

# Keeping the Executive Honest:

The Modern Legislative Council  
Committee System – David Clune



part one

A COMMEMORATIVE MONOGRAPH:

Part One of the Legislative Council's  
Oral History Project



## President's foreword

Over recent decades we have witnessed the increasing importance of parliamentary committees in systems of government across the world. This trend is especially evident in the NSW Legislative Council, where committees are pivotal to the effective governance of this State. It is appropriate then that we commemorate the 25th anniversary of the establishment of the Council's first Standing Committees, an event that was not only seminal in enhancing Parliamentary democracy in New South Wales but has influenced developments in other states.

The Legislative Council's commemorative monograph: *Keeping the Executive Honest* draws on the memories of five former Members who were integral to the establishment of the modern committee system in the Council: Max Willis, Liz Kirkby, Lloyd Lange, John Hannaford and Ron Dyer.

Dr Clune's monograph locates the genesis of the committee system in the momentous reforms to the Council in 1978 when, for the first time, Members were popularly elected. The Council's renaissance continued with its transformation to a full time House and the advent of its modern committee system in 1988.

*Keeping the Executive Honest* is the first instalment of the Legislative Council's Oral History Project. I look forward to future monographs which will explore many other fascinating aspects of the history of Australia's first Parliament, as remembered by the very people who have shaped its evolution as a dynamic institution of deliberative democracy.

Don Harwin MLC  
*President*



*Marking 25 years of the committee system in the Legislative Council*

# Preface

This publication is based on interviews with former Members of the Legislative Council who were involved with the establishment of the first Standing Committees. They were conducted by Mr David Blunt, the Clerk of the Parliaments, and Dr David Clune, formerly the NSW Parliament's Historian, in Parliament House between May and July 2013:

- The Hon Ron Dyer – **Monday 6 May 2013**
- The Hon Elisabeth Kirkby – **Friday 10 May 2013**
- The Hon William Lloyd Lange – **Wednesday 5 June 2013**
- The Hon Max Willis – **Friday 7 June 2013**
- The Hon John Hannaford – **Tuesday 16 July 2013**

Details of the interviewees' background and Parliamentary service are provided in Appendix A. The Appendices were prepared by Alex Stedman and Emma Rogerson of the Legislative Council staff and Members' photographs taken by Sam Griffith and Samantha Brown. The original Hansard transcripts have been edited to eliminate extraneous material and repetition and to enhance clarity and readability. All direct quotes are from these transcripts. The complete edited transcripts will be made available on the NSW Parliament's website as part of the Legislative Council's ongoing oral history project.



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## Historical background

The NSW Legislative Council has sometimes been characterised as a staid, immutable institution. In reality, nothing could be further from the truth. Throughout its life the Council has constantly changed its nature and reinvented itself. It came into existence in 1823 to give the colonists a voice in the government of New South Wales, although largely in a tokenistic sense. Twenty years later it became Australia's first representative legislative institution, with the majority of its Members elected. With the advent of responsible government in 1856, the Legislative Council became a House of Review. Members were nominated by the Governor, initially for five years then for life.

Although the Council on the whole used its power to amend or defeat legislation moderately, conflict with governments was inevitable. The most serious confrontations were with Jack Lang, Labor Premier from 1925-7 and 1930-2. In 1926, Lang introduced an Upper House Abolition Bill which was defeated. In response, the incoming Nationalist Government legislated in 1929 to provide that abolition of the Council or alteration of its powers must be approved by a referendum. After Lang returned to office in 1930 he again unsuccessfully tried to abolish the Upper House. In 1933, United Australia Party Premier Bertram Stevens (1932-9) oversaw constitutional changes which reconstituted the Council into a House of 60, indirectly elected by the Members of both Houses. Members of the Legislative Council (MLCs) had a 12 year term, with one quarter retiring every three years. The role was regarded as part time and MLCs were paid an allowance rather than a full salary. Although it sounds a reactionary system, the aim was to produce a less party-dominated chamber than the Lower House. It was also hoped to attract Members with a wide range of expertise who were not willing or able to become full time politicians. The reality was that the Council did often operate in a partisan way, though less overtly than the Assembly. In terms of the quality of Members, to use a cricketing analogy, there were some outstanding batsmen at the top of the order but a fairly long tail.

By the 1970s, an indirectly elected Upper House was widely seen as an unacceptable anachronism. It was stigmatised as a "House of geriatrics". Reform was strongly advocated by Neville Wran, ALP Premier from 1976-86. Many conservatives accepted that change was inevitable but disagreed with the details of Wran's proposals. After much negotiation and compromise, the Opposition agreed to a reconstitution of the Council which was overwhelmingly approved at a referendum in 1978. It provided for a House of 45 Members directly elected under a proportional representation system with one third retiring at each general election. The first popular election for the Council in 1978 initiated the transition and after the 1981 and 1984 polls all MLCs were directly elected. As a consequence of the Council becoming fully elected, MLCs were paid a full time salary from 1985.

Further change came under Nick Greiner, Liberal Premier from 1988-92. The size of the Council was cut to 42 and the term of office reduced to eight years. A consequence of these changes was that the quota required for election was lowered, thus increasing the likelihood of independent and minor party representation. The Greiner Government's proposals were passed at a referendum held concurrently with the 1991 election. No Government has had a majority in the Council since 1988, with the balance of power being held by the crossbenches. From 1999 to 2003, there were 16 Government, 13 Opposition and 13 minor party and independent MLCs.

The transformation of the Council into a fully elected, full time House led to another major change, the advent of an effective committee system. In 1988 the first Standing Committees, Social Issues and State Development, were established, followed by the Law and Justice Committee in 1995. It was the beginning of a renaissance for the Legislative Council which has seen it become a powerful instrument for scrutinising the executive and holding it accountable to the electorate.

## Scrutiny in the pre-reconstitution Legislative Council

Max Frederick Willis joined the Parliamentary ranks of the Liberal Party in the Legislative Council in 1970, followed four years later by William Lloyd Lange. Both experienced the pre-reconstitution Upper House in action. Lloyd Lange sees it as a very different institution but not without its strengths:

I would have to say that the opportunity to have significant personalities and successful professional and business people in the House, as there was at that time, has changed. I think it is much more a party House than it was previously. I was forewarned of that by a former Minister, Mac Hewitt, who was one of the Ministers when I arrived. He thought that making it more of a party House would only lead to deterioration of the calibre of the Members, and I believe that has happened. They may not agree but that is what I perceive from the outside.

Max Willis expresses a similar view:

To some extent it had an air of noblesse oblige about it and in that context it was certainly not as political, in the adversarial sense, that the House is today as a fully elected popular House. The interesting thing about the membership was that the Members tended to be true experts – and I mean that in the sense of having vast experience in their particular field. For example, from the Country Party there was Mac Falkiner. He was of the great Falkiner wool family. There was nothing that man did not know about the wool industry, and, by and large, he only ever got to his feet when there was something on in the House relative to wool or the rural industries. Similarly, you had Sir Edward Warren – Mr Coal – the founder and the maker of Coal and Allied, and the man who was largely responsible for the initiation, after World War II, of the coal export industry between Australia and Japan. Nobody in Australia knew more about the coal industry than Sir Edward Warren, and that is all he usually spoke on. Then on the other side, on the Labor side, they were largely union secretaries . . . Those men knew all about the labour movement and workers' conditions and similar things. One in particular

comes to mind, Fred Bowen, the President of the Trades and Labor Council. He was an absolute expert and his relationship at a Ministerial level with the Premier of the day and the Minister for Labour and Industry, who happened at that time to be my brother Eric, was very close.

Max Willis recalls that seniority and unwritten conventions of behaviour meant much in the old Council:

It was considered not good form to make your maiden speech too early. I made mine 12 months after I came into the House. Today that would be regarded as quite tardy, but at the time I remember Sir Hector Clayton saying to me in the courtyard one day: 'I hear you are making your maiden speech next week, Willis. Umm, you know in my day it wasn't considered good form to make your maiden speech in under three years. You really need to get to know the place'.

Willis and another neophyte Liberal MLC, Clyde Packer:

[D]id a little mathematical exercise one day and worked out that between the two of us we reduced the age of the House by about three years from 75 to 72. So that gives you an idea of the venerable nature of the House.



Ron Dyer was one of the first group of Labor MLCs elected in 1978 and Elisabeth (Liz) Kirkby was elected as an Australian Democrat in 1981. When Dyer took his place, the Legislative Council to a large extent followed the old model:

It had been a part time House; it commenced sitting at 4.30 in the afternoon, for example; there was, if at all, a very short Question Time, which over the years developed into a full Question Time, similar to that in the Legislative Assembly. The Members of the Upper House tended to be in the old days, on the Labor side, from trade unions – not exclusively, but to a large extent; and on the non-Labor side of the House there were representatives who had an employers' association background or a pastoral background, and so on. It was very much a part time House, and one that certainly needed updating when it evolved into a House directly elected by the people ... Some unkind things used to be said in the media. It was referred to as a House of geriatrics, and so on, which is perhaps somewhat unkind. Some of the Members were getting on in years. Perhaps I should not identify any particular member, but I can remember when I was still a schoolboy sitting in the gallery of the Upper House and looking at the proceedings of the House – many years, indeed, before I became a Member here – and some of the Members, on both sides, were certainly of advanced and advancing years.

Liz Kirkby remembers that when she was elected:

I met a previous Member of the Legislative Council, a male, who was very surprised that a woman had been elected, particularly from a minor party. That upset him terribly because he regarded the Legislative Council as the best club in Sydney. I am afraid that was the atmosphere. The men came in about 4 o'clock and chatted for a bit, then they went to the bar and then they went to dinner – that was a great night out for them ... Of course once you got MLCs elected you then had to make them do some work and that was when things started to change, but at the beginning it really was an old boys' club.

The atmosphere in the old Council certainly was “very gentlemanly” according to Max Willis: “literally, in fact, as there were no ladies' rooms; the men's rooms had ‘Gentlemen’ on the door and the ones the women used just had ‘Private’.”

As one of the few crossbenchers and one of the few women in the Legislative Council, Liz Kirkby did not expect that it would be “particularly easy”:

If you remember, we were still fighting for women's liberation. It was a privilege to be in a position where you were a woman in Parliament, so there was great support I think across party lines for the few women there. As more women were elected, particularly in 1988, the women became quite close, irrespective of party politics, so you always felt supported, you did not feel you were being attacked because of your sex ... So I did – and still do – have friends across party lines. Of course, all of the women were very close and I think in some cases that upset Members of the Labor Party because they remembered Kath Anderson. Apparently when she was ALP Whip she never allowed her female Members to talk to female Liberal MLCs. You did not do it. And she ruled the women with a rod of iron. Labor Members used to say, ‘Kath wouldn't allow that if she was



*Elisabeth Kirkby*

here', but it had collapsed by the time I was elected, you see, so we were friendly across party lines.

The architects of the reconstruction of the Legislative Council in the 1930s hoped to make it an effective, dispassionate and informed house of examination and review. How did the Council measure up to that ideal in practice? Liz Kirkby has no doubts:

“I would think at the beginning it was probably totally ineffective as a House of Review”. According to Lloyd Lange:

I think the debates were generally well informed but I do not think there was really scrutiny of any substance, particularly on the financial side and, indeed, on some of the legislation. The other issues that I felt needed to be looked at were things such as health and education, mining, public works, but there was nothing done of any significance in terms of examining statutory bodies – the Water Board or the Public Transport Commission. That was one of the motivations behind my efforts to set up the committees.

Max Willis points to the fact that the Coalition needed the support of an Independent Labor group from 1967-73 to control the Council as imposing a check on the Government:

It relied at that time on the rebels who had broken with the Labor Party in the attempt in the 1960s to abolish the Council, and the successors to the rebels – some were still there and they were able to elect their own MLCs with Coalition support. So the Liberal-Country Party Government did not have a majority in its own right. Although many would claim these so-called independents were in the pocket of the Government, particularly those who were the successors to the original rebels, they did, to some extent, have a level of influence. The Government used to have to take notice of them. It was not that often, to my observation, that they became difficult, but when they did the Government did take notice – not too different to the crossbenches now. They did have an influence

on the Government, probably more behind the scenes than on the actual floor of the House, because the Government took them very much into its confidence.

