

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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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

Thursday 29 May marked the cut-off date for the introduction of Government bills that the Government wishes to have considered by the House prior to the winter long adjournment. For bills introduced after this date, debate on the second reading is adjourned at the conclusion of the Minister's speech until the first sitting day after the winter long adjournment. However, bills considered to be urgent by the House may proceed through all stages.

In anticipation of the cut-off date a number of Government bills, including four bills that originated in the Council, were introduced this week. As a result, and notwithstanding the House sitting late on both Tuesday and Wednesday, 18 Government bills currently sit on the Notice Paper.

The House now stands adjourned until Tuesday 17 June 2014.

Death of former member

On 27 May 2014, the President announced to the House the death on 12 May 2014 of Mr Leroy Dudley Serisier, a member of the House from 1970 to 1978. The President further reported that on behalf of the House he had extended to the family the deep sympathy of the Legislative Council in the loss sustained.

Members and officers stood as a mark of respect.

Condolence motion - the Honourable Neville Wran AC, CNZM, QC (Mr Foley)

Debate on the motion concerning the death of the Honourable Neville Wran AC, CNZM, QC resumed on 29 May 2014 from 15 May 2014 (see previous edition of *House in Review* for earlier debate). Speakers to the motion noted Mr Wran's achievements and character, and offered their condolences to Mr Wran's family and friends. Mr Foley thanked all members for their contributions to the debate.

The motion was agreed to unanimously.

Members and officers of the House stood as mark of respect.

Communication from the Speaker of National Parliament of Solomon Islands

On 27 May 2014, the President reported receipt of a communication from Sir Allan Kemakeza KBE, Speaker of the National Parliament of Solomon Islands, dated 9 May 2014 acknowledging receipt of a message of condolence received from the Legislative Council following the recent flooding in the Solomon Islands.

Statement by the President – officers of the Legislative Council

On 29 May 2014 the President informed the House that the 24th Usher of the Black Rod in the Legislative Council, Ms Rachel Callinan, would shortly be leaving the House's service to take up the position of Usher of the Black Rod in the Australian Senate. On behalf of the House, the President offered his congratulations to Ms Callinan on this significant appointment.

The President further advised the House of the impending appointment of Ms Susan Want as the 25th Usher of the Black Rod. Ms Want is currently the Director of the Table Office in the Legislative Council.

Government business

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

Ombudsman Amendment (Aboriginal Programs) Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Ombudsman Act 1974* to provide for the appointment of a Deputy Ombudsman to enable the Ombudsman to monitor and assess designated Aboriginal programs. The bill further amends the *Ombudsman Act 1974* to permit the Ombudsman to report on any matter concerning an Aboriginal program, including recommendations for improvements in the delivery of the program to the Minister responsible for the program and to any other Minister or public authority affected and also to make a special report to Parliament on any systemic issue relating to Aboriginal affairs.

Proceedings: Debate on the second reading of the bill commenced on 27 May 2014. The second reading speech of the Parliamentary Secretary (Ms Cusack) was incorporated into Hansard. That speech indicated that historically throughout Australia all levels of government have struggled with the issue of accountability for expenditure on Aboriginal programs, and that the bill represents an Australian first as no previous State or federal government has opened itself up to such a level of independent scrutiny of its Aboriginal programs.

The Opposition did not oppose the bill, noting that it provided an opportunity for an objective assessment of the Government's plan for Aboriginal affairs. However, the Opposition took the opportunity to note with concern the range of Aboriginal programs flagged to suffer reduced funding in the federal budget. The Christian Democratic Party and the Greens supported the bill, stating that the bill had strong support among the Aboriginal community.

Members from all sides, while noting the need to uphold the independence of the Ombudsman in making operational decisions, emphasised the crucial advantage of having the position of Deputy Ombudsman for Aboriginal Programs filled by an Aboriginal person.

The second and third readings of the bill were agreed to and the bill was returned to the Assembly.

Home Building Amendment Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Home Building Act 1989* to give effect to a number of changes arising out of a statutory review of the Act. The bill amended provisions concerning home warranty insurance, resolution of building disputes, contracts for residential building works and the supply of kit homes, statutory warranties implied into contracts, notification of insolvency, and penalties for unlicensed work.

