form, which is a creation of the ancient Greeks, is the most perfect form of government devised by man that there ever was and ever will be. Despite the critics who seek to highlight its alleged imperfections, the truth is that no other system

devised by man delivers more for the betterment and wellbeing of mankind than does democracy. In the development of the Westminster parliamentary system, democracy has achieved its highest level of perfection to date. The committee system serves to energise the Westminster parliamentary system. It has certainly done so in New South Wales. It allows for the development of policy recommendations in a way that, due to time restraints, cannot be achieved in normal parliamentary debate.

The committee system gives stakeholders and individual members of the public direct access to present their points of view either directly as witnesses before committees or through written submission. It allows for the Executive Government to be called to account for its actions, to be examined and scrutinised in a way that cannot be achieved in normal parliamentary sessions. My experience with the committee system is that because its work is not conducted in an adversarial environment, it is more conducive to a collaborative and cooperative approach between members, particularly when issues do not involve reconcilable, philosophical or policy divisions. There is no gallery, so when discussions are conducted in a committee environment, members do not succumb to playing to the gallery. Normally they will not speak to score points or engage in self-promotion or self-aggrandisement.

When there are issues on which a consensus cannot be reached because of deep philosophical or policy differences, at least the committee system has served a purpose in clarifying the issues for the Parliament, which, at the end of the day, will come to a decision by a majority vote. For the committee system to work effectively, it is dependent on a professional and skilled secretariat staff that will bring its expertise to the mix. The secretariat staff help to gather information to enable committee members to make a proper assessment. They help to clarify the issues and their relevance and can help articulate the alternate views, which are so necessary for committee members to make an informed decision.

Our Parliament is fortunate to have a professional secretariat staff that is able to provide the valuable skills that are so important for committee members to properly perform their task. In recording today the significant contribution of the committee system to our Parliament, we also record the special contribution of the secretariat staff. They are as much part of the committee system as the members of this House who comprise those committees. The twenty-fifth anniversary of the modern committee system in the Legislative Council is a great anniversary to celebrate and I join with others in celebrating its success in the strengthening of our open democratic and freedom protecting parliamentary system.

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The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [12.40 p.m.]: I associate myself with the motion before the House, especially with the amendment proposed by the Deputy Leader of the Government, the Hon. Duncan Gay. I also pay my respects to the former Clerks of the Parliament and distinguished members of this House referred to by previous speakers. The development of the modern committee system of this House reflects and follows its development as a full legislative chamber from an appointed body, or at least one elected by members of the Legislative Assembly, to one now elected directly by the people.

As pointed out by the Hon. Niall Blair, one of the great successes of the modern committee system is that it now provides the general public access to members of Parliament on matters of public importance, and in it has made a significant contribution to the development of legislation and public policy generally in this State. On balance its development has been positive, but its development reflects the tension in our system of government of an upper House. On the one hand, if an upper House merely endorses everything done by Government it has no point; on the other hand, if it frustrates or merely attacks everything done by an elected government it is undemocratic. It must achieve a happy medium. Despite the fact that from time to time committees have veered in one direction or another, generally we have managed to keep the balance correct.

Parliamentary committees are useful mechanisms for looking at a specific bill, policy area or matter of public importance or controversy in a way that is at least potentially non-partisan or less partisan than the day-to-day debates in the Houses of Parliament generally. Of necessity they are political and sometimes they maybe a mere vehicle for the advancement of government policy—such as the joint select committee last year on workers compensation—but in the main, in my limited experience, the system affords an opportunity to members to examine matters with open minds and in accordance with the evidence that is given, acting as parliamentarians, not merely politicians. Two particularly good examples of this that I have experienced have been the Select Committee on the Partial defence of Provocation and the report of General Purpose Standing Committee No. 4 on the use of cannabis for medical purposes. The first committee elicited a positive response from the Government: a bill was due in July, and we still look forward to seeing its terms. As yet, there is no response from the Government as to the second proposition.

