

NEW SOUTH WALES

Looking ahead to the 67th Commonwealth Parliamentary Conference in Sydney, New South Wales, Australia

ENGAGE, EMPOWER, SUSTAIN:
CHARTING THE COURSE FOR RESILIENT DEMOCRACY



67th Commonwealth
Parliamentary Conference

3-8 November 2024 | Sydney, Australia



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67th Commonwealth Parliamentary Conference

3-8 November 2024 | Sydney, Australia



67th COMMONWEALTH PARLIAMENTARY CONFERENCE SYDNEY, NEW SOUTH WALES, AUSTRALIA

3 to 8 October 2024 (inclusive of arrival dates)

**CONFERENCE THEME: 'ENGAGE, EMPOWER, SUSTAIN:
CHARTING THE COURSE FOR RESILIENT DEMOCRACY'**



- One of the largest annual gatherings of Commonwealth Parliamentarians. Hosted by the Parliament of New South Wales and the CPA New South Wales Branch.
- Over 500 Parliamentarians, parliamentary staff and decision-makers from across the Commonwealth for this unique conference and networking opportunity.
- CPA's global membership addressing the critical issues facing today's modern Parliaments and Legislatures.
- Benefit from professional development, supportive learning and the sharing of best practice with colleagues from Commonwealth Parliaments together with the participation of leading international organisations.

During the **67th Commonwealth Parliamentary Conference**, there will also be several additional conferences and meetings including: **40th CPA Small Branches Conference**; **8th Commonwealth Women Parliamentarians (CWP) Conference**; meetings of the **Commonwealth Parliamentarians with Disabilities (CPwD) network**; **CPA General Assembly** and debate; meetings of the **CPA Executive Committee**; presentation of the **2024 Commonwealth Parliamentarian of the Year awards**; the **2nd Lifaka Lecture**; and the **58th Society-of-Clerks-at-the-Table (SoCATT)** meeting. At the 67th CPC, eight learning and development workshops will be held during the main Conference with four additional workshops during the CPA Small Branches Conference and four additional workshops during the Commonwealth Women Parliamentarians Conference.

This year, delegates at the Conference will also elect the Chairperson of the CPA Executive Committee and the CPA Small Branches Chairperson.

Visit the **67th CPC Hub** for more information - www.cpahq.org/67-cpc or email cpc@cpahq.org.

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Host of 67th Commonwealth Parliamentary Conference

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Image: Sydney International Convention Centre/Guy Wilkinson Photography.

Above: The 67th Commonwealth Parliamentary Conference will take place at the Sydney International Convention Centre.

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Front cover image: Sydney harbour in New South Wales
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WELCOME MESSAGES

New South Wales Premier's Welcome to 67th Commonwealth Parliamentary Conference

I extend my warmest welcome to everyone attending the 67th Commonwealth Parliamentary Conference in Sydney. It's great to see the conference return to Australian soil for the first time in over two decades. Sydney is home to Australia's first and oldest Parliament.

In 2024, we celebrate the bicentenary of the New South Wales Legislative Council - marking 200 years since the Council sat for the first time in 1824. Today, our Parliament is the state's premier custodian of our democratic values and traditions. It has helped shaped the state of New South Wales as we know it today.

I welcome this chance for Parliamentarians from around the world to connect in our city. I thank the Commonwealth Parliamentary Association for their commitment to good governance and collegiality. During your visit, I hope you also find time to explore some of our stunning local landmarks. Whether that's a ferry ride across the Harbour, to a dip at Bondi beach or a bush walk in the Blue Mountains.

Welcome everyone, again. I hope you have a productive and enjoyable conference.



Hon. Chris Minns, MP
Premier of New South Wales

New South Wales Leader of the Opposition's Welcome to 67th Commonwealth Parliamentary Conference

On behalf of the New South Wales Opposition, I extend a warm welcome to all delegates attending the 67th Commonwealth Parliamentary Conference. It's an honour to have you here in Sydney, Australia's premier city in the premier state, home of the nation's oldest Parliament under the banner of this year's conference: '*Engage, Empower, Sustain: Charting the Course for Resilient Democracy*'.

This year is the bicentenary of the New South Wales Legislative Council, which sat for the first time in 1824 as the manifestation of a fledging colony aiming to assert itself. Over the decades since, further reforms including the establishment of responsible government, electoral reforms and fixed terms have been implemented. More recently, this Parliament pivoted and adapted to the challenges of COVID-19 to remain at the forefront of modern legislative practice.

I extend my best wishes for a successful and stimulating conference in pursuit of the CPA's mission to promote knowledge of all aspects of parliamentary democracy, against the backdrop of companionship that defines the CPA membership.



Hon. Mark Speakman, SC, MP
Leader of the Opposition



ACKNOWLEDGEMENT OF COUNTRY

The Parliament of New South Wales stands on the traditional lands of the Gadigal people.

We pay our respects to their Elders past and present.

We proudly acknowledge all the Aboriginal peoples of New South Wales and honour their enduring connection to the lands, waters and sky of the State.

The representatives of the people of New South Wales gather from various Aboriginal lands across the State to meet in this Parliament. May the decisions that are made within these walls reflect our commitment to fostering a spirit of reconciliation and respect.



New South Wales Parliament unveils new Acknowledgement of Country sculpture

The Parliament of New South Wales unveiled an Acknowledgement of Country sculpture in the native garden in front of Parliament House on 21 August 2024.

Developed by Dharawal and Yuin artist, Alison Page and supported by Culture and Heritage Consultant, Rowena Welsh-Jarrett and ceramic artist, Simon Reece, the 'slice of Country' sculpture honours ancient land with layers of earth, stone, shell, ash and ochre. The resulting bands in the stratified pillar celebrate features of the local landscape that are significant to its First Nations Custodians.

The CPA President and President of the Legislative Council of New South Wales, Hon. Ben Franklin, MLC said: *"This powerful symbol will stand as a daily reminder of our commitment to honouring Aboriginal traditions, cultures and histories. As we commemorate our Parliament's Bicentenary, we reflect on our complex and often challenging history with Aboriginal people and the progress we've made together, moving forward in a spirit of partnership and respect."*

The unveiling ceremony included a 'Welcome to Country', messages from the Presiding Officers and the sculpture was unveiled by the Governor of New South Wales, Her Excellency Hon. Margaret Beazley, AC KC.



Images: Parliament of New South Wales.



REFLECT, CELEBRATE, IMAGINE: COMMEMORATING THE BICENTENARY OF THE NEW SOUTH WALES LEGISLATIVE COUNCIL

Article by Hon. Ben Franklin, MLC, President of the Legislative Council of New South Wales and President of the Commonwealth Parliamentary Association (2023-2024)

Introduction

On 19 July 1823, an Act passed by the British Parliament “to provide for the better administration of Justice in New South Wales and Van Diemen’s Land, and for the more effectual Government thereof and for other purposes relating thereto”, received Royal Assent. The Act provided for the establishment of two significant New South Wales institutions: the Supreme Court and the Legislative Council. In accordance with the provisions of the Act, on 19 January 1824, King George IV by Warrant constituted the first Legislative Council and appointed the first five Members to serve in the Council. They were:

- Principal Surgeon James Bowman,
- Chief Justice Francis Forbes,
- Colonial Secretary Frederick Goulburn,
- Surveyor General John Oxley, and
- Lieutenant-Governor William Stewart.

These five men, all holders of key public offices in the colony, were to be consulted by the Governor before new laws were made; however, they could not initiate or veto legislation.

From these modest beginnings, the Parliament of New South Wales has evolved into one of the most innovative, robust and mature Parliaments in the Commonwealth. 2024 sees the Legislative Council’s 200th anniversary. My predecessor, Matthew Mason-Cox, and myself had an over-riding vision for the commemoration. We did not want it to be a formulaic, unreflective, non-inclusive celebration of one version of the past; neither did we want it to be a denigration of a real story of democratic progress. So, the bicentenary of the Legislative Council has provided a valuable opportunity to reflect on the Parliament’s origins, development and legacy; to celebrate the vibrant democratic institution that it has become (and thereby to celebrate parliamentary democracy more generally); and to imagine what the Parliament of the next 200 years might become. *‘Reflect, celebrate, imagine’* is the framework for commemorating the bicentenary.

Reflection

Of all of the provisions of the *New South Wales Act of 1823*, only one, clause 24, deals with the Legislative Council. The overwhelming majority of the provisions are concerned with the Supreme Court and the legal system, with the Legislative Council looking almost like an afterthought.

Some questions immediately arise. Why was this fledgling legislative institution included in the Bill at the last minute? What was it intended to achieve? What has been its legacy? How did



it evolve into the highly functioning bicameral Parliament of New South Wales today? These questions have all been the subject of careful reflection over the last two years.

Over two days, in late 2022, a panel of leading colonial historians and others explored the theme, *‘The State of the Colony: People, Place and Politics in 1823’*. This conference set the scene for the bicentenary by considering the context for the establishment of the Legislative Council some 35 years after European settlement in Sydney. The experience of Sydney’s First Nations coastal people with the colonists and later with sympathetic politicians was explored. A panel of historians discussed the Bigge inquiry, which was a comprehensive audit of the colonial administration under Governor Lachlan Macquarie, which effectively and unfairly *‘did a job’* on the former Governor’s grand vision for the colony and called for change. In other sessions, historians sought to paint a picture of the reality of life in the early colony, covering such themes as suicide and sexual violence. The contributions of significant female figures were also highlighted.

In late 2023, the second of our history conferences took a deep dive into the *New South Wales Act of 1823*. Again, a distinguished group of experts participated in a wide-ranging discussion which included the international trading context and connections between reform to public administration in New South Wales and in other parts of the British Empire. The tortuous passage of the New South Wales Bill through the UK House of Commons and House of Lords was described, and the provisions of the Act analysed. The significance of the Act for the Supreme Court and the legal system in the colony was also highlighted - this second conference being



held in conjunction with the Supreme Court with a standout session being hosted by the Chief Justice and two former justices of the Court. The role of specific individuals, notably the architect of the Act and future Chief Justice, Francis Forbes, in the provisions for a Legislative Council was acknowledged, and historians, MPs and others explored the purpose and early work of the Council and the context in which it operated.

What became evident from both of these conferences was that the establishment of the Legislative Council was not primarily designed to be a significant check on the previously untrammelled power of the Governor. Rather it was a means of ensuring the validity of law-making undertaken by the Governor and of the laws of the colony. Against the backdrop of momentous global events, including the revolutions which had occurred in France and America, the establishment of the Legislative Council was a cautious and conservative reform. It would be another 19 years before the first elections in New South Wales and another 13 years again before the establishment of responsible government in the colony in 1856. When did the Legislative Council become a truly democratic institution? That question depends on the definition employed and remains to be definitively answered. Some would argue it was not until 1978, when direct election by a system of proportional representation was established.

Engaging with First Nations peoples

The Parliament of New South Wales has a complex history with the State's First Nations peoples. Some of the decisions of the Parliament, such as the enactment of the *Aborigines Protection Act 1909*, amendments to that Act over the years and its maintenance in place until the early 1970s, have had a profound, disturbing and ongoing impact on First Nations peoples. Notwithstanding significant positive reforms in more recent years, such as the *Aboriginal Land Rights Act 1983*, the election of the first Aboriginal MP in 2003 and the *Aboriginal Languages Act 2017*, the Parliament's legacy in relation to the State's Aboriginal peoples remains vexed.

We have therefore made a sincere and concerted effort to engage with First Nations people and to ensure their voices are heard during the course of the bicentenary.

One particularly exciting and tangible outcome of this consultation has been the commissioning of a new, significant Aboriginal Artwork, which is prominently displayed in the Parliament's 'Fountain Court' public foyer. Aboriginal artist Kim Healey, a proud Gumbaynggirr and Bundjalung woman, was commissioned to complete the artwork, which is entitled *Ngurra*



Images: Parliament of New South Wales.

Above: The 'Pride and Precedent Seminar' was one of a number of seminars and events held to mark the bicentenary of the New South Wales Legislative Council this year to highlight the diversity and representation across the Legislative Council's history.

Jagun. It has been designed to inspire deep reflection on our past, present and future, and on the deep connection of our State's First Nations people with the land and waters on which we live and on which the Parliament meets.

Another area of significant reflection together with First Nations peoples relates to the other things occurring in the colony at the very time the Legislative Council was established.

On 14 August 1824, 11 days before the first meeting of the Legislative Council, Governor Brisbane declared martial law west of the Blue Mountains. The rapid growth in the population of both sheep and settlers in 1822 and 1823 led the Wiradjuri to declare war on the settlers. In response to the loss of lives and livestock, and the serious threat to the ongoing viability of the settlement of Bathurst, martial law was declared. Following a bloody campaign, in December Wiradjuri leader Windradyne came down to Parramatta with 100 warriors to acknowledge defeat. This period is known in Wiradjuri as the "Gudyarra." These matters were the subject of two motions debated and agreed to concurrently in the Legislative Council in March 2024. The Legislative Council held a bicentenary seminar on the "Gudyarra" at Parliament House in September. Wiradjuri Elders have described this seminar as an important example of "truth telling."

Seminar series

This seminar on the "Gudyarra" is one of a number of bicentenary seminars held over the coming months. These seminars seek to highlight diversity and representation across the Legislative Council's history, and provide a platform for important (and sometimes sobering) conversations that until now have not occupied a prominent place in the Parliament's telling of its history and development. The first seminar featured four current and two



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Images: Parliament of New South Wales.



former Members and took a whistle-stop tour through the Council’s recent history and operations, featuring perspectives from both major party and cross bench representatives. Other seminars will focus on LGBTQIA+ representation, social change and law reform (in collaboration with representatives of the Supreme Court), and the engagement of the Legislative Council with culturally and linguistically diverse communities.

Celebrate

Notwithstanding the complexities of our colonial past and the positive and negative legacy of our history, the vibrancy of parliamentary democracy in New South Wales is worth celebrating. The peaceful transition of power after elections, growing community engagement with parliamentary proceedings, and the robust and unique mechanisms developed to hold the Executive government to account are all significant achievements.