Proceedings: Debate on the second reading of the bill commenced on 27 May 2014. The second reading speech of the Minister (Mr Mason-Cox) was incorporated into Hansard. That speech indicated that the bill was the culmination of a comprehensive consultation process that was undertaken to ensure that home building laws reflect current practice and reduce unnecessary red tape for industry while providing consumers with appropriate protection. The speech further stated that the more than fifty changes contained in the bill strike the right balance between industry support and consumer protection.

While supporting those elements of the bill that enhance consumer rights and simplify the regulatory framework for the home building industry, the Opposition foreshadowed a series of amendments relating to the statutory warranties provisions in the bill. The Opposition argued that the consultation process had been poorly handled and that the expected introduction of the bill had been delayed due to significant consumer stakeholder concerns about the provisions relating to statutory warranties.

The Christian Democratic Party supported the bill, arguing that it corrected the imbalance that had crept into the regulation of the home building industry.

The Greens indicated serious concerns about the bill's impact on homeowners, arguing that the bill does not maintain current necessary consumer protections and that it advantages the building industry at the expense of consumers. The Greens argued that the change to structural defects warranties will lead to an increase in litigation.

In reply, the Minister noted that the bill provides a regulation making power with respect to refining the definition of 'major defect', an issue of concern raised by the Opposition and the Greens, and advised that the Government would continue to consult with stakeholders regarding any development of the regulations.

The second reading was agreed to.

In the committee stage the Opposition moved a series of amendments that it argued closed loopholes, eliminated uncertainty and strengthened consumer protections within the bill. All of the amendments were defeated, primarily on division but also on the voices. While drawing the support of the Greens, the amendments were not supported by the other cross-bench parties and were opposed by the Government.

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

Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill authorises the Ombudsman to review the systems used by service providers of community services and to make reports and recommendations in relation to those providers, and to undertake research and other projects for the purpose of formulating strategies to remove or reduce risk factors associated with preventable reviewable deaths.

Proceedings: The bill was received from the Legislative Assembly on 7 May 2014 and read a first time. Debate on the second reading of the bill commenced on 27 May 2014. The second reading speech of the Minister (Mr Ajaka) was incorporated into Hansard. In that speech, the Minister indicated that the bill amends the *Community Services (Complaints, Reviews and Monitoring) Act 1993* to create a framework through which children, young people and adults accessing community services and persons advocating on their behalf have the opportunity to raise concerns about the care they receive and allows for these concerns to be investigated and resolved.

The Opposition did not oppose the bill, on the grounds that the bill would enhance the public reporting of the community services jurisdiction which would strengthen the delivery of community services. The Opposition welcomed the bill's intention to ensure clients of community services may be processed by a person of their choosing in the complaints process, stating this would be particularly relevant for Aboriginal people, people from culturally and linguistically diverse backgrounds and people with a disability. The Opposition raised concerns regarding the large number of children in care who continue to find themselves in youth refuges and stated the need for improved access to

victims' compensation for young people in out-of-home care.

The Christian Democratic Party supported the bill, noting that the bill will implement the four recommendations of the former Committee on the Office of the Ombudsman and the Police Integrity Commission's review of the Act. The Christian Democratic Party stated that there is a need to increase the number of caseworkers to promptly deal with cases when they are reported.

The Greens also supported the bill, arguing that a strong, independent office tasked with investigating complaints and making recommendations for improvement was vital in ensuring the quality and public confidence in community services.

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

Teaching Service Amendment (Transfers) Bill 2014

The bill originated in the Legislative Assembly.

Summary: The *Government Sector Employment Act 2013*, which commenced operation on 24 February 2014, repealed the former *Public Sector Employment and Management Act 2002*. The former Act contained provisions for the temporary and permanent transfers of staff within public sector agencies. Those provisions, namely sections 86A and 87, applied to staff employed in the Teaching Service and underpinned the transfer processes for staff employed in the Teaching Service, including teachers in New South Wales government schools. The Bill amends the *Teaching Service Act 1980* to restore the substantive effect of these provisions.

Proceedings: The bill was received from the Legislative Assembly on 15 May 2014 and read a first time. Debate on the second reading of the bill commenced on 27 May 2014. The second reading speech of the Minister (Mr Ajaka) was incorporated into Hansard. That speech indicated that the Government is proud to have passed the *Government Sector Employment Act 2013*, which commenced operation on 24 February 2014 and which created a modern, high performing government sector. The speech stated that this bill restores the substantive effect of the transfer provisions that were formerly contained in sections 86A and 87 of the repealed *Public Sector Employment and Management Act 2002*. The internal transfer power is essential in New South Wales government schools as it ensures that teachers can be relocated between schools to reflect changes in student enrolments over time.

