

**Submission
No 10**

INQUIRY INTO LEGISLATIVE COUNCIL COMMITTEE SYSTEM

Name: The Hon Mark Pearson MLC, Animal Justice Party

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The Hon. Mark Pearson
MEMBER OF THE LEGISLATIVE COUNCIL



Sunday, 6 March 2016

MP_16.016

The Director,

Select Committee on the Legislative Council Committee System
Legislative Council
Parliament House,
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Inquiry into Legislative Council Committee System

Dear Sir/Madam,

As the newest member of the Legislative Council, I put forward my submission acknowledging that I have limited experience in engaging with the committee system as a parliamentarian. That inexperience however gives me insight into the importance of providing new and particularly cross-bench, members of the Legislative Council with sufficient time and resources to be able to meaningfully participate in the committee system and indeed, the entire legislative process.

I also have more than twenty years' experience as Executive Officer at Animal Liberation NSW, an organisation which regularly participates in the parliamentary process by way of submission-writing and giving evidence on animal protection issues.

Terms of reference

1. *The aim of the inquiry is to ensure that the committee system continues to enable the Council to fulfil its role as a house of review into the future by:*

a) Hold the Government to account

As noted in the background materials provided in the Discussion Paper, there has been an exponential rise in the number of committee inquiries and government reports, almost doubling in number between the years 2011-2015. Such increased scrutiny of government is undoubtedly a positive development but I am concerned that there is insufficient opportunity for examination of the government response to such inquiries.

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It is not unusual for committees to propose a considerable number of recommendations and findings, after many hours of reading submissions, undertaking hearings, examining witnesses and partaking in discussions. Members of the public devote considerable time and effort to detail their knowledge and expertise, providing crucial evidence and information that assists the committee in its decision-making. The ensuing government response will often provide scant detail or rationale as to why some proposals have been refused or accepted. This can lead to disappointment, frustration and cynicism from those who took the time to participate in the process.

In the one committee of which I was a member; the Joint Select Committee on Companion Animal Breeding Practices, we received more than 300 submissions, held three public hearings calling 42 witnesses to give evidence, drafted a 174 page report containing 34 recommendations. The topic was controversial and emotive and generated much public interest given the numerous reports of puppy farm cruelty exposed in the media. The Government Response declined to act on the vast majority of the recommendations, with little explanation as to why.

In order to better hold the government to account, I propose a change in the mechanism by which Committee Report recommendations are finalised. Parliament should debate recommendations rather than merely endorsing reports by way of tabling. Each recommendation should be debated on the floor of the House, with opportunities for amendment and a division called for a vote. The government should be required to debate why it intends to vote down any recommendation. This would provide greater transparency for the public and ensure that the government is on record in Hansard regarding the reasoning for its decisions.

b) Allow for community engagement in the parliamentary process

I commend the committee system for providing improved community access and participation by way of Twitter, Facebook surveys, online questionnaires and roundtables. This ensures that a greater range of individuals are able to engage in the process.

Community Legal Centres are uniquely placed to provide assistance to committees in their aim to expand community engagement. They engage in law reform and policy work and have strong links with their communities. They are located throughout NSW and engage with sectors of the community such as people from low socio-economic groups, people from culturally diverse backgrounds and young people who are often unengaged with parliamentary processes. Specific government funding should be provided to community legal centres to assist them to host and collate feedback from community consultations for submissions to committees.

I propose that committee sitting days should be considered as parliamentary sitting days because the committees are sitting to address matters of serious public, judicial and parliamentary concerns. Therefore a committee is almost always deliberating on matters which are of more interest to the



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public and media than many arcane matters before the House unless they are controversial Bills, Motions etc. For this reason I am of the view that sitting committees are of similar weight and standing as usual parliamentary sitting days.

2. That a select committee be established 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.

I support the establishment of a select committee be established 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.

a) Do you have any comments about the current Legislative Council committee system?

Apart from the limited areas of review undertaken by the Legislation Review Committee, the current committee system does not allow for the scrutiny of Bills or Subordinate Legislation. I support the adoption of those aspects of the Australian Senate and New Zealand committee system which allow for the scrutiny of draft Bills prior to the first reading and examination of subordinate legislation.

As a cross-bench parliamentarian and the sole representative of my party, I have limited time and resources to properly appraise many of the Bills that come before the House. By way of example, the Biosecurity Bill 2015 was 176 pages long with 406 sections and eight schedules. It introduced a new regime for biosecurity threats, gave broad power to government officials and impacted on a diverse range of stakeholders with severe penalties and curtailment of certain civil liberties. A number of amendments were proposed by various members of the Legislative Council due to their concerns about the application of the legislation. Despite this, the Bill was passed within a short time frame after very limited consideration by the House.

I also consider that there is insufficient time allotted to participating cross bench members at Budget Estimates committee hearing. Unlike the Government and Opposition, Cross benchers hold responsibility for multiple (or all) portfolios and so should be provided with a minimum of one hour for each GPSC Budget Estimates Committee hearing relevant to their portfolios.

b) Do you have any comments about the composition of Legislative Council committees or the appointment of chairs?

I propose that the composition of the Legislative Council committees recognise the increasing size and diversity of the cross bench by increasing the number of cross benchers as voting members on committees.



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c) Is the current committee structure appropriate to ensure the Council is able to fulfil its role as a House of Review?

I propose the addition of a General Purpose Standing Committee on Animal Protection. Each year in NSW hundreds of millions of animals are exploited in all facets of human activity; food production, clothing, cosmetics, pharmaceuticals, medical research, entertainment and gambling, commercial and recreational hunting and fishing. Animals are also subject to the impacts of the use, destruction or preservation of their habitat by housing development, transport, agricultural, mining or other economic activity.

The impact of animal cruelty and abuse is now of such concern and interest to the community that the welfare of members of the community is often deleteriously affected. There is also growing evidence of the link between perpetrators of animal abuse and the risk of harm to children. The public is outraged by abuse of the innocent, those who need advocacy and protection.

Due to increased public interest in the well-being of animals, in the last few years we have seen inquiries into the greyhound racing industry, companion animals, environmental protection, horses and aspects of the work of the RSPCA. A search of Hansard reveals numerous questions asked about animal issues by Opposition and Crossbenchers as well as many Private Members Bills pertaining to intensive animal farming and slaughter, primate research, the greyhound industry and the protection of companion animals as well as game parks and hunting.

The changing nature of the public's attitude towards the treatment of animals and the contest of ideas about human exploitation of animals provides strong grounds for the establishment of a GPSC for animals.

Kind Regards,

The Hon. Mark Pearson MLC

Animal Justice Party