The actual bicentenary of the first meeting of the Legislative Council, Sunday 25 August, was marked by ‘Back to Parliament Day’. Current Members of both Houses and current staff from the three parliamentary departments, former Members and staff were encouraged to bring in their family and friends to show off their place of work. It also represented ‘Back to Parliament Day’ for the community, as the parliamentary precincts were fully open again after an extensive programme of heritage restoration work.

Above and right: Youth engagement was a key element in marking the bicentenary of the New South Wales Legislative Council including Regional Roadshows such as the one held in Wagga Wagga (above) and the public speaking competition in Bathurst (right).

Imagine

Regional Roadshows: What better way to think about the future of democracy than engaging with young people from around the state? Between April and August 2024, the Legislative Council held six regional roadshows. Each roadshow takes the Legislative Council to a different part of the state: Lismore, Port Macquarie, Bathurst, Batemans Bay, Armidale and Wagga Wagga. Youth are at the centre of each roadshow with day one commencing with a public speaking competition involving senior students from local High Schools and Colleges across the entire region. The standard of competition has been very strong, with winners from each roadshow chosen to participate in the finals which were held in the Legislative Council Chamber on ‘Back to Parliament Day’.

On the evening of day one, there was a youth forum involving young leaders from local schools. Between 30 and 40 students participated in each of these events, which were jointly chaired by the President and the local MP. Once again, the students were





most impressive, with wide ranging discussion from current issues of particular concern in each regional area, such as how to best engage young people with politics and public service, to the qualities that young people want to see in future political leaders. Day two was more nuanced, depending on local factors, and included: workshops in schools with legal studies students, community forums and a half day version of the Council's 'LC in Practice' seminar for public servants.

**67th Commonwealth
Parliamentary
Conference:**

The biggest celebration of all will, of course, be the 67th Commonwealth Parliamentary Conference (CPC) and CPA General Assembly, which the CPA New South Wales Branch is honoured to host in November 2024. The conference will enable us all to imagine the future of democracy and how to ensure its resilience in the face of current and future threats.

Preparing for the future – preserving Australia's oldest public building

The Parliament of New South Wales has met continuously at its current location in Macquarie Street, Sydney, since 1828. In the years since, the parliamentary precinct has undergone many changes, including the addition of first one and then a second Chamber, and a library, through to the major redevelopment of the precinct and the adding of the tower block containing Members' offices in the late 1970s. We have leveraged the bicentenary of the Legislative Council to obtain funding to provide for a once in a generation heritage restoration programme to be undertaken.

The resulting works have included painstaking restoration of the parliamentary chambers, and the original 'Rum Hospital' part of the original building, as well as restoration and updating of the colour scheme of the Macquarie Street façade. All works have been completed on time and on budget to an exceptionally high standard. The Department of Parliamentary Services recently won a National Trust 2024 heritage award for the internal chamber works. We are all immensely proud of the work undertaken and feel pleased that we have appropriately discharged our obligations as current custodians of these significant heritage items.



Images: Parliament of New South Wales.

Above: On 11 September 2024, the Parliament of New South Wales saw the unveiling of 'Ngurra Jagun' by Gumbaynggir and Bundjalung artist Kim Healey. Commissioned to mark the New South Wales Legislative Council's bicentenary year, the large-scale painting features the Southern Cross formation, celebrating the connection of the State's First Nations people with the land, waters and sky, where residents live and where Parliament meets. Representatives from the Aboriginal and arts communities joined Members of Parliament for the first look at the new artwork on the north wall in Parliament's Fountain Court, inspiring reflection on the collective past, present and future.

Conclusion

This is a time when the value of parliamentary democracy is being widely questioned and challenged. I hope that the celebratory but also reflective nature of the Legislative Council's bicentenary programme will reach out and re-invigorate respect for the positive story of the growth and on-going value of the Parliament of New South Wales.

This essay was first delivered as a paper at the 53rd Presiding Officers and Clerks' Conference (POCC) for the Australia and Pacific Regions in Adelaide, South Australia in July 2024.



FUTURE DIRECTIONS OF THE 58TH PARLIAMENT OF NEW SOUTH WALES

Article by Hon. Greg Piper, MP, Speaker of the New South Wales Legislative Assembly

The 58th Parliament and minority government

The Parliament of New South Wales is the oldest Legislature in Australia and 2024 marks 200 years since the New South Wales Legislative Council came into existence.

It's a time for celebration, a time for commemoration and for sober reflection on our colonial history, and this is something that my Legislative Council counterpart, Hon. Ben Franklin, MLC, President of the Legislative Council, explains in fascinating detail elsewhere in this publication.

The current Parliament of New South Wales is the 58th since the first bicameral Parliament was elected in 1856 – that is, the first bicameral Parliament with both a Legislative Assembly and a Legislative Council.

Since that first Parliament, the familiar Westminster principle of responsible government has been in place in New South Wales, with a government formed in the Legislative Assembly and responsible to the two Houses.

This current Parliament is relatively unusual in the State of New South Wales's recent history as it has a government in which the Labor party governs in minority, relying on support from crossbench Members.

The previous Parliament began with a majority Government and ended with a minority Government, but you have to go back 30 years to see a minority Government before then. A minority government means that proceedings in the Chamber and Committees have a greater degree of unpredictability, and that has led to some interesting times. In fact, I had my own Private Member's Bill passed by both Houses of the New South Wales Parliament last year. While it is rare for a Crossbench Bill to pass both Houses in general, my Bill - aimed at increasing the supply of human organs for donation - was even more rare as it was only the second Bill to be introduced by a sitting Speaker and passed in our state's history.

You can read elsewhere in this publication about some of the interesting consequences of a minority Government in the Legislative Assembly, consequences which will shape the future direction of the 58th Parliament.

Future directions – an overview

Where the 58th Parliament goes for the remainder of its four-year term will be greatly influenced by its minority Labor government in the Legislative Assembly. We have already seen more Committees, more Committee inquiries, more Private Member's Bills from the Crossbench, more opportunities for Private Members to bring issues to the floor of the House. I expect we'll see a continuation of this trend over the next few years.

Outside of the Chamber and the Committee hearing room, there are some challenges common to all Legislatures irrespective

of the minority or majority or consensus status of their governments.

Culture, security, engagement – these are more important than ever as we strive to demonstrate the relevance of parliamentary democracy as a foundational principle of our societies.

Trust in the institution of Parliament must be earned and maintained. The Parliament's strategic priorities for the 58th Parliament reflect this –

we aim to encourage community participation, enable Members to fulfil their responsibilities, enhance our workforce capability, uphold the independence of a strong and effective Parliament, and in some cases, modernise some of the centuries-old procedures and protocols so we remain a strong and contemporary democracy fit for the 21st century and beyond.



An Independent Speaker - promoting a respectful culture

All Speakers and Presidents of Legislatures are expected to preside over their membership impartially and independently, earning the trust and respect of the elected Members. However, it is not common for Speakers in New South Wales to literally be 'Independent'.

I am the Independent Member for Lake Macquarie, first elected to the Parliament in 2007 and elected by Members of the Legislative Assembly as Speaker in 2023.

When I took the seat (or *was dragged to it, observing the tradition of reluctance that stems from the very real reluctance felt by early Speakers in England, fearful for their heads...*), I assured Members that I am, and would be, an Independent Speaker in the truest sense of the word.

It is notable that the 58th Parliament is also among our most gender and religiously diverse in history. For the first time, women make up half of the Government's frontbench and, also for the first time, we have female Ministers for Police and Counter Terrorism, Energy, Natural Resources, Regional New South Wales, Transport and Finance. The New South Wales Legislative Assembly has a reputation as being a place for vigorous and robust debates, so much so that it is often referred to as 'the bear pit' – and the bears are more like grizzly bears than koalas!



However, I believe it is possible to have a robust exchange of views while maintaining a respectful culture. In my time as Speaker, I have always encouraged robust yet respectful debate, and I have not tolerated disrespect or abuse from Members. This is the standard expected of us by the people we represent and a standard we are all responsible for meeting.

It is imperative that I do my best to uphold the Standing Orders and precedent rulings. We have conventions and standards to uphold, but as I mentioned previously, we also have a duty to improve them and an obligation to apply cotemporary standards to them.

Speakers don't work alone. I am ably supported by a Deputy Speaker, an Assistant Speaker and a panel of Temporary Speakers. Between us, we manage the sittings of the Assembly. The Deputy and Assistant Speaker are elected positions, similar to the Speaker. The Temporary Speakers are appointed by me, and I have actively engaged with the parties and Crossbench to ensure the composition reflects the diversity of the Assembly. We work together to present a common approach to 'running' the House, and we regularly meet to compare notes on how we undertake the role, how we determine points of order, how we promote the free-flowing exchange of ideas and perspectives.

Security – an emerging and evolving concern

Global and domestic affairs have created some great challenges for democracy and stable government in recent years, and perhaps the biggest challenge of our time is security – the security of the parliamentary precinct and chambers, the personal security of Members, their staff, and even their electorate offices and homes.



Images: Parliament of New South Wales.

Above: The Speaker's Team: (from left to right) Mr Alex Greenwich, MP, Temporary Speaker; Ms Sonia Hornery, MP, Deputy Speaker; Mr Clayton Barr, MP, Temporary Speaker; Ms Stephanie Di Pasqua, MP, Temporary Speaker; Hon. Greg Piper, MP, Speaker; Ms Donna Davis, MP, Temporary Speaker; Mr Michael Kemp, MP, Temporary Speaker; and, Mr Jason Li, MP, Assistant Speaker.

The security of Members and parliamentary staff has been a major focus of mine for the 58th Parliament, and I spent some time earlier this year visiting the United Kingdom, Scottish and two Canadian Parliaments to see how they were meeting their security challenges.

As we know, the global political environment has become more febrile over recent years, exacerbated by social media and leading to an environment of disrespect and even violence against elected representatives. The war in the Middle East may be a long way away, but it too has posed some difficult tests for Parliamentarians locally.

Already this year there have been a number of worrying incidents which have made us question whether our security arrangements within the parliamentary precinct and for Members in their communities are sufficient.

The challenge will be to maintain our proud tradition of openness and transparency, where members of the public can see their representatives undertaking their roles, while ensuring the personal and psychological safety of those representatives.

Right now, we are embarking on a full review of our security measures in the New South Wales Parliament, and that involves a comprehensive assessment of security vulnerabilities across the precinct and in both Chambers, as well as in electorate offices and other work locations, and the private residences of Members.

A number of new measures are already in place, but we hope this broader review better identifies our risk levels so we can remove any vulnerabilities and mitigate risks. Like all democracies, the New South Wales Parliament will always be 'the people's House', a place where people can see their elected Members representing their community's interests, so maintaining that while



Left: The Presiding Officers welcome HRH Prince Edward, Duke of Edinburgh to the Parliament of New South Wales on a recent visit.



Images: Parliament of New South Wales.



Above: Tour of the parliamentary precinct with the Capital Works team.

balancing appropriate security mitigations will be a significant test, but one we must take and succeed in.

Supporting electorates and delivering for constituents

Since being elected as Speaker last year, a personal objective of mine has been to improve the connection between staff in the 98 electorate offices throughout New South Wales with Parliament House and the parliamentary services team.

New South Wales is a large state and we have 93 Members representing communities from all parts of that state, as well as the 42 Members of the Legislative Council who are elected from the state as a whole. There are electorate offices in each electorate, and some electorates have more than one office. The electorate of Barwon, for example, has three electorate offices spread across its 356,310 square kilometres. It is an electorate larger than many independent nations! I have visited many of the electorates and their offices in my first year as Speaker and will maintain that connection as my term continues.

Staff in electorate offices are the ‘eyes and ears’ of their Member and often represent and speak for them. It is a crucial and unusual job which offers many challenges. In the course of one day a Member or electorate officer might assist constituents with matters as diverse as helping to find urgent emergency housing, to re-directing a complaint about rubbish collection. A skilled and experienced electorate officer can be extremely effective in helping constituents navigate the government and other services to reach their objective. That is why I’ve been promoting more opportunities for electorate officers to share their skills

and experience with each other, and to receive some specific guidance on their roles and responsibilities from our parliamentary staff. As frontline staff, electorate officers often find themselves dealing with angry constituents and people in genuine distress or crisis, so I am extremely mindful of the impacts this type of work can have on staff. It is imperative that we provide the backing and protections they need to do their jobs, and that they are connected to the Parliament and support services.

To the future and beyond

The modernisation of the Parliament of New South Wales is one of the strategic priorities for the 58th Parliament. Some of that modernisation has been about physical infrastructure – making the Parliament, one of Sydney’s oldest buildings, more accessible to more people. Our building and Chambers have just been completely renovated – a long overdue upgrade to a building barely touched for the past 40 years, but one which will now be able to function for at least another 40.

Other modernisations have been about technologies we use to work more effectively – from website and mobile applications to the more complicated challenges of artificial intelligence (AI). A contemporary essay in a professional publication like this would be flawed without reference to AI which is perhaps both an opportunity and a challenge presented to us by technological progress. Of course, another modernisation is about culture, attitude and how we work together. I am extremely proud to collaborate with professional parliamentary staff who demonstrate integrity, excellence and respect in all that they do. Whatever the future holds, I know we are ready for it.

Below: (from left to right, top to bottom): Mr Jason Gordon, Chief of Staff to the Speaker; Ms Helen Minnican, Clerk of the Legislative Assembly; Mr David Ignatius-Holub, Department of Foreign Affairs; Mr Kevin Hennessy, Deputy Head of Mission Ireland; Ms Amanda Alam, Director, House & Procedure Legislative Assembly; Mr Yannis Mallikourtis, Consul-General Greece; Mr Lawrence Buhagiar, Consul-General Malta; Mrs Jodi Rahme, Parliamentary Liaison Officer to the Speaker; Mr Jérôme Charbonnet, Deputy Consul-General Switzerland; Ms Sarah Quigley, Consul-General Canada; Hon. Grep Piper, MP, Speaker of the New South Wales Legislative Assembly; and Ms Louise Cantillon, Consul-General United Kingdom.





PARLIAMENTARY DEMOCRACY IN NEW SOUTH WALES: AT-A-GLANCE

Introduction

Parliamentary democracy in New South Wales is characterised by its strong commitment to democratic principles and a clear separation of powers. Through its constitutional framework, legislative processes and Executive administration, New South Wales continues to uphold the values of democracy, addressing the needs and aims of its population. This system of governance provides a platform for accountability and the rule of law.

