

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



Volume 55/47

*Sitting period
7 to 9 May 2013*

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 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.

Overview

This sitting week saw the House finalise consideration of three Government bills, and the introduction of three new Government bills. Private members' business was taken up with the continuing debate on the Rights of the Terminally Ill Bill introduced by Ms Faehrmann the previous week.

A number of notable procedural matters occurred during the week. These included: the House referring a matter to the Privileges Committee for inquiry and report; a valedictory speech; debate on a motion to introduce a new sessional order; the removal of a member from the Chamber by order of the President under standing order 192; the presentation of a petition containing 100,000 signatures; and an item of formal business being defeated on a vote.

The House will next meet on Tuesday 21 May 2013.

Reference to the Privileges Committee

On Tuesday 7 May 2013, the House resolved as a matter of privilege that the Privileges Committee inquire into and report on the failure to provide documents in the return to order tabled in the House on 26 November 2009 concerning the Mt Penny mining exploration licence and tender process.

Information about the inquiry is available on the Privileges Committee inquiry webpage [here](#).

Valedictory speech of member

On 9 May 2013, during debate on the special adjournment, the Hon Eric Roozendaal gave his valedictory speech to the House.

In his address Mr Roozendaal reflected on his entry to Parliament in 2002, his time as a minister and his service under four different Labor Premiers.

Proposed sessional order relating to written questions

On 7 May 2013, the Leader of the House (Mr Gay) moved that the House adopt a sessional order restricting members, other than the Leader of the Opposition, to

lodging no more than nine written questions each per sitting week, and restricting the Leader of the Opposition to lodging no more than twelve written questions per sitting week. The motion also provides that the sessional order would be reviewed and reported on by the Procedure Committee after it had been in operation for six months.

Members of the Government argued that the proposed sessional order was a sensible change that had become necessary due to members of the Opposition submitting up to 300 questions per week. The Government said that regulating the number of questions that could be asked each week would assist the Parliament to operate more efficiently and would ensure that public servants are not unnecessarily diverted from serving the public.

The Opposition strongly opposed the motion, arguing that it was a serious attack on the Legislative Council's role as a House of Review. The Opposition criticized the Government for not consulting on the proposal, and for bypassing the usual practice of referring proposed new rules to the Procedure Committee. Ms Fazio moved an amendment that the proposal be referred to the Procedure Committee.

Debate was interrupted for Question Time.

Debate resumed the next day, during which the President directed that a member be removed from the chamber by the Usher of the Black Rod for a short period after being called to order for disorderly conduct three times. Members of the Opposition continued to argue against the motion, stating that the number, style and content of written questions was consistent with those submitted when the Government itself was in Opposition.

Debate was interrupted for Question Time, following which it was postponed until Thursday 23 May 2013.

Following the earlier debate on the proposed sessional order, the President reminded members that debate should be conducted in a civil manner and should not descend into personal criticism of other members.

Government business

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

State Emergency and Rescue Management Amendment (Co-ordination and Notification of Rescues) Bill 2013

The bill originated in the Legislative Council.

Summary: The bill amends the *State Emergency and Rescue Management Act 1989* to ensure that the NSW Police Force is responsible for coordinating rescue operations and is notified by emergency services organisations of any incident requiring the rescue of a person. The bill gives effect to two recommendations from the report entitled “Inshore Water Rescue – A review of procedures” arising from a review conducted by Mr Phillip Koperberg, on commission from the Government, following the incident of a drowning death of a rock fisherman at Little Bay in November 2012.

Proceedings: Debate on the second reading of the bill resumed on 8 May 2013 from 1 May 2013 (see previous edition of *House in Review* for earlier debate). Members of the Government spoke in support of the bill. The Opposition and the Greens supported the bill, noting with approval the Government’s prompt action in ordering a review following the November 2012 incident and its considered response to the recommendations from the Koperberg review. Members from all sides took the opportunity to speak on the inherent dangers associated with rock fishing and the various measures that had been implemented to improve the safety of this pastime. In reply, the Minister (Mr Gallacher) noted the unanimous support for the bill which rectifies a failure in the communications procedure between rescue emergency services and indicated his gratitude to the Minister for Health and the Member for Maroubra for their involvement in this matter.

The second and third readings of the bill were agreed to and the bill was forwarded to the Assembly for concurrence.

Parliamentary Budget Officer Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: In 2011 a joint select committee reported on the purpose and role of the Parliamentary Budget Office established by the *Parliamentary Budget Officer Act 2010*, and recommended a number of areas for reform. This bill implements many of those recommendations and makes some additional amendments to the Act.

The bill amends the Act to provide that the sole function of the Parliamentary Budget Officer is to prepare election policy costings. The Officer is to be appointed every four years, for a term commencing on 1 September in the year prior to a State election and ending within three months following the election. During this time the Officer is to prepare election costings, table a report in Parliament and appear before the Public Accounts Committee.