The Opposition supported the bill, on the grounds that the bill allows teachers to be moved to where they are needed in the 2,200 schools across New South Wales. The Opposition raised concerns regarding the reduction in proposed funding by the Federal Government for schools in New South Wales, arguing this had increased pressure on teachers in the State.

The Greens supported the bill, arguing that it had no net effect and replaced provisions which previously existed. The Greens also raised concerns regarding the effect of

Federal Government funding and current State Government schools policy on schools and teaching in New South Wales.

The Christian Democratic Party supported the bill and expressed their support for schools in New South Wales, whether they are public, private, faith-based or independent schools.

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

Road Transport Amendment (Alcohol and Drug Testing) Bill 2014

The bill originated in the Legislative Council.

Summary: The bill amends the *Road Transport Act 2013* and the *Marine Safety Act 1998* to make further provisions with respect to alcohol and drug testing, including enabling a police officer to require a person who has been physically unable to undertake a breath analysis test to provide a blood sample instead for alcohol analysis.

Proceedings: The bill was introduced, read a first time and printed on 28 May 2014. In his second reading speech, the Minister (Mr Gay) said that the regime of roadside alcohol and drug testing which commenced in 1982 with the introduction of random breath testing has seen a massive reduction in road crash trauma and that the regime enjoys strong community support. The Minister said that in the spirit of continual improvement, such as the introduction of roadside random drug testing in 2007, the bill updates and strengthens the current arrangements and is evidence of the Government's strong commitment to road and maritime safety.

Debate was adjourned for five calendar days.

Disability Inclusion Bill 2014

The bill originated in the Legislative Council.

Summary: The bill replaces the *Disability Services Act 1993*. The bill is designed to promote the independence and social and economic inclusion of people with disability, enables people with disability to exercise choice and control in the pursuit of their goals, provides safeguards in relation to the delivery of support and services for people with disability, supports (to the extent practicable) the purposes and principles of the *United Nations Convention on the Rights of Persons with Disabilities* and provides for State responsibilities during and following the transition to the National Disability Insurance Scheme.

Proceedings: The bill was introduced, read a first time and printed on 28 May 2014. In his second reading speech, the Minister (Mr Ajaka) said that although progressive when introduced, the *Disability Services Act* no longer sits comfortably with the present day approach of people with a disability shaping the services they receive rather than being passive recipients of such services. The bill proposes a rights-based inclusion framework that will enable New South Wales to make a smooth transition to the National Disability Insurance Scheme (NDIS). The Minister noted that the bill was informed by extensive stakeholder consultation and argued that it was crucial

that the bill be introduced at this time in order to ensure full preparation for the introduction of the NDIS in July 2018.

Debate was adjourned for five calendar days.

Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Bill 2014

The bill originated in the Legislative Assembly.

Summary: In May 2013, the Parliament passed the *Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Act 2013*. The provisions of that Act have not yet commenced. The bill amends the 2013 Act to further facilitate the sharing of personal and health information about victims and perpetrators of domestic violence for the purpose of providing coordinated domestic violence support services to victims of domestic violence.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2014 and read a first time. In his second reading speech, the Minister (Mr Ajaka) said that the bill builds on the earlier provisions of the 2013 Act to support the Government's domestic and family violence reforms and increase the safety of victims of domestic violence at the same time as facilitating their access to domestic violence support services. The Minister said the bill introduces new referral pathways for domestic violence victims that will ensure that they receive services in a more coordinated and efficient manner. He noted that the genesis for these reforms included the recommendations from a 2012 inquiry into domestic violence by the Standing Committee on Social Issues.

The Opposition supported the bill, but noted that it appeared to insert some substantially new parts into and rewrite much of the remainder of the 2013 Act for reasons which were not readily apparent. The Greens noted that they still held some concerns regarding the release of personal information, as they had in 2013 when the previous bill was debated. The Opposition and the Greens both noted that the bill had been introduced in the Legislative Assembly only the previous day, and therefore there had been no time for consultation with stakeholders regarding the bill.

Debate was adjourned until the next sitting day.

Advocate for Children and Young People Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill establishes the statutory office of the Advocate for Children and Young People and provides for its functions and establishes a new Youth Advisory Council. The bill abolishes the Commission for Children and Young People by repealing the *Commission for Children and Young People Act 1998* and the *Youth Advisory Council Act 1989*.