Background

Australia is a representative democracy. Citizens in each state elect representatives to speak in Parliament and make decisions on their behalf. The State of New South Wales operates under a system of governance that mirrors the principles of the Westminster system, reflecting its British colonial heritage.

The *Constitution Act 1902* and the *Australia Act 1986* are the primary legal documents that outline the State's governance framework. These documents inform the structure, powers and functions of the State's government institutions, ensuring the separation of powers among the Executive, Legislative and Judicial branches. This separation is crucial for maintaining checks and balances within this system.

As a constitutional monarchy, the head of state in New South Wales is the Australian monarch, who is represented locally

by Her Excellency Hon. Margaret Beazley, AC, KC who is the Governor of New South Wales. The Governor is appointed by the monarch on the advice of the Premier and performs ceremonial roles such as the granting of royal assent to Bills passed by the Parliament, dissolving the Legislative Assembly and representing the state at official events.

History

Before the passing of the *New South Wales Act of 1823*, the administration of the colony of New South Wales was in the sole hands of the Governor, who held almost unlimited power by way of orders and proclamations. The *New South Wales Act of 1823* established the first Legislative Council, consisting of five appointed Members who served as advisors to the Governor. The Legislative Council first met on 25 August 1824. The Legislative Assembly was created by the *New South Wales Constitution Act 1855*, creating a bicameral Parliament and establishing responsible government in New South Wales.

The Legislature

The Parliament of New South Wales is a bicameral Parliament, consisting of the Legislative Assembly (lower house) and the Legislative Council (upper house).

Legislative Council of New South Wales

The Legislative Council, or upper house, has 42 Members elected through a proportional representation system. Members serve staggered eight-year terms, with half of the council elected every four years. This system ensures a mix of long-term stability and periodic refreshment of the council's composition.

The Legislative Council has three main functions: to represent the people, to legislate and to scrutinise the Executive government as a 'House of review' scrutinising and amending legislation proposed by the Legislative Assembly. It plays a crucial role in providing checks and balances, ensuring that legislation is carefully considered and debated before becoming law.

The 2023 general election resulted in the election of 21 of the 42 seats in the Legislative Council. Of the 42 seats in the Legislative Council, The Australian Labor Party holds 15 seats; The Liberal and National parties (the Coalition - Opposition) hold 9 and 5 seats respectively The Greens hold 4 seats; Shooters, Fishers, Farmers holds 2 seats; Animal Justice Party holds 1 seat; Legalise Cannabis holds 1 seat; Libertarian Party holds 1 seat; Pauline Hanson's One Nation holds 1 seat; and there are 3 Independents.

The President of the Legislative Council, Hon. Ben Franklin, MLC is a member of The Nationals Party.

Legislative Assembly of New South Wales

The Legislative Assembly, or lower house, comprises 93 Members elected through a preferential voting system in single-member constituencies. Members serve four-year terms, and the party or coalition with the majority of seats forms the government. By convention the Premier is a Member of the Legislative Assembly.

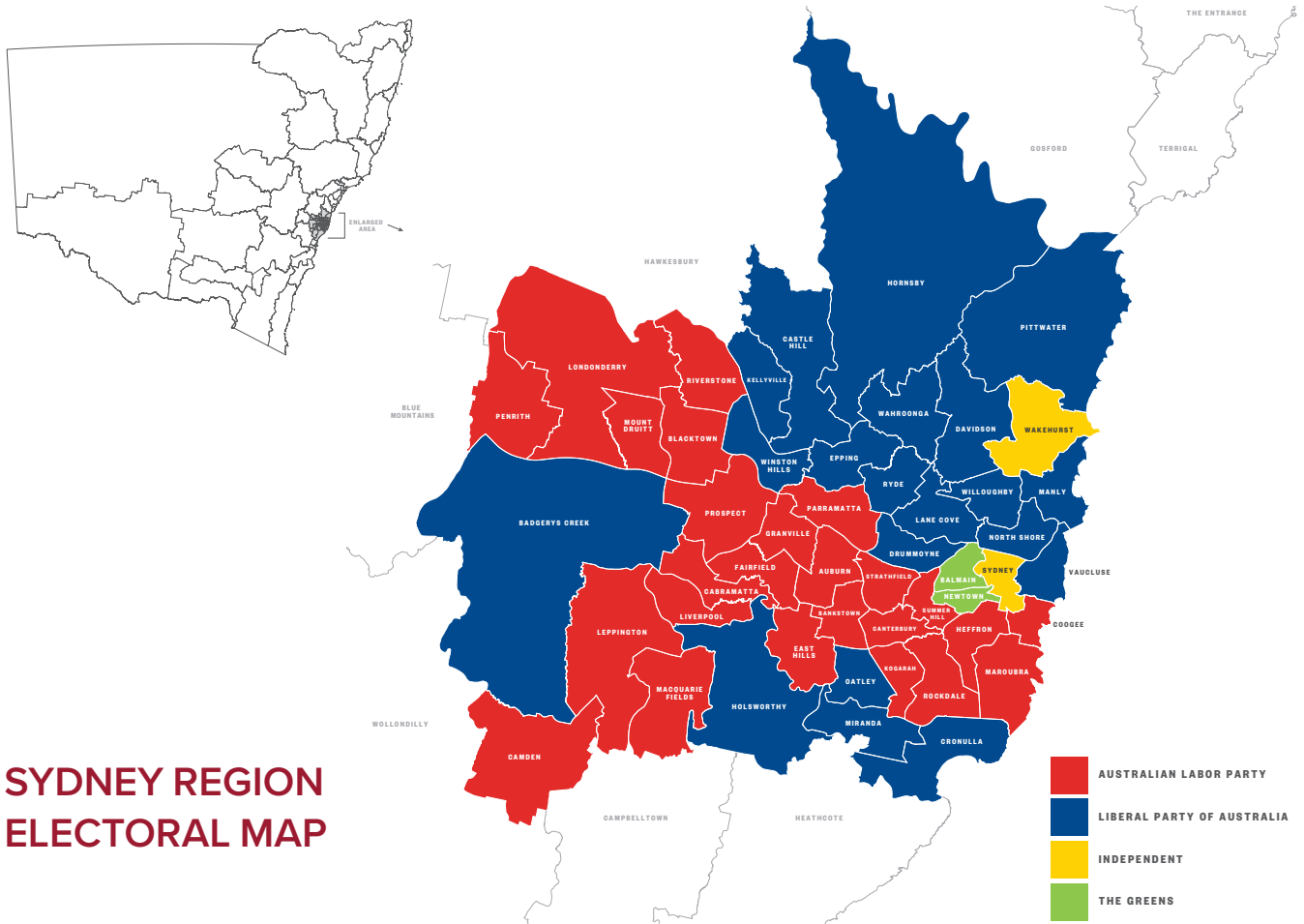
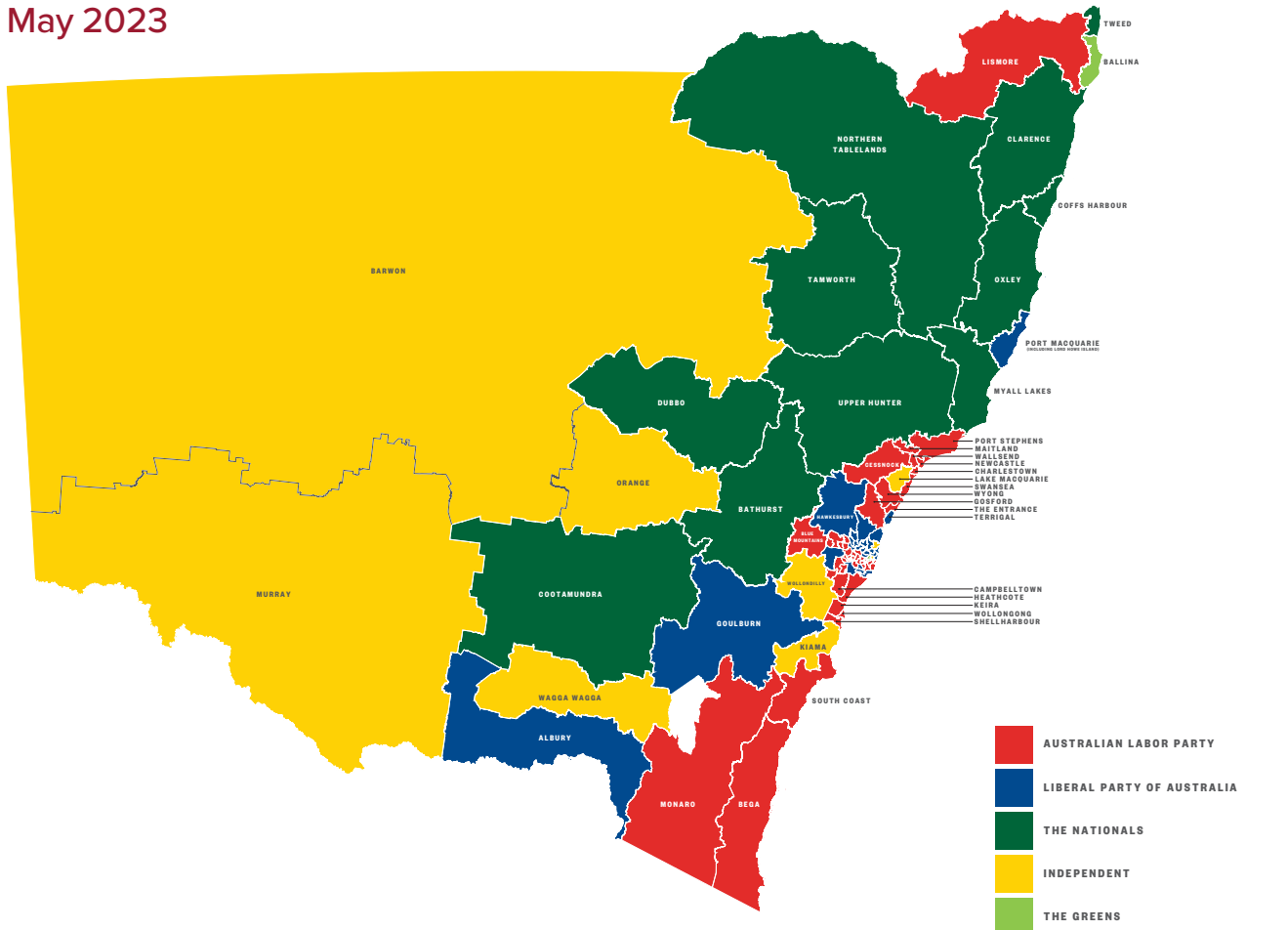
The Legislative Assembly has four main functions including representing the people, forming Executive Government, making laws and considering the Government's requests for money. Additionally, Members scrutinise the activity of the Government, serve on Parliamentary Committees, present petitions and raise matters related to their constituents.

The 2023 general election resulted in a change in Government, with the Australian Labor Party winning 45 seats and forming a minority government with the support of three Independent Members. The Liberal and National parties won 25 and 11 seats respectively and together form the Opposition. The Greens retained three seats, and the number of Independent Members increased to nine, resulting in a Crossbench of 12 Members.

The Speaker of the Legislative Assembly, Hon. Greg Piper, MP is the Member for Lake Macquarie and an Independent.

ELECTORAL MAPS OF NEW SOUTH WALES

As at May 2023



SYDNEY REGION ELECTORAL MAP



LEGISLATIVE ASSEMBLY: PARLIAMENT - EXECUTIVE GOVERNMENT RELATIONS IN NEW SOUTH WALES

Article by Ms Helen Minnican, Clerk of the Legislative Assembly of New South Wales

Legislative Assembly

The Legislative Assembly in New South Wales is the House where Government is formed, and the government of the day must maintain the confidence of the House. It is also the House with financial primacy - money Bills must originate in the Legislative Assembly and the Constitution provides that the Assembly may forward an Appropriation Bill to the Governor for assent, notwithstanding that the Council has not agreed to the Bill.

Comprising 93 Members, each representing an individual electorate, the Legislative Assembly is elected using an optional preferential voting system on a fixed four-year parliamentary term.

The 2023 State General election led to the Labor Party forming a minority government with the support of three Independent Members, one of whom is the Speaker, Hon. Greg Piper, MP, the Member for Lake Macquarie. Minority government in the 58th Parliament has brought a renewed focus in the Assembly on scrutiny and accountability.

Members of the current Legislative Assembly have made considerable use of existing mechanisms and powers of the House and its Committees to influence law-making and agenda setting in the Parliament, impacting on the balance of Executive-Legislative relations. They have been able to: gain a greater share of the sitting timetable for consideration of non-government

business; influence the legislative process and outcomes; and examine government policy, decision-making and expenditure in greater detail.

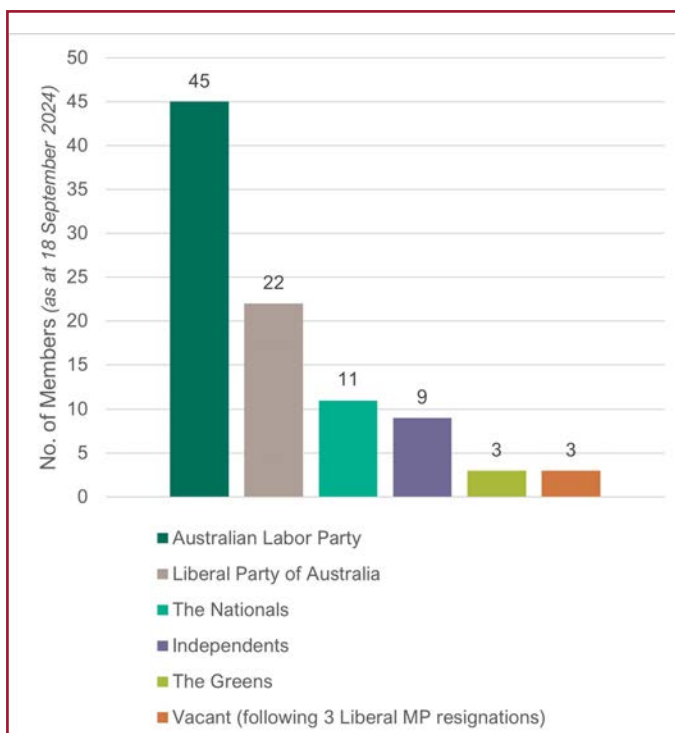
As outlined later in this issue, there has been increased legislative activity, including a number of Private Members' Bills being passed, one having been introduced by the Speaker who, under the Constitution, may participate in proceedings and vote when not presiding.