Ron Dyer also believes that the Council was more effective at scrutiny when the Government did not control both Houses:

If the government of the day, whether Labor or non-Labor, lacked a majority, it was partly effective. What I am thinking of is that if the government had the numbers they tended to be in a position to ram legislation through, sometimes very quickly indeed – which, in my view, is not particularly healthy, whichever government happens to be doing it. That itself is an argument for a committee system in the Upper House, so that it can operate effectively as a House of Review.

The old Council did have two committees: a Printing Committee and a Committee on Subordinate Legislation. The role of the first was to decide which tabled papers should be printed. Its duties were not onerous. Ron Dyer sums it up:

When there was an appointment to the Printing Committee from my side of the House there was a little titter of amusement and a comment would sometimes be made, ‘Oh, you’ll be working very hard on that committee’. The Printing Committee, I suppose it could be said, was a fairly formal exercise ... Judging by the reaction of my colleagues, not a huge amount of work was required on the part of Members of the Printing Committee.

The Subordinate Legislation Committee was a different proposition. It was established in 1960 on the motion of Liberal MLC and leading barrister Colin Begg with a wide ranging brief to examine all delegated legislation. Max Willis describes it under the Chairmanship of Sir Hector Clayton as “a one-man committee”:

He had obviously made a specialty of it. What support he had from his law firm of Clayton Utz I know not. When we would have our regular meetings – I was on it – Sir Hector would do all the talking, tell us what was right, what was wrong and what he had done and what he intended to do, and that was it. He had a vast knowledge of all subordinate



legislation and he was not at all reticent about taking the Government to task and demanding regulations be amended or withdrawn. The Government and the Attorney-General's Department, in particular, held him in very great respect. They knew he had been at it for donkey's years.

A solicitor, Ron Dyer joined the Subordinate Legislation Committee soon after becoming an MLC and was Chairman from 1980-87:

Prior to my chairmanship, Sir Adrian Solomons [of the Country Party] chaired the committee; and he did the best he could, under the prevailing circumstances. I would want it to be understood that nothing I say would be intended as any reflection on the capacity of Sir Adrian Solomons, with whom I was on close, friendly terms, despite the fact that we belonged to different parties. My recollection is that Sir Adrian Solomons thought it was more appropriate that a government member should chair that Committee; and it was in those circumstances that I became a member and chairman of that Committee. The fundamental difficulty with the Committee on Subordinate Legislation was that at each meeting – which was approximately monthly – a formal motion was proposed that all of the regulations had been examined and none of them offended against the standards laid down by the terms of reference of the Committee. Those terms of reference related to traditional matters that the Senate Committee on Regulations and Ordinances would have regard to – matters such as whether, for example, the regulation in question trespassed unduly on personal rights and liberties ... The Committee at those meetings would tend to blithely carry that motion, when in fact very little attention had been given to the regulations. Some Members did occasionally look at the Government Gazette, as I did. But as we were serving as Members of the House, and not all of us were lawyers, it was not an ideal situation that Members were expected to trawl through the gazette, which comes out very regularly, as you know.

After becoming Chairman, Dyer attempted to make the Committee more effective:

I started to annoy the then Premier, Neville Wran, by asking for some staffing to assist that committee. Evidently, my pleas did not entirely fall on deaf ears, because the committee was given a part-time researcher, an academic from Macquarie University. He used to, prior to every meeting, between meetings, go through the regulations and draw our attention to any that in his view violated or offended against the standards that the terms of reference of the committee required it to consider. So I was very grateful to Premier Wran for that breakthrough. It was not really enough, but it was a start; we needed a full time researcher.

In 1987, the Subordinate Legislation Committee was replaced by the Lower House's Regulation Review Committee which had adequate resources and staff for its task. The latter's duties were taken over in 2002 by the Joint Legislation Review Committee.



## The beginning of a committee revival

The advent of a full time, fully elected Legislative Council in 1984 ushered in a different era. The challenge was to find a new, effective role for the Upper House. A revived committee system was a logical development. Lloyd Lange was an early advocate, unsuccessfully moving in 1979 and the following year that an inquiry into standing committees be set up:

I was very keen to see the committee system established because it had worked successfully in other Parliaments and it seemed to me there was a deficiency here in that there were not the opportunities to have standing committees. Even though select committees could be established I thought it was desirable to have standing committees so that matters could be referred to them from time to time and that, in fact, is what has happened.

Lange, who had an accounting background, successfully moved in 1978 that a Legislative Council Select Committee on the Public Accounts and Financial Accounts of Statutory Authorities be set up. Subsequently, its work was taken over by a Joint Select Committee which recommended the reconstitution of the Public Accounts Committee. Lange recalls that:

I had a couple of goes before finally the Government agreed to support it. I think it has generally been seen as leading to the Public Accounts Committee becoming a very significant committee now, even though it is only in the Lower House. I think it has been able to examine all the financial accounts and particularly statutory bodies. I know the head of the Treasury at the time was very much opposed to it being re-established. He thought we were asking too many questions about the finances, but that was what I saw as one of our important roles. He worked against that but finally the then Premier, Neville Wran, supported it. One of the Ministers told me he went around the Cabinet table and asked all of them how many of them had really understood or looked closely at budget papers and virtually none of them had done so. So that Committee performed a very significant role in properly examining the budget ...

It had previously existed in a very limited form – it sat for about two or three minutes twice a year, supposedly to peruse the budget. It was quite inadequate. I was appalled when I first attended the Public Accounts Committee that nothing was really done to scrutinise the budget, which is of course one of the most important pieces of legislation that comes through the Parliament. I did not think that was nearly adequate and that is why I set up the select committee to examine the need to look more closely at public accounts and the statutory authorities.



The Joint Select Committee Upon Public Accounts and Financial Accounts of Statutory Bodies was chaired by Laurie Brereton, ALP Member for Heffron. He took advice from Lange on what the Committee should do: “He virtually wrote into the report the recommendations that I put to him on what it should be doing. He was very supportive”.

John Hannaford, who became a Liberal MLC at the 1984 election, was very conscious of the need to make the Upper House relevant to the community and saw committees as a way of doing this:

We were still coming out of the push by the Wran Government for reform of the Upper House. There still existed a concern that the Council would be abolished, consistent with long time Labor policy. In the Liberal Party we were going through the travails of reform of the selection of candidates, influenced by the memory of what might best be described as almost manipulated selection of Upper House candidates. The whole concept of a democratic institution was still in the throes of being developed. The Senate had already established reasonable committee processes. We were influenced by the unicameral system in Queensland and the way in which such absolute power had the potential to corrupt the democratic process ... The NSW Upper House was referred to as a club, an ineffective institution. Unless it was made an effective institution, then it would be almost impossible to resist the pressures to abolish it. Within the Parliamentary Liberal Party there was a desire amongst some, particularly in the Lower House, to have the Upper House abolished – and elements of that still remain to this day ... In the preselections for the Liberal Party that led to my election in 1984, the issue of developing a strong relevance for the Upper House to try to sustain its existence was an essential ingredient for all of the candidates. Those who came into the Parliament with me in 1984 wanted to see a change and knew that something had to be done in order to be able to sustain the Council.

Max Willis was also an early supporter of Upper House standing committees:

My interest in standing committees was first generated by the work done by Lionel Murphy in the Senate. The standing committee system that exists in the Senate is largely his work. He was very much responsible for establishing in the Senate what I regarded as a very worthwhile system in creating or in helping to ensure transparency and accountability of the executive Government. Now, when the winds of change were blowing here, it seemed to me that if we were going to have an elected House this was the direction we should go in. A lot of the younger Members, a newer breed of MLC – Ted Pickering, John Hannaford, Virginia Chadwick,

those sort of people, in my party – thought the same way. I remember that I prepared an internal report for the Liberal Party which was along the lines that we should support this direction as the House became elected. There was similar thinking amongst people in the Labor Party and it was out of that this idea grew: ‘Well, if that is going to occur under whatever government, let us have a committee to really examine what standing committees are all about, what they should do’, and hence that committee on committees. It was very much a committee designed to do a research paper, if I can put it that way, for reference in the future.

On the Labor side, Members such as Ron Dyer strongly supported the establishment of a committee system. On 28 February 1985, Leader of the Government in the Legislative Council Barrie Unsworth moved for the appointment of a Select Committee on Standing Committees. Dyer comments:

I have no reason to believe that he was other than sincere in moving for the appointment of the Committee. He could see the evolving composition and nature of the House, and he could see the merits of having a committee system, along the lines that I have indicated – to give people outside a voice and to give the House a proper and constructive role. There is no doubt, in my view, that an extended committee system, or a committee system at all, is consistent with the review function; and I am sure that Mr Unsworth took that view. The Opposition was perhaps more overtly supportive of a committee system at the time. Lloyd Lange certainly was. He had uttered remarks in favour of a committee system. So how I would characterise it is that the Government had a quieter and less publicly expressed attitude toward the committee system compared to that of the then Opposition.

The Coalition welcomed the motion and it was passed on the voices. Ron Dyer was Chair and the other Members were Lloyd Lange (replaced by Max Willis in 1986), Toby MacDiarmid from the National Party and Labor’s Delcia Kite and Ken Reed.

## The Select Committee on Standing Committees of the Legislative Council

Ron Dyer says of his appointment as Chair of the Select Committee on Standing Committees of the Legislative Council:

I think that I would have been made Chair of the Committee because I was seen as diligent and thorough, and not easily diverted from a task or objective. Some people would even say that I was stubborn ... Other reasons that might have been held by Mr Unsworth, in particular, would be that I was a lawyer and used to considering detailed matters. And it would not have passed his attention that, from a personal perspective, I believed, and strongly believed, that a committee system was very desirable given the changes that were occurring in the Upper House. Finally, I had – and still have – a good relationship with Mr Unsworth; all of those matters to which I have referred I suppose might have something to do with why I became chair of that committee. I can certainly say that I was absolutely sincerely dedicated to reaching that objective of the Upper House having a sound, working, committee system.

The Committee worked diligently at its task, holding lengthy hearings and receiving many detailed submissions. Dyer describes the process:

What we did was set out to consider committee structures that existed in other jurisdictions. Prominent examples at that time of legislatures that had effective, working, committee systems included the Australian Senate and the House of Representatives, although the Senate of course was more analogous to the Legislative Council, being an Upper House. The Victorian Parliament had an effective committee system. The South Australian and Tasmanian Parliaments did also, although in those two latter cases they perhaps were not as extensive as the Victorian system. However, the committee, apart from taking evidence from numerous witnesses here in Sydney, travelled to Canberra, Melbourne, Adelaide and Hobart. From memory, we spent about two days in each of those

cities, taking evidence. Before we set out on the road, though, we took a considerable amount of evidence here at Parliament House in Sydney; and one of our first witnesses was a very valuable one, and that was Mr Jim Odgers, a former Clerk of the Senate, a highly respected figure. We valued his evidence very much; he was able to talk with authority on the Senate system ... We endeavoured to conduct a very thorough and exhaustive exercise. To that end, we spoke to everyone we thought could help us. The Senate was clearly crucial, in that they had a highly respected committee system, and a highly effective and longstanding Committee on Regulations and Ordinances.

According to Max Willis, the Committee operated in a bipartisan manner because “we knew what we wanted to do”:

It was a matter of verifying the direction we wanted to go in and give it some shape and form ... It was to prepare a blueprint for the future, whenever, but it very rapidly was supported by Liberal Party policy. It had been policy within the Liberal Party due to reports that I had done and other people had supported. We were committed to it over the ten years prior to that Committee. So it was basically a committee, as far as my side was concerned, into which we could put our input and try and get a consensus with the Labor Party on a blueprint for future standing committees in the Upper House – something which was acceptable to both sides of politics so that we could have a bipartisan approach to it. That was our approach and that was why I was put on that Committee.