Proceedings: Debate on the second reading of the bill resumed on 8 May 2013 from 1 May 2013 (see previous

edition of *House in Review* for earlier debate). The Opposition and the Greens continued to strongly oppose the bill, arguing that the proposed operational model for the Parliamentary Budget Office (PBO), where it is established for a nine month period every four years, was impractical. Both parties also argued that the report of the joint select committee simply reflected the preferred position of the Government which had had a majority of members on the committee. The Greens particularly disagreed with the loss to minor parties and independents of access to the PBO.

The second reading was agreed to (Division 20:18), with the Shooters and Fishers Party and the Christian Democratic Party voting with the Government.

In the committee stage, the Greens sought to reinstate the capacity for minor party and independent members to have their policies costed by the PBO. Despite drawing the support of the Opposition, the amendments were defeated (Division 18:20). The Greens also sought to require the PBO to assess policies on a number of social and environmental indicators. The amendments did not draw support from other parties and were negatived.

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

Health Legislation Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill makes miscellaneous and minor amendments to six Acts relating to health, as part of the Government’s regular review of legislation.

Proceedings: Debate on the second reading of the bill commenced on 8 May 2013. In her second reading speech, the Parliamentary Secretary (Mrs Pavey) said the bill seeks to make minor but important amendments to various health Acts, which are aimed at ensuring the smooth operations of health legislation and at protecting the health and safety of the public. In particular the Parliamentary Secretary emphasised the importance of the amendments to the *Health Care Complaints Act 1993* that will ensure that the Health Care Complaints Commission (HCCC) will have jurisdiction to investigate a complaint where the subject matter of the complaint raises a real likelihood of impacting on public health or safety. The need for these amendments arose following a 2012 Supreme Court decision, *Australian Vaccination Network Inc. v Health Care Complaints Commission* which established a limitation on when the HCCC can investigate matters affecting public health and safety.

Members of the Government, the Opposition, the Greens and the Christian Democratic Party all spoke in support of the proposed amendments to the *Health Care Complaints Act 1993*, with many members taking the opportunity to criticize the activities of the Australian Vaccination Network.

The Opposition, the Greens and the Christian Democratic Party all stated they held concerns regarding the proposal to allow for staff of the NSW Health Service to be suspended without pay in limited circumstances. The Greens also noted their concern over

the proposal to allow for the disposal of Crown grant land held by the Health Administration Corporation.

The second reading was agreed to.

In the committee stage the Greens moved two amendments, both of which failed to attract support and were each negatived on the voices. The first sought to require the Health Administration Corporation when seeking Ministerial approval for disposal of surplus Crown grant land, to identify the purposes to which the proceeds of the sale of the land are to be allocated. While the Government did not support the amendment, it indicated that such identification would be expected as a matter of course and would be stipulated through internal departmental guidelines. The second amendment sought to change the provision in the bill allowing staff to be suspended without pay, so that in such circumstances staff would continue to receive their salary but would be required to repay that salary if subsequently convicted of a serious criminal offence.

An Opposition amendment that, for the purposes of staff suspended without pay, defined salary as not including any payment in connection with sick, recreation or other type of leave entitlement drew support from all parties, and was agreed on the voices.

The bill was reported to the House with an amendment, read a third time and returned to the Assembly. The Assembly agreed to the Council's amendment to the bill.

Service NSW (One-stop Access to Government Services) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill enables Service NSW to provide one-stop access to customer services for government agencies, other agencies or persons; facilitates the provision of information by and about customers; and enacts consequential provisions relating to access to government information and State records.

Proceedings: The bill was received from the Legislative Assembly on 8 May 2013 and read a first time. The second reading was set down for a later hour of the sitting.

Baptist Churches of New South Wales Property Trust Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Baptist Churches of New South Wales Property Trust Act 1984* to change the way in which the Baptist Churches of New South Wales Property Trust deals with property that it holds on trust for congregations in order to deal with it in a more efficient and effective manner.

Proceedings: The bill was received from the Legislative Assembly on 8 May 2013 and read a first time. The second reading was set down for a later hour of the sitting.

Local Government Amendment (Early Intervention) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill makes various amendments to the *Local Government Act 1993* to put in place a more effective framework for addressing poor performance and accountability issues in local councils.

Proceedings: The bill was received from the Legislative Assembly on 9 May 2013 and read a first time. The second reading was set down for a later hour of the sitting.

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.

Small Business Commissioner Bill 2013: On 2 May 2013 the Assembly advised that it had agreed to Council's amendment.

Private members' business

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

Bills

Rights of the Terminally Ill Bill 2013 (Ms Faehrmann, The Greens)

The bill originated in the Legislative Council.