In the case of Legislative Assembly administered Committees, the current Parliament also has seen a general increase in activity levels, particularly in relation to Bills. In the first year of the current Parliament, five Bill inquiries were referred to Committees, compared to one bill inquiry in the first year of the previous Parliament. A total of six Select Committees were established in the first year of the new Parliament, double the number across the entire previous term. Ten of the 22 Committees have non-government Chairs. Some Committees also have non-government majorities, including the statutory Committee that oversees the Independent Commission Against Corruption.

The use made of the Legislative Assembly's power to order the production of documents also has been notable in the current Parliament. Both Houses possess the common law power to order the production of State papers although it is rarely used by the Legislative Assembly: the previous occasion being in 1998. The Parliament's statutory oversight Committees also have the power to obtain information, which is conferred under the relevant legislation that governs each oversighted body and establishes each Committee.

Within the first few weeks of the commencement of sittings, the House ordered the production of State papers relating to investigations into money laundering in clubs and pubs. The order was moved by Mr Alex Greenwich, MP and was supported by the Government, Opposition and other Members of the Crossbench. It was varied by the House over coming months to obtain further papers, and to redact information for the protection of informants and criminal investigations. Unusually, at one stage, the Legislative Council also ordered the production of the same papers.

These developments continue initiatives promoting transparency that commenced in the previous Parliament when in response to the Public Accounts Committee, chaired at the





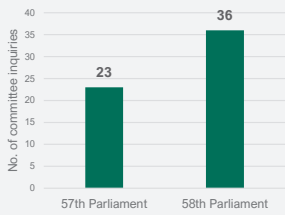
57th vs 58th Parliament: First year comparison

The first year of the 58th Parliament has seen a significant increase in committee activity compared to the first year of the 57th Parliament.

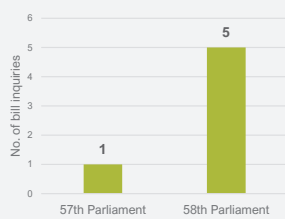


LEGISLATIVE
ASSEMBLY

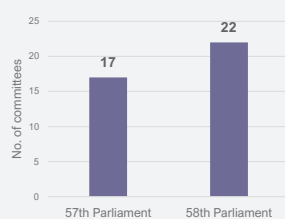
**57% increase in
the no. of inquiries**



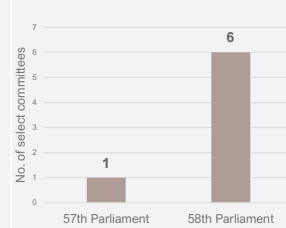
**5X the no. of bill
inquiries**



**29% increase in
the no. of committees**



**6X the no. of
select committees**



time by Mr Greg Piper, the Government introduced legislation to give the Auditor General ‘follow the dollar’ powers in relation to non-government entities undertaking work for State and local government. The legislation also authorised the Auditor-General to access confidential and privileged documents, for example, Cabinet documents.

In other areas, there has been less movement between the Executive and Parliament. The Legislative Assembly’s control over appropriation and public expenditure remains evident from the process adopted for the Government’s first two budgets in 2023 and 2024 as the Treasurer, being a Member of the Legislative Council, was invited to deliver his speech on the budget in the Legislative Assembly Chamber: a process last used in 2010. During the previous Parliament, the Legislative Assembly also asserted its right to disagree with amendments from the Legislative Council to the Appropriation (Parliament) Bill 2020 and still present the Bill for assent with the Appropriation Bill and other cognate.

The capacity of the House and its Members to exploit the opportunities presented by minority government illustrates the changing, dynamic nature of parliamentary institutions. Parliaments are patently capable of significant reform and change, as demonstrated by the development of the Legislative Assembly during the current 58th Parliament.



Images: Parliament of New South Wales.



ONE YEAR OF MINORITY GOVERNMENT

Compromise and negotiation in the New South Wales Legislative Assembly

In March 2023, the New South Wales general election results returned a Legislative Assembly with no single party winning an outright majority. The Labor party, which had previously been the Opposition, had 48% of the vote, while the Liberal-National coalition of parties (the incumbent government) had 38%. The difference was held by a group of nine Independent Members and three Greens Members, collectively winning 13% of the vote. The House was hung, and a minority government soon emerged when the Labor party secured the support of three Members of the Crossbench who agreed to support the government on votes of supply and confidence.

The current 12-Member Crossbench, which includes the Speaker, Hon. Greg Piper, is varied in terms of political persuasion. It is the largest Crossbench in the Legislative Assembly in recent memory and is the continuation of a trend towards a growing Crossbench seen over the last few Parliaments.

While minority governments are not usual in Australian State and Territory Legislatures, they do occur from time-to-time. In fact, part way through the 57th Parliament, the Liberal-National government had technically become a minority government after two of its Members were expelled from the Liberal Party pending two unrelated investigations, moving to the Crossbench as Independent Members. In practical terms, while the former Government still had a slim *de facto* majority (as it could depend on their votes), there were signs that the larger Crossbench was gaining influence. For instance, Independent Member for Sydney,

Mr Alex Greenwich, MP, successfully negotiated the passing of the Voluntary Assisted Dying Bill in 2022 after both major parties allowed a conscience vote on the issue.

Additionally, Independent Member for Lake Macquarie and former Chair of the Public Accounts Committee, Hon. Greg Piper, MP, was able to successfully negotiate bi-partisan support for key integrity and accountability measures which strengthened the powers of the Audit Office and safeguarded the independence of the Auditor-General of New South Wales.

The trend towards more Crossbench influence has only increased in the current Parliament, commencing on day one with the unopposed election as Speaker of Independent Member for Lake Macquarie, Hon. Greg Piper, MP.

Having now experienced a full 12 months of minority government with a large and diverse Crossbench holding the balance of power, the experience of the Legislative Assembly in the 58th Parliament appears to support the general wisdom that minority governments involve compromise and negotiation and that they represent an opportunity for Independent Members in particular to drive change.

So, what have we seen so far?

The images below illustrate the growth of the Crossbench over the last three New South Wales General Elections.

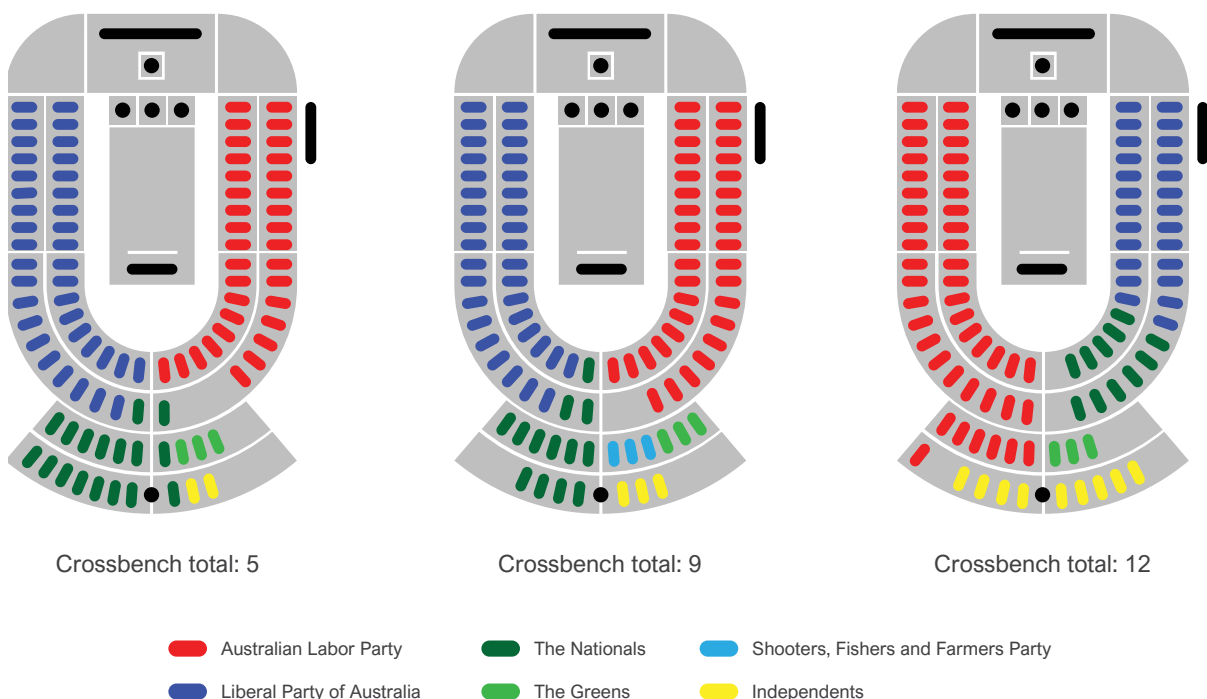


Image source: The Changing Membership of the House (Source: Department of the Legislative Assembly Annual Report 2022-23).



Images: Parliament of New South Wales.

More time for the introduction and debate of non-Government Bills

The House has continued a trend towards allowing more time, outside of the usual routine of business, for Private Members to introduce and debate their Bills.

At least six non-Government Bills benefited from resolutions allowing them to be introduced or debated outside of the normal schedule and prior to their lapsing dates. These Bills were varied in their political or policy leaning and included:

- On 8 May 2024: the House resolved to allow three non-Government Bills to be introduced and their Second Reading speeches given on the one day. This included the Oppositions' Bail Amendment (Serious Personal Violence and Electronic Monitoring) Bill.
- On 7 February 2024: the House resolved to allow time to ensure that the Member for Newtown, a member of The Greens, could introduce and complete her Second Reading speech for the Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill. This Bill was later referred for consideration to a Select Committee chaired by the Member for Newtown.

Furthering this trend, in May 2024, the House agreed to add six new sitting days to the calendar on Fridays. During his speech, the Leader of the House noted that the proposed motion had been moved in part in response to a "... request of Crossbench Members, who wanted far more time for Private Members' business."¹¹

Amongst other things, the new Friday sitting days allow more time for Private members to introduce non-Government Bills, to debate Committee reports and debate petitions.

Passing of Private Members' Bills and legislating Private Members' issues

It is rare for non-Government Bills to pass in the Legislative Assembly of New South Wales. However, in the first 12 months of the 58th Parliament, the House has already passed two non-Government Bills. These are:

- The Speaker's Human Tissue Amendment (Ante-mortem Interventions) Bill 2023; and
 - Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2024 – a Bill commenced by the Animal Justice Party in the Legislative Council and taken up by Mr Alex Greenwich, MP in the Legislative Assembly.
- Both passed with Government support.

Case Study: Human Tissue Amendment (Ante-mortem Interventions) Bill

This Bill was introduced by the Speaker of the Legislative Assembly, Hon. Greg Piper, MP, in his capacity as the Member for Lake Macquarie and is the first Bill introduced by a Speaker and passed since 2009. The Bill provides for medical procedures to be carried out on patients which would help to facilitate post-mortem tissue and organ donation.

A number of suspensions of Standing Orders were passed by the House to enable the Bill to pass, including to extend its lapsing date, allowing it to be introduced early, and allowing it to be debated during time usually set aside for Government Business. Additionally, and unusually, a Government Member took carriage of the Bill in the Legislative Council. On 14 March 2024, it became



the second Private Member's Bill to pass both Houses of the 58th Parliament.

In addition, a number of issues of importance to some Private Members have been legislated on by the New South Wales Government.

One of these was the banning of 'conversion therapy' or practices which attempt to change or suppress a person's sexual orientation or gender identity. During the debate on the Government's Conversion Practices Prohibition Bill, the Member for Sydney, Mr Alex Greenwich, MP, noted *"...last year, I introduced a Bill to this Parliament. My Bill and this Bill both achieve a ban on conversion practices, and I am happy to support this Government Bill. I thank the Government for working with me and all stakeholders to establish reform."*²

Another issue related to offshore mining and exploration, detailed in the case study below:

Case study: Minerals Legislation Amendment (offshore Drilling and Associated Infrastructure Prohibition) Bill 2023

On 22 June 2023, the Member for Pittwater, Mr Rory Amon, MP (a Member of the Opposition) introduced the Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023. The Bill aimed to prevent the development of mineral or petroleum resources in the offshore areas of New South Wales.

The Bill was referred to the Environment and Planning Committee for inquiry and report on 29 June 2023 with the report tabled on 21 November 2023. The majority of the Committee recommended that the Legislative Assembly not pass the Bill and found that aspects may be constitutionally invalid or have unintended consequences. Those consequences included how the Bill could interact with Federal Government law in offshore waters where Federal law applies.

The Bill lapsed on 13 March 2024 in accordance with Standing Orders. On 7 February 2024, the Government introduced the Environmental Planning and Assessment Amendment (Sea Bed

Mining and Exploration) Bill 2024 which was also intended to prohibit sea bed petroleum and mineral exploration and recovery. This Bill passed the Legislative Assembly on 12 March and the Parliament on 14 March 2024.

Finally, as detailed in the case study below, in 2023, the New South Wales Government supported the referral of its own Bill on rental fairness to a Select Committee after concerns were raised by some, including two Crossbench Members – the Member for Newtown, Ms Jenny Leong, MP, and the Member for Sydney, Mr Alex Greenwich, MP. Both Crossbench Members were appointed to serve on the Committee.

Case Study: Legislative Assembly Select Committee on the Residential Tenancies Amendment (Rental Fairness) Bill 2023

In May 2023, the New South Wales Government's Residential Tenancies Amendment (Rental Fairness) Bill 2023 was referred to a Select Committee so that it could inquire into a particular clause of the Bill.

Through the inquiry process, particularly the oral evidence at the public hearing, it became apparent that there was broad opposition across the diverse spectrum of inquiry participants to the particular clause which was the focus of the inquiry.