Ron Dyer agrees that it was an inquiry with a large degree of common ground among its Members:

The text of the report and the recommendations made by the committee were, generally speaking, on a consensus basis ... We recommended a Standing Committee on Subordinate Legislation and Deregulation, a Standing Committee for State Progress, a Standing Committee on Social Issues, a Standing Committee on Country Affairs, and a Standing

Committee for the Scrutiny of Bills. However, regarding the last-mentioned committee, the decision was made that it ought to be set up in the second stage, and that the first four committees should be considered for the first stage. My recollection is that Mr Willis was pressing for a Law and Justice committee as well. There were some divisions on the committee – I use the word ‘divisions’ in the formal sense – so actual votes. Well, it will not surprise you to hear that I was not unsympathetic to a committee on Law and Justice. However, I maintained party discipline and voted against at that stage.

The Committee’s report was tabled in November 1986. It was a substantial, well-written and well-researched document. The key recommendation was for the establishment of four adequately staffed and resourced standing committees: subordinate legislation and deregulation; state progress; social issues; country affairs. Although the report attracted wide-ranging support, nothing resulted in the final days of the Labor Government. Dyer explains:

In the immediate aftermath of the report, I think the Government’s response was somewhat muted and quiet. I do not know that they rushed to indicate that the recommendations were being adopted promptly ... Mr Unsworth was faced, when he became Premier, with an apparent tide in the other direction, shall we say. So I suppose it is fair to say that his attention was focussed on all sorts of matters, endeavouring to arrest the slide in the Government’s fortunes. So as Premier it was not his number one priority to set up committees of the Upper House, even though as Leader of the Government in the Legislative Council he had moved for the Committee to be appointed. I am not saying that by way of criticism; it is just a reality that that was the position at that time.

## The Social Issues and State Development Committees

The Coalition Government that took office in 1988 built on the work of the Select Committee on Standing Committees. John Hannaford recalls:

In what might be described as the leadership group within the Upper House there was a view that we were going to move and fairly quickly on trying to implement a Senate-style committee system. When we came into Government I was given the task by the Upper House Leader, Ted Pickering, of drafting proposals for a set of policy committees. With the assistance of the then Clerk, Les Jeckeln, we drafted a letter to the Premier with proposals for five Upper House policy committees modelled on the Senate system. I still remember the discussion with the then head of the Premier’s Department, Gerry Gleeson, about the concern of allowing such committees to exist, the danger that could arise from allowing them to occur and the cost that might arise as a result. The compromise was that two committees would be funded. That is how we ended up with the State Development Committee and the Social Issues Committee.



Max Willis believes “in hindsight, that was probably a wise decision”:

The Government decided that no, we would start off with two and see how that went. I think that and the choice of the committee chairmen, at the risk of being immodest, in John Hannaford [for the State Development Committee] and myself [for Social Issues] was good – both lawyers, both committed to making bipartisan committees work.

The first two Standing Committees came into existence on 9 June 1988. The underlying thinking in John Hannaford’s mind, and in that of the leadership team, was that the new committees would assist the Government in convincing the community of the merits of challenging and difficult reforms:

Policy committees were a tool to be available to government to drive debate on significant issues which were going to be difficult to manage ... When all views are out there and people understand differing sides then you can meld out of that a way forward. That was, in my view, the greatest benefit which would come out of policy committees. Reform is driven by the momentum which is within the community. If it is done well by the committee, led well by the committee, then the sense of that direction can mellow radical reform or it can identify the extent to which reform ought to go, but provide a staged process by which it can be achieved. Or it can identify that absolutely nothing should be done.

Hannaford says that this approach led to a decision not to give the Standing Committees a self-referencing power:

The view was that there had to be some government guidance as to what ought to be the agenda and it should be government that tries to use the committees to develop very significant policy initiatives.

The first inquiry of the Standing Committee on Social Issues concerned accessing adoption information. Max Willis, who chaired the inquiry, describes it as:

[H]ugely satisfying and illuminating work. If anyone was to say to me, ‘In your 28½ years in Parliament what do you think is the most important

thing you did?’ I would unquestionably put my finger on that standing committee inquiry.

John Hannaford explains his role in working behind the scenes with the Minister for Family and Community Services Virginia Chadwick to refer the Inquiry to the Committee:

Both Virginia and I had had a very strong view as to what should be happening in that area, which we had for some significant period of time in Opposition. But there were a lot of very entrenched interests that would be not happy with the reforms. Keep in mind that I had adopted children and there were other Members with adopted children and they all had very strong views about reform. We took the view that one of the very first things that should be done was to send the adoption issue to the Social Issues Committee so that we could engender a community debate. If you won the community debate and you got appropriate recommendations that reflected the community attitude then you would get reform – and that was what happened. I regarded that as a big breakthrough in the establishment and operation of committees.

Willis decided that the way to handle such a delicate and controversial subject was to let the flow of information “run free” so that nobody could ever claim “I did not have my say”:

The changes of attitude which occurred within the Committee were progressively very interesting. You could see some Members hardening in their view one way and you could see some Members softening their view in another direction. I had to sit impartially yet, without being overt, try and guide the direction, and this was largely a matter of the flow of oral evidence and the flow of the written submissions and how they were analysed and dealt with and discussed. It became obvious to me, probably at about the halfway point, that the whole Committee was starting to, because of the weight of evidence, coalesce for change, and from then on it became an issue of what change and how. The real turning point

came when I took the Committee to New Zealand, where they had had information legislation in place for a number of years. What happened there was that the Members who were still doubting heard the evidence of both people in the adoption community and professionals in that field; they heard direct evidence from them that, inadequate as it was, the freeing of adoption information in New Zealand had not caused the disaster that many who were opposed to it feared ... The real coup de grace came with evidence we heard that the [work of the] psychologist from Scotland, upon whose academic writings the 1922 legislation [which restricted access to adoption information] had been put in place, had subsequently been proved to be flawed.

Willis says that the Members on the Committee “applied themselves very diligently” for two reasons:

One, they knew the committee system was on trial and, two, it was truly very, very interesting – there was nothing in the evidence that was boring, it was all personal, real live people, their job, their anguish. It couldn't help engage you, and across the board the Members did read their papers, they did read the submissions, they did make intelligent comments, they did ask proper, sensitive, sincere questions to witnesses. They all made a very genuine, positive effort to be impartial, objective, to listen to the weight of evidence, weigh it up and come to a conclusion based on the evidence and subjugate whatever prejudices they might have had.

The Inquiry was a case study in how the process should work. The Committee looked at the evidence objectively, came up with bipartisan recommendations and was able to convince the Government to take action on that basis.

The Standing Committee on Social Issues Committee went on to undertake many other important inquiries. Liz Kirkby was a long-serving member, being involved in 15 references:

It was during the children of imprisoned parents inquiry that we went round prisons in NSW and also interviewed the inmates' families. I had



the inquiry into hepatitis C and I am still connected with the hepatitis C council. That I think was very, very important.

John Hannaford feels the Standing Committee on State Development did not achieve the same initial impact as Social Issues because of the politicised nature of the issues it investigated:

We started out by looking at contracting and coastal development, which were two significant issues ... That Committee took on very politicised issues and therefore was not able to operate in a way in which I envisaged. But it did have the impact of taking the heat out of the debate on coastal development ... There was a fair amount of reform as a result of it and also a lot of reform in the contracting area. Keep in mind my philosophy was to take on significant issues which would be difficult for a government to manage ... That takes time, however. You have to be looking today at what might be an issue that you want to deal with in 18 months time. If governments want to react immediately they will not make much use of committees.

In spite of the controversial subjects investigated, Hannaford observes that the Committee was largely bipartisan in its approach:

I think it would be fair to say that it was not politicised, but that was because of the nature of the people who were on it, that they were trying to find a solution. I think there might have been a dissenting committee report in relation to one of [the inquiries] but that was pursued for political reasons, because of the political dynamics of that period.

## The Law and Justice Committee

The election of the Carr Government saw the creation on 24 May 1995 of a third Legislative Council Standing Committee, Law and Justice. The first Chair was Labor MLC Bryan Vaughan. He was succeeded in 1999 by Ron Dyer who observes that Vaughan and his fellow committee Members:

[S]pent a great deal of time inquiring into motor accident compensation... Bryan Vaughan gave me the impression that he was engaging in a very thorough investigation of that matter; and I think that Committee brought down two separate reports dealing with that particular issue.

Ron Dyer's first major inquiry produced two lengthy reports in 1999 and 2000 on crime prevention through social support:

The theme that underlay those reports was, really, if you invest money at the front end into the problems of troubled kids and troubled families, you will obviate a lot more expense down the track with police time and court time, not to speak of the sheer futility of kids being in juvenile detention. I have never known kids to learn anything useful in juvenile detention, although there may be some isolated example where perhaps that happens. But, generally speaking, like adult jails, they tend to be universities of crime; other troubled kids that they mix with teach them things that they are better not being taught at all ... The real difficulty, though, is convincing, especially the central agencies of government, by which I mean the Department of Premier and Cabinet and the Treasury, of the merit of putting the funds in the front end. They tend to have a more reactive approach. They say: 'Oh, how do we know this is going to work? You wait X number of years to see whether the kids benefit'. Their approach tends to be Police, Corrective Services, Juvenile Justice. It is not the way to go, in my opinion.

One of the most difficult inquiries undertaken by the Standing Committee on Law and Justice under Ron Dyer's Chairmanship was into a bill of rights. He



describes the manner in which the reference was given to the Committee as “more than interesting”:

The Attorney-General of the day was the late Jeff Shaw, and the Premier of the day was, of course, Bob Carr. Now, Bob Carr was, and is, a known opponent of bills of rights. Jeff Shaw was a supporter of having a bill of rights. I was one evening, during the dinner adjournment, quite innocently I think, having my evening meal in the Parliamentary Dining Room and a note was passed to me that the Premier would like to speak to me. So I endeavoured to ring him. Fortunately, probably, the Premier was at some function or gathering and at that stage he was on his feet speaking, so I was not able to talk to him. Next day, though, [Treasurer] Mike Egan spoke to me, and he was laughing. He said, ‘Bob was absolutely incandescent with rage last night over the fact that this reference had been made to the Law and Justice Committee’. Well, could I say that the reference was made by the Attorney-General, Jeff Shaw, who, as I have said, was a supporter of bills of rights. And although I had foreknowledge that Jeff Shaw was going to make the reference, I cannot say that I was aware of what consultations Jeff might have had within the Government. Nor indeed was I aware whether he had taken it to Cabinet. Clearly, he had not taken it to Cabinet, otherwise the Premier would have been aware that this reference was about to be made to the Law and Justice Committee. Bob Carr and I did not end up having any angry conversation about the matter. We did have a conversation about it, and we agreed that we would consider the merits of having a statutory bill of rights.

The situation was not a promising one. The negative views of the Premier on a bill of rights and strong divisions among the Members seemed to indicate that the Committee’s inquiry would go nowhere. Ron Dyer describes what happened:

I said to myself, ‘I’m not going to go through this exercise and come out of it without achieving something’. So what I decided ought to happen was that we would adopt a lesser or middle position of recommending a scrutiny of bills committee; and that would require that bills going through

each House of Parliament would be subject to a consideration by that committee, on very similar grounds to those that would appear in a bill of rights ... [The committee] would give attention to whether a particular provision of a particular bill encroached upon civil liberties. There would be other grounds that would apply, but that is perhaps the most important one. So we did recommend that there ought to be a scrutiny of bills committee. When the committee’s report emerged [in October 2001] I suppose it is fair to say that not a lot of attention was paid to that. However, being the sort of stubborn person that I am, I determined to quietly, behind the scenes, campaign for such a committee to be appointed. And I lobbied all sorts of people about that – some of whom were not all that keen. [Police Minister] Paul Whelan, for example, was not all that keen for such a committee to exist. However, eventually they relented, and the [Legislation Review Committee] was appointed. Recollecting those events, I am quite pleased that I did get something positive out of that exercise, which otherwise could have been a political nullity.