Proceedings: The bill was received from the Legislative Assembly on 27 May 2014 and read a first time. Debate on the second reading of the bill commenced the following day. The second reading speech of the Parliamentary Secretary (Ms Cusack) was incorporated into Hansard. The speech noted that by bringing together the Office of the Advocate and the NSW Youth

Advisory Council the bill provides a strong model for advocacy for children and young people in New South Wales.

The Opposition did not oppose the bill, but called for the position of Advocate to be established and properly resourced and for a permanent appointment to the position to be made as soon as practicable.

Debate was adjourned until the next sitting day.

Mutual Recognition (Automatic Licensed Occupations Recognition) Bill 2014

The bill originated in the Legislative Council.

Summary: The bill provides for the automatic, mutual recognition of certain occupational licences issued in other jurisdictions so that an individual who holds a recognised licence will be deemed to hold the equivalent New South Wales licence. Further, the bill requires a NSW licensing authority to notify the relevant interstate licensing authority of any disciplinary or enforcement action taken by the NSW licensing authority in respect of a deemed local licence. Equally, the bill provides for details of disciplinary and enforcement action taken in another jurisdiction against a NSW licence holder to be recorded in a relevant register kept by a NSW licensing authority.

Proceedings: The bill was introduced, read a first time and printed on 28 May 2014. The second reading was set down for a later hour.

Crimes Amendment (Strangulation) Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Crimes Act 1900* to introduce an additional strangulation offence in New South Wales and to simplify and modernise the existing offence of strangulation in the Act. The current provision concerning strangulation in section 37 of the *Crimes Act 1900*. Section 37 has limited application in many domestic violence cases because it requires an intention to commit a separate indictable offence, such as sexual assault or robbery. Where the assault itself is the act of strangulation or choking, section 37 in its current form cannot apply. Further, more serious assault charges such as assault occasioning actual or grievous bodily harm are difficult to establish, because they rely on proof of particular bodily harm; many people who survive strangulation have minimal visible external injuries, despite the seriousness of the offence.

Proceedings: The bill was received from the Legislative Assembly on 27 May 2014 and read a first time. Debate on the second reading of the bill commenced on 28 May 2014. The second reading speech of the Parliamentary Secretary (Mr Clarke) was incorporated into Hansard. That speech noted that strangulation is a potentially fatal act, which causes significant physical and psychological trauma to victims, and is prevalent in domestic violence incidents. Accordingly, the bill introduces a new strangulation offence and modernises the existing strangulation offence, to send a clear message that acts of violence involving strangulation will be met with appropriately strict penalties.

While the Opposition did not oppose the bill, it raised concerns regarding the maximum penalty for the new offence, the possibility of consent of the person being strangled being used as a defence to the new offence and the need to limit the revised section 37 offence to cases where there is an intention to commit a serious indictable offence.

The Christian Democratic Party supported the bill, arguing that the new offences would allow greater sentences to be imposed in cases of domestic violence than are currently given.

The Greens indicated their support for the bill on the grounds that there is strong evidence of the co-relation between strangling offences, serious domestic violence and the escalation of violence, including homicide.

In the committee stage, the Greens unsuccessfully moved an amendment to make it clear that the perpetrator of the offence had the intention to choke, suffocate or strangle another person. The amendment was negatived.

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

Racing Administration Amendment (Sports Betting National Operational Model) Bill 2014.

The bill originated in the Legislative Assembly.

Summary: The bill regulates betting on sporting events in line with the National Policy on Match-Fixing in Sport. The bill recognises sports controlling bodies in relation to sporting events, and requires that a person who seeks to have a sporting event prescribed as a declared betting event (or who seeks a new type of bet in relation to such an event) must enter into an integrity agreement with the sports controlling body for the sporting event, or if there is no sports controlling body, must consult with the key persons or bodies involved in the administration of the sporting event. Further, the bill requires betting service providers to be licensed and to enter into integrity agreements with the sports controlling body for a sporting event before being permitted to offer betting services in relation to the sporting event. The bill permits the sports controlling body for a sporting event to prevent the sporting event being prescribed as a declared betting event and prevent new types of bets being permitted.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2014 and read a first time. Debate on the second reading of the bill commenced the same day. The second reading speech of the Minister (Mr Gay) was incorporated into Hansard. The Minister stated that this bill regulates betting on sporting events in line with the National Policy on Match-Fixing in Sport agreed to by all Australian sports Ministers in June 2011; regulates the interaction between sporting organisations, betting service providers, and relevant State and Territory regulators in relation to integrity agreements and baseline requirements for betting on sporting events; and illustrates the Government's commitment to promoting integrity in sport and the regulation of associated sports betting.