As a result, the Government announced that it would amend the Bill to respond to these concerns. After the report was tabled, the Bill resumed its Second Reading and was amended by the Legislative Assembly in line with the Government's announcement and the Committee's key recommendations. The Bill then passed the Parliament on 22 June 2023.

During debate on the Bill, many Members highlighted the important work of the Committee, including the Member for Newton who when commenting on the consultation process noted: *"That example shows the Government's willingness and demonstrates the power that a strong Crossbench working together with a Labor Government can have to deliver outcomes in a minority Parliament."*³



Images: Parliament of New South Wales.

References:

- ¹ Hansard (Proof) 16 May 2024, p. 21-30.
- ² Hansard (Proof) 20 March 2024, p. 99.
- ³ Hansard 20 June 2024, p. 9174.

Left: Mr Alex Greenwich, MP, the Member for Sydney and Hon. Greg Piper, MP, the Member for Lake Macquarie, at the conclusion of the Voluntary Assisted Dying Bill in November 2022.

THE HISTORY OF THE PARLIAMENT OF NSW BUILDING

1810

NEW HOSPITAL

GOVERNOR MACQUARIE ORDERS CONSTRUCTION OF NEW COLONIAL HOSPITAL ON MACQUARIE ST

1816

HOSPITAL COMPLETE

NICKNAMED THE 'RUM HOSPITAL', THE NEW COLONIAL HOSPITAL HAD BEEN PAID FOR BY A RUM MONOPOLY

1824

FIRST SITTING

LEGISLATIVE COUNCIL OF NSW SITS IN WHAT WAS THEN GOVERNMENT HOUSE

1829

HOUSE-WARMING

LEGISLATIVE COUNCIL OF NSW SITS IN RENOVATED ROOMS WITHIN RUM HOSPITAL

1843

NORTH WING

A NORTH WING IS ADDED TO THE RUM HOSPITAL - THE ORIGINAL CHAMBER OF THE LEGISLATIVE COUNCIL. THE LEGISLATIVE ASSEMBLY NOW RESIDES IN THIS CHAMBER

1856

SOUTH WING

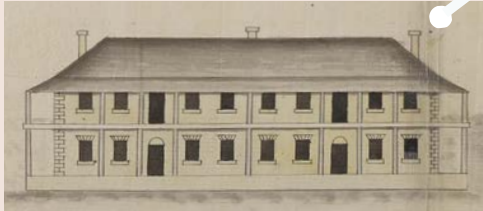
THE LEGISLATIVE COUNCIL MOVES INTO NEWLY ADDED SOUTH WING. THE LEGISLATIVE ASSEMBLY MOVES INTO THE ORIGINAL NORTHERN WING



GOVERNOR LACHLAN MACQUARIE
MITCHELL LIBRARY, STATE LIBRARY OF NEW SOUTH WALES



'GOVERNMENT HOUSE AND PART OF SIDNEY'
AUGUSTUS EARLE, 1828. NATIONAL LIBRARY OF AUSTRALIA, WALES - SHARTELL



ELEVATION OF THE NEW GENERAL HOSPITAL AT SYDNEY
THE NATIONAL ARCHIVES OF THE UK



NORTHERN WING ADDED TO PARLIAMENT
PARLIAMENTARY COLLECTION



SOUTHERN WING ADDED TO PARLIAMENT
PARLIAMENTARY COLLECTION

PARLIAMENT OF NEW SOUTH WALES 2024



1860 1878
1897 1909

FIT FOR PURPOSE

UNSUCCESSFUL INQUIRIES AND ATTEMPTS TO CONSTRUCT A PURPOSE-BUILT PARLIAMENT HOUSE



JUBILEE ROOM
PARLIAMENTARY COLLECTION



STAINED GLASS SKYLIGHT- JUBILEE ROOM
PARLIAMENTARY COLLECTION

1906

JUBILEE LIBRARY

PARLIAMENTARY LIBRARY CONSTRUCTED - NOW KNOWN AS JUBILEE ROOM

1971

PURPOSE-BUILT

JOINT ADVISORY COMMITTEE DECIDE TO PRESERVE RUM HOSPITAL AND CONSTRUCT NEW BUILDING BEHIND

1975 -
1983

CONSTRUCTION

CONSTRUCTION OF NEW PARLIAMENT BUILDING, INCORPORATING RUM HOSPITAL TO NEW PRECINCT

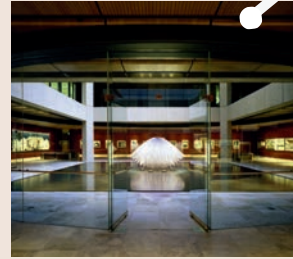


CONSTRUCTION OF TOWER BLOCK
PARLIAMENTARY COLLECTION

1983

FOUNTAIN COURT

CONNECTING THE 19TH-CENTURY HERITAGE BUILDING TO THE MODERN TOWER BLOCK, THE FOUNTAIN COURT FEATURES A FOUNTAIN BY AUSTRALIAN ARCHITECT AND ARTIST ROBERT WOODWARD



FOUNTAIN COURT
PARLIAMENTARY COLLECTION

2016

ROOFTOP GARDEN

NEW OFFICE SPACE FOR THE DEPARTMENT OF PARLIAMENTARY SERVICES BUILT ON EXISTING ROOFTOP GARDEN



ROOFTOP GARDEN AND OFFICE TOWER
PARLIAMENTARY COLLECTION

MAJOR FUNDING SAW A PROGRAM OF CRITICAL MAINTENANCE AND RESTORATION ON THE PARLIAMENT OF NSW BUILDING FROM 2022 - 2024. SIGNIFICANT STRUCTURAL REPAIRS, CONSERVATION OF HISTORICAL FEATURES, RESTORATION OF THE HERITAGE FABRIC AND MATERIALS, UPDATING OFFICE SPACE AND IMPROVEMENTS TO AIR QUALITY AND ACCESSIBILITY





LEGISLATIVE COUNCIL: PARLIAMENT - EXECUTIVE GOVERNMENT RELATIONS IN NEW SOUTH WALES

Article by Mr David Blunt, AM, Clerk of the Parliaments and Clerk of the Legislative Council of New South Wales

Legislative Council

Holding the Executive government to account is equally important as law making for the New South Wales Legislative Council.

As a House elected by a system of proportional representation, no government has had majority control of the Legislative Council since 1988. With 21 of the House's 42 Members being elected every four years and having the entire state as their electorate, the quota for election is approximately 4.55% and Members represent a diverse range of political parties and interests.

Currently the Legislative Council consists of 15 Government (Australian Labor Party) Members, 14 Opposition (Liberal and National Parties) Members and 13 Crossbench Members (four Greens; two Shooters, Fishers and Farmers Party; one One Nation; one Animal Justice Party; one Legalise Cannabis Party; one Libertarian Party, and 3 Independent Members).

For law making, this makes for rigorous scrutiny of both Bills and regulations. The Government requires six additional votes to win any division so there is much discussion and consensus building before Bills are passed, often with amendments to improve a Bill. However, that is a different subject altogether.

Here, we are concerned with Parliament/Executive relations. In addition to the usual parliamentary processes of Questions to Ministers (both without Notice during daily Question Times, and written Questions on Notice, which may be lodged on any business day and must be answered within 21 business days), there are three noteworthy aspects of the way in which the Legislative Council holds the New South Wales Executive Government to account:

- orders for papers,
- accountability oriented Committee inquiries, and
- budget estimates hearings.



Image credit: Robert Pearce/Sydney Morning Herald.

Left: The former Usher of the Black Rod escorts then-Treasurer, Hon. Michael Egan from the Chamber to the footpath of Macquarie Street outside the Parliament building in 1996, precipitating the famous 'Egan case' which confirmed the power of the Legislative Council to order the production of State papers.

The New South Wales Legislative Council (and the Legislative Assembly) have a common law power to order the production of State papers. This power was re-affirmed by the High Court of Australia in the 1988 case of *Egan v Wills and Cahill*.

In 1999, the New South Wales Court of Appeal determined that this power extends to those documents over which the Executive government claims legal professional privilege or public interest immunity.

Since that time more than 500 orders for the production of documents have been complied with, including the provision of documents subject to claims of privilege. Most sitting weeks, three or four new orders for papers are agreed to by the House, usually with a requirement for documents to be produced within 21 days. Compliance with an order can involve production of a single document, or up to dozens of archive boxes full of thousands of documents, depending upon the precise terms of the order.

In 1997, the Legislative Council extended its already highly functioning Committee system to include new Committees covering all Government Ministerial portfolios, and with the capacity for self-referral of inquiries. These Committees have a non-government majority and non-Government Chair. Now called the Portfolio Committees, these Committees have become the vehicle for inquiries in relation to a wide range of government policies and decisions. Additionally, the Legislative Council now also has a Public Accountability and Works Committee.

One of the most important inquiries conducted each year by the Portfolio Committees concerns the 'budget estimates'. In a formal sense, the annual budget estimates and related papers are referred to the eight Portfolio Committees for inquiry and report. In reality, the process facilitates not so much a review of the Government's proposed expenditure for the year ahead, but rather wide-ranging scrutiny of every Minister and their agencies' work.

Orders for papers, accountability-oriented Committee inquiries and the budget estimates, and the interaction between each of these accountability mechanisms, as they developed during the 57th Parliament (2019-2023) are discussed further in the excellent article in this edition by Shaza Barbar, entitled 'The Transparency Agenda'. They certainly make for a dynamic and demanding House.





‘THE TRANSPARENCY AGENDA’

How the New South Wales Legislative Council strengthened its role as a house of review in the 57th Parliament

One of the key functions of an Upper House is to act as a House of Review, holding the Executive government to account. While this has always been an important function of the New South Wales Legislative Council, it was particularly pronounced during the 57th Parliament (2019 to 2023). An unusual collaboration emerged between Opposition and Crossbench Members from across the political spectrum, where Members agreed to support each other procedurally even when they disagreed on matters of policy. Some former Members have referred to this as the ‘transparency agenda’.

The circumstances that led to the transparency agenda

Looking back on the 57th Parliament, it is clear that the transparency agenda evolved out of a set of circumstances that enabled its development, sustained momentum and ultimate success.

Following the 2019 election, during a time that is usually quiet in a new Parliament, the Opposition and the Crossbench set to work. This flurry of work was no coincidence. As former Labor Member, Adam Searle reflected, there were two key factors that enabled the development of the transparency agenda. The first, and perhaps most obvious, was the make-up of the House following the election, which saw a decrease of Government Members and an increase in Opposition and Crossbench Members. Notably, the Crossbench of the 57th Parliament was one of the largest in the Legislative Council's history, surpassed only by the Crossbench elected following the 1999 and 2023 elections. The change in numbers meant that the balance of power no longer sat with the Christian Democratic Party, which the government relied upon in

the 56th Parliament (2015 to 2019), but rather a broader group of Crossbench parties.

Searle reflected that while the transparency agenda was forged on a structural level based on the numbers of the House, it would not have worked without the personal relationships. This is the second key factor in the development of the transparency agenda. In particular, there were three Members who played key roles in the transparency agenda. These were Searle, David Shoebridge, former Greens Member of the Legislative Council and current Senator in the Australian Federal Parliament, and Robert Borsak, leader of the Shooters, Fishers and Farmers Party.

By the time of the 57th Parliament, the Coalition (comprising the Liberal Party and The Nationals) had been in government since 2011. As Borsak, Searle and Shoebridge explained, by this point, the relationship between the Government and the Opposition, the progressive and conservative Crossbench had largely broken down. Opposition and Crossbench Members alike were frustrated by what they considered to be a lack of transparency by the Government, with traditional mechanisms of transparency no longer working effectively.

This galvanised Members from the Australian Labor Party, Greens, Shooters Fishers and Farmers Party and the Animal Justice Party to discuss what they could achieve collectively despite their disparate political views. The group found common procedural or institutional interests which meant that they would support each other on matters of procedure, such as agreeing to an order for papers on a policy issue they disagreed on, if it sought to achieve transparency or accountability.

Below: A Budget Estimates hearing at the New South Wales Parliament. Ministers attend the morning session only, accompanying public servants also attend the afternoon session.





Borsak stated that it was not difficult for the Shooters, Fishers and Farmers Party to make the decision to work with the Opposition and other Crossbench parties due to the lack of support his party received from the Government. For Borsak, working with the other parties *“was a good thing that would benefit transparency, the strengths of the House, the strengths of the Crossbench – all things that are good for democracy in New South Wales.”*

The transparency agenda was a particularly significant political commitment in the Legislative Council because, as Shoebridge noted, this effectively meant that one party could give another party a 'weapon'. A party could choose to use information sought through the House or committees to attack a policy position that another may wish to defend.

The transparency agenda in action: The interplay between the House and Committees through orders for papers

One of the distinctive features of the transparency agenda was an increased pursuit of the production and publication of state papers.¹ In the 57th Parliament, the House agreed to a record 456 orders for papers. To put this into perspective, the previous record for the highest number of orders for papers agreed to was held by the 53rd Parliament with 145 orders.

While the sheer volume of orders for papers was significant in and of itself, a new trend emerged early in the 57th Parliament as orders for papers became integral to Committees. Members used papers received through the House as the basis for questioning in Committee hearings. They also used evidence received through hearings as a basis for ordering documents through the House. Indeed, it was not uncommon for Members to arrive at hearings with documents retrieved through returns to orders ready to table as part of the inquiry.

An early and high-profile example of the interplay between the House and Committees occurred in the Public Accountability Committee's inquiry into the integrity, efficacy and value for money of the New South Wales Government's grant programs. The inquiry was self-referred in July 2020 to examine the range and availability of government grant programs and the way in which funding for these grants was allocated. The Committee was particularly interested in \$250 million worth of grants made under

Parliament of New South Wales	Number of orders for papers agreed to
51 st Parliament	10
52 nd Parliament	39
53 rd Parliament	145
54 th Parliament	94.
55 th Parliament	69
56 th Parliament	18
57 th Parliament	456

TABLE 1: Orders for papers in the 51st Parliament through to the 57th Parliament.

the Stronger Communities Fund which were primarily allocated to local councils in Coalition seats across the state ahead of the 2019 election.