It was a good example of positive politics through the committee process achieving a useful outcome in a highly contested context.

## The General Purpose Standing Committees

By the mid-1990s, the Upper House had three active policy Standing Committees. There were, however, limits on the range of their activities and their independence. This led in 1997 to the establishment of General Purpose Standing Committees which had a self-referencing power and could have an independent chair. The genesis was the hung Assembly of the Fiftieth Parliament. The Independents who held the balance of power insisted on the creation of joint estimates committees. After the 1995 election saw a return to Government control, the Assembly declined to co-operate which led the Council to create its own estimates committees. Liz Kirkby recalls proposing the motion:

I was the instrument and I certainly supported it, but I am perfectly certain that I did not initiate it ... I can only assume it was because

obviously there was some feeling on the part of Government and the Opposition that they could not do it and I was regarded, possibly, as being a moderate.

The Council Estimates Committees functioned in 1995 and the following year. Out of this grew the idea of establishing Legislative Council General Purpose Standing Committees (GPSCs), modelled on the Senate, which would also conduct estimates hearings. On 7 May 1997, John Hannaford moved to establish five such committees. The motion was opposed by the Government but passed 21 to 15, with all crossbench Members voting in support. Hannaford comments that the Government:

[H]ad a very strong policy position against ... But they also knew that they did not have a single extra vote to support them. This was about accountability of government. I think it was also at the time when we had started calling for papers and so there had been a series of steps that were being taken to say that the Government was accountable to the Parliament. Remember that the Government had been fighting tooth and nail against this whole concept that the Government and Ministers were accountable to the Upper House.

Ron Dyer is frank about the Carr Government's attitude to the General Purpose Standing Committees:

The Government opposed their establishment essentially because, as distinct from standing committees, they do not have a government majority. That is putting it at its most basic. My view then was and still is, and the Government's view was, that the committee system should not become unduly partisan – and I would stress the word unduly. My view is that the Standing Committee system endeavours to work on a bipartisan basis so far as is possible, albeit with a government majority on those committees, but nevertheless providing for opposition and crossbench representation ... So, in summary, [sometimes] the General Purpose Standing Committees have tended in my opinion to be unduly partisan ...

I think the only other thing I could say on the utility of General Purpose Committees – and I realise not everyone would agree me with me about it – is that the government's and the opposition's receptiveness to what they are doing would vary according to the particular topic that is being examined, whether it is controversial or not ... I have more faith in the Standing Committee system than in the General Purpose Committees.

Dyer argues that more use should be made of select committees as an alternative investigative mechanism to the GPSCs:

If it is desired to investigate a particularly contentious matter, there is absolutely no reason that I am aware of that the House cannot appoint a select committee, which might not have a government majority ... I have served on select committees as well. One I can very clearly remember was the Select Committee on Police Promotion Systems ... It is an example [of how] the select committee system ... can be used to solve a particular policy problem, or for that matter an administrative problem, that a government might face.

Liz Kirkby, however, has very negative memories of the 1996 Legislative Council Select Committee on Hospital Waiting Lists. She describes it as a blatantly political exercise:

There were three Coalition Members with three Labor and I was the Independent. I was the Chair. Although at that time, for particular reasons, the Opposition was happy to support the waiting lists issue being sent to a select committee, the Government was determined that the Committee would not achieve anything ... The result was, in my opinion, a whitewash. It did not achieve anything because what I thought might be sensible suggestions which were supported by the Opposition Members ... were vehemently opposed by the Government. I had no ability to make them change their minds. I was extremely unhappy about the final report, which certainly did not reflect my personal views about hospital waiting lists ... That committee, to me – it was very close to the time of my retirement – was

a personal disaster because we didn't achieve anything. The whole problem was just being swept under the carpet ... That made me feel 'I've been here 15 years and I'm still not in control of the situation'.

John Hannaford has a strong view about the proper role of the GPSCs in overseeing the administration:

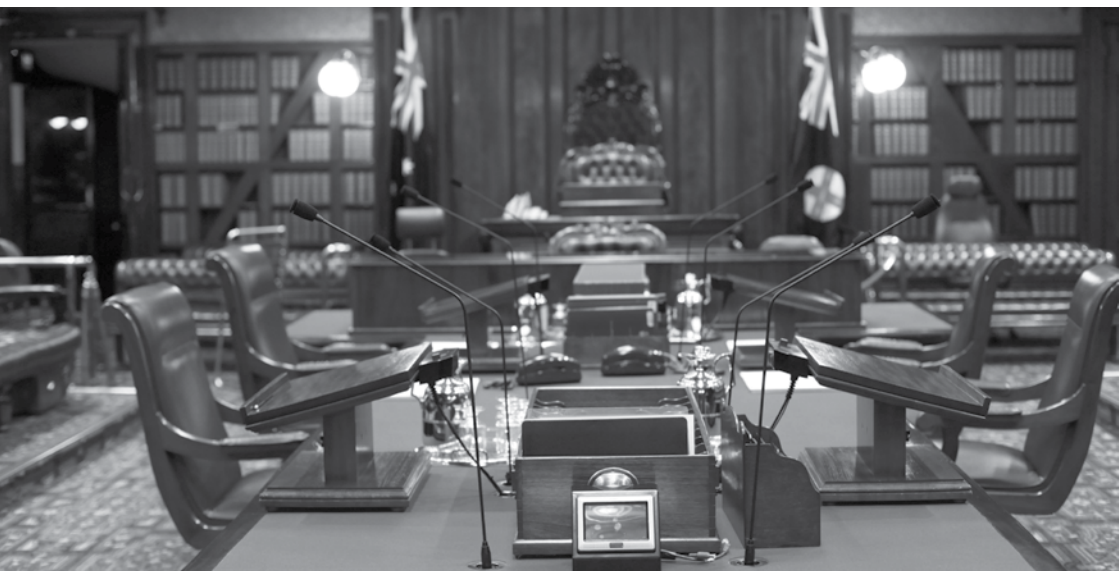
I took the view that if we could actually use the General Purpose Standing Committees to look at very critical departmental operations and understand how departments operate that would have a salutary impact on administration. It would perhaps significantly assist government to drive reform agendas and it would also assist in enabling better understanding of how governments work. I do not think a lot of politicians actually understand how government departments work and even the system of creating budgets or budget controls. You could take particular areas of the public sector and ask questions and get to understand them and try to help governments. An opposition might think that it is about scoring against the minister, but it is actually about getting the public sector to be more accountable ... These were not

policy committees, although as a result of looking at the administration of government there might be policy changes. But it was actually to look at how policy was being implemented and, if there were problems, why those problems were arising. It was a tool that governments could use, but [the GPSCs] became more of a focus for destabilising government and confronting the minister rather than being a tool for Parliament to oversee the administration of government.

## The modern Legislative Council committee system

In effect, the Legislative Council's committee structure has evolved over the past 25 years into two parallel streams. The Clerk of the Parliaments, David Blunt, describes the system as it operates today:

There are the three Standing Committees that conduct general inquiries into difficult matters of public policy. They are all chaired by a government member and the numbers on those committees are three government members and three non-government members and the chair has a casting vote. The other system is the five General Purpose Standing Committees, which have the 20 odd portfolios split up between them. The numbers on those committees are three government and four non-government – two opposition and two crossbench members. In this Parliament, reflecting the membership of the House after the last election, three of those Committees are chaired by government members and two by crossbench members ... [The GPSCs] conduct the budget estimates hearings ... Unlike the Senate estimates process, the Ministers who are members of the other House come and attend, so they are grilled directly by members of the Legislative Council Committees. There is often a single hearing for each portfolio with each Minister, which may go for two or three hours. These days it is less common for Ministers or department heads to be called back for a second or third or fourth hearing. Going back about five or six years we used to see that quite often but in the last couple of years there has often just been the single hearing. The GPSCs also tend to conduct 'accountability oriented' inquiries into particular government agencies or decisions.



In addition to these main strands, select committees have also been used on occasion to examine matters of public interest. David Blunt observes that there are two main reasons for using a select committee rather than the Standing Committees or GPSCs:

Firstly, the establishment of a select committee by the House may be seen as an appropriate response to a high profile, contentious, or otherwise weighty issue. A recent example was the Kooragang Island Orica chemical leak inquiry, established to inquire into and report on the responses of Orica and the Government to the incident.

Secondly, select committees enable members with a particular subject interest to come together to conduct an inquiry. The recent Select Committee on the Partial Defence of Provocation is an example. Here, a number of members from various political parties had spoken publicly about the need to review this aspect of the law and they were not all members of an appropriate Standing Committee.

MLCs are also active on a number of joint committees. An important example is the Legislation Review Committee, which considers and reports on all bills and regulations.

## Reflections and evaluations

The five former MLCs interviewed have definite views about the role of the Legislative Council committee system, its future and the delicate balance between a government's right to legislate and the House's right to review the work of the executive.

In Lloyd Lange's view, the Government:

[M]ust always have the right to legislate. I do not think there is any doubt about that. Of equal or even more importance is the House's right to review, provided the mechanisms are in place to do that ... From the community point of view they need to know that the legislation is being properly examined before it is passed. I do not think that happens much these days or as much as it might, despite the committee system ... It is essential that the Parliament be able to examine the public finances on behalf of the community, otherwise it is pointless having the second House. I think it is imperative that scrutiny be full and complete. If the Government has something it wants to hide, that should be made public.



Lange believes that the vision of a committee system he had back in the 1970s “has largely been fulfilled”:

The authority is there and the operations are being pursued satisfactorily, so it is largely what I had anticipated. It took a while to even get approval to look at it but it finally came through ... I am pleased that it is working.

Max Willis does not feel the Government’s right to legislate and the House’s right to review “are in any way in conflict”:

It is a fundamental of our constitutional system that the executive government is responsible and answerable to parliament for everything it does, and can be called upon to be responsible and answerable to parliament for everything it does ... Of course the government has the right to legislate on anything it wants to legislate on, but that in no way inhibits the right of parliament to demand accountability and transparency, and that, in turn, does not in any way interfere with the legislative rights of government.

Willis describes the current committee system as “pretty much as good as you can get”. However, he believes that the system is only as good as the people who run it:

I am strongly of the view that the quality of the committee chairs and the quality of the chief executive of the committee are key components in the effective and smooth operation of any committee. That is pretty obvious. In any organisation those two people really are the key to effective and smooth operation. But the current committee structure, the coverage you have, the modus operandi, seem to me about as good as you can get, as long as you are properly resourced.

Looking back, Liz Kirkby is convinced that Upper House committees:

[W]ere needed, were valuable and they must be allowed to continue and also be allowed to develop in ways that perhaps I do not know about or unforeseen ways that may in future be necessary. I believe a House of

Review is essential ... The government has, in my opinion, a right to put forward legislation based on matters on which the election has been fought. But it surely does not mean that it has an ability to force through that legislation in a dictatorial manner. It is one thing to make an election promise and quite another to translate that promise into legislation. It is necessary for parliament, particularly a House of Review, to see if the legislation is going to do exactly what it is intended to do.

John Hannaford regrets the revival of committees did not include a powerful, effective Public Works Committee\*:

I regard that as a missed opportunity but, again, governments want to be in control of public expenditure on capital works. Government is able to make decisions about significant public works years ahead, but many of these public works are highly controversial. If there was a capability to look at major public works and allow for significant community input, I think a lot of the controversy around those works would be dissipated and possibly some of the public works might be reconsidered ... If you actually had a parliamentary committee that had all the reports, significantly different decisions would be made.