Summary: The bill seeks to establish a legal framework for the rights of terminally ill persons to request and receive assistance to end their lives voluntarily. Under the framework, terminally ill persons may be assisted by their medical practitioners to administer a substance to themselves. The bill provides protection for persons providing such assistance and establishes safeguards against possible abuse of the scheme.

Proceedings: Debate on the second reading of the bill resumed on 9 May 2013 from 2 May 2013 (see the previous edition of *House in Review* for earlier debate). A number of members who spoke to the bill noted the huge response that the bill has generated in the community and the amount of correspondence they have received. Members from both sides of the debate recounted personal stories of family members and friends who have suffered from terminal illnesses.

Members who spoke in opposition to the bill stated that there should be a focus on respecting and protecting life, not on death. There was also a concern that there are no adequate safeguards in the bill to prevent people from wrongly taking life. The Christian Democratic Party (CDP) strongly opposed the bill on moral grounds and stated that instead of providing assistance to end the lives of terminally ill people, more funds and support should be given to palliative care. Members who spoke in support of the bill stated that it should be up to an individual to end their life in a humane and dignified way when suffering from a terminal illness.

Members of the Greens strongly supported the bill and sought to refute the arguments of other speakers by stating the bill puts in place a solid legal framework with more checks and balances than are found in comparable legislation in other jurisdictions, and that this right to assisted death could only be used in defined limited circumstances.

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) Lions Club International Campaign Dinner (Ms Fazio)
- (2) Annual Pakistan Day Trophy (Ms Fazio)
- (3) Greek Independence Day (Ms Fazio)
- (4) Lithgow Clinical Rural School (Ms Fazio)
- (5) Assyrian New Year (Mr Clarke)
- (6) Greek National Independence Day (Mr Clarke)
- (7) Mobil phone and internet coverage in train tunnels (Ms Ficarra)
- (8) Black Caviar (Ms Ficarra)
- (9) Heritage protection in New South Wales communities (Ms Ficarra)
- (10) Bicentenary of the crossing of the Blue Mountains (Ms Fazio)
- (11) People's Daily Online Australia (Mr Moselmane)
- (12) Shoah Memorial Service (Mr Clarke)
- (13) Williams-Sonoma store (Ms Ficarra)
- (14) Blacktown City Netball Association (Mr Clarke)
- (15) 49th Congress of Australia Federation of Islamic Councils (Ms Ficarra)
- (16) Cystic fibrosis (Dr Kaye)
- (17) Copeton Freshwater Swim (Mrs Mitchell)
- (18) CREATE Foundation's 2013 Report Card (Ms Barham)
- (19) Parenting payments (Ms Barham)
- (20) Greater Western Sydney Giants training facility (Ms Ficarra)
- (21) Mr Kyriakos Gold (Ms Ficarra).

The following item of private members' business was negatived:

- (1) Community Building Partnership Grants in Rockdale (Mr Moselmane) (Division 18:21).

Orders for papers

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

Return to order

Heritage order on 'Peroomba', Warrawee – Further order: received 7 May 2013, one box public, one box privileged.

Petitions received

- (1) Royal commission into Bowraville murders – 212 signatures (irregular, presented Mr Shoebridge).
- (2) Hawkesbury River Bridge – 352 signatures (presented Mr Shoebridge).
- (3) International trafficking and harvesting of human organs – 100,000 signatures (irregular, Mr Shoebridge).
- (4) Parenting payments – 128 signatures (Ms Barham).

Reports tabled

Ombudsman: Report entitled 'Report of Reviewable Deaths in 2010 and 2011 – Volume 2: Deaths of people with disabilities in care', dated May 2013.

Register of Disclosures by members of the Legislative Council: Supplementary Ordinary Returns for the period 1 July 2012 to 31 December 2012.

Committee activities

Note: Committee activities include committee references, reports tabled, debate on committee reports, government responses received and any other significant committee activity in the House. Committee activity as part of a current inquiry is summarised in the following section entitled 'Inquiry activities'.

Committee reference

Privileges Committee: The House referred to the Committee an inquiry into the failure to provide documents in the return to order tabled in the House on 26 November 2009 concerning the Mt Penny mining exploration licence and tender process.

Committee reports tabled

Legislation Review Committee: 'Legislation Review Digest No. 36/55', dated 7 May 2013.

Joint Standing Committee on Electoral Matters: Report No. 3/55 entitled 'Review of the Parliamentary Electorates and Elections Act 1912 and the Election Funding, Expenditure and Disclosures Act 1981', May 2013.

Committee reports debated

General Purpose Standing Committee No. 5: The House concluded the take-note debate on Report No. 36 entitled 'Budget Estimates 2012-2013', dated December 2012.

Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission: The House concluded the take-note debate on the following reports:

Report 1/55 entitled “Report on the first general meeting with the Convenor of the Child Death Review Team”, dated December 2012,

Report 2/55 entitled “Report on the first meeting with the Information Commissioner and the Privacy Commissioner”, dated December 2012.

Report 3/55 entitled “Report on the twelfth general meeting with the Inspector of the Police Integrity Commission”, dated December 2012.

Report 4/55 entitled “Report on the 17th general meeting with the NSW Ombudsman”, dated December 2012,

Report 5/55 entitled “Report on the 13th general meeting with the Police Integrity Commission”, dated December 2012.

Report No. 6/55 entitled “Report on the use of anti-personnel spray and batons by Police Integrity Commission officers”, dated December 2012.

General Purpose Standing Committee No. 1: The House concluded the take-note debate on Report No. 38 entitled ‘Budget Estimates 2012-2013’, dated February 2013.

Joint Standing Committee on Road Safety (Staysafe): The House continued the take-note debate on Report No. 2/55 entitled ‘Report on driver and road user distraction’, dated March 2013.

Select Committee on the Partial Defence of Provocation: The House continued the take-note debate on the report entitled ‘The partial defence of provocation’, dated April 2013.

Inquiry activities

Note: Inquiry activities include committee activities as part of an active inquiry. It includes hearings, site visits and other meetings. This section also notes which committees are receiving submissions and upcoming committee inquiry activity.

Racial vilification law in NSW

The Standing Committee on Law and Justice has received 45 submissions to this inquiry. The Committee held two public hearings in April 2013 and is in the process of preparing its report.

Drug and alcohol treatment

General Purpose Standing Committee No. 2 has received 50 submissions to its inquiry into the effectiveness of current drug and alcohol policies with respect to deterrence, treatment and rehabilitation.

The Committee has held three hearings on 3, 4 and 10 April 2013, with a fourth hearing to be held on 27 May 2013. The Committee is in the process of organising site visits in the coming months to drug and alcohol treatment centres in New South Wales and Western Australia.

Closure or downsizing of Corrective Services New South Wales facilities

The Select Committee on the closure or downsizing of Corrective Services New South Wales facilities has concluded its evidence gathering and is intending to report in June 2013.

Same sex marriage law in NSW

The Standing Committee on Social Issues is inquiring into a proposed same sex marriage law in New South Wales. The Committee has concluded its hearings and is scheduled to report in July 2013.

Strategies to reduce alcohol abuse among young people

The Standing Committee on Social Issues has received 52 submissions to its inquiry into strategies to reduce alcohol abuse among young people. The Committee held hearings on 29 April and 6 May 2013 and will hold a further half day hearing on 17 June 2013.

Use of cannabis for medical purposes

General Purpose Standing Committee No. 4 inquiry into the use of cannabis for medical purposes has completed its hearings and is in the process of finalising its report. The tabling date for the report is 17 May 2013.

Management of public land in NSW

General Purpose Standing Committee No. 5 is currently finalising its report, which is due to be tabled on Wednesday 15 May 2013.

Adequacy of water storages in NSW

The Standing Committee on State Development is finalising its inquiry into the adequacy of water storages in New South Wales. The final hearing was held on 3 May 2013, with the Committee intending to report by the end of June 2013.

Tourism in local communities

Submissions to this new GPSC 3 inquiry are due on 28 June 2013.

Adjournment debate

Tuesday 7 May 2013

Villers-Bretonneux Anzac memorial service (Mr Colless); Cooma Public School 150th anniversary/ Shannons Flat-Yaouk Rural Fire Service (Mr Whan); Casino to Murwillumbah rail line (Ms Faehrmann); Hawkesbury River oyster industry (Mr Secord); Bulga mining encroachment (Mr Buckingham); Kododa Trail site protection (Mr Lynn).

Wednesday 8 May 2013

North West Rail Link (Mr Primrose); Sustainable living (Mr Brown); Freedom of speech (Dr Phelps); Greater Western Sydney Homelessness Innovations Forum (Ms Cotsis); Wind farms (Mr Borsak); Rural health (Mrs Pavey).

Thursday 9 May 2013

Kemal Ataturk (Mr Khan); CREATE Foundation 2013 Report Card (Ms Barham); Auditor-General appointment (Mr Secord); Planning powers (Mr Shoebridge); Sydney International Day of Mourning (Ms Westwood); Death of the Right Honourable the Baroness Margaret Thatcher, LG, OM, PC, FRS (Ms Ficarra); Armenian genocide (Ms Fazio).

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.

All responses will be kept strictly confidential.

A handwritten signature in black ink, appearing to read 'DB', with a large, sweeping flourish at the bottom.

David Blunt
Clerk of the Parliaments