The Opposition supported the bill, stating that the bill includes some sensible measures to try to ensure match fixing or corruption does not occur in sport. The Opposition raised some concerns regarding the promotion of betting at times and during games that could influence young viewers and urged that this area be examined closely.

The Greens supported the bill on the grounds that the provisions help to stop match fixing. In supporting the bill, members of the Greens stated that betting had challenged the integrity of various sporting codes around New South Wales and stated a concern that the model it was entirely self-regulated.

Although the Christian Democratic Party supported the bill, they argued that betting on all sport should be banned in New South Wales.

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

Trade and Investment Cluster Governance (Amendment and Repeal) Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill dissolves certain statutory bodies and transfers their assets, rights and liabilities to the Crown and in some cases transfers their functions to other bodies, with a view to reducing the number of separate statutory bodies within the trade and investment cluster. The statutory bodies are: the Chipping Norton Lake Authority; the New South Wales Dairy Industry Conference; the Lake Illawarra Authority; the Ministerial Corporation for Industry; the Poultry Meat Industry Committee and Poultry Meat Industry Advisory Group; the Film and Television Office (also known as Screen NSW) and its Board; and the Homebush Motor Racing Authority, its Advisory Board and the Event Implementation Committee.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2014 and read a first time. Debate on the second reading of the bill commenced the same day. The second reading speech of the Minister (Mr Ajaka) was incorporated into Hansard. That speech stated the bill seeks to improve and streamline the organisation of the public sector, by decreasing the number of separate statutory bodies in the trade and investment cluster.

The debate was adjourned and set down as an order of the day for a later hour.

Education Amendment (Government Schools) Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Education Act 1990* to require the Board of Studies, Teaching and Educational Standards to advise the Minister on the compliance by government schools with certain requirements of the Act currently applied to non-government schools.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2014 and read a first time. Debate on the second reading of the bill commenced the same

day. The second reading speech of the Minister (Mr Ajaka) was incorporated into Hansard. That speech indicated that following a number of pieces of legislation which have sought to reform education in order to raise the quality of teaching and the education sector in the State, the bill seeks to establish a means of ensuring compliance with the Act for the government school sector.

The debate was adjourned and set down as an order of the day for a later hour.

Law Enforcement (Powers and Responsibilities) Amendment Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Law Enforcement (Powers and Responsibilities) Act 2002* to give effect to the recommendations of the statutory review of the Act, including recommendations in a report to the Government on the statutory review by Mr Andrew Tink and the Hon Paul Whelan. The bill clarifies and revises the safeguards under Part 9 of the Act relating to investigations and questionings, and clarifies and simplifies the provisions of Part 15 of the Act relating to safeguards applying to the exercise of police powers.

Proceedings: The bill was received from the Legislative Assembly on 27 May 2014 and read a first time. Debate on the second reading of the bill commenced the following day. The second reading speech of the Minister (Mr Ajaka) was incorporated into Hansard. That speech indicated that the bill seeks to ensure that the police can do their job safely and effectively while providing appropriate safeguards for members of the community when dealing with the police.

Debate was adjourned for five calendar days.

Energy Legislation Amendment (Retail Price Deregulation) Bill 2014

The bill originated in the Legislative Assembly.

Summary: The bill amends the *National Energy Retail Law (Adoption) Act 2012* to remove the mandatory scheme requiring energy retailers to offer energy at a regulated price to certain small customers, and to provide for the monitoring of the performance and competitiveness of the retail energy market for small customers in New South Wales. The bill also makes consequential amendments to the *Electricity Supply Act 1995* and the *Electricity Supply (General) Regulation 2001* as a result of the deregulation of the retail electricity market, and amends the *Gas Supply Act 1996* to revive expired provisions relating to gas pricing orders.

Proceedings: The bill was received from the Legislative Assembly on 27 May 2014 and read a first time. Debate on the second reading of the bill was set down for a later hour.

Election Funding, Expenditure and Disclosures Consequential Amendment Bill 2014

The bill originated in the Legislative Assembly.