Hannaford believes the full potential of the Council committee system, particularly the General Purpose Standing Committees, is yet to be fulfilled. He argues that the work of the latter needs to be understood in the context of the accountability of government – including Ministers, their staff and public servants – to Parliament:

We went through a lot of steps during that period of 1995 to 1999 of putting in place appropriate governance frameworks for the accountability of the administration and Ministers to Parliament – more particularly, to the Legislative Council because the Lower House did not want to know. I am not quite certain that a lot of people still understand the concept of

\* The original Public Works Committee was not reappointed in the Depression. A successor existed in the Assembly from 1995-2010 but never achieved its potential.

that governance framework that has been put in place. If you are going to have a call for papers, it does mean that people actually need to be taking notice. But that again comes down to the fact that there has got to be an understanding that even staff within Ministers' offices are public servants that are answerable to the Parliament; they are not answerable to their Minister only, they are ultimately answerable to the Parliament.

Hannaford argues that the General Purpose Committees also have much potential to help Members enhance their knowledge of the public sector and prepare for transition to government:

You would get a better government, better oppositions and better transitions of government if there was a more comprehensive understanding of how departments actually operate. You would get that if there was, rather than questioning of the budget in a political point scoring manner, a critical scrutiny of the way in which the bureaucracy actually operated. People think that Ministers control their departments; they do not. The department heads control the department. A Minister is meant to set a policy agenda ... There is not a good understanding of governance in transition to office. Ministers have to learn ... [Shadow Ministers] should be wanting to understand all the operational procedures of the department.

If the authority and standing of the committee system are to become entrenched, Hannaford warns that Members must respect witnesses and not use committees as a political tool:

If members of the committees fail to provide appropriate respect for the people who appear before them then they will get back what they have exhibited. During my period I saw certain Members of Parliament exhibit disrespect. If you exhibit disrespect then you cannot expect respect to be reciprocated. It is an understanding of what is your role. If you want the Parliament to gain respect you should not just use the committee process as a political tool. It is always a two-edged sword. If you have used it

as a blunt instrument then expect that either it will be used as a blunt instrument against you or neutered when the opportunity arises. You are better off trying to use the committees to entrench the authority of the Parliament. I am not quite certain that we have got there yet with the General Purpose Committees.

Ron Dyer is also critical of the politicisation of committees, particularly through the estimates process:

I think they tended to be highly partisan; and I suspect even more so now, on both sides possibly, they may be largely point scoring exercises. I tended to take the view, as a Minister and as a Member after I ceased to be a Minister, that the proper role of a member of an estimates committee was to go through the estimates, the budget papers, line by line and ask constructive questions, for example, saying to the responsible Minister, 'Line so-and-so provides for \$X million to be spent in the ensuing financial year; why was only X minus Y spent, and what were the reasons for that, and why is there such a carryover?' That is just one example. I think that is a perfectly legitimate thing to be asking. However, it is my impression, both when I was a member pre-2003 and since – and it has probably got worse since – that all sorts of extraneous things are obtruding themselves into the estimates process that are highly political.

On the whole, however, Ron Dyer feels vindicated:

I am not the only person who was responsible for the standing committee system being set up, but I do feel that the view that I have always held – that the Upper House should have a hardworking and viable standing committee system in particular and a committee system in general – has been borne out in practice. There is no doubt that it performs a useful role and is consistent with the review function of the Upper House ... There is a living, breathing, functioning committee system in the Upper House which is still doing good work, and does justify the very existence of the Upper House.

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## Appendix A: Biographical details on the interviewees and their careers

All biographical materials have been sourced from the Parliament of New South Wales' public website, records, and Hansard, in addition to the book by D Clune and G Griffith, *Decision and Deliberation: the Parliament of NSW, 1856-2003*, Federation Press, 2006.

### **THE HON RONALD DAVID DYER**

- Born 11 April 1943 in St Leonards, New South Wales.

#### **Early Career**

- Trained as a lawyer (solicitor) at the University of Sydney
- 1969 – 1970: President of the ALP Youth Council
- 1969 – 1971: Member of the ALP State Executive
- 1972: Admitted to the New South Wales Supreme Court
- 1976 – 1979: Member of Ministerial staff of Hon Ron Mulock.

#### **On-going roles**

- 1976 – 1988: Chairman of the ALP Legal and Administrative Committee
- 1978 – 1989: Member of the ALP Administrative Committee
- 1980 – 1988: Director of Hornsby and Ku-ring-gai Hospital.

#### **Professional/Community membership**

- Member of Executive Committee of New South Wales Society of Labor Lawyers; the Executive Committee of New South Wales Fabian Society; Council of University of Newcastle; International Commission of Jurists Australian Section
- Foundation President and former Secretary New South Wales Parliamentary Group Amnesty International.

#### **Parliamentary Service**

- 14 September 1979 – 28 February 2003: Member of the NSW Legislative



Council representing the Australian Labor Party. Mr Dyer was a directly elected member of the Council. During his first speech, Mr Dyer said:

I am particularly honoured to have become a member of the Legislative Council in its reformed, popularly elected state and that I was one of the group of ten candidates of the Australian Labor Party who submitted themselves for election on the first occasion, namely, 7 October 1978, that the people of New South Wales had the opportunity to themselves elect members to this House.

- 1988 – 1989: Shadow Minister for Police and Emergency Services
- 1989 – 1991: Shadow Minister for Housing and Assistant Shadow Minister for Law and Order
- 1991 – 1995: Shadow Minister for Family, Community and Disability Services
- 4 April 1995 – 1 December 1997: Minister for Community Services
- 4 April 1995 – 1 December 1997: Minister for Aged Services
- 3 April 1995 – 28 February 2003: Deputy Leader of the Government in the Legislative Council
- 1 December 1997 – 8 April 1999: Minister for Public Works and Services.

### **Contribution to the Legislative Council**

- Mr Dyer served as the Chair of the Select Committee on Standing Committees of the Legislative Council. The Committee was established following the 1978 constitutional reforms of the Legislative Council which led to it becoming a directly elected body, and the 1985 decision of the Parliamentary Remuneration Tribunal that Council members should receive a full-time salary.
- During debate on the motion to establish the Committee, Mr Dyer stated the following:

Having achieved constitutional reform of this House, it is appropriate for the Government to consider what form of standing committees system ought to apply in this House. As the Leader of the Opposition said, standing committees systems apply in some other Parliaments, notably the Australian Senate. I look forward to participating in the deliberations of the select

committee, and to the ultimate implementation of a suitable system of standing committees for this House.

- Some of the issues considered by the Committee included the manner in which the proposed committee system should be constituted; operated; funded; staff and accommodated.
- In his forward to the Committee's report, Mr Dyer noted that the Committee had examined committee systems throughout Australia and were particularly grateful for the assistance provided by one of the architects of the Senate's committee system, the former Clerk, Mr Jim Odgers. Mr Dyer also added:

I am delighted with the manner in which our Committee achieved a sense of common purpose and something of a vision as to how the standing committees might carve out a unique role. We did not see the committees as necessarily confrontationist, ferreting away at past misdemeanours. Rather, we saw that the Council's committees could be uniquely valuable in serving as a conduit for fresh ideas and new directions to assist in negotiating the difficult times ahead.

- The Committee tabled its report in November 1986. Its key recommendation was for the establishment of four adequately staffed and resourced standing committees in the following areas: Subordinate Legislation and Deregulation; State Progress; Social Issues; and Country Affairs.
- An article in the Sun Herald noted that Mr Dyer believed the recommendations of the Committee represented one of the most significant developments in the Legislative Council's history. Mr Dyer also stated:

In the past the Council was called a house of geriatrics and a gentleman's club. While there may be some truth in this criticism, now that the members are full time and being paid on parity with Lower House members they ought to be working full time but it is probably true to say they are not sufficiently engaged at the moment. The House needs to find a role and the most effective way is by a committee system.

- Mr Dyer also served as the Chair of the Standing Committee on Law and Justice which was established in 1995. During his Chairmanship,

the Committee produced 13 reports, including:

- First report of the Inquiry into crime prevention through social support, published December 1999, report no 12
- Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council, first report, published June 2000, report no 13.
- Crime prevention through social support: second report, published August 2000, report no 14
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- Report on the Proposed State Arms Bill, published December 2002, report no 24.

### **Committee members to have served with Mr Dyer:**

- The members to have served with Mr Dyer on the Select Committee on Standing Committees of the Legislative Council were:
  - The Hon Delcia Kite, ALP
  - The Hon William Lloyd Lange, Liberal Party
  - The Hon Finlay MacDiarmid, National Party
  - The Hon Kenneth Reed, ALP
  - The Hon Max Willis, Liberal Party.
- The members to have served with Mr Dyer, during his first Law and Justice inquiry as Chair were:
  - The Hon John Ryan, Liberal Party
  - The Hon Peter Breen, Reform the Legal System
  - The Hon John Hatzistergos, ALP
  - The Hon Janelle Saffin, ALP.

## THE HON JOHN HANNAFORD

- Born on 21 January 1949 in Goulburn, New South Wales.

### Early Career

- Trained as a Lawyer (solicitor) at the Australian National University.

### Professional/Community membership

- Law Society of New South Wales
- Member of Urban Development Institute of Australia
- Member World Health Organisation's Fellowship
- Urban Development Institute of Australia; Environmental Law Association
- Wallumetta Businessmen's Club
- Member of the Liberal Party, Denistone Branch.

### Other roles

- Within the Liberal Party: Former Regional President, State Executive member, Chairman of State Convention; Chairman of Constitution Standing Committee, Young Liberal Executive member, including many party, branch and conference positions.

### Parliamentary Service

- 30 April 1984 – 10 October 2000: Member of the Legislative Council representing the Liberal Party
- 20 July 1990 – 6 June 1991: Minister for State Development
- 6 June 1991 – 2 July 1992: Minister for Health and Community Services
- 3 July 1992 – 22 October 1992: Attorney-General and Minister for Industrial Relations
- 22 October 1992 – 22 October 1992: Leader of the House
- 22 October 1992 – 26 May 1993: Attorney-General, Minister for Industrial Relations and Vice President of Executive Council
- 26 May 1993 – 4 April 1995: Attorney-General, Minister for Justice and Vice President of Executive Council

- 11 April 1995 – 29 March 1999: Leader of the Opposition in the Legislative Council.

### Contribution to the Legislative Council

- Mr Hannaford served as the first Chair of the Standing Committee on State Development and published two reports during this time.
- The first report examined contracting arrangements between the private sector and government for the tendering and contracting of goods and services in New South Wales. This was further expanded upon in the second report which again considered contracting arrangements, but this time the focus was on local government tendering and contracting.
- Upon becoming a minister Mr Hannaford was succeeded as Chair of the Standing Committee on State Development by the Hon John Jobling.
- Further to his service as a Chair, Mr Hannaford played a prominent role in the debates which established the General Purpose Standing Committees as a result of the failure of the Legislative Council and the Legislative Assembly to agree on continuing the joint Budget Estimates Committees established during the 50th Parliament.<sup>8</sup>
- On 7 May 1997, Mr Hannaford moved to establish Legislative Council general purpose standing committees, modelled on the Senate system, noting that:

The Standing Committee on State Development, the Standing Committee on Social Issues and the Standing Committee on Law and Justice are policy committees – they look at what is necessary to advance the body politic of New South Wales. The general purpose standing committees will be oversight committees – they will oversight the management, structure and business of government; they will not address issues of policy or hear evidence from the vast majority of the community on policy changes. It is not the role of these committees to use their power to investigate the policy of government; they will investigate the expenditure undertaken by government and they will scrutinise and evaluate the performance of government. However, as a result of their scrutinising and evaluating the performance of government, matters of policy may be brought into question.

- Mr Hannaford's motion to establish Legislative Council general purpose standing committees was agreed to on division (Ayes 21/Noes 15).

