

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## *HOUSE IN REVIEW*



*Volume 55/24*

*Sitting period  
1 to 3 May 2012*

The *House in Review* provides regular updates of the activities of the New South Wales Legislative Council. Clicking on a hyperlink will take you to the relevant webpage. For further information refer to the NSW Parliament website [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au) or contact the Procedure Office on (02) 9230 2431. To be placed on the email distribution list of the *House in Review*, please contact us on [council@parliament.nsw.gov.au](mailto:council@parliament.nsw.gov.au).

### **Joint Select Committee on the NSW Workers Compensation Scheme**

Probably the most notable development in the House this week was the appointment of a joint select committee on the New South Wales Workers Compensation Scheme.

*Summary:* The motion, moved by the responsible Minister, the Minister for Finance and Services, Mr Pearce, called for the appointment of a joint select committee to inquire into and report on the New South Wales Workers Compensation Scheme, in particular the performance of the scheme in the key objectives of promoting better health and return to work outcomes for injured workers; the financial sustainability of the scheme and its impact on the State's economy and competitiveness; and the functions and operations of the WorkCover Authority.

*Proceedings:* The motion was called on according to precedence on 2 May 2012. The Minister (Mr Pearce) said the Workers Compensation Scheme was currently \$4 billion in debt with no sign of improvement and that unless the Scheme is reformed to make it more effective and economically sound it will become unviable. The Government recently released an issues paper detailing the Scheme's failings and outlining some reform options for consideration. The Minister said the joint select committee will need to examine the Scheme and make recommendations for reform urgently as there are time pressures with respect to the need to set workers compensation premiums to apply from 1 July 2012. The Minister noted that, in the absence of any reform, businesses could face up to a 28 per cent increase in their premiums.

Members of both the Opposition and the Greens supported the call for the inquiry given the Scheme's current performance. However, both parties were concerned that the proposed four-week timeframe for the inquiry was insufficient to allow a proper and thorough examination of the issues facing the Scheme, and therefore questioned the Government's intentions in establishing the inquiry. The Greens also voiced

disappointment that they did not have a representative on the committee.

A Greens amendment to have the inquiry terms of reference include consideration of the extent to which the scheme provides just compensation for injured workers was negated (Division 19:22). An Opposition amendment to extend the inquiry reporting date to 2 August 2012 and also to require that the committee hold at least five full days of public hearings in Sydney and regional areas was also negated (Division 19:22). An amendment, moved by the Government Whip, to extend the reporting date by two weeks to 13 June 2012, was agreed to.

The motion, as amended, was agreed to, and a message forwarded to the Legislative Assembly conveying the terms of the resolution and seeking the concurrence of that House.

Later that day the House received a message from the Assembly advising that it had agreed to a similar resolution and that it had fixed the time of the first meeting of the committee for 6:30 pm that night.

The resolution specified that Mr Borsak of the Shooters and Fishers Party was to be the Chair of the Committee and at its first meeting, Mr Speakman of the Liberal Party was elected Deputy Chair.

The Committee is currently calling for submissions to the inquiry and will be holding public hearings in May.

### **Other committee activity**

This week was also highlighted by other notable Council committee activity.

On 1 May 2012 the Chair of General Purpose Standing Committee No. 5, Mr Brown, tabled the report of the Committee's inquiry into coal seam gas. This was a substantial inquiry dealing with a major public policy issue. The inquiry which was conducted over nine months received more than 900 submissions and held seven public hearings at Parliament House and across the State.

On the same day, Mr Brown also reported to the House that GPSC No. 5 had resolved to commence another

significant inquiry – this time into the management of public land in New South Wales.

This week also saw the commencement of the take-note debate on the high-profile inquiry into the Kooragang Island Chemical leak.

*Note:* Starting soon, future editions of *House in Review* will include a commentary section on Legislative Council committee activities.

## Government business

**Note:** Government business includes Government bills introduced or carried by ministers in the Council.

### Noxious Weeds Amendment Bill 2012

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Noxious Weeds Act 1993* to improve the management of noxious weeds and to better protect landowners, the community and the environment from these weeds. The bill makes provisions for improved regulatory powers, including granting greater powers to local control authorities and inspectors, to help minimise the risk of new noxious weeds spreading into New South Wales.

