

**Second Reading**

**The Hon. MICHAEL GALLACHER** (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.05 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Constitution Amendment (Prorogation of Parliament) Bill 2011 to prevent Parliament from being prorogued too early before an election. As members know, prorogation 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. Usually the decision to prorogue Parliament is a decision of the Governor, made on the advice of the Executive Council.

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. Members will recall, however, that the previous Government prorogued Parliament more than three months before the State election. This was heavily criticised by the public of New South Wales as an attempt to stymie the work of a parliamentary committee inquiring into the previous Government's electricity transactions. This Government is taking action—it said it would before the election and it is doing it now—to ensure that prorogation cannot be abused in the future 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 the 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 and 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 be able to prorogue Parliament before a general State election only from Australia Day. Parliamentary business, such as responses to questions on notice and Parliamentary committee inquiries, can be completed before Parliament is prorogued for the final time before a general State election.

The bill demonstrates the 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 and will not affect any reserve powers of the Governor to prorogue Parliament without advice. The bill is about restoring confidence in accountability and transparency in both Houses of Parliament. Over the coming months and years a completely different approach will be seen by this Government, which is focused on accountability and transparency, to that of the former Government, which had secrecy as its number one objective.

In some ways the former Government's handling of the prorogation issue was indicative of its approach to government across the board—for example, in its portfolios, its approach to estimates or to the running of government business in either House. In every instance the public was an optional extra. It was more about expediency for the former Government. It was more about covering its tracks to ensure little opportunity for anyone to fully analysis the decisions it had made. That was its undoing.

More than any other issue prior to the last election—the allegations of corruption and ineptitude, the mishandling of every portfolio in New South Wales—it was the prorogation of Parliament that crystallised in the minds of the public that this was a Government beyond any help of saving. It was incapable of understanding the needs of the people of New South Wales for government transparency and to assure the people that every opportunity was given for debate to take place on matters before Parliament. I remind the House of the events during debate on the electricity sale.

The previous Government locked the doors of Parliament and stopped members coming onto the floor of this Chamber. That was the entree to the main course. The entree was when the Government realised that it could get away with it, using inadequacies in the Constitution and in the standing procedures of this House. The main course was prorogation. This legislation is the sweet dessert for members of the public who are concerned about parliamentary democracy. Premier Barry O'Farrell is committed to open government and to transparency. The commitments he gave prior to the election have now moved to accountability. He gave the commitment and we are fulfilling it. I commend the bill to the House.