**Committee members to have served with Mr Hannaford:**

- Members to have served with Mr Hannaford on the Standing Committee on State Development were:
  - The Hon Kenneth Reed, ALP
  - The Hon Richard Bull, National Party
  - The Hon John Doohan, National Party
  - The Hon Richard Jones, Australian Democrats
  - The Hon Ian MacDonald, ALP
  - The Hon John Matthews, Liberal Party
  - The Hon Stephen Mutch, Liberal Party
  - The Hon Paul O'Grady, ALP.

**THE HON ELISABETH KIRKBY**

- Born 26 January 1927 in Bolton, United Kingdom, England.

**Early Career**

- Actress, script writer, radio public affairs commentator, grazier
- 1939 – 1948: Trained/performed at Manchester Repertory Theatre, Birmingham Repertory Theatre and Liverpool Repertory Theatre
- 1951 – 1965: Worked at Radio Malaya/Malaysia
- 1965 – 1972: Worked at Australian Broadcasting Commission
- Held executive roles in the Society for Australian Film and Television Arts and Sciences, Australian Actors Equity and the International Association of Women in Radio and Television.

**Professional/Community membership**

- 1975 – 1979: Member of the Hunter Regional Planning Committee
- Member of International Alliance of Women; Women's Electoral Lobby; Women's International League of Peace and Freedom; National Trust; Society for International Development (New South Wales Chapter); Women and Management; International Commission of Jurists New South Wales Chapter, Vice-President Amnesty International (New South Wales Parliament)
- Member of New South Wales Judicial Commission; Administrative Decisions Tribunal (Legal Services Division).

**Other roles**

- Past President Society for Australian Film and Television Arts and Sciences
- Past Vice-President of Australian Actors Equity
- President International Association of Women in Radio and Television
- Council Member, Worldview International Foundation
- 1999 – 2004: Councillor of Temora Shire Council.

**Parliamentary Service**

- 27 October 1981 – 25 June 1998: Member of the NSW Legislative Council representing the Australian Democrats. Ms Kirkby was a directly elected member.

- 24 November 1981: Ms Kirkby gave her maiden speech in which she commented:

I am now the eleventh Australian Democrat parliamentarian in the Commonwealth and I am the second woman in my party to achieve parliamentary office. I am proud also that I was elected to the Parliament under a quota preferential system of voting which has now made the Legislative Council the most democratic upper House in Australia.

- 1981 – 1998: State Parliamentary Leader. Ex-officio Member National Executive and State Executive.
- Ms Kirkby served as a member of multiple Legislative Council Committees.

### **Contribution to the Legislative Council**

- Following the election for the 50th session of the NSW Parliament no party held a clear majority in the Lower House. In the negotiations that ensued, one of the outcomes secured by the Independents in support for a Greiner Government was the establishment of Joint Estimates Committees.
- The Joint Estimates Committees were appointed in 1991, each with corresponding portfolio areas to allow enhanced scrutiny of Budget proposals. Each Committee consisted of eight Legislative Assembly members and seven Legislative Council members.
- With conjecture as to the effectiveness of the Joint Estimates Committees and disagreement between the Houses regarding their operation post the 50th sessions, the Legislative Council in 1995 resolved on a motion of Ms Kirkby to establish three Legislative Council Estimates Committees for the purposes of examining the appropriation of government departments as well statutory bodies. Ms Kirkby said the following when she moved her motion:

These estimates committees will be the first the Legislative Council has ever had. The committees will be in existence for only one month, and only for this year's estimates. It is possible, as this is the first time the procedure has been followed,

that we may find hitches and glitches along the way. We are prepared to work through those glitches, so that following the 1996-97 budget, which the Leader of the Government has informed us will be brought down next May because of changes in budget procedure, we will be in a position to renegotiate any problems that have arisen and refine the processes we have set in train for considering this year's estimates.

- The Council's Estimates Committees were reappointed in 1996. On 7 May 1997 the Legislative Council resolved, on a motion of the Hon John Hannaford, Leader of the Opposition, to establish five General Purpose Standing Committees (GPSCs).
- In her contribution to the debate to establish the GPSCs, Ms Kirkby stated:
  - I support the motion moved by the Leader of the Opposition for the reasons that he has put very clearly. This House should have standing committees similar to those in the Senate and should be able to question the Government at any time about the expenditure of any government department, statutory authority or government body...I fully support the establishment of the committees. All Opposition and crossbench members should support the motion.
- Ms Kirkby was a long-serving member of the Standing Committee on Social Issues. In total Ms Kirkby contributed as a member to 15 inquiries undertaken by the Standing Committee Social Issues, including:
  - Juvenile Justice in NSW
  - Births, Deaths and Marriages: an open register?
  - Sexual violence: The hidden crime, inquiry into the incidence of sexual offences in NSW, Part 1
  - Suicide in rural New South Wales
  - Youth violence in New South Wales
  - Sexual violence: Addressing the crime, inquiry into the incidence of sexual offences in NSW, Part 2
  - Children's advocacy

- Caring for the aged: Interim report of the Inquiry into aged care and nursing homes
  - Children of imprisoned parents
  - Clinical trials and guardianship: maximising the safeguards
  - Caring for the aged: Inquiry into aged care and nursing homes in NSW
  - Working for children: Communities supporting families, inquiry into parent education and support programs
  - Hepatitis C: The neglected epidemic, Inquiry into hepatitis C in New South Wales
  - Adoption practices: transcripts of evidence 27 August 1998 to 19 October 1998, Interim report
  - Enhancing Aboriginal political representation: inquiry into dedicated seats in the NSW Parliament.
- In addition to her contribution to the Standing Committee on Social Issues, Ms Kirkby served on numerous select committees, including as Chair of the Select Committee on Hospital Waiting Lists.

**Committee members to have served with Ms Kirkby**

- The members to have served with Ms Kirkby, during her first inquiry as a member of the Standing Committee on Social Issues were:
  - The Hon Dr Marlene Goldsmith, Liberal Party
  - The Hon Ann Symonds, ALP
  - The Hon Franca Arena, ALP
  - The Hon Lloyd Coleman, National Party
  - The Hon Keith Enderbury, ALP
  - The Hon Doug Moppett, National Party
  - Revd the Hon Fred Nile, Call to Australia Group
  - The Hon John Ryan, Liberal Party
  - The Hon Helen Sham-Ho, Liberal Party.

- The members to have served with Ms Kirkby on the Select Committee on Hospital Waiting Lists were:
  - The Hon Charlie Lynn, Liberal Party
  - The Hon Ian Macdonald, ALP
  - The Hon Doug Moppett, National Party
  - The Hon Dr Brian Pezzutti, Liberal Party
  - The Hon Patricia Staunton, ALP
  - The Hon Bryan Vaughan, ALP.

## THE HON WILLIAM LLOYD LANGE

- Born 27 June 1937 in Wagga Wagga, New South Wales.

### Early Career

- Trained as a Public Accountant and cattle breeder.
- Partner in Sydney Watermark Search International (formerly Ward Howell International)
- 1970 – 1974: New South Wales Liberal Party Rural Committee
- 1970 -1974: New South Wales Country Vice-President of the Liberal Party
- 1970 – 1974: Member of Federal Liberal Party Rural Committee.

### Professional/Community membership

- Member of Commonwealth Parliamentary Association.

### Other roles

- 1988 – 1992: Deputy Chairman of New South Wales Government Insurance Office
- 1988 – 1995: Chairman of the New South Wales Coal Compensation Board
- Since 1992: Director of Abigail Group Limited and Deputy Chair prior to 1992
- 1992 – 1998: Government Insurance Office Australia Holdings Limited
- 1997 – 1998: Board member of Federal Airports Corporation
- 1998: Sydney Airports Corporation
- Former Director of Tempo Services Group Limited.

### Parliamentary Service

- Chairman of Liberal Party
- 6 March 1974 – 6 January 1986: Member of the NSW Legislative Council representing the Liberal Party. Mr Lange was a member of the Council before the reconstitution
- 1978 – 1986: Member of Joint Select Committee on Public Accounts and Financial Accounts of Statutory Authorities

- 1981 – 1984: Leader of the Opposition in the Legislative Council
- 1976 – 1986: Member of Joint Committee of Pecuniary Interests
- 1978 – 1986: Member of Joint Select Committee
- 1984 – 1986: Deputy Leader of the Liberal Party
- 1984 – 1986: Opposition spokesman for Minerals and Energy.

### Contribution to the Legislative Council

- Mr Lange was a vocal advocate for the establishment of a formal system of committees in the Legislative Council.
- In 1979 and 1980, Mr Lange moved that a Select Committee be established upon Standing Committees. On both occasions Mr Lange's motions were defeated. Mr Lange's reasoning for the establishment of standing committees was that the Legislative Council "virtually performs no function in respect of overseeing the executive". Mr Lange believed that standing committees to review legislation were urgently required:

I think it is fair to say that there is growing concern in the community that Parliament is not functioning as effectively as it should. The increased volume of legislation, accompanied by an increase in the size and power of bureaucracy, makes it more necessary than ever before that Parliament should operate effectively in the interests of the public so as to protect the rights of individuals. The growth in executive power has caused many parliamentarians to consider ways and means by which members of Parliament, acting on behalf of the populace, can provide the service and safeguards for which they were elected.

- In 1981, Mr Lange used the Address-in-Reply to argue for a regulation review committee and a committee to oversee public bodies.
- In 1984, Mr Lange moved that separate standing committees be appointed on Resources, Health, Education, Law and Justice, and Statutory Bodies. Speaking to his motion, Mr Lange stated:

Though some may see the establishment of a system of standing committees simply as a means of finding some useful occupation

for members of this House, the real objective is to try to restore some meaningful degree of parliamentary check on executive government of whatever persuasion. The committees should, however, be seen by Ministers as an aid to their administration and decision-making, and not merely a means of probing or attacking Ministers or ministerial decisions.

- Mr Lange's motion followed a ministerial statement made earlier that day by the Leader of the Government, the Hon Barrie Unsworth MLC, which foreshadowed the Labor Government's "general intention" to establish a Select Committee upon Standing Committees.
- On 28 February 1985, the Labor Government successfully moved to appoint a Committee to inquire into the establishment of a system of Upper House committees – the Select Committees on Standing Committees of the Legislative Council (the Committee).
- Mr Lange served on the Standing Committee on Standing Committees until his resignation from the Legislative Council on 6 January 1986.

#### **Committee members to have served with Mr Lange:**

- The members to have served with Mr Dyer on the Select Committee on Standing Committees of the Legislative Council were:
  - The Hon Ron Dyer, ALP
  - The Hon Delcia Kite, ALP
  - The Hon Finlay MacDiarmid, National Party
  - The Hon Kenneth Reed, ALP
  - The Hon Max Willis, Liberal Party.

#### **THE HON MAX FREDERICK WILLIS**

- Born 6 December 1935, Murwillumbah, New South Wales.

#### **Early Career**

- 1957: Obtained Bachelor of Law from University of Sydney
- 1958: Admitted as a solicitor and became a solicitor with firm Serisier, Willis and Bowring, Miranda to 1971.

#### **Other roles**

- Honorary Legal Advisor to Juliana Village and Abel Tasman Village (retirement villages).

#### **Parliamentary Service**

- 2 September 1970 – 5 March 1999: Member of the NSW Legislative Council. Mr Willis was a member of the Council before the reconstitution.
- 15 January – 1 August 1978: Deputy Leader of Opposition
- 2 August 1978 – 28 August 1981: Leader of Opposition
- 3 July 1991 – 29 June 1998: President of the Legislative Council.

#### **Contribution to the Legislative Council**

- 1986: member of the Select Committee on Standing Committees of the Legislative Council replacing Mr Lange following his resignation from the Legislative Council.
- Mr Willis contributed to the drafting of the Sessional Orders (which were later incorporated into the Standing Orders) that guided the operation of the Standing Committees. During an adjournment speech Dr Goldsmith detailed Mr Willis' valuable contribution in the following manner:

He was a fundamental force in the establishment of the system of parliamentary standing committees...