There were several orders for papers relevant to the Stronger Communities Fund and other grants, with the first order made in June 2020. Returns to these orders proved integral for the Committee in the conduct of the inquiry in three interrelated ways. First, material received through orders for papers informed Members' questioning and enabled them to challenge the answers provided by witnesses to the Committee. Second, the papers enabled the Committee to identify relevant witnesses (and summons them if necessary). Third, evidence received through hearings provided Members with the information required to pursue further orders in the House to close gaps in the evidence.

Shoebridge recalled that there was a 'conscious interplay' between the orders for papers through the House and the work of the Committee. Committee Members thought strategically when they *'hit an evidentiary hole'* and used Standing Order 52 to receive the documents required to pursue government transparency. Shoebridge considered this to be *'unquestionably effective'*, referring to a particular high-profile line of questioning about record keeping where a witness revealed that briefing notes signed off by the Premier had been shredded.

When the former Liberal Premier and former Minister for Local Government declined the Committee's invitations to appear, the Committee instead called on staff and former staff from offices of the Premier, Deputy Premier and Minister for Local Government. Of note was a staff member in the Premier's Office who, as Shoebridge noted, the Committee called *'reluctantly'*. He explained that the House had issued at least two orders for papers requiring all relevant documents that the Premier's Office had in its possession on the sign off of grants. When no relevant documents were produced, the issue was escalated twice in the House requiring the Minister to provide an explanation. Describing the Minister's explanation as *'unsatisfactory'*, Shoebridge recalled that *“nobody accepted the explanation that there were no documents in the Premier's Office on the sign off of grants.”* This led to the Public Accountability Committee to call a staff member from the Premier's Office who the Committee identified through emails produced under Standing Order 52.

At its hearing on 23 October 2020, the Committee learnt that the Premier was informed of projects to be funded via 'working advice notes' which were later destroyed. These working advice notes had not been produced to the House under a previous relevant order for papers and came as new information to the Committee when a witness referred to them. The witness informed the Committee that *“she had destroyed working advice notes as part of 'normal record management practices'.”* She further advised that hard copies had likely been shredded and believed she had deleted electronic versions.

The House subsequently ordered under Standing Order 52 that the deleted electronic copies of the working advice note be reconstituted from backups and produced to the House. It was the first time that the House had ordered documents to be reconstituted. In return, the government produced three working advice notes, which were then used as the basis to invite and question future witnesses.



Images: Parliament of New South Wales.

The legacy of the transparency agenda

As the Legislative Council settles into the 58th Parliament (2023 onwards) with a change of government, will the transparency agenda continue in future Parliaments?

Hon. Daniel Mookhey, MLC described the 57th Parliament as “a playbook for other Parliaments to follow”, pointing out that the Legislative Council simply modernised powers that already existed. Nonetheless, and perhaps somewhat predictably as Treasurer in the new government, Mookhey argued that the 58th Parliament is “not carrying on with the legacy of the transparency agenda, and nor should it, because there has been a change in everyone’s positions”. Mookhey’s view is that the Crossbench is testing its scope for influence in the context of minority government and the Opposition is still determining how to use the Parliament.

Former Deputy President and now Magistrate, Trevor Khan speculated that while some of the momentum will continue into the 58th Parliament, it would take some time for a new Opposition to gain momentum and determine its priorities, for new Ministers to set their agendas and for new Opposition Members to develop the skill set for their new roles. Khan predicted that the level of coherence that existed in the 57th Parliament is more likely to occur in the next term or term after that should the Australian Labor Party win successive elections.

Shoebridge and Searle were optimistic that the changes of the 57th Parliament would have a lasting effect on the practices of the Legislative Council for years to come. Shoebridge pointed out (in a similar vein to Mookhey) that the 57th Parliament used the same

powers and procedures available to previous Parliaments. With a change of government, Shoebridge predicted that the Parliament may start “more timidly and become a little more robust” over the course of the 58th Parliament. Nonetheless, his hope is that the practices of the 57th Parliament, particularly around orders for papers, have become embedded in parliamentary practice.

While Searle indicated that it would be interesting to observe whether The Greens and Animal Justice Party would support a Labor government, maintain their commitment to government accountability or take a mixed approach, he also predicted that the ‘transparency agenda’ would continue into future Parliaments. He hopes that changes brought about in the 57th Parliament “remain an enduring architecture and are used properly for the purposes for which they were designed.”

Article by Shaza Barbar, Acting Director - Committees, New South Wales Legislative Council.

A longer version of this article, including additional case studies was delivered as a paper at the ANZACATT Professional Development Seminar in Darwin, Australia in January 2024 and will be reproduced in full in ‘Parliamentary Democracy at Work: Essays on the New South Wales Legislative Council’, David Blunt, AM & David Klune, OAM (Editors), to be published in December 2024.

References: ¹State papers refer to documents concerning the administration of the state. Regulated by Standing Order 52, the House has an inherent common law power to order the production of state papers from the government, including from Ministers, departments and other entities. This was confirmed by the High Court in *Egan v Willis* [1998] HCA 71 which held that such a power was ‘reasonably necessary’ for the House to fulfil its functions to make laws and scrutinise the Executive.



ENGAGING WITH FIRST NATIONS COMMUNITIES IN NEW SOUTH WALES

The Aboriginal Liaison Officer, first appointed in 2021, supports the functions of the Parliament of New South Wales by fostering mutually beneficial and respectful relationships between the Parliament, non-Aboriginal and Aboriginal organisations, Governments and Aboriginal communities across the state. New South Wales boasts a rich and diverse range of Aboriginal nations and languages spread across regional, remote and urban areas, which the Aboriginal Liaison Officer aims to represent and engage with.

The primary goal of the role is to ensure representation - that the voices, needs and perspectives of Aboriginal peoples are heard and incorporated into democratic, decision-making processes. This approach is essential for achieving positive outcomes that respect the unique cultural heritage and rights of Aboriginal communities.

The work of the Aboriginal Liaison Officer can be understood through the emerging discipline of community engagement, which emphasises several key principles. By examining these principles, we can appreciate the significant accomplishments of the Parliament of New South Wales and our ongoing efforts to represent the diverse needs and perspectives of Aboriginal peoples.

Consultation and Community Engagement

This fundamental principle involves working closely with Aboriginal communities to identify needs, set goals and develop and implement solutions collaboratively. The process relies on consistent, honest and transparent communication. It includes organising consultation meetings, participatory workshops and collaborative decision-making processes. The aim is to maintain an ongoing dialogue through various communication channels and resources to ensure that a diverse range of voices within the community are heard. This includes the perspectives of elders, youth, women and men ensuring that the engagement process is inclusive and representative of the entire community.

Education and Cultural Competency

Another aspect of the Aboriginal Liaison Officer's role is promoting education and cultural competency. This involves developing skills and resources that enable both the Parliament of New South Wales and the broader community to engage and participate fully in the democratic system. Through case studies and other educational initiatives, parliamentary staff and Members can gain insights into Aboriginal cultures, histories and current issues. This knowledge is vital for creating laws, policies and programs that are culturally informed and respectful.

Procurement and Employment Opportunities

Ensuring that engagement efforts lead to long-term, sustainable and mutually beneficial relationships is another key principle. This includes creating economic development and employment pathways for Aboriginal communities. By committing to procurement opportunities with Aboriginal owned and operated

businesses and creating employment pathways for Aboriginal peoples, the Parliament of New South Wales and its Aboriginal Liaison Officer support the economic empowerment of Aboriginal peoples. These efforts contribute to building a more equitable society where Aboriginal communities and their contributions are recognised and valued.

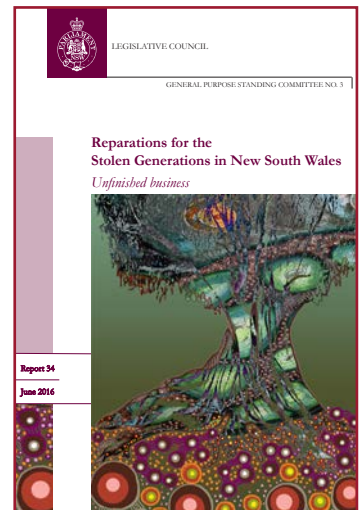
Examples of work undertaken by the Aboriginal Liaison Officer

Cultural Education

The New South Wales Parliament procured the services of Mirri Mirri, an Aboriginal owned business to deliver education sessions to inform and develop parliamentary staff's understanding of First Nations Peoples and cultures. This type of engagement is very effective in supporting the economic development of Aboriginal owned businesses as well as providing indirect employment for staff within their company who are delivering their services (i.e. educating parliamentary staff and the broader community to change beliefs and guide practices and behaviour for the better).

Committee inquiries

When a new Committee inquiry is established, the terms of reference are forwarded to the Aboriginal Engagement team who communicate and engage with the relevant organisations, subject matter experts and community members who may be making submissions or giving evidence. In some key inquiries, such as those into cultural fishing and cultural heritage Bills, the Committees' engagement with the community informed their decision making and contributed to better laws. As part of this engagement, the Committees gained valuable knowledge by participating in local cultural immersion sessions. These sessions allowed the community to impart knowledge, and through the engagement of an Aboriginal business, also provided indirect employment.



Aboriginal artworks

The Parliament of New South Wales has recently commissioned two pieces of art - a piece by artist Kim Healey commemorating the bicentenary of the Legislative Council and a ceramic sculpture created by Alison Page and Simon Reece which was unveiled on 21 August 2024 symbolising an Acknowledgement of Country. The decision to commission both the bicentenary artwork and the Acknowledgement of Country sculpture was made after initial



Right: This map, based on the AIATSIS map of Indigenous Australia, is intended for general reference and may not reflect all perspectives. The information is not definitive and some traditional custodians may contest it. The borders between groups are intentionally blurred to indicate they are not exact. For further information, see AUSTLANG.

consultation with the community. Throughout the process of engaging the Aboriginal artists and in designing and creating the fabrications, parliamentary staff were able to learn more about the culture and stories embedded into the creative process. The process also provided economic and employment opportunities for the artists themselves.

Overall, the Aboriginal Liaison Officer plays a pivotal role in bridging the gap between the Parliament of New South Wales and Aboriginal communities in the State. By adhering to the principles of consultation, education, cultural competency and economic empowerment, the Aboriginal Liaison Officer ensures that Aboriginal voices are not only heard but also have a meaningful impact on decision-making processes. It is hoped that this will assist in building trust between Aboriginal peoples and the Parliament of New South Wales.



Map credit: Reconciliation New South Wales.

THE MESSAGE STICK: PRESERVING LANGUAGE IN NEW SOUTH WALES

Message sticks have been used in Aboriginal societies to communicate over large distances and across boundaries between clans or nations. The messages engraved or painted on the sticks can be understood across different languages and share information through time when they are passed on through generations. The Legislative Council of New South Wales Chamber is home to this particular message stick, which was presented by Aboriginal language practitioners during the ceremonies surrounding the introduction of the Aboriginal Languages Bill 2017. The Bill acknowledged that Aboriginal languages are part of an Aboriginal person's culture and identity, and established an Aboriginal Languages Trust to coordinate and resource Aboriginal language activities to 'reawaken, nurture and grow Aboriginal languages'. This legislation was the first of its kind in Australia.

To mark the significance of this occasion, a number of unique and unprecedented procedures were adopted, including a smoking ceremony in the forecourt and a message stick ceremony in the Chamber, conducted by a number of elders and representatives of different Aboriginal language groups. The message stick was passed from speaker to speaker before being given to then Minister for Aboriginal Affairs, Hon. Sarah Mitchell. Elders Uncle Gary Williams and Aunty Irene Harrington were invited to take seats on the dais next to the President of the Legislative Council.

During her speech on the Bill, Hon. Sarah Mitchell invited Dr Ray Kelly to speak, the first time a non-Member was invited to address the House during formal proceedings, or speak in language. The message stick was created by Sheldon Harrington of the Bundjalung Nation. The message stick accompanied the Bill on its journey through both Houses of the Parliament of New South Wales and was placed on the Table every time that the Bill was debated. After the Bill passed both Houses, the message stick remained with the Legislative Council and Members resolved that it be displayed permanently in the Chamber. They also agreed that during special occasions such as the opening of Parliament, the message stick will be removed by an Aboriginal elder who will address the House in language before the message stick is placed on the Table.

The message stick serves as a physical reminder of the aims of the legislation, symbolising Aboriginal languages spoken in New South Wales.





THE JOURNEY OF WOMEN'S REPRESENTATION IN NEW SOUTH WALES: A HISTORICAL OVERVIEW

Article by Hon. Lynda Voltz, MP (New South Wales), Commonwealth Women Parliamentarians (CWP) President (2024)

Welcome to Sydney and New South Wales where our lands have been occupied for over 60,000 years by 3,000 clans and nations of the Aboriginal and Torres Strait Islanders peoples of Australia. Before colonisation much of the lands around Sydney and New South Wales operated on a matriarchal structure that allowed knowledge and skills to pass through generations, particularly in the fishing communities that formed the Eora Nation bounded by the Hawkesbury River to the north, the Nepean River to the West and the Georges River South.

Women Parliamentarians visiting New South Wales from around the Commonwealth will find themselves, post colonisation, in a State with a rich history of the struggle for women's suffrage and representation. This journey, marked by pioneering women and significant legislative changes, reflects the broader struggle and progress of women in politics. I hope this article can provide key background on this struggle, that celebrates the achievements and acknowledges the ongoing challenges that we have, not only in New South Wales, but throughout the CPA Australia and CPA Pacific Regions.

The early struggle for suffrage saw New Zealand and Australia at the forefront of the right for women to vote. In 1891, the Womanhood Suffrage League of New South Wales was formed to campaign for women's right to vote. Yet despite vigorous efforts, two Bills to grant women the vote passed in the Lower House in the New South Wales Parliament in 1900 and 1901 but were both defeated in the conservative Upper House. The breakthrough came with the Federation of Australia and the Federal elections of 1902, making Australia the second nation in the world (after New Zealand) to grant women the vote. In the same year, after multiple attempts, the *Women's Franchise Act* was finally passed

in the New South Wales Parliament.

Despite gaining the vote, women in New South Wales faced significant barriers to standing for political office. It wasn't until 1918 that women could stand for the Legislative

Assembly and women were not allowed in the Legislative Council until 1926. The first woman elected to the New South Wales Parliament was Millicent Preston-Stanley in 1925, who held the seat of Eastern Sydney for the Nationalist Party.

