



Gladys Berejiklian MP
Premier of New South Wales

Reference: A2114748

Mr David Blunt
Clerk of the Parliaments
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt,

I refer to your correspondence of 28 November 2016 requesting a government response to the Select Committee on the Legislative Council Committee System's report, *The Legislative Council committee system*.

I **enclose** the government response to the Committee's report for tabling in the Legislative Council.

Yours faithfully,

Gladys Berejiklian MP
Premier

Received at 3:30pm
Friday 26 May 2017



**SELECT COMMITTEE ON THE LEGISLATIVE COUNCIL COMMITTEE SYSTEM
THE LEGISLATIVE COUNCIL COMMITTEE SYSTEM
GOVERNMENT RESPONSE**

On 24 June 2015, the Legislative Council established the Select Committee on the Legislative Council Committee System (the **Committee**). The terms of reference required the Committee to inquire into, and report on, how to ensure that the committee system continues to enable the Legislative Council to effectively fulfil its role as a House of Review.

On 28 November 2016, the Committee tabled its report in the Parliament. The Committee made 12 recommendations, including recommendations for enhancing the Legislative Council's role in scrutinising bills and delegated legislation, and for enhancing the process for government responses to committee reports.

The Government notes the Committee's recommendations.

Consideration of the Committee's recommendations is a matter for the Legislative Council, which has the power to implement the recommendations should it see fit to do so. Accordingly, the following information is provided to assist the Legislative Council in determining whether to implement the Committee's recommendations.

- Under current arrangements, the Legislative Council may refer bills to its committees for review. Since 1997, eleven referrals have been made.
- The Legislation Review Committee reviews all bills introduced into the Parliament and reports on a range of matters, including whether the bill trespasses unduly on personal rights and liberties, inappropriately delegates legislative powers or insufficiently subjects the exercise of legislative power to parliamentary scrutiny. The Legislation Review Committee also reviews and reports on regulations while they are subject to disallowance, and is tasked with considering whether the special attention of the Parliament should be drawn to any such regulation on any ground.
- Any new processes for the review of bills and regulations should not unreasonably delay or distract from Government business, nor duplicate existing committee functions or processes.
- Any request for additional funding to support any new committees should be raised through the annual Budget process.
- The Government endeavours to respond to recommendations made in committee reports as soon as practicable. However, committees often make significant policy recommendations with far-reaching implications, requiring substantial analysis, consultation and review. Reducing the standard timeframe for the development of government responses from six months to three months would not be conducive to the provision of considered and comprehensive responses.

- With respect to committee reports tabled towards the end of a previous parliament, the prorogation of the Houses of Parliament prior to a general election causes any obligation under standing orders on a new government to provide a response to lapse. Nevertheless, following the prorogation of the 55th Parliament, the Government endeavoured to provide a response to all reports tabled towards the end of that parliament. Further, the Government will, of course, provide a response to any committee report which endorses recommendations made by a committee of a previous parliament or where the Legislative Council has resolved to request a response to a particular committee report.
- It is standard practice for every Government Minister to attend Budget Estimates hearings voluntarily during the scheduled week in August/September of each year. A further week is set aside for supplementary hearings about one month later. This schedule allows for Ministers to appear at hearings at a time which is proximate to the release of the Budget, providing a more effective process to drive financial accountability across government.
- Comparisons between the functions and processes of Legislative Council committees and the Commonwealth Senate committees should be carefully drawn. Functions and processes that may be suitable for the Commonwealth Senate may not be well adapted for the Legislative Council having regard to, for example, the timing of appropriation bills, budgets and reviews in each jurisdiction. Given the significant investment of time that is made by Ministers and departments in preparing for, attending and following up on Budget Estimates hearings (including tasks such as answering questions on notice), any additional processes or hearings would need to deliver real benefit to support the public interest. Unnecessary duplication or extension of hearings should be avoided.