

**Submission
No 11**

INQUIRY INTO STATE SENATE BILL 2015

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Submission to the Legislative Council Select Committee on the State Senate Bill

Dear Committee

I am an Associate Professor of Constitutional Law at Monash University.

The State Senate Bill is silly and self-indulgent.

The Bill would permit MLCs to choose to use the title 'State Senator'. The Bill would also permit the Legislative Council to be referred to as the 'State Senate'.

The Second Reading Speech claims that the Bill does not purport to change the name of the Legislative Council. This does not accord with the terms of the Bill. Clause 3(1) of the Bill uses the expression "other name". This suggests that the Bill has the effect of the giving the Legislative Council a second name.

The Second Reading Speech for the Bill claims that the Bill is intended to address the problem of Americans not knowing what a Legislative Council is or what a Legislative Councillor does. Who cares? So what? How does this improve the work of the Legislative Council? How does this help the people of New South Wales? Why should the name of a House of the New South Wales Parliament be changed to address the alleged ignorance of Americans? Why should the title of a New South Wales parliamentarian be changed to address the alleged ignorance of Americans?

On the logic of the Second Reading Speech, a Bill should be introduced to allow the Premier to refer to him or herself as Governor.

The Bill has the potential to cause confusion. The Second Reading Speech says "the use of the terms 'State Senate' or 'State Senator' will be optional for members". As a result, we are likely to have a situation where some Members of the Legislative Council refer to themselves as a State Senator and some do not. *That* situation is likely to lead to confusion. Why should people who hold the same position use different titles? What benefit flows from that?

The Second Reading Speech also claims that the use of 'State Senate' has become a 'custom' and that a purpose of the Bill is "so that a custom that is without any legislative authority is supported by legislation". Customs don't require legislation.

This Bill does not help the people of New South Wales. It does not address any real problem. It seems that some MLCs think "State Senator" is a grander sounding title than their current title.

I trust this submission is of assistance.

Yours sincerely

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