Summary: In 2013, the High Court of Australia in the case of *Unions NSW & Ors v State of New South Wales* declared

that certain provisions of the *Election Funding, Expenditure and Disclosures Act 1981* (being provisions inserted by an amending Act in 2012) were invalid. The relevant provisions prohibited political donations from corporations or other entities, and required electoral communication expenditure incurred for a State election campaign by an affiliated organisation of a party to be combined with the expenditure of the party for the purposes of the applicable cap on expenditure by the party.

The bill removes the text of the invalid provisions and restores the provisions that existed previously that regulate political donations from corporations and other entities.

The bill included an amendment made in the Legislative Assembly that clarified that a corporate donation made during the period between 9 March 2012 and 18 December 2013, though unlawful at the time, is now legal and so needed to be declared. The Election Funding, Expenditure and Disclosures Amendment Act 2012 banned corporate donations; however this provision was ruled unlawful by the High Court on 18 December 2013.

Proceedings: The bill was received from the Legislative Assembly on 29 May 2014 and read a first time. Debate on the second reading of the bill was set down for a later hour.

The Statute Law (Miscellaneous Provisions) Bill 2014

Summary: The bill continues the statute law revision program and makes minor policy changes and repeals redundant legislation to maintain the quality of the New South Wales statute book.

Proceedings: The bill was introduced, read a first time and printed on 28 May 2014. The second reading was set down for a later hour.

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

Native Vegetation Amendment Bill 2014 (Mr Brown, Shooters and Fishers Party)

The bill originated in the Legislative Council.

Summary: The bill amends the *Native Vegetation Act 2003* to make further provision with respect to the clearing of native vegetation, including modifying current controls so that they apply only to the clearing of native indigenous trees and to modify the requirements for the broadscale clearing of native vegetation.

Proceedings: Leave was granted to bring in the bill on 29 May 2014. The bill was presented, read a first time and printed. In his second reading speech, Mr Brown said that the farming sector in New South Wales had long been calling for an overhaul of the *Native Vegetation Act*

on the grounds that it required substantial change as inherent flaws within it threatened the viability of the farming sector and can often lead to perverse environmental outcomes. Mr Brown stated that the proposed changes in the bill were sensible and in no way posed a threat to biodiversity, noting that farmers highly value biodiversity on their farms. Mr Brown acknowledged the Government's stated intent to overhaul the legislation, but argued that the changes proposed in the bill are required now rather than later.

Debate was adjourned for five calendar days.

Transforming NSW Energy Sector (Towards 100 percent Renewables) Bill 2014 (Dr Kaye, The Greens)

The bill originated in the Legislative Council.

Summary: The bill seeks to reduce the reliance of the State's energy sector on fossil fuel by facilitating movement towards an energy sector completely based on renewable energy sources by 2030. The bill creates an expert panel to develop a plan for the best mix of renewable technologies and energy efficiency by 2030. The bill also requires the Government to take steps to develop renewable energy and energy efficiency measures and requires the Government to stop providing fossil fuel subsidies to the fossil fuel industry.

Proceedings: Leave was granted to bring in the bill on 29 May 2014. The bill was presented, read a first time and printed. Debate on the second reading of the bill commenced on 29 May 2014. In his second reading speech Dr Kaye argued that it is time to confront the consequences of an energy economy dominated by coal and gas, and that the debate must acknowledge the health costs related to power stations in the State, the governance integrity impacts of coalmining and gas extraction industries, the local social environmental damage these industries cause. He argued that studies had shown the State could continue to operate without gas and without coal. Further, his speech argued that there was both a moral imperative of contributing to the global effort to live sustainably and an economic imperative to make the transition to renewable energy.

Debate was adjourned and set down as an order of the day for a later hour.

Motions

Senator Lee Rhiannon (Dr Phelps, Liberal Party)

Summary: The motion calls on Senator Lee Rhiannon to fully disclose her interactions with officials of the Embassy for the Soviet Union in Australia and her activities while studying in Moscow. It also calls on her to address all aspects of the controversy raised following the publication of her ASIO file.

Proceedings: Debate on the motion resumed on 29 May 2014 from 8 May 2014 (see Vol 55/68 of *House in Review* for earlier debate). A member of the Government spoke in support of the motion, and commented on the Communist Party of Australia's attitude towards Australian war veterans. The Christian Democratic Party supported the motion, on the grounds that the past

political activities of parliamentarians should be open to analysis.

The Greens strongly opposed the motion, characterising it as a vexatious attempt at character assassination. The Greens stated that Senator Rhiannon was a courageous politician who should be remembered for fundamentally changing for the better politics in New South Wales during her time as member of the House.

