

INQUIRY INTO LEGISLATIVE COUNCIL COMMITTEE SYSTEM

Organisation: New South Wales Bar Association

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NEW SOUTH WALES
BAR ASSOCIATION

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Servants of All Yet of None

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The Hon Scott Farlow MLC
Chair
Select Committee on the Legislative Council
Committee System
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Mr. Farlow

*New South Wales Bar Association Submission to Select Committee
On The Legislative Council Committee System*

The New South Wales Bar Association welcomes the opportunity to make submissions addressing the Select Committee review of the Legislative Council committee system.

The Association strongly recommends that the current Committee System be retained. The Association has had a decade long interaction with the Standing Committee on Law and Justice (SCLJ) and in particular, its annual or bi-annual reviews of the operation of the Motor Accidents Authority, the Lifetime Care and Support Authority and the WorkCover Authority (now SIRA). The Association has provided written submissions and appeared to give evidence at the regular SCLJ reviews of the operation of statutory compensation schemes. The Association supports the retention of Parliamentary oversight of statutory compensation scheme operations through a standing committee of the Legislative Council.

Reflecting on the benefits that have flown from these regular SCLJ reviews of statutory compensation schemes, such benefits include:


- (a) Providing the opportunity for Parliamentarians to develop a better understanding of and expertise in the operation of compensation systems;

- (b) Providing the opportunity for scheme stakeholders such as the Association (and others such as insurers, motoring groups and the like) to draw their concerns about scheme operations directly to the attention of the Parliament;
- (c) Having the Parliament pass on to relevant statutory authorities questions from scheme stakeholders and having those authorities provide answers to stakeholder questions;
- (d) Having the SCLJ make numerous recommendations for improvement in scheme operations. The Association can identify specific improvements in the operation of compensation schemes that have come about solely as a consequence of issues being ventilated and subsequently recommendations being made through the Committee process;
- (e) Association members have appreciated the opportunity to give evidence at inquiries, which allows for a direct exchange of ideas and information with Parliamentarians in an open and transparent public forum. Having office holders at public authorities similarly present their evidence in a public forum allows for transparency and accountability that might not otherwise occur;
- (f) Annual reporting from statutory authorities often provides minimal information in order to comply with their statutory reporting obligations. There is often very little in the way of critical analysis or suggestions for reform to be found in the annual reports of government authorities. A more fulsome acknowledgement of challenges, stressors and potential improvements in the operations of a statutory authority is far more likely to be found in a robust examination through the Committee process than through statutory reporting.

The Association is of the view that Parliamentary oversight of the functioning of statutory authorities through a Standing Committee (with regular review) is an essential part of the democratic process. It is hard to see how the same level of accountability could be achieved in any other fashion, without compromising the capacity for stakeholder input and open, transparent and public accountability.

The Association urges that the current Committee system be retained, with prescribed tasks for Committees in terms of regular reviews of various aspects of government operations, as well as the capacity for the Parliament to periodically refer specific tasks for review as required.

Yours faithfully

Noel Hutley 
President