*Proceedings:* The bill was received from the Legislative Assembly on 13 March 2012 and read a first time. Debate on the second reading of the bill commenced on 1 May 2012, with the Minister (Mr Gay) incorporating his speech into Hansard. After being interrupted for Questions, the debate continued on the following day.

According to the second reading speech of the Minister, the genesis of the bill was a statutory review of the *Noxious Weeds Act 1993*, which was conducted in 2010, and that the bill was developed after extensive consultation with the community, industry, local government and State Government organisations. The Minister noted the bill makes provision for improved regulatory powers to help minimise the risk of new weeds establishing in New South Wales, and for authorities to be able to deal more rapidly with new weeds if and when they arrive.

Other members of the Government, the Opposition, the Greens and the Christian Democratic Party all supported the bill, which was characterised as a constructive step forward in the battle to effectively control noxious weeds. The Opposition noted that the amendments contained within the bill were all drawn from the statutory review process that was conducted when it was in Government. However, not all the recommendations canvassed in the statutory review were incorporated into the bill, and the Opposition exhorted the Government to continue to take further action with respect to those recommendations.

The Greens also expressed the disappointment that the bill did not encompass all recommendations from the statutory review, in particular the adoption of a permitted list (as opposed to a prohibited list) system with respect to regulating the introduction of plants. The Greens foreshadowed that during the committee stage they would seek to further strengthen the objects of the Act

and to ensure that private and public land owners face the same level of weed control responsibilities.

The second reading was agreed to.

In the committee stage, the Greens moved a number of amendments, some of which attracted either the support of the Opposition or the support of the other cross-bench parties. However, all of the amendments were ultimately defeated, either on the voices or on division.

The bill was reported to the House without amendment, read a third time and returned to the Assembly.

### Police Integrity Commission Amendment Bill 2012

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Police Integrity Commission Act 1996* to implement recommendations arising from the recent statutory review of the Act. The bill focuses on providing a more consistent approach to the different types of law enforcement officers covered by the Act. The bill also provides guidance on conducting private hearings; ensures that senior officers report all types of misconduct; clarifies the way the Inspector of the Police Integrity Commission carries out certain functions; and ensures that a person has the opportunity to respond to adverse comments made about them before they are published in a report.

*Proceedings:* The bill was received from the Legislative Assembly on 28 March 2012 and read a first time. Debate on the second reading of the bill commenced on 2 May 2012.

The second reading speech of the Minister (Mr Gallacher) was incorporated into Hansard. In that speech, the Minister indicated that the bill would refresh and reform two of the State's important integrity organisations, the Police Integrity Commission and the Office of the Inspector of the Police Integrity Commission. Noting that the powers of the Inspector to publish reports have recently been a matter of contention, the Minister indicated that the bill makes the Inspector's powers consistent with those conferred on the Inspector of the Independent Commission Against Corruption, allowing the Inspector at any time to make a report concerning complaints, procedures or operations of the Police Integrity Commission and provide the report to the Commission.

Other members of the Government, the Opposition, the Greens and the Christian Democratic Party all supported the bill, acknowledging it was the product of a statutory review of the Act. However, although supporting the bill, both the Opposition and the Greens raised a number of concerns relating to natural justice and procedural fairness to police officers who are the subject of Police Integrity Commission inquiries. It was argued that these concerns were raised in the statutory review but are not addressed in the bill.

The Greens moved an amendment, to the question that the bill be read a second time, to refer the bill to the Joint Committee on the Office of the Ombudsman and the Police Integrity Commission for a brief inquiry and report to ensure that all of the matters covered in the

statutory review are reflected in the bill. The proposed amendment was negated. The second and third readings of the bill were agreed to and the bill was returned to the Assembly without amendment.

### **Coroners Amendment Bill 2012**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Coroners Act 2009* to improve the operation and effectiveness of the New South Wales Coroner's Court by making further provision with respect to the conduct of coronial proceedings and post mortem examinations and the publication of matters arising in coronial proceedings.

*Proceedings:* The bill was received from the Legislative Assembly on 14 March 2012 and read a first time. Debate on the second reading of the bill commenced on 2 May 2012.

In his second reading speech, the Parliamentary Secretary (Mr Clarke) said the bill addresses a number of issues identified by the State Coroner and other key stakeholders to improve further the operation of the Coroner's Court of New South Wales and to clarify certain sections of the legislation. The bill addresses unforeseen issues arising out of the enactment of the *Coroners Act* in 2009, which followed a substantial review and significant reform of the system. Mr Clarke also stated that the State Coroner supported each of the proposed amendments.