Debate was adjourned until the next sitting day.

Margaret Olley Arts Centre (Ms Fazio, Australian Labor Party)

Summary: The motion noted the opening of the Margaret Olley Art Centre at the Tweed Regional Gallery in Murwillumbah on Saturday 15 March 2014, noted that in accordance with her wishes 21,000 items belonging to the much-loved Australian artist were relocated to create the centre, noted Margaret Olley's strongly interest in regional galleries, and noted the success of the Tweed Regional Gallery since the opening of its new building in 2004.

Proceedings: In speaking to the motion Ms Fazio noted the success of the opening of the new centre, attended by 800 people and that this opening served as a celebration of the life, legacy and works of Margaret Olley, AC, one of Australia's most loved artists. Ms Fazio noted Margaret Olley's interest regional galleries, and particularly the Tweed Regional Gallery. She also praised the work of regional galleries across New South Wales in showcasing the work of local artists and allowing people in regional New South Wales access exhibitions. Members from the Government and the Greens spoke in support of the motion, noting the importance of the work of Margaret Olley to the State and the importance of the Tweed Regional Gallery to the north coast of New South Wales.

The motion was agreed to.

Motions taken as formal business

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

- (1) Library and Information Week (Ms Barham)
- (2) 2014 Police Association of NSW Biennial Conference (Revd Nile)
- (3) FINA World Youth Water Polo Championships (Ms Ficarra)
- (4) Select Committee on Home Schooling (Revd Nile)
- (5) Suicide Prevention Australia (Ms Ficarra)
- (6) NSW State of Origin Team 2014 (Ms Ficarra)
- (7) Independent Commission Against Corruption funding (Dr Kaye)
- (8) Sir Jack Brabham AO OBE (Mr Colless)
- (9) Balkan floods (Mr Clarke)
- (10) National Palliative Care Week 2014 (Mr Donnelly)

- (11) Vision Australia (Ms Ficarra)
- (12) Australia-Pakistan Medical Association (Dr Faruqi)
- (13) World MS Day (Mrs Mitchell)
- (14) National Netball Day (Ms Ficarra)
- (15) Salvation Army Red Shield Appeal (Ms Ficarra).

Petitions received

- (1) Land rezoning in Wetherill Park - 535 signatures (presented Mr Foley).
- (2) Tweed Byron Local Area Command - 36 signatures (presented Mr Secord).
- (3) Intersection of Macquarie Street and Stingaree Point Drive, Dora Creek - 270 signatures (presented Ms Voltz).

Reports tabled

Auditor-General: Performance Audit entitled "Effectiveness of the new Death and Disability Scheme: NSW Police Force", dated May 2014.

Auditor-General: Financial Audit, Volume Two 2014, focusing on Universities, dated May 2014.

Independent Commission Against Corruption: report entitled 'Investigation into the conduct of the Commissioner of the NSW State Emergency Service', dated May 2014.

Committee activities

Note: Committee activities includes 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

Select Committee on Home Schooling: The House established a Select Committee to inquire into home schooling.

Committee reports tabled

Legislation Review Committee: 'Legislation Review Digest No. 56/55', dated May 2014.

Committee reports debated

Select Committee on the Agistment of Horses at Yaralla Estate: The House concluded the take-note debate on the Report entitled 'Agistment of horses at Yaralla Estate', dated October 2014.

Committee on Children and Young People: The House concluded the take-note debate on Report No. 2/55 entitled 'Review of the 2011-2012 Annual Report of the Commission of Children and Young People', dated October 2013.

General Purpose Standing Committee No. 5: The House continued the take-note debate on Report No. 38

entitled 'Budget Estimates 2013-2014', dated October 2013.

Committee on the Independent Commission Against Corruption: The House concluded the take-note debate on Report No. 4/55 entitled 'Review of the 2011-2012 Annual Report of the Independent Commission Against Corruption', dated October 2013.

Committee on the Independent Commission Against Corruption: The House concluded the take-note debate on Report No. 3/55 entitled 'Review of the 2011-2012 Annual Report of the Inspector of the Independent Commission Against Corruption', dated October 2013.

Privileges Committee: The House concluded the take-note debate on Report No. 69 entitled 'The 2009 Mt Penny return to order', dated October 2013.

