

The Hon Penny Sharpe MLC

Minister for Climate Change, Minister for Energy,
Minister for the Environment, Minister for Heritage,
Leader of the Government in the Legislative Council



Ref: A5764331

24 May 2023

Mr David Blunt
Clerk of the Parliaments and
Clerk of the Legislative Council
Parliament House
6 Macquarie Street
SYDNEY NSW 2000

Re: Government Responses to Committee Reports

Dear Mr Blunt

I refer to Standing Order 240(1) of the Legislative Council which provides that on the tabling of a report from a committee which recommends that action be taken by the Government, the Clerk is to refer the report to the Leader of the Government in the House who must, within three months of a report being tabled, report to the House what action, if any, the government proposes to take in relation to each recommendation of the committee. Further, Standing Order 240(4) of the Legislative Council provides that a response is required notwithstanding prorogation of the House or the expiry of the Legislative Assembly.

As you know, the Parliament was prorogued by the Governor on 27 February 2023 until 3 March 2023 (in the case of the Legislative Assembly) and until 9 May 2023 (in the case of the Legislative Council).

The effect of prorogation is 'to put an end to every proceeding pending in the House prorogued and to vacate all orders of that House which have not been fully executed'.¹ Accordingly, the Government considers that the Government's obligation pursuant to Standing Orders to provide a response to recommendations contained in committee reports lapsed when the Houses of Parliament were prorogued, or that there is at least significant uncertainty about whether Government responses are required to be provided to committee reports tabled during the last session of Parliament notwithstanding Standing Order 240(4).

¹ Professor Anne Twomey, *The Constitution of New South Wales* (Federation Press, 2004) 461.

To resolve this uncertainty following the prorogation of the Parliament in 2010-11, the Legislative Council passed a resolution requiring a response to certain Legislative Council committee reports tabled during the previous Parliament for which a response had not yet been provided.²

In accordance with this precedent, and to resolve the present uncertainty, if the Legislative Council seeks a response to a report of a Legislative Council committee tabled during the previous Parliament, I request that the House passes a similar resolution.

Regardless of the position of the Executive Government as outlined above, the Government plans to voluntarily provide responses to reports that currently are overdue or due by the end of May. We expect to be in a position to provide these responses to the Parliament by the end of June 2023.

Sincerely,



Penny Sharpe MLC

Minister for Climate Change, Minister for Energy,
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24/5/23

² New South Wales, *Parliamentary Debates*, Legislative Council, 13 October 2011, 6121-22 (the Hon Mick Veitch MLC).