The appointment of Catherine Green and Ellen Webster to the Legislative Council by Premier Jack Lang in 1931 marked a significant milestone, as they were the first women to serve in this Chamber.

However, it took another fifty-two years before a woman from New South Wales, Jeanette McHugh, MP, became the first woman from the State to be elected to the Federal Parliament in 1983, highlighting the slow progress compared to other nations.

By 1999, women made up just 18% of the New South Wales Legislative Assembly. In contrast, the recent 2023 elections saw an improvement, with women representing 40% of the ninety-three seat Legislative Assembly Chamber. Notably, the current New South Wales Cabinet boasts 50% female Ministers, reflecting a significant step toward gender equity in the Executive level of the New South Wales Government.

The first Aboriginal Member of the New South Wales Parliament, Linda Burney, broke new ground when she was elected to the Legislative Assembly in 2003. She went on to become both a Government Minister and Deputy Leader of the Australian Labor Party in Opposition before transitioning to Federal Politics. Her career highlights the long struggle for both gender and indigenous recognition in New South Wales politics.

The fight for women's rights in New South Wales has seen significant legislative advancements. Removal of discrimination has taken time. This year marks the fiftieth anniversary of the removal of pay discrimination against women, with The National Wage Case of 1974 following the earlier 1972 equal pay decision, which established the right to equal pay for equal work. In New South Wales, *The Anti-Discrimination Act 1977* finally addressed sexual harassment in the workplace making it unlawful.

The Crimes (Sexual Assault) Amendment Act of 1981 explicitly criminalised rape within marriage by clarifying that marital status is no barrier to a conviction for sexual assault. Following this, the *Crimes (Domestic Violence) Amendment Act of 1982* introduced apprehended violence orders (AVOs) into the *Crimes Act of 1900*. A 1987 amendment further expanded such orders to cover family violence more broadly and removed the six-month time limit on



Left: Millicent Preston-Stanley was the first woman elected to the New South Wales Parliament in 1925 for the seat of Eastern Sydney.

Image credits: Parliament of New South Wales.



Images: Parliament of New South Wales.

Below: Hon. Lynda Voltz, MP at the launch of the Commonwealth Women Parliamentarians (CWP) New South Wales Branch's Young Women's Network in celebration of International Women's Day in March 2024.

AVOs. Additionally, the *Modern Slavery Act of 2018* introduced a new offence of holding a person in slavery or servitude and criminalised forcing a child into marriage.

In 2019, the New South Wales Parliament finally passed the *Abortion Law Reform Act*, decriminalising abortion and marking New South Wales as the last State in Australia to do so. This legislative change reflects shifting societal attitudes, with a 2018 study revealing that 76% of respondents were unaware that abortion was still a criminal offence, and 89% supporting legal reforms to protect women seeking abortions.

The New South Wales Government, as the largest employer in Australia, plays a significant role in women's employment. Women make up substantial proportions of the workforce in Education (76.2%) and Health (74.6%), although they represent

only 35% of the New South Wales Police Force. These figures show the importance of women in delivering the State's Government services, but it is tempered by a still significant under representation of women in senior positions leaving further work in achieving gender balance.

The history of women's suffrage and representation in New South Wales is a testament to the resilience and determination of women who have fought for equality. While significant strides have been made, the journey is ongoing, with the need for continued efforts to achieve full gender parity in political representation and broader societal equity. As women Parliamentarians from across the Commonwealth visit New South Wales, I hope we can draw from this history and our common goal for the ongoing global struggle for women's rights and representation.

NEW SOUTH WALES PARLIAMENT REACHES HISTORIC MILESTONE WITH FIRST ALL-FEMALE PARLIAMENTARY COMMITTEE

The Committee on Children and Young People at the Parliament of New South Wales marked a historic milestone as the first-ever all-female Parliamentary Committee in September 2023. The appointment of an all-female membership to an important oversight Committee is an example of pioneering women lawmakers progressing women's roles in the state Parliament. The Committee aims to champion the rights and wellbeing of children and young people by overseeing the work of the Advocate for Children and Young People and the Children's Guardian in the Australian State.

Hon. Helen Dalton, MP, Committee Chair, emphasised the significance of this momentous occasion, stating: "*We are making history by creating a platform for the voices of women and, most importantly, the voices of children and young people we represent, to be heard, acknowledged and acted on.*"

In the 58th Parliament of New South Wales, seven of 18 Legislative Assembly-administered Committees are made up predominantly of women, with four Committees chaired by female Members of Parliament. Forty-six per cent of the 122 Members of the New South Wales Parliament that serve on these Committees are women. In the Legislative Council, 12 of the 20 Committees are administered by women. All women Parliamentarians in the Legislative Council serve on Committees with the exception of 3 women Ministers.





INCLUSION IN PARLIAMENT

Article by Hon. Liesl Tesch, MP (New South Wales) – also a Regional Champion for the Commonwealth Parliamentarians with Disabilities (CPwD) for the Australia Region.

Modern Parliaments need to reflect our modern populations so that the voices of our diverse communities are recognised, acknowledged and included. As we move forward as Legislators, it is important to ensure our position in leadership and as law-makers represents broader society. With 20% of our population living with a disability, our voices need to be heard!

It has taken some time, considerable frustrations plus a shift in leadership for ‘the oldest Parliament in Australia’ to become accessible and inclusive. However, we are getting closer every year.

Initially after my election, I felt as though I was faced with meeting after meeting to try and improve access and make my workplace inclusive, instead of getting on with the job of representing my community. As the first wheelchair user in the Parliament of New South Wales, I have seen significant changes to improve accessibility within the built environment. I have also enjoyed being a part of a transformation to ensure our Parliament listens to, welcomes and celebrates diversity.

Now, two elections later, there have been various changes to the Parliament environment. The Speaker's Garden has a wonderful sandstone ramp and the huge, heavy doors at the top of the ramp are automated. Similarly, the doors to the Legislative Assembly Chamber are now automated and I can exit the Parliament after hours independently. There are closed captions on our live broadcast, a fabulous adult change station and accessible bathrooms and showers on each level of the office building.

Most importantly, since the introduction of the Disability Inclusion Network, we now have a group of people with disabilities and

allies, who unite on a regular basis to build and implement the Parliament's *Disability Inclusion Action Plan*. The group works hard to improve attitudes and behaviours, systems and processes, and employment across our parliamentary community. People with disabilities are no longer isolated and unheard in the New South Wales Parliament.

As a wheelchair user, I was delighted to take on the role of Parliamentary Secretary for Disability Inclusion and really enjoy working beside Hon. Kate Washington, MP, in her role as Minister to improve our lives. Every day it is a privilege to meet with individuals and groups representing people with disabilities across my own community and across New South Wales more broadly. I know that people with disabilities across the State, appreciate that a person with lived experience is ‘on the inside’ helping shape a better future for all of us.

Beyond the Parliament, the New South Wales Disability Council continues to advise the State Government on a broad range of issues impacting people with disabilities and disability inclusion. The council has up to 12 members and monitors the implementation of Government policy, advises the Minister and public authorities and promotes the inclusion of people with disabilities. The group also promotes community awareness of matters concerning people with disabilities and their families.

I have taken the opportunity to visit the Parliament of Victoria and the Parliament of the Cook Islands to discuss disability inclusion and encourage Parliaments across the Commonwealth to access the available Commonwealth Parliamentarians with Disabilities (CPwD) Capital Investment Fund to improve accessibility within their own Parliaments.

Finally, as a Regional Champion for the Commonwealth Parliamentarians with Disabilities, it was a delight to attend the 66th Commonwealth Parliamentary Conference in Ghana and visit the Accra Rehabilitation Centre with my colleagues to see their inspirational work with persons with disabilities. I encourage Parliamentarians with disabilities to join us in Sydney for the 67th Commonwealth Parliamentary Conference in November.



Image credit: Parliament of Ghana/CPA Headquarters.

Left: In October 2023, Hon. Liesl Tesch, MP (New South Wales) joins the other Regional Champions for the Commonwealth Parliamentarians with Disabilities (CPwD) network from Kenya, Uganda, Malaysia and Fiji on an outreach visit to the Accra Rehabilitation Centre in Ghana.



PARLIAMENTARY TWINNING

The Parliament of New South Wales, the National Parliament of Solomon Islands and the Autonomous Region of Bougainville House of Representatives

The twinning programme, established by the Commonwealth Parliamentary Association in 2007, connects every Australian State and Territory Parliament with one or more Parliaments in the CPA Pacific Region. The programme is designed to promote collaboration between twinned Parliaments to strengthen democracy in the CPA Australia and CPA Pacific Regions and ensure that Parliaments can fulfil their legislative, representative and oversight roles. Twinning relationships exist between the following Parliaments:

- New South Wales with Autonomous Region of Bougainville and Solomon Islands
- Northern Territory and Niue
- Queensland with Papua New Guinea and Vanuatu
- South Australia and Tonga
- Victoria with Fiji, Nauru and Tuvalu
- Tasmania and Samoa
- Western Australia and Cook Islands.

The national Parliaments of Australia and New Zealand provide an overall coordination role for the twinning programme through the CPA Australia and CPA Pacific Regional Secretariats.

Our twinned Parliaments

The Parliament of New South Wales is twinned with the Bougainville House of Representatives and the National Parliament of Solomon Islands. These partnerships have introduced Members of Parliament and parliamentary staff to new ideas and experiences and fostered lasting friendships.

In the first several years of the programme, representatives from Bougainville House of Representatives and National Parliament of Solomon Islands often visited the Parliament of New South Wales for extended periods to participate in training and development opportunities. After an initial period of intensive activity supported by funding from the Australian Department of Foreign Affairs and Trade, engagement with our twinned Parliaments now focuses on maximising the impact of limited funding through Member and parliamentary staff delegations and virtual workshops.

The programme is coordinated by the New South Wales Parliament Twinning Steering Committee, which comprises staff representatives of the three parliamentary departments. In recent years, Members and parliamentary staff have been involved in a range of twinning activities, including participating in a Members' induction programme in the Solomon Islands, hosting a professional development attachment of Members and staff from the Solomon Islands and Bougainville Legislatures and delivering 'Committee refresher' workshops.

Our twinned Parliaments are operating in different contexts and have distinct priorities. Bougainville is currently working towards independence from Papua New Guinea after a 2019 referendum saw an overwhelming majority of Bougainvilleans vote in favour of independence over continued autonomy. The Solomon Islands recently elected a new Prime Minister, former Foreign Minister Jeremiah Manele, and welcomed many new Members to its Parliament.

Case study: Professional development attachment

An important component of the twinning programme is the opportunity for Members and parliamentary staff from Australia and the Pacific to visit their twinning counterparts as part of delegations.

In October 2023, the Parliament of New South Wales hosted delegations from the National Parliament of Solomon Islands and Bougainville House of Representatives for a week-long professional development attachment supported by the United Nations Development Programme. The delegations consisted of three Members from the Solomon Islands, two Members from Bougainville and two staff from each Parliament and were led by each jurisdictions' Deputy Speaker.





Images: Parliament of New South Wales.

The attachment coincided with a sitting week in New South Wales and the commencement of Budget Estimates. As a result, delegates were able to learn about the roles of New South Wales Members on a typical sitting day and during Budget Estimates hearings. New South Wales Members who participated in the attachment were identified for their particular interest in and knowledge of the region, with all having visited one or both of the Pacific Parliaments previously.

During the visit, parliamentary staff from Bougainville and the Solomon Islands were able to meet with New South Wales parliamentary staff working in a range of areas to discuss their

Above: Commonwealth Parliamentarians from the National Parliament of the Solomon Islands and the Bougainville House of Representatives visited their counterparts at the Parliament of New South Wales in Sydney, Australia in October 2023 as part of an ongoing twinning programme between the Legislatures. The Deputy Speakers of Bougainville and Solomon Islands sit either side of the President of the Legislative Council of New South Wales, Hon. Ben Franklin, MLC, to observe proceedings in the Chamber.

responsibilities. Delegates also had the opportunity to visit Members' electorate offices in The Entrance and Winston Hills.

The visit provided delegates with a broad overview of various aspects of the work undertaken at the Parliament of New South Wales and reaffirmed the Parliament's commitment to maintaining its twinning relationship with both the Solomon Islands and Bougainville.

Conclusion

The twinning programme has created valuable opportunities for Members of Parliament and parliamentary staff to share lessons with our twinned Parliaments, and ideas that can be adapted to suit the unique environments in which they are operating.

To find out more about the CPA Australia - CPA Pacific twinning programme (Pacific Parliamentary Partnerships Fund) please visit <https://cpaau.org/ppp/>.

Left: The delegations from Solomon Islands and Bougainville visited the local electorate offices of New South Wales Members - David Mehan, MP from the Entrance and Mark Taylor, MP from Winston Hills.





New South Wales: Key Facts

Introduction

New South Wales has the highest population of any state in Australia with over 8,100,000 million residents. Nearly a third of all Australians live in New South Wales with most living in the Greater Sydney Region which includes metropolitan Sydney and surrounding areas up to and including the Central Coast, Blue Mountains, Wollondilly and Sutherland areas.

Culture

More than 275 different languages are spoken, and 144 religions are practiced in New South Wales. Just over a quarter (26.7%) of the State's residents were born overseas and the top 5 countries of birth are England, India, China, New Zealand and the Philippines. New South Wales's top 5 fastest-growing migrant groups are from Asia.



The famous Blue Mountains in rural New South Wales.

Image: Destination New South Wales.

Aboriginal and Torres Strait Islander people in New South Wales

New South Wales has Australia's largest population of Aboriginal and Torres Strait Islander people. They make up 3.4% of the State's population.

The 2021 census noted that there were 278,043 people living in New South Wales who identified as an Aboriginal or Torres Strait Islander. Of those that identify as Aboriginal and/or Torres Strait Islander origin:

- 96.1% identified as Aboriginal
- 1.8% identified as Torres Strait Islander
- 2.1% identified as both Aboriginal and Torres Strait Islander.

Images: Parliament of New South Wales.



The Parliament of New South Wales proudly displays the flags of the Commonwealth to mark Commonwealth Day 2024.

