

**Submission
No 1**

INQUIRY INTO THE LEGISLATIVE COUNCIL COMMITTEE SYSTEM

Organisation: New South Wales Council of Social Service (NCOSS)
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Select Committee on the Legislative Council Committee System

Submission of the Council of Social Services of NSW (NCOSS)



January 2016

About NCOSS

The NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage to see positive change in our communities.

When rates of poverty and inequality are low, everyone in NSW benefits. With 80 years of knowledge and experience informing our vision, NCOSS is uniquely placed to bring together civil society to work with government and business to ensure communities in NSW are strong for everyone.

As the peak body for health and community services in NSW we support the sector to deliver innovative services that grow and evolve as needs and circumstances evolve.

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Overview

As the peak body for the welfare sector in NSW, and as an organisation focused on working with and for people experiencing poverty and disadvantage, NCOSS is a frequent participant in and contributor to Legislative Council Committees. This includes making regular submissions to various inquiries as well as appearing before Committees to give evidence.

NCOSS also works in partnership with the Legislative Council to deliver “Parliamentary Inquiries: How to have your say and maximize your influence” workshops. These are designed to better inform and support community organisations to engage with and participate in Committee inquiries.

Accordingly, the responses outlined below to the Committee’s Discussion Paper are informed by both NCOSS’ role and experience as a direct participant in Legislative Council Committee Inquiries, as well as feedback and suggestions we have received from our members.

Current Legislative Council Committee system

NCOSS is a strong supporter of the NSW Legislative Council Committee system and, in particular, the work undertaken by the Council’s committee staff.

Over the years, we have found Committee inquiries to be a fruitful driver of policy reform in NSW. The nature of such inquiries has enabled NSW Parliamentary and Government policy responses to develop in a well-researched, consultative, evidence-based and, more often than not, bipartisan manner.

It is our view that the current committee structure is sufficient in terms of pursuing policy areas which are of interest to NCOSS. However, we suggest the following changes to current committee practice outlined below.

Scrutiny of bills

NCOSS is of the view that the Council’s committee work ought to be expanded to include the scrutiny of bills, as is the case in the Australian Senate. We believe that this would enable NSW legislation to benefit from the researched, consultative, evidence-based and bipartisan approach which, as noted above, is a key feature of most committee inquiries.

Whilst NSW Government departments, the Parliamentary Counsel as well as Ministers and their offices ordinarily do an excellent job in terms of the research, consultation and design of legislation, we believe that exposing Bills to more open scrutiny would lead to further improvements.

Committee scrutiny of Bills would enable the Council to better fulfill its role as a House of review. As such, it would also enhance the Parliament's capacity to properly perform its role as a legislative body, rather than having its work largely superseded by the Executive branch of Government.

However, it must be borne in mind that committee referral and proper committee consideration of legislation would, inevitably, slow down the passage of Bills from introduction to approval. Given there would continue to be rare instances of legislation needing urgent approval, there also ought to be a mechanism whereby genuinely urgent legislation could be considered without the need for committee scrutiny.

Budget estimates

As is the case with Legislative Council Committees' policy work, NCOSS is broadly supportive of current processes and work surrounding of Budget Estimates, which are an increasingly key mechanism for ensuring greater Executive accountability and more open government.

However, we agree with the proposition that there ought to be more time allotted to Estimates and that Estimates be held twice-yearly, as is the current practice in the Australian Senate.

Government responses to committee reports

By and large, current practice concerning Government responses to committee reports is working well. Requiring official responses from the Government not only enhances Executive accountability to the legislature, but ensures policy outcomes from committee inquiries are given proper consideration by Ministers and their respective departments.

While NCOSS is of the view that allowing the Government six months to respond to a report is appropriate, we submit that there also ought to be further and ongoing responses to committee recommendations. We suggest these take the form of ongoing monitoring and reporting on progress made by the Government in implementing those recommendations it has agreed to support or provide further consideration to.

We note that there is currently such a process in place for Government agencies to provide ongoing reports to the NSW Coroner in relation to recommendations arising from coronial inquiries. This might serve as a useful model.

Conduct of committees and the giving of evidence

NCOSS members have reported to us some concerns surrounding how public hearings are sometimes conducted. Such members have found that while engaging with committee staff can prove to be a fruitful and rewarding experience, hearings can at times be intimidating and unpleasant. This in turn can dissuade such members from further participation in hearings and undermine effective evidence-gathering.

While a level of debate between committee members and their fair and probing questioning of witnesses are important in terms of their role as legislators, our members have reported instances in which they have been treated disrespectfully or rudely. It is our view that such behaviour can be managed appropriately by Committee chairs, and as such, this is a matter which might be worthy of consideration by the Legislative Council Committee of Chairs.

Roundtables and expert briefings

Giving evidence at a public hearing is an inevitably nerve-wracking experience for many individuals who represent community organisations, especially those who do not frequently make such appearances.

As such, we welcome the recent practice of committees undertaking private roundtable discussions for inquiry stakeholders as an alternative engagement practices. Typically, community representatives have experience taking part in such roundtables and would find such a forum to be a more comfortable and productive environment for providing evidence to a Committee.

We also support the emerging practice of engaging experts early on during inquiries to brief committee staff and members on more complex issues. We would offer NCOSS' assistance in this respect if ever such a briefing was required in relation to any issues affecting people experiencing poverty or other disadvantage.