Members of the Government supported the bill, as did the Greens and the Christian Democratic Party, while the Opposition did not oppose it. Members spoke of the bill as introducing sensible changes and praised the consultation undertaken with key stakeholders. In particular, members endorsed the change to the definition of 'senior next of kin', to provide greater flexibility for the Coroner to recognise a person who had been the deceased's legal personal representative before death.

The second and third readings of the bill were agreed to and the bill was returned to the Assembly without amendment.

### **Sydney Water Catchment Management Amendment (Board Members) Bill 2012**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Sydney Water Catchment Management Act 1998* with respect to the constitution of the Sydney Catchment Authority Board to require that members of the board appointed by the Minister must either individually or collectively have the necessary qualifications and experience relevant to catchment management.

*Proceedings:* The bill was received from the Legislative Assembly on 2 May 2012 and read a first time. The second reading was set down for the next sitting day.

### **Messages from the Assembly**

The House received the following messages from the Legislative Assembly relating to bills forwarded to the Assembly by the Council in previous sitting weeks.

**Road Transport Legislation Amendment (Offender Nomination) Bill 2012:** On 4 April 2012 the Assembly advised it had agreed to the bill which it was returning without amendment.

**Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012:** On 1 May 2012 the Assembly advised it had agreed to the bill which it was returning without amendment.

### **Private members' business**

**Note:** Private members' business is business moved by members of the House other than Government ministers. There are two types of private members' business: private members' bills and private members' motions.

#### *Motions*

### **National Disability Insurance Scheme rally (Mr Mason-Cox, Liberal Party)**

*Summary:* The motion noted that on 30 April 2012 rallies were held around the country, including at Sydney Olympic Park, calling for the urgent introduction of a National Disability Insurance Scheme to address chronic underfunding and unmet needs in Australia's disability sector. At the Sydney Olympic Park rally the Prime Minister announced that the scheme would start from July 2013.

*Proceedings:* Standing orders were suspended to bring on the item of business. In opening debate on the motion, Mr Mason-Cox argued that the introduction of a National Disability Insurance Scheme would bring an end to inconsistencies in the system and providing economic and social benefits for disabled people and their carers.

There was strong bipartisan support for the motion. Members who spoke to the motion paid tribute to the 8000 strong crowd that attended the rally in Sydney, outlined personal experiences in dealing with disabled people close to them and noted the multi-party support for the scheme at both State and Federal level.

In an unusual precedent, leave was granted to allow the debate to extend beyond the time limit imposed by sessional order and thus allow all members who wished to do so to participate.

The motion was agreed to unanimously.

### **Regional development and small business jobs (Mr Veitch, Australian Labor Party)**

*Summary:* The motion called on the House to condemn the Government for closing offices and cutting 47 Regional Development and Small Business Jobs in Tweed, Broken Hill, Goulburn and Coffs Harbour; and to note that this breaches the Government's election commitments for a 'decade of decentralisation' and 40,000 jobs in regional New South Wales

*Proceedings:* Debate on the motion commenced according to precedence. In speaking to the motion, Mr Veitch said that the decision to close regional development offices had caused dismay and concern among the affected local communities. Mr Veitch read into the hansard record a number of public comments from various local organisations who were critical of the decision.

Debate was interrupted for questions.

#### *Motions taken as formal business*

The following items of private members' business were agreed to as formal business without amendment or debate:

- (1) Council on the Ageing forum (Ms Ficarra)
- (2) Dr Anthony Pun OAM (Ms Ficarra)
- (3) Mr Luke Lewis (Ms Ficarra)
- (4) Mr Anthony Mustaca (Ms Ficarra)
- (5) Mr Felice Montrone (Ms Ficarra)
- (6) Mr Clint Newton (Ms Ficarra)
- (7) Democracy in Burma (Dr Kaye)
- (8) Mr Arthur Beetson (Ms Voltz)
- (9) Lions Club of Sydney award recipients (Ms Ficarra)
- (10) 25th Australian Sikh Games (Ms Ficarra)
- (11) Australian Men's and Mixed Netball Championship teams (Ms Ficarra)
- (12) National Cystic Fibrosis Day (Ms Ficarra)
- (13) Participants in Australian Men's and Mixed Netball Championships (Ms Ficarra)
- (14) Sulphur-crested cockatoos (Ms Ficarra)
- (15) Ahmadiyya Muslim Association of Australia (Ms Fazio)
- (16) 25th Australian Sikh Games (Ms Fazio)
- (17) Independent Bollywood film (Mr Moselmane)
- (18) Commemorative evening for His Holiness Pope Shenouda III (Mr Moselmane)
- (19) Mrs Wendy Hesford (Ms Ficarra)
- (20) Science fellowships (Ms Ficarra).