Geography of New South Wales

The state of New South Wales is divided by natural features into 4 distinct geographical sections.

The Coast

A thin coastal strip stretching along 1,460km from the subtropical Northern Rivers region near Queensland, through the mid-north Coast, Hunter, Sydney, Illawarra and Shoalhaven down to the cooler Far South Coast.

The Mountains

The Great Dividing Range, which includes the Snowy Mountains, the Northern, Central and Southern Tablelands, the Southern Highlands and the South West Slopes. Although these mountains aren't steep, many peaks rise above 1,000m high, and they are one of the oldest mountain chains on earth.

The Central Plains

The cultivated central plains spread 500km from east to west and are the agricultural powerhouse of the New South Wales economy due to the rich, fertile soil and adequate water supply.

The Western Plains

The arid Western Plains cover more than two thirds of the state, though they are sparsely populated compared to the coastal regions. The land is fertile but has low levels of rainfall and inadequate river systems.



Image: Destination New South Wales.

Economy

At almost AU\$700 billion dollars, New South Wales is Australia's largest state economy. The state has a diversified, service driven economy.

The industries that are the largest contributors to the economy are:

- administrative and support services
- construction
- financial services
- health

- information media and telecommunications
- professional
- property services
- scientific and technical services.

The largest areas of employment are:

- construction
- education
- health and social care
- professional
- retail trade
- scientific and technical services.

New South Wales has the largest labour force in Australia with almost 4.5 million people either employed or seeking employment.

Tourism

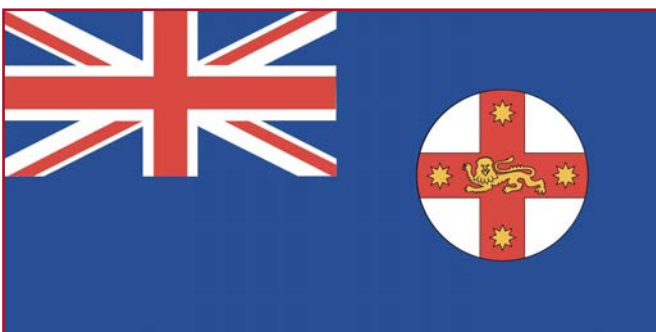
New South Wales recorded the largest absolute

increase nationally for international visitors, nights and expenditure in the year ending March 2024.

International visitors took 7.2 million trips to Australia from March 2023 to March 2024, with the lion's share - over 3.7 million - coming to New South Wales, which is an increase of 60.7% on the year ending March 2023.

Sydney leads the other Australian capital cities in terms of total visitors, nights and expenditure. Regional New South Wales leads regional Australia in the total number of visitors and nights.

Visitors to New South Wales spent AU\$42.7 billion in the year ending March 2024, which included 40.9 million international and domestic visitors that stayed for a collective 213.0 million nights.





The floral symbol of New South Wales is the Waratah.

Image: Destination New South Wales.

Flora and fauna

All native birds, reptiles, amphibians and mammals (except the dingo) plus some fish and many species of native plants are protected in New South Wales.

This is to ensure that the State maintains a healthy, productive and resilient environment for the greatest well-being of the community,

now and into the future, consistent with the principles of ecologically sustainable development.

Symbols of New South Wales

Each State and Territory in Australia has a unique set of official symbols that represent what is unique about that part of Australia, reflecting different aspects of our

cultural life and history.

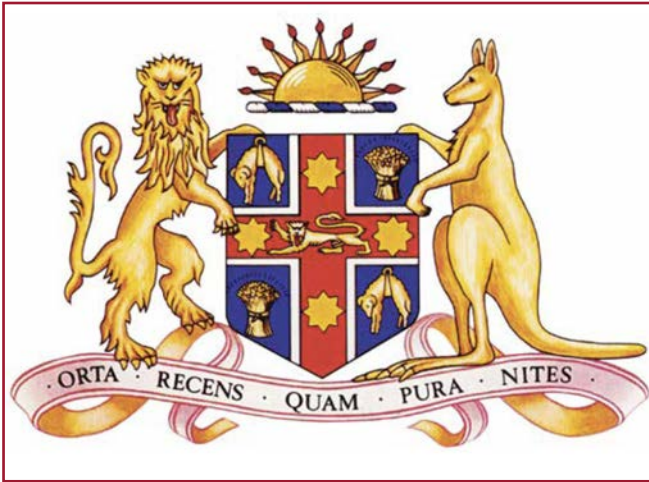
The flag

The New South Wales state flag has a blue background and consists of 2 elements; the Union Jack in the upper left corner and the badge of New South Wales on the right side. The first badge of the colony of New South Wales, authorised in 1869,

was simply the red cross of St George on a silver (white) field.

The current badge on the state flag was announced by the then Governor of New South Wales, Sir Hercules George Robert Robinson, on 15 February 1876 and has been used since it was proclaimed in the New South Wales Gazette on 18 February





1876. It shows the golden lion of England in the centre of the red cross of St George on a silver (white) background.

The cross also bears 4 eight-pointed stars, one on each arm, which represent the Southern Cross. The golden

lion and cross of St George reflect the British heritage of the first European settlers. The cross of St George is also the traditional badge of the British Royal Navy.

The Coat of Arms

The New South Wales state Coat of Arms was granted by King Edward VII in 1906. On the New South Wales Coat of Arms, a lion and kangaroo support the shield on which the old state badge of the colony appears. A golden fleece and sheaves of wheat symbolise the greatest achievements of New South Wales's agricultural industries of the time. The crest above the shield is of the rising sun which represents the newly rising country, and rests on a wreath of silver (white) and blue which represent the state's livery colours.

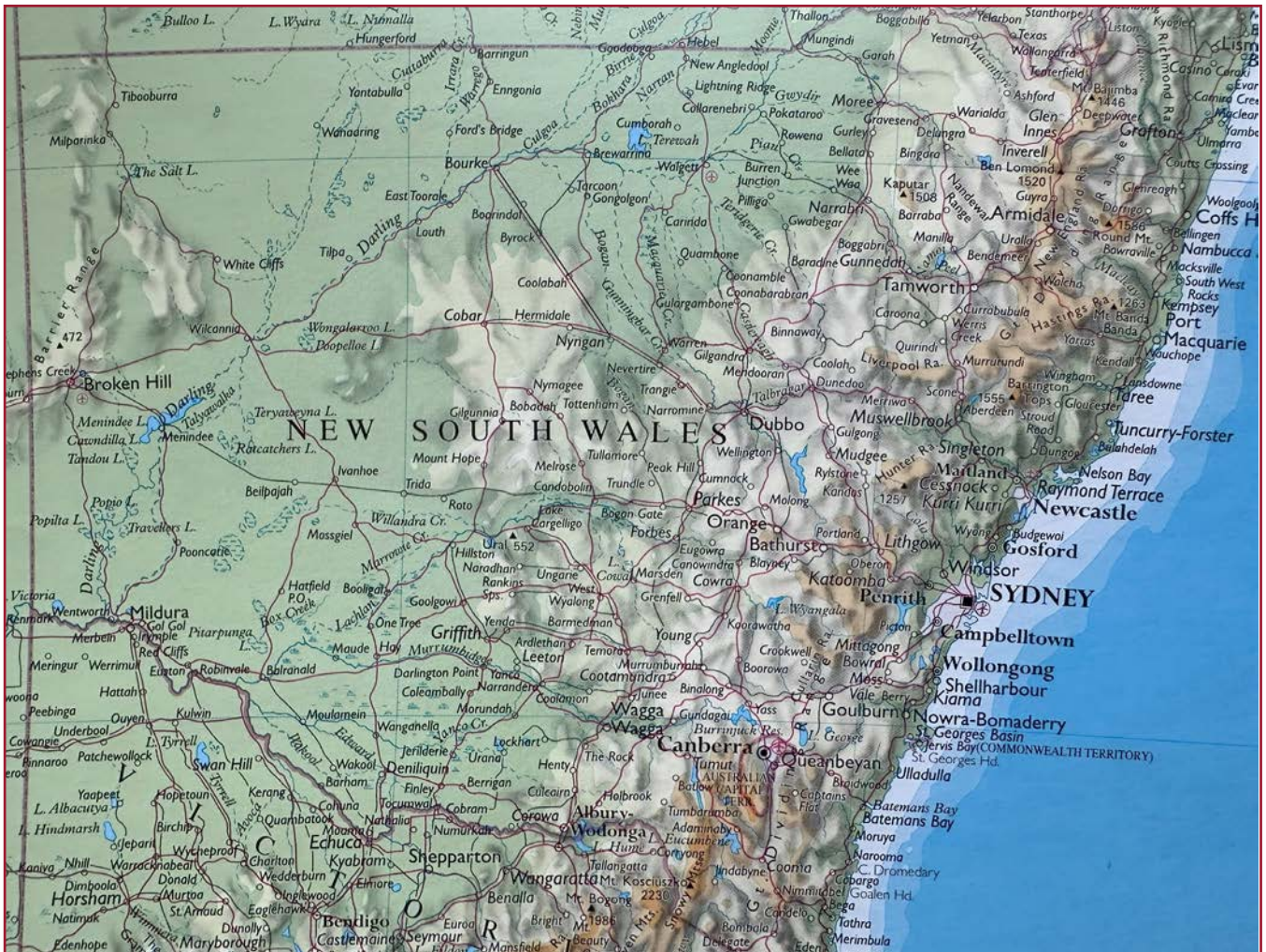
Reflecting the rising sun crest of New South Wales, the state's Latin motto is: *'Orta recens quam pura nites: 'Newly risen how brightly you shine'.*

Other official emblems

The other symbols of New South Wales are:

- Floral: Waratah
- Animal: Kookaburra and Platypus
- Fish: Eastern Blue Groper
- Gemstone: Black Opal
- Fossil: Mandageria fairfaxi

Sources: New South Wales Government and Destination New South Wales.



New South Wales and the Commonwealth Parliamentary Association

- New South Wales first established its CPA Branch on 1 January 1926. The CPA New South Wales Branch is one of the 9 Branches of the CPA Australia Region.
- Australia is one of the six original founding members of the Commonwealth Parliamentary Association in 1911.
- The current Joint Branch Presidents of the CPA New South Wales Branch are Hon. Ben Franklin, MLC, President of the Legislative Council and Hon. Greg Piper, MP, Speaker of the Legislative Assembly. Hon. Ben Franklin also became the CPA President (2024), on behalf of the CPA New South Wales Branch, ahead of the 67th Commonwealth Parliamentary Conference being held in Sydney from 3 to 8 November 2024. Previously he was the CPA Vice-President (2023).
- The CPA New South Wales Branch supports initiatives including the Commonwealth Women Parliamentarians (CWP), Commonwealth Parliamentarians with Disabilities (CPwD) network and twinning relationships with Pacific Parliaments.
- The current New South Wales Representative on the CWP Australia Region Steering Committee is Ms Lynda Voltz, MP, Member of the New South Wales Legislative Assembly for Auburn. During the 8th Commonwealth



Images: Parliament of New South Wales.

The Parliament of New South Wales pictured in 1932

Women Parliamentarians Conference (held during the 67th Commonwealth Parliamentary Conference), she also holds the position of President of the Commonwealth Women Parliamentarians (2024).

- The current Commonwealth Parliamentarians with Disabilities (CPwD) network Australia Regional Champion is Ms Liesl Tesch, MP, Member for Gosford in the New South Wales Parliament.

Below: The CPA New South Wales Branch hosted the 36th CPA Australia and Pacific Regional Conference in Sydney, Australia in October 2017 with Members of Parliament and parliamentary staff attending the conference from CPA Branches across the two CPA Regions.



Images: Parliament of New South Wales.

New South Wales and the Commonwealth Parliamentary Association

- Under the auspices of the CPA Twinning Programme, established by the CPA Australia and CPA Pacific Regions in 2007, the CPA New South Wales Branch has a partnership arrangement with the Parliaments of the Autonomous Region of Bougainville (the Bougainville House of Representatives) and the National Parliament of Solomon Islands.
- The CPA Australia Region has hosted the Commonwealth Parliamentary Conference four times (6th CPC in 1959; 16th CPC in 1970; 34th CPC in 1988; and 47th CPC in 2001). The 67th Commonwealth Parliamentary Conference will be the first time that the CPA New South Wales Branch has hosted the event. It will also be the first time that an Australian State or Territory has hosted the annual conference.
- The CPA New South Wales Branch hosted the 21st Commonwealth Parliamentary Seminar in Sydney in 2009.
- The CPA New South Wales Branch has so far hosted the CPA Australia and Pacific Regional Conference four times (2nd ARPC in 1953; 10th ARPC in 1969; 22nd ARPC in 1993; and 36th ARPC in 2017).
- The CPA New South Wales Branch hosted the CPA International Executive Committee (ExCo) Mid-Year Meeting in 2005.
- The inaugural CPA Advanced Parliamentary Development Residency Programme was hosted by the CPA New South Wales Branch and Parliament of New South Wales from 22 to 26 May 2022. Attended by 31 Commonwealth Parliamentarians, the CPA programme examined how MPs



Images: Parliament of New South Wales.

The Governor of New South Wales attended the CPA New South Wales Branch's Biennial Luncheon in celebration of Queen Elizabeth II's Platinum Jubilee in 2022.

can be better performing legislators and scrutineers and provided an extension of the CPA Parliamentary Academy, the CPA's portfolio of online courses specifically for Parliamentarians and parliamentary officials.



Right : A special supplement to *The Parliamentarian* was published in 2005 when New South Wales hosted the CPA Executive Committee Meetings.

Images: Parliament of New South Wales.



Commonwealth Parliamentarians came to the Parliament of New South Wales to participate in the inaugural CPA Advanced Parliamentary Development Residency Programme, hosted by the CPA New South Wales Branch in May 2022.



CPA COMMONWEALTH
PARLIAMENTARY
ASSOCIATION

Commonwealth Parliamentary Association



Images: Parliament of New South Wales/Destination New South Wales.

The Central Plains areas of New South Wales is one of the main agricultural regions in Australia.

One of Australia's native birds, the Kookaburra, lands on the top of the fountain in the Fountain Court at the Parliament building of New South Wales.



The Western Plains of New South Wales cover more than two thirds of the state.

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