I am informed that the Hon. M. F. Willis also played a considerable part in the drafting of the sessional orders that govern the operation of the standing committees, including a requirement that government report back to Parliament within six months of the tabling of a report. That requirement ensures that reports from those committees cannot



be ignored, as so often happens with reports to governments of all persuasions. The Government is accountable to the people of New South Wales. Because of the effectiveness of those sessional orders, the operation of the standing committee system has been remarkably successful. The Hon. M. F. Willis chaired the first inquiry of the social issues committee, which related to access to adoption information. That committee's report has made an enormous difference to the lives of many people in this State.

The role of the upper House expanded considerably with the establishment and ongoing development of the committee system and enhanced the Chamber's function as a House of review. It gave the community far greater input into many aspects of the legislative process through the committee's investigations, consultations and public hearings.

- 1988 – 1990: Mr Willis chaired the Standing Committee on Social Issues during its first two inquiries, namely *Accessing Adoption Information* and *Drug Abuse Among Youth*.
- The key recommendations provided by both of these committee reports under the Chairmanship of Mr Willis were welcomed by the Government and instigated great change.
- The *Accessing Adoption Information* report recommended that existing provisions which denied any adult adopted person the right to see his or her own birth records be reformed. This led to:

The Premier has asked the Minister for Family and Community Services to prepare proposals for legislative amendments of the State's adoption laws. My colleague, the Hon. Virginia Chadwick, believes a package of reforms will be ready for Cabinet to consider in the very near future.

- The key recommendations of the *Drug Abuse Among Youth* report led to the Government agreeing to increase the responsibilities of the Directorate of the Drug Offensive and make it more accountable to the Minister for Health. The Government also agreed to a series of recommendations calling for bans to many forms of tobacco advertising.

### **Committee members to have served with Mr Willis:**

- Members to have served with Mr Willis on the Standing Committee on Social Issues include:
  - The Hon Ann Symonds, ALP
  - The Hon Franca Arena, ALP
  - The Hon Keith Enderbury, ALP
  - The Hon Duncan Gay, National Party
  - The Hon Dr Marlene Goldsmith, Liberal Party
  - The Hon Judy Jakins, National Party
  - Revd the Hon Fred Nile, Call to Australia Party
  - The Hon Helen Sham-Ho, Liberal Party.

## Appendix B: List of inquiries of the Standing Committees on Social Issues, State Development and Law and Justice

### Standing Committee on Social Issues

- 12.10.89 Accessing adoption information
- 01.12.90 Drug abuse among youth
- 01.10.91 Medically acquired HIV
- 01.05.92 Juvenile justice in NSW
- 01.03.93 Births, Deaths and Marriages: an open register?
- 01.09.93 Youth violence
- 01.12.93 Sexual violence: The hidden crime, inquiry into the incidence of sexual offences in NSW, Part 1
- 14.12.93 Violence in society
- 01.11.94 Suicide in rural New South Wales
- 01.09.95 Youth violence in New South Wales
- 01.04.96 Sexual violence: Addressing the crime, inquiry into the incidence of sexual offences in NSW, Part 2
- 01.09.96 Children's advocacy
- 01.09.96 Aboriginal representation: Report of overseas study tour
- 01.04.97 Aboriginal representation in Parliament
- 01.06.97 Caring for the aged: Interim report of the Inquiry into aged care and nursing homes
- 01.07.97 Children of imprisoned parents
- 01.09.97 Clinical trials and guardianship: maximising the safeguards
- 01.09.97 Caring for the aged: Inquiry into aged care and nursing homes in NSW
- 23.09.98 Working for children: Communities supporting families, inquiry into parent education and support programs
- 11.11.98 Hepatitis C: The neglected epidemic, Inquiry into hepatitis C in New South Wales
- 19.11.98 Adoption practices: transcripts of evidence 27 August 1998 to 19 October 1998, Interim report

- 23.11.98 Enhancing Aboriginal political representation: inquiry into dedicated seats in the NSW Parliament
- 02.12.99 The group homes proposal: Inquiry into residential and support services for people with a disability – First report
- 02.12.99 Domestic relationships: Issues for reform
- 21.06.00 Adoption practices: Transcripts of evidence 16 June 1999 to 25 October 1999, Second interim report
- 08.12.00 Releasing the past: Adoption practices 1950-1998, Final report
- 18.12.00 A matter of priority: Report on disability services, Second report
- 12.03.02 Foundations for learning: A new vision for New South Wales?
- 14.03.02 Classification (Publication, Films and Computer Games) Enforcement Amendment Bill 2001, Interim report: Off line matters
- 01.06.02 Safety net? Final report of the Inquiry into Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2001
- 16.10.02 Prevention: Interim report on child protection services
- 16.10.02 Early child development: A co-ordinated approach, First report on early intervention for children with learning difficulties
- 01.11.02 Making it happen: Final report on disability services
- 10.12.02 Care and support: Final report on child protection services
- 01.09.03 Realising potential: Final report of the Inquiry into early intervention for children with learning difficulties
- 28.11.03 Community housing
- 02.08.04 Issues relating to Redfern and Waterloo, Interim report
- 27.08.04 The Inebriates Act 1912
- 16.12.04 Issues relating to Redfern and Waterloo, Final report
- 25.10.05 Recruitment and training of teachers
- 09.12.05 The funeral industry
- 31.03.06 Dental services
- 16.06.06 Public disturbances at Macquarie Fields
- 23.11.06 Impact of Commonwealth WorkChoices legislation

- 27.11.08 Overcoming Indigenous disadvantage in NSW
- 24.09.09 Homelessness and low cost rental accommodation
- 25.02.10 Substitute decision-making for people lacking capacity
- 11.11.10 Services provided or funded by the Department of Ageing, Disability and Home Care
- 27.11.08 Overcoming Indigenous disadvantage in NSW
- 24.09.09 Homelessness and low cost rental accommodation
- 25.02.10 Substitute decision-making for people lacking capacity
- 11.11.10 Services provided or funded by the Department of Ageing, Disability and Home Care
- 27.11.08 Overcoming Indigenous disadvantage in NSW
- 24.09.09 Homelessness and low cost rental accommodation
- 25.02.10 Substitute decision-making for people lacking capacity
- 06.03.12 Transition support for students with additional or complex needs and their families
- 27.08.12 Domestic violence trends and issues in NSW
- 26.07.13 Same-sex marriage law in NSW

**Standing Committee on State Development**

- 01.05.89 Public sector tendering and contracting in NSW: A survey
- 01.08.89 Public sector tendering and contracting in NSW: Supply of goods and services
- 01.10.89 Public sector tendering and contracting in NSW: Local government tendering and contracting
- 01.11.89 Coastal development in NSW: Public concerns and government processes
- 01.06.90 Public sector tendering and contracting in NSW – Capital works tendering and contracting: Management options
- 01.04.91 Public sector tendering and contracting in NSW: Capital works tendering and contracting, Volume A
- 01.09.91 Coastal planning and management in NSW: A framework for the future, Volume 1 + Supplement: An alternative dispute resolution primer

- 01.12.91 Public sector tendering and contracting in NSW: Capital works tendering and contracting, Volume B
- 02.12.91 Payroll tax concessions for country industries, Volume 1
- 01.06.92 Public sector tendering and contracting in NSW – Supply of goods and services: Follow up report
- 01.10.92 Coastal planning and management in NSW: The process for the future, Volume 2
- 01.04.93 Public sector tendering and contracting in NSW – Local government tendering and contracting: Follow up report
- 01.08.93 Regional business development in New South Wales: Trends, policies and issues
- 01.05.94 Regional business development in New South Wales – Achieving sustainable growth: Principles for setting policy
- 01.11.94 Regional business development in NSW: Achieving sustainable growth
- 01.08.96 Rationales for closing the veterinary laboratories at Armidale and Wagga Wagga and the Rydalmere Biological and Chemical Research Institute
- 31.10.96 Relocation of regional headquarters of Australian and overseas corporations to NSW
- 10.04.97 Fisheries Management Amendment (Advisory Bodies) Act 1996, Interim report
- 24.04.97 Waste minimisation and management
- 01.07.97 Fisheries Management Amendment (Advisory Bodies) Act 1996
- 01.11.97 Fisheries management and resource allocation in NSW
- 01.03.98 Operations of the Sydney Market Authority (Dissolution) Bill from commencement until 31 December 1997
- 01.05.98 International competitiveness of agriculture in New South Wales
- 01.07.98 Future employment and business opportunities in the Hunter region and the downsizing of the Rack Rite investment proposal
- 01.09.98 Provision and operation of rural and regional air services in NSW: Interim report

- 22.09.99 Use and management of pesticides in New South Wales
- 07.11.00 Road maintenance and competitive road tendering
- 31.05.01 Merger of country energy distributors
- 24.10.01 Genetically modified food, Interim report
- 27.06.02 Redevelopment and remediation of the Rhodes Peninsula
- 27.09.02 European & United Kingdom perspectives on agriculture developments
- 29.11.02 Local government boundaries in inner Sydney and the east
- 17.12.03 Science and its commercialisation in New South Wales, Final report
- 28.05.04 Port infrastructure in New South Wales, Interim report
- 17.06.05 Port infrastructure in New South Wales, Final report
- 11.05.06 Skills shortages in rural and regional NSW
- 28.06.07 Aspects of agriculture
- 29.10.08 Nanotechnology in New South Wales
- 10.12.09 NSW Planning Framework
- 03.12.10 Wine grape market and prices
- 31.05.12 Economic and social development in central western New South Wales
- 26.06.13 Adequacy of water storages in New South Wales

**Standing Committee on Law and Justice**

- 16.11.95 Crimes Amendment Mandatory Life Sentences Bill
- 19.04.96 Motor Accidents Scheme: Compulsory Third Party Insurance – Proceedings of public seminar
- 09.12.96 Motor Accidents Scheme: Compulsory Third Party Insurance, Interim report
- 18.02.97 Workplace safety: Proceedings of public seminar
- 04.06.97 Motor Accidents Scheme: Legal costs, Proceedings of public seminar
- 01.09.97 Workplace safety: Initial submissions (6 volumes)
- 25.11.97 Family Impact Commission Bill
- 15.12.97 Motor Accidents Scheme: Compulsory Third Party Insurance, Second interim report
- 22.12.97 Workplace safety, Interim report
- 27.02.98 Issues paper on workplace safety

- 17.11.98 Motor Accidents Scheme: Compulsory Third Party Insurance, Final report
- 26.11.98 Workplace safety: Final report, Volumes 1 and 2
- 02.12.98 Crime prevention through social support: Proceedings of public conference
- 20.12.99 Crime prevention through social support, First report
- 20.06.00 Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council, First report
- 11.08.00 Crime prevention through social support, Second report
- 24.10.00 Crimes Amendment (Child Protection Excessive Punishment) Bill 2000
- 27.02.01 Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council, Second report
- 03.10.01 A NSW Bill of Rights
- 07.02.02 Review of the Crimes (Forensic Procedures) Act 2000
- 18.02.02 Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council, Third report
- 03.09.02 Home Building Amendment (Insurance) Act 2002
- 24.09.02 Criminal Procedure Amendment (Pre trial Disclosure) Act 2001, First report
- 13.11.02 Child sexual assault prosecutions
- 05.12.02 Proposed State Arms Bill
- 15.12.02 Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council, Fourth report
- 01.04.04 Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council, Fifth report
- 08.12.04 Criminal Procedure Amendment (Pre trial Disclosure) Act 2001, Second report
- 12.05.05 Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council, Sixth report
- 26.05.05 Back-end home detention
- 01.07.05 Workers Compensation Injury Management Pilots Project