### **Orders for papers**

**Note:** The Council has a common law power to order the Government to produce State papers.

#### *Disputed claims of privilege*

#### **WorkCover prosecutions**

The Clerk announced receipt of the report of the Independent Legal Arbiter, Sir Laurence Street, dated 17 April 2012, on the disputed claim of privilege on papers relating to WorkCover Prosecutions.

On a motion of Mr Searle being agreed to, the Clerk tabled the report of the Independent Legal Arbiter.

The House subsequently agreed to a further motion of Mr Searle, that the documents considered by the Independent Legal Arbiter not to be privileged be made public. Those documents were accordingly tabled and made public on Thursday 3 May 2012.

### **Petitions received**

- (1) Special religious education classes – 147 signatures (presented Mr Green)
- (2) Same-sex marriage legislation – 39 signatures (presented Mr Green)

### **Committee activities**

#### *Committee references*

**General Purpose Standing Committee No. 5:** The Chair (Mr Brown) informed the House that on 23 April 2012, the Committee resolved to inquire into the management of public land in New South Wales.

#### *Committee reports tabled*

**General Purpose Standing Committee No. 5:** Report No. 35 entitled 'Coal seam gas', May 2012.

**Legislation Review Committee:** 'Legislation Review Digest No. 15/55 1 May 2012.

#### *Committee reports debated*

**General Purpose Standing Committee No. 3:** The House concluded the take-note debate on Report No. 25 entitled 'Budget Estimates 2011-2012', December 2011.

**General Purpose Standing Committee No. 4:** The House concluded the take-note debate on Report No. 25 entitled 'Budget Estimates 2011-2012', February 2012.

**General Purpose Standing Committee No. 5:** The House continued the take-note debate on Report No. 34 entitled 'Budget Estimates 2011-2012', February 2012.

**Select Committee on the Kooragang Island Orica Chemical Leak:** The House commenced the take-note debate on Report No. 1 entitled 'Kooragang Island Orica chemical leak', February 2012.

**Privileges Committee:** The House debated and adopted Report No. 60 entitled 'Citizen's Right of Reply (UNSW)', April 2012.

### **Report tabled**

**Unproclaimed legislation:** Mr Pearce tabled a list of unproclaimed legislation as at 1 May 2012.

### **Adjournment debate**

#### **Tuesday 1 May 2012**

Legal profession charging practices (Mr Khan); Rockdale City Council (Mr Moselmane); Wildlife habitat and hunting access (Mr Brown); Homelessness (Mr Blair); April commemorations (Mr Secord); Mental health resources (Mr Borsak).

### **Wednesday 2 May 2012**

Sexualisation of Children and Young People (Mr Donnelly); Careflight twenty-fifth anniversary (Mrs Maclaren-Jones); Mature age workers initiative (Ms Barham); Youth wages (Ms Cotsis); Native forests logging (Mr Shoebridge); Deepsea Challenge Project (Mr Ajaka); Mining (Mr Secord).

### **Thursday 3 May 2012**

Murrumbidgee Irrigation Centenary (Mr Macdonald); TransGrid power line construction (Dr Kaye); Housing affordability (Mr Searle); Tribute to Leonard John Green (Ms Ficarra); Coalition election promises (Mr Whan); Climate change (Dr Phelps); Tribute to Bob Fenwick (Ms Fazio); Tribute to Michael Lynagh (Mr Blair).

### **Feedback on *House in Review***

We welcome any comments you might have on this publication.

We are particularly keen to know which parts of the *House in Review* you find most useful and whether you have any suggestions for improvement. Please email your comments to [stephen.frappell@parliament.nsw.gov.au](mailto:stephen.frappell@parliament.nsw.gov.au).

All responses will be kept strictly confidential.



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