This raises a question about the use of committee reports and what happens to them over time. Sometimes they do gather dust. This undermines the validity of the committee system and can create a democratic disconnect. In an article appearing in the *Sydney Morning Herald* on 29 September 2010 I raised the prospect of debates and votes in each House on committee reports as a way of empowering members of Parliament in developing public policy and as a way of ensuring the proper consideration of reports. The question that would arise then is whether such vote should be partisan votes or free votes, which would be clearly a matter that would require close consideration with significant implications for our system of political governance.

However, we should not be afraid of continuing to develop and evolve our system of committees and political architecture generally to ensure the system of government in this State remains responsive to community needs and expectations. In conclusion, the committee system we have is very effective, largely due to the outstanding and dedicated staff, the quality of whose work, research and the distillation of evidence, and the encapsulation of the views of the committee members in a timely way, is of the highest calibre. Successive governments will need to ensure that committees are properly and adequately resourced if they are to continue to do their good and useful work.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [12.43 p.m.]: I support the motion in recognition of the twenty-fifth anniversary of the modern committee system in the Legislative Council. I join with my colleagues in expressing my profound gratitude to the committee system. Today we have heard much about what has happened in the past and about many of the reforms made in New South Wales through the committee system. In particular, I note the contribution of the Hon. Jennifer Gardiner. She referred to the inquiry held in the late 1990s into rural and regional health, commissioned by the then Opposition. I have spoken to the Hon. Jennifer Gardiner about the profound impact that had on regional communities across New South Wales. It was the first time the voices of people in rural and regional New South Wales were heard on health-related matters.

Indeed, each hearing was full to overflowing with people. Some very good recommendations came out of that inquiry. In fact, they played a real part in the Government's decision to create the rural health plan, which was released in 2002. That seminal document has transformed the way health initiatives are being delivered in rural and regional New South Wales. The NSW Rural Health Plan is currently being updated; it will be finished next. I am co-chair of the Ministerial Advisory Committee for Rural Health and I acknowledge that that process germinated in the New South Wales Legislative Council. Everywhere I go reference is made to the great inquiry into mental health chaired by the Hon. Brian Pezzutti. The Hon. Amanda Fazio was involved in that remarkable inquiry, which resulted in some absolutely great work. I spent eight years on the Legislative Council Standing Committee on State Development.

Under the chairmanship of the Hon. Tony Catanzariti we somehow ended up in Griffith on every inquiry—under the stewardship of Tony Burke. I was enjoyed the stories related by the Hon. Mick Veitch. The relationship that develops between committee members who travel to regional centres to hold inquiries is a nice thing. For example, on one particular day the Hon. Ian Cohen, the Hon. Mick Veitch, the Hon. Christine Robertson, the Hon. Patricia Forsythe and I were on a minibus—this was well before the social issues inquiry. I thought I heard the Hon. Christine Robertson say, "My father has a male bride." With a straight face I said to her, "So, your dad is married to a man?" She said, "No, a mail order bride." It was one of those incredibly funny moments on the bus that brought us together in a way that sometimes only humour can. I thank the committee staff and everyone involved in this system. I acknowledge this very special part of the history of New South Wales through the committee system.

The Hon. SOPHIE COTSIS [12.46 p.m.]: I support the motion and I offer my support to the recognition of the important role that committees play in the workings of Parliament. In particular, I acknowledge the hard work and dedication of the staff. Budget estimates hearings are one of the most useful methods available to the Opposition to hold governments to account. These inquiries allow Opposition members to probe Ministers at greater length than is available in question time. They also provide a unique opportunity for members to ask questions directly of senior officials. The opportunity to ask questions of senior officials afforded through the committee process is an important recognition of the practical limits of the doctrine of ministerial responsibility.

While I certainly do not deny that Ministers should be held ultimately responsible for all aspects of public administration within their portfolios, it is important to recognise the role that senior officials play in the

implementation of public policy and to afford members of Parliament meaningful opportunities to ask questions of these officials as a means to place information on the public record and to ensure that government is transparent and accountable. I also note that committees provide an important opportunity for members of Parliament to probe those outside of government—experts, private advisors and peak bodies. These important stakeholders play an increasingly important role in providing advice that shapes public policy.

