

Bill introduced on motion by the Hon. Barry O'Farrell.

Agreement in Principle

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [4.06 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce this bill to prevent Parliament from being shut down early, as we saw in December of last year. As members know, prorogation, a fancy word for shutting down, ends a session of Parliament. It puts an end to every pending proceeding in the House of Parliament prorogued and vacates all orders of that House which have not been fully executed, something that came home not just to continuing members of this place and the other place but to every citizen of this State in December of last year. Usually, the decision to prorogue Parliament is a decision of the Governor, made on the advice of Executive Council. After the former Premier, the member for Heffron, received departmental advice from the Director General of the Department of Premier and Cabinet her immediate action was to order an urgent meeting of the Executive Council to effect the shutdown of that Parliament, despite the fact that that Premier and Cabinet advice said that that would clearly be perceived as an attempt to stymie the upper House inquiry into the State's electricity sell-off.

Section 10 of the Constitution Act 1902 gives the Governor discretion to prorogue the Legislative Council and the Legislative Assembly whenever the Governor deems it expedient to do so. Members will recall, however, that the previous Government prorogued Parliament more than three months before the State election. This was understandably criticised by the media, by the public and certainly by those now in government as an attempt to thwart the work of parliamentary committee chaired by Reverend the Hon. Fred Nile trying to inquire into the former Labor Government's sell-off of the State's electricity assets. My Government is taking action—action to ensure that prorogation in future cannot be abused by a government seeking to avoid proper scrutiny by the Parliament before an election. The bill will amend the Constitution Act 1902 to restrict the discretion of the Governor, acting on the advice of Executive Council, to prorogue Parliament in the six months prior to a fixed-term election, except on or after Australia Day. Specifically, it will prevent the Premier or the Executive Council from advising the Governor to prorogue Parliament at any time after the fourth Saturday in September and before 26 January prior to a fixed-term election. Effectively, this means that, in the future, a government will only be able to prorogue Parliament before a general election from Australia Day.

Parliamentary business, such as responses to questions on notice and parliamentary committee inquiries and Standing Order 52 provisions of the upper House can be completed before Parliament is prorogued for the final time before a general election. It is reassurance the public can have that work will be finished, information will be provided, and there will be no attempt ever again to hide from the public of the State the sort of information that the former Government sought to hide before the election.

The bill demonstrates my Government's commitment to improving the accountability of executive government. It restores to Parliament enhanced capability to perform its proper role of overseeing executive government. The bill will not affect any reserve powers of the Governor to prorogue Parliament without advice—the sorts of exceptional circumstances I referred to in Question Time today, which might have occurred in the Parliament between 1991 and 1995, which was a hung Parliament, and may even have occurred in the 1995 to 1999 Parliament, which had a majority of one for the Labor Party. The bill will not affect Her Excellency's reserve power. I commend the bill to the House.