Inquiry activities

Standing Committee on Law and Justice

Reviews into the exercise of the functions of the WorkCover Authority and Dust Diseases Board. The committee is conducting its first reviews into the exercise of the functions of the WorkCover Authority and Dust Diseases Board. The committee has received 42 submissions for the WorkCover review and 7 submissions for the Dust Diseases review. The third and final hearing for the WorkCover review was held on 12 May 2014.

Reviews of the Motor Accidents Authority (12th Review) and the Lifetime Care and Support Authority (Fifth Review). The committee is also conducting concurrent reviews into the exercise of the functions of the Motor Accidents Authority and the Lifetime Care and Support Authority. The committee held hearings on 7 and 17 March 2014 and expects to report in early July.

Inquiry into the family response to the murders in Bowraville. In addition, the committee is conducting an inquiry into the family response to the murders in Bowraville, and has received 29 submissions to date, together with two supplementary submissions. The committee conducted a site visit to Bowraville on 31 March, held public and closed roundtable hearings in Bowraville on 1 and 2 May, and held another public hearing in Sydney on 12 May 2014.

Standing Committee on State Development

Inquiry into regional aviation services. The Committee has received 63 submissions. The first hearing was conducted in Sydney on 23 May 2014. The committee will conduct regional hearings in Wagga Wagga and Bega on 10 and 11 June 2014.

General Purpose Standing Committee No. 1

Inquiry into allegations of bullying in WorkCover NSW. The committee has received 98 submissions and held four hearings. Its report is currently being drafted and is expected to be tabled on 19 June 2014.

General Purpose Standing Committee No.5

Inquiry into the Wambelong fire. The committee will resume its activities after the coronial hearings into the fire are completed, and has scheduled a site visit to Coonabarabran in early September 2014.

Privileges Committee

Inquiry into recommendations of the ICAC regarding aspects of The Code of Conduct for Members, the interest disclosure regime and a parliamentary investigator. The Committee has published 16 submissions on its website. The Committee is now preparing a report.

Select Committee on ministerial propriety in New South Wales

The select committee has received seven submissions. The reporting date for the inquiry is October 2014.

Select Committee on greyhound racing in NSW

The committee tabled its First Report on 28 March 2014. The House has extended the committee's final reporting date to 30 June 2014.

Select Committee on the impact of gambling

The committee has received 35 submissions. Hearings were held on 10 and 11 April 2014. The committee will be holding a further half day of hearings followed by site visits to Sports Bet, Oakdene House gambling treatment clinic, and the Mounties club on 5 June 2014.

Select Committee on the sale of the Currawong property at Pittwater

The select committee has received two submissions and held a public hearing on Monday 5 May. The committee will table its report by 28 June 2014.

Select Committee on social, public and affordable housing

The select committee has received 248 submissions. The committee undertook site visits, public hearings and public forums in Nowra and Wollongong on 30 April and 1 May 2014. The committee will be undertaking a site visit in Sydney on 16 May and a range of site visits, hearings and public forums in Port Macquarie, Tamworth and Dubbo on 20 and 21 May 2014. Hearings were held in Sydney on 12 and 30 May 2014.

Inquiry into Budget Estimates

The House has resolved the timetable for the initial round of hearings for Budget Estimates 2014-2015. Hearings will be held from 18 to 22 August 2014.

Adjournment debate

Tuesday 27 May 2014

Forestry industry (Mr Colless); Second Sino-Japanese War (Mr Wong); Hemp industry (Mr Buckingham); Death of the Honourable Ernest Lloyd Sommerlad, former member of the Legislative Council (Mr Blair); Safer Australian Roads and Highways Group (Mr Secord); Federal budget (Dr Faruqi).

Wednesday 28 May 2014

Tribute to Lex Watson/ Homosexuality decriminalisation thirtieth anniversary (Ms Sharpe); Christian Democratic Party achievements (Mr Green); Southern Youth and Family Services Association (Mr Pearce); Multiculturalism (Mr Wong); Federal budget (Mr Shoebridge); Women in Parliament (Mr Lynn).

Thursday 29 May 2014

Bicentenary of deaths of Captain Arthur Phillip and Lieutenant Matthew Flinders (Revd Nile); Gonski education reform (Mr Whan); Political donations (Dr Kaye); Royal Far West (Mrs Maclaren-Jones); School sport 125th anniversary (Mrs Pavey); Australian Labor Party affirmative action twentieth anniversary (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.



David Blunt
Clerk of the Parliaments