Committee inquiries also provide an opportunity for members of the community, academics, experts and interested community groups to make a direct contribution to the Parliament's processes. It is a rare occasion that persons who have not been elected to this place have an opportunity to speak in it. Yet committees provide a means to open up the workings of Parliament, to give those with first-hand knowledge of issues the opportunity to speak on the record with members of Parliament and to make detailed and informed submissions that can be considered officially as part of the workings of Parliament. It is important to acknowledge the opportunity that committee work provides for members across parties to come together and develop bipartisan solutions. The committee system is independent of government and the usual disciplines that exist in parliamentary life, which demand that members support their party and its leaders. Committees afford even humble backbenchers of both parties an opportunity to make a significant contribution to the development of important public policy.

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I note that in detailing the history of committees in the *New South Wales Legislative Council Practice*, Lynn Lovelock and John Evans note that the history of committees in the British Parliament dates back to 1586, and that the first committee of the New South Wales Legislative Council was appointed in 1825. These early, ad hoc committees tended to examine particular bills or issues. It was not until 1988, under the Griener Coalition Government, that the Legislative Council appointed standing committees for state development, social issues and parliamentary privilege. In 1995, the Carr Labor Government appointed a Legislative Council Standing Committee on Law and Justice, and in 1997 the Legislative Council appointed five general purpose standing committees to inquire into specific portfolios. There is now a range of committees that oversees the development and administration of legislation, inquires into important issues and holds the Government to account.

In conclusion, I particularly acknowledge the hard work and dedication of the parliamentary staff. The professionalism and expertise that the parliamentary staff provide can be easy to overlook. Too often we think of democracy as being about members of Parliament and Ministers—about political parties debating policy in the media and through election campaigns. But this view of democracy overlooks the invaluable role of the impartial professionals who make our system of government run. Just as the thousands of polling day officials who make our elections run smoothly are too readily left unthanked, so too are the parliamentary staff, who make Parliament run smoothly once elections are over. I join with colleagues who, during this debate, have acknowledged the professionalism of the parliamentary staff. The committee system is one of the best aspects of Parliament, in large part because of the unseen contribution of the parliamentary staff. I commend this motion, and I look forward to the next 25 years of work by committees.

The Hon. JENNIFER GARDINER [12.51 p.m.] on behalf of the Hon. Duncan Gay, in reply: I thank all members who have participated in the debate on the motion marking the twenty-fifth anniversary of the modern Legislative Council committee system. Like my colleagues, I thank the former presidents, members and clerks of the Parliament for joining us here in the Legislative Council for this debate and, more particularly, for their work in years past in support of parliamentary committees. I enthusiastically endorse the formal recognition, by way of amendment, of the committee staff for their outstanding contribution to the work of committees. I also acknowledge the assistance of other staff of the Parliament, including Hansard. I suspect that the motion in its original form was drafted with the assistance of staff in their usual modest manner.

I thank all members who have commenced a discussion about how the committee system may be refined and/or enhanced in the period ahead. We will proceed to expand upon this discussion in the coming days. The sudden proliferation of committees in the other place, due largely if not solely to the bulging backbench on one side of the House and the need to keep its inhabitants busy and out of trouble, acts as one factor to spur on that debate. I believe there is a continuing need for product differentiation between the two houses of Parliament. The committees of the Legislative Council must continue to reinforce the role of the Legislative Council of keeping the Executive of the day accountable and acting as a House of review. I thank all speakers in this debate for their unanimous support for the motion. I commend the motion in its amended form to the House.

Question—That the amendment of the Hon. Duncan Gay be agreed to—put and resolved in the affirmative.

Amendment of the Hon. Duncan Gay agreed to.

Motion as amended agreed to.

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Marking 25 years of the committee system in the Legislative Council

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