- 30.03.06 Community based sentencing options for rural and remote areas and disadvantaged populations
- 20.09.06 Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council, Seventh report
- 23.11.06 Unfair terms in consumer contracts
- 28.11.06 Impact of the Family Law Amendment (Shared Parental Responsibility) Act 2006 (Cth)
- 08.11.07 The exercise of the functions of the MAA and the MAC – Eighth Review
- 21.04.08 The prohibition on the publication of names of children involved in criminal proceedings
- 01.09.08 The exercise of the functions of the Motor Accidents Authority and Motor Accidents Council – Ninth Review
- 30.10.08 The exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council – First Review
- 27.05.09 Legislation on altruistic surrogacy in NSW
- 08.07.09 Adoption by same-sex couples
- 01.09.09 Second Review of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council
- 16.12.09 The use of victims' DNA
- 06.07.10 Spent convictions for juvenile offenders
- 28.10.10 The exercise of the functions of the Motor Accidents Authority and Motor Accidents Council – Tenth Review
- 08.11.10 Judge alone trials under s. 132 of the Criminal Procedure Act 1986
- 11.11.10 The exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council – Third Review
- 24.11.10 Inquiry into the eligibility of Members of Parliament to serve on juries
- 20.12.11 Eleventh review of the functions of the Motor Accidents Authority and the Motor Accidents Council
- 20.12.11 Fourth review of the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council
- 22.03.12 Opportunities to consolidate tribunals in NSW



## Appendix C: List of Members who have served on the three Standing Committees

### Standing Committee on Social Issues

- The Hon. Judith JAKINS (Nat)
- The Hon. Duncan GAY (Nat)
- The Hon. Max WILLIS (Lib)
- The Hon. Helen SHAM-HO (Lib)
- The Hon. John RYAN (Lib)
- The Revd the Hon. Fred NILE (CDP)
- The Hon. Keith ENDERBURY (ALP)
- The Hon. Lloyd COLEMAN (Nat)
- The Hon. Franca ARENA (ALP)
- The Hon. Janelle SAFFIN (ALP)
- The Hon. Elisabeth KIRKBY (Democrats)
- The Hon. Dorothy ISAKSEN (ALP)
- The Hon. Ann SYMONDS (ALP)
- The Hon. Carmel TEBBUTT (ALP)
- The Hon. Peter PRIMROSE (ALP)
- The Hon. James KALDIS (ALP)
- The Hon. Dr Marlene GOLDSMITH (Lib)
- The Hon. Henry TSANG (ALP)
- The Hon. Andrew MANSON (ALP)
- The Hon. Doug MOPPETT (Nat)
- The Hon. Amanda FAZIO (ALP)
- The Hon. James SAMIOS (Lib)
- The Hon. Greg PEARCE (Lib)
- The Hon. Charlie LYNN (Lib)
- The Hon. Kayee GRIFFIN (ALP)
- The Hon. Dr Arthur CHESTERFIELD-EVANS (Democrats)
- The Hon. Robyn PARKER (Lib)

- Ms Jan BURNSWOODS (ALP)
- The Hon. Mick VEITCH (ALP)
- Dr John KAYE (The Greens)
- The Hon. Marie FICARRA (Lib)
- The Hon. Trevor KHAN (Nat)
- The Hon. Ian WEST (ALP)
- The Hon. Cate FAEHRMANN (The Greens)
- The Hon. Natasha MACLAREN-JONES (Lib)
- The Hon. Greg DONNELLY (ALP)
- The Hon. Catherine CUSACK (Lib)
- The Hon. Jan BARHAM (The Greens)
- The Hon. Helen WESTWOOD (ALP)
- The Hon. Niall BLAIR (Nat).

### Standing Committee on Social Issues Committee Chairs

1989 – 1990: The Hon. Max WILLIS (Lib)

1991 – 1994: The Hon. Dr Marlene GOLDSMITH (Lib)

1995 – 1998: The Hon. Ann SYMONDS (ALP)

1998 – 2006: Ms Jan BURNSWOODS (ALP)

2007 – 2010: The Hon. Ian WEST (ALP)

2011 – Present: The Hon. Niall BLAIR (Nat).

### Standing Committee on State Development

- The Hon. Paul O'GRADY (ALP)
- The Hon. Stephen MUTCH (Lib)
- The Hon. John MATTHEWS (Lib)
- The Hon. John DOOHAN (Nat)
- The Hon. Richard BULL (Nat)
- The Hon. Kenneth REED (ALP)
- The Hon. John HANNAFORD (Lib)
- The Hon. Beryl EVANS (Lib)
- The Hon. Richard JONES (Democrats)

- The Hon. John JOBLING (Lib)
- The Hon. Dorothy ISAKSEN (ALP)
- The Hon. Janelle SAFFIN (ALP)
- The Hon. Patricia STAUNTON, AM (ALP)
- The Hon. Jenny GARDINER (Nat)
- The Hon. Edward OBEID, OAM (ALP)
- The Hon. Ian MACDONALD (ALP)
- The Hon. John JOHNSON (ALP)
- The Hon. Michael COSTA (ALP)
- The Hon. Ian WEST (ALP)
- The Hon. Henry TSANG (ALP)
- The Hon. Dr Brian PEZZUTTI RFD (Lib)
- The Hon. Tony KELLY (ALP)
- The Hon. Tony BURKE (ALP)
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- The Hon. Ian COHEN (The Greens)
- The Hon. Patricia FORSYTHE (Lib)
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- The Hon. Matthew MASON-COX (Lib)
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- The Hon. Tony CATANZARITI (ALP)
- The Hon. Steve WHAN (ALP)
- The Hon. Dr Peter PHELPS (Lib)
- The Hon. Charlie LYNN (Lib)
- The Hon. Paul GREEN (CDP)
- The Hon. Mick VEITCH (ALP)
- The Hon. Richard COLLESS (Nat).

### **Standing Committee on State Development Committee Chairs**

- 1989 – 1990: The Hon. John HANNAFORD (Lib)  
 1990 – 1991: The Hon. John JOBLING (Lib)  
 1991 – 1993: The Hon. Dr Brian PEZZUTTI, RFD (Lib)  
 1993 – 1994: The Hon. Patricia FORSYTHE (Lib)  
 1995 – 1997: The Hon. Patricia STAUNTON, AM (ALP)  
 1997 – 2002: The Hon. Tony KELLY (ALP)  
 2003 – 2004: The Hon. Tony BURKE (ALP)  
 2004 – 2005: The Hon. Eric ROOZENDAAL (ALP)  
 2005 – 2010: The Hon. Tony CATANZARITI (ALP)  
 2011 – Present: The Hon. Rick COLLESS (Nat).

### **Standing Committee on Law and Justice**

- The Hon. Paul O'GRADY (ALP)
- The Hon. Ian MACDONALD (ALP)
- The Hon. Max WILLIS (Lib)
- The Hon. Bryan VAUGHAN (ALP)
- The Hon. Helen SHAM-HO (Lib)
- Ms Jan BURNSWOODS (ALP)
- The Revd the Hon. Fred NILE (CDP)
- The Hon. John HATZISTERGOS (ALP)
- The Hon. Peter BREEN (Reform the Legal System)
- The Hon. Ron DYER (ALP)
- The Hon. Janelle SAFFIN (ALP)
- The Hon. John RYAN (Lib)
- The Hon. Tony BURKE (ALP)
- The Hon. Eric ROOZENDAAL (ALP)
- The Hon. Greg PEARCE (Lib)
- The Hon. Lee RHIANNON (The Greens)
- The Hon. Richard COLLESS (Nat)
- The Hon. Amanda FAZIO (ALP)

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- The Hon. Lynda VOLTZ (ALP)
- The Hon. Greg DONNELLY (ALP)
- The Hon. John AJAKA (Lib)
- The Hon. Christine ROBERTSON (ALP)
- Mr David SHOEBRIDGE (The Greens)
- The Hon. Shaoquett MOSELMANE (ALP)
- The Hon. Sarah MITCHELL (Nat)
- Mr Scot MACDONALD (Lib)
- The Hon. Peter PRIMROSE (ALP)
- The Hon. David CLARKE (Lib).

### **Standing Committee on Law and Justice Committee Chairs**

1995 – 1999: The Hon. Bryan VAUGHAN (ALP)

1999 – 2002: The Hon. Ron DYER (ALP)

2003 – 2010: The Hon. Christine ROBERTSON (ALP)

2011 – Present: The Hon. David CLARKE (Lib).



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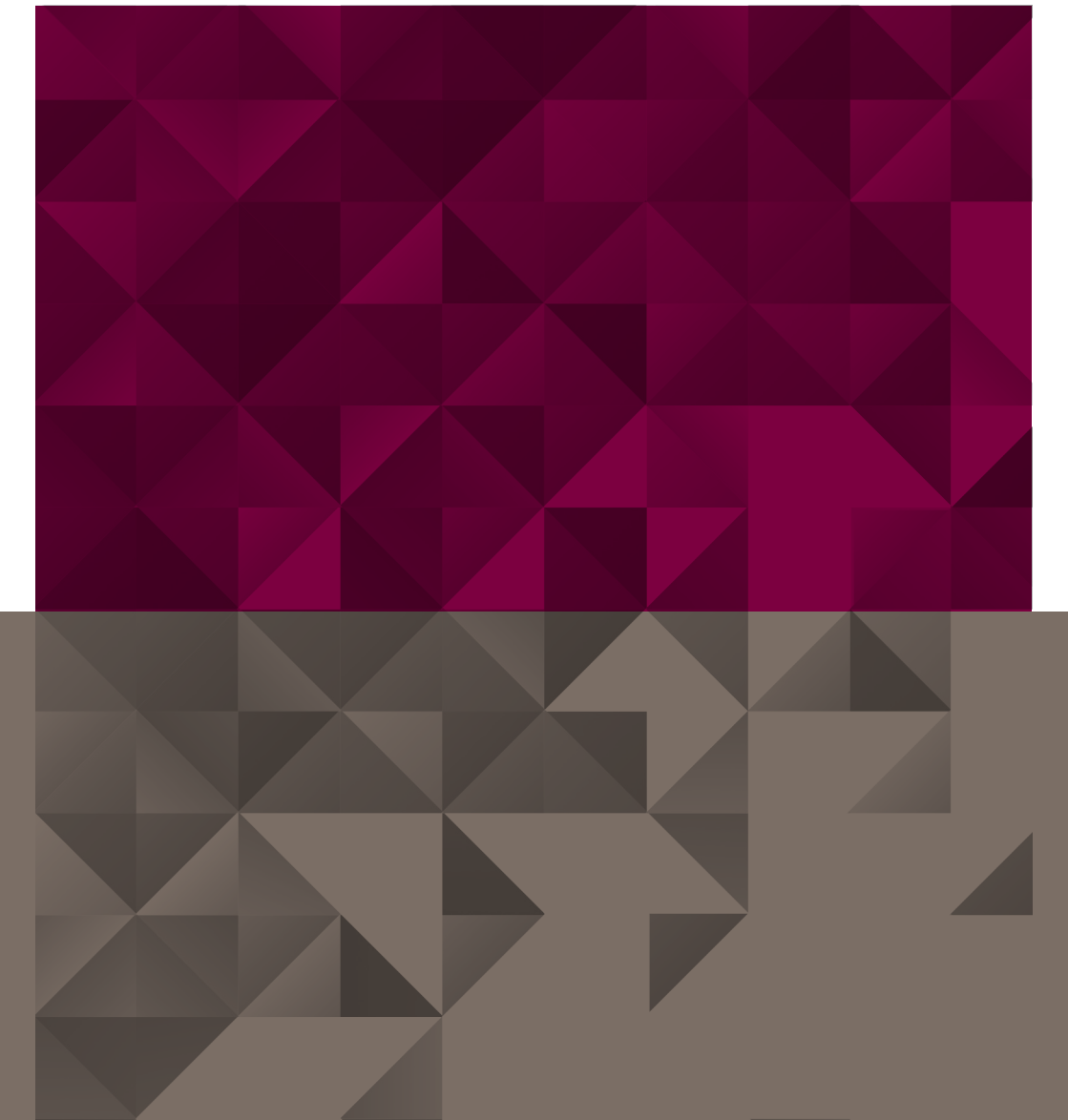
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