

STATE SENATE BILL 2015

Second Reading

Reverend the Hon. FRED NILE [9.43 a.m.]: I move: That this bill be now read a second time.

In short, the State Senate Bill 2015 allows for an interchange between the terms "the Honourable" and "State Senator" and between the terms "Legislative Council" and "State Senate". Often when members of the Legislative Council are introduced outside Parliament people ask what "MLC" or "Legislative Council" mean, especially in the United States of America, where people think members of the Legislative Council are city councillors or town councillors rather than equivalent to their State Senators. Around the globe the term "State Senator" is a more accurate description of what we do and, therefore, represents a more suitable title. A Senator is known to be someone who works in the upper House or Chamber of a bicameral legislature or Parliament.

I support tradition—I have been in the upper House for 34 years—but I believe there should be an opportunity for members to have a choice in how they refer to themselves. Some members in the upper House prefer not to adopt the term "honourable" and this bill will allow them, if they wish, to use the title "State Senator". The bill is very simple; members know it will not and cannot amend the New South Wales Constitution and the wording establishing the original New South Wales Legislative Council. To do so would require a referendum, which we are not proposing. We are merely proposing that members be given the option of using the terms "State Senator" and "State Senate" when referring to their role and to their work. I reiterate: We are not proposing to change the name of the New South Wales Legislative Council to the State Senate, because it is in the Constitution.

I was surprised to see a few years ago a big banner in the entrance to the State Parliament welcoming people to the "State Senate". Obviously the Clerks at the time, with, I assume, the approval of the President, had introduced that term particularly for visitors and for witnesses attending parliamentary inquiries. It is therefore not as radical a change as some members may think. We seek simply to introduce an alternative for ease of identification for those who are not conversant with history and tradition or with Australian terminology and for those who come from other countries that have State Senates.

This bill does not stop members using the title "honourable" if they wish to. What the bill proposes is already the practice in other nations that originally had Legislative Councils, especially in the United States of America where the upper Houses are now known as State Senates and the members as State Senators. As I said, when I visit the United States of America there is always confusion as to exactly what role I have in the New South Wales Parliament. If this bill is passed, the use of the terms "State Senate" or "State Senator" will be optional for members—it will not be compulsory. Members will also be free to use the title "the honourable" and the term "New South Wales Legislative Council". As I said, the title of the New South Wales Legislative Council cannot be changed unless there is a referendum, which we are not proposing. These terms are part of the State's Constitution Act 1902 under the heading "Referendum for Bills with respect to Legislative Council and certain other matters". This bill is not trying to bypass a referendum. It simply provides an option for members.

The Encyclopaedia of Parliaments indicates that the name "Legislative Council" was usually given to the colonial legislatures of the British Commonwealth. The term was adopted in all six Australian colonial legislatures. Members will know that although the Legislative Council of Queensland was abolished in 1922, the Legislative Councils of New South Wales, Victoria, Tasmania, South Australia and Western Australia remain. In the case of Victoria, an inquiry into the future of Victoria's electoral administration was conducted by the Electoral Matters Committee and the final report was tabled in March 2014. That recent report recommended introducing a reference to the Legislative Council as the Victorian State Senate and to Legislative Councillors as State Senators. At this stage that proposal has not been processed through the Victorian Parliament. In 1991 the Australian Democrats had an amendment prepared by Parliamentary Counsel to be moved during debate on the Constitution (Legislative Council) Amendment Bill 1991 to provide for the insertion of a new section 18 into the Constitution Act 1902, which stated:

(1) The Legislative Council may also be called the Senate, and the use of that name has for all purposes the same effect as the use of its other name.

(2) Accordingly, a Member of the Legislative Council may be called a Senator.

Unfortunately, the amendment was not moved and the work is left to us to do today in the Parliament. The House has previously debated permitting the alternative titles of "State Senate" and "State Senator". We know that this would engender greater recognition and understanding than the current titles "Legislative Council", "member of the Legislative Council" or "Legislative councillor", which, as I said, are the Commonwealth and colonial terms. The use of the term "State Senate" has become a custom. Some members currently opt out of using the official title "the Hon.". We respect their decisions. Many of us have used the term "State Senator" or "State Senate" when we have been speaking to people in other countries. I believe it is now in order for the House to pass this legislation so that a custom that is without any legislative authority is supported by legislation. State Senators, I commend the State Senate Bill 2015 to the House.