

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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*Sitting period
7 to 9 March 2017*

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 week the House welcomed its newest member, Ms Dawn Walker (The Greens), who gave her first speech on Wednesday. The House also debated four government bills, two private members' bills, resumed debate on the take note of the Budget Estimates for 2016-17, and debated two private members' motions.

Separately, the House also adopted new titles for the general purpose standing committees, now to be the Portfolio Committees, and a motion to effect recommendations made by the Independent Legal Arbitrator and make public a number of documents regarding greyhound welfare, previously covered by a claim of privilege.

The House now stands adjourned until Tuesday 28 March 2017.

New member sworn – Ms Dawn Walker

The [previous edition of House in Review](#) reported that Ms Dawn Walker had been elected to fill the casual vacancy caused by the resignation of Ms Jan Barham (The Greens). On Tuesday Ms Walker took the pledge of loyalty and signed the roll of members, and on Wednesday [gave her first speech](#).

'Portfolio Committees': A new title for the General Purpose Standing Committees

On Tuesday the House, on the motion of the Leader of the Government, resolved to rename the six general purpose standing committees to 'Portfolio Committees', in keeping with [recommendations](#) made by the Select Committee on the Legislative Council committee system in November 2016.

Disputed claim of privilege – Greyhound welfare – further order

The [previous edition of House in Review](#) reported that Dr Faruqi (The Greens) had disputed the validity of the claim of privilege over documents received in return to an order for papers regarding greyhound welfare. The documents the subject of the dispute fell into four categories: documents produced to the Special Commission of Inquiry into the Greyhound Industry in NSW (Category A); documents containing private information (Category B); client legal privilege (Category C); and commercial in confidence / regulatory documents (Category D). During the summer recess, the documents had been referred to an Independent Legal Arbitrator under standing order 52, and the arbitrator's report was tabled in the House last sitting week.

This week, the House resolved that those documents determined by the arbitrator to not warrant a claim of privilege be tabled (and thereby made public). However, in accordance with the arbitrator's recommendations, the House ordered that only those documents the subject of Category A, and those found not to warrant

client legal privilege under Category C, be tabled immediately. In regard to the documents found not to warrant a claim of privilege under the remaining two categories of privilege, the House resolved that Greyhound Racing NSW (GRNSW) should redact the documents to omit certain information relating to informants or individuals who, in GRNSW's view, had been the subject of spurious complaints. GRNSW was given a deadline of 14 days to return the redacted documents, which will then be tabled and made public. The original, unredacted documents will remain privileged – that is, available only to members of the Legislative Council.

Government business

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

[Biosecurity Amendment Bill 2017](#)

House of origin: Legislative Council

Debate resumed from 22 February 2017 (see [previous House in Review](#) for an outline of the Minister's speech explaining the purpose of the bill).

The Opposition and the Greens supported the bill but raised concerns that the Government had to introduce amending legislation less than two years after introducing the Biosecurity Bill 2015 and before the regulations implementing the biosecurity framework had been gazetted. The Christian Democratic Party supported the bill, noting that the changes will ensure current market assurance programs may continue and strong governance arrangements are in place.

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

[Sporting Venues Authorities Amendment Bill 2017](#)

House of origin: Legislative Assembly

The bill amends the Sporting Venues Authorities Act 2008 to give the Government full control and governance over Stadium Australia, currently known as ANZ Stadium, under Venues NSW following its return to government ownership in July 2016. Following from this step, the Government will now own and control all major stadia in NSW, including ANZ Stadium, Allianz Stadium, the Sydney Cricket Ground, Western Sydney Stadium at Parramatta, McDonald Jones Stadium in Newcastle, and WIN Stadium in Wollongong.

The Parliamentary Secretary stated that the bill will enable the Government to synergise the stadia network, improve various operational and managerial arrangements and ensure that the rights of members and the current operator of the ANZ Stadium remain intact. The Parliamentary Secretary also noted that the bill consolidates the governance structure of major stadiums with the exception of the Sydney Cricket Ground Trust and Allianz Stadium at Moore Park, which will be governed by a separate entity, to help facilitate network-wide planning and decision making.

The Opposition opposed the bill, as with the exclusion of the Sydney Cricket and Sport Ground Trust it does not establish a single trust for the Sydney stadiums as recommended in the government's stadia strategy implementation report. The Opposition also argued that regional stadiums would have to pay for subsidising debts that have not been budgeted for (though the Government countered that the bill did not affect regional stadia). The Greens did not support the bill. While they acknowledged the Government's intention to consolidate the stadia network, the Greens observed that the new structure of two governance bodies is not consistent with the Government's claim to consolidate the governance for all stadiums. The Greens further stated that, while they did not oppose investment in large sport stadiums, school and community access to sporting fields and green space should also be considered in the government's planning for sporting arrangements.

The CDP supported the bill, arguing that a coordinated management of stadia would maximise government and community outcomes and provide more economic opportunities for the regions. However, the CDP also called for the Government to ensure that regional venues could also grow alongside city venues.

The second reading was agreed to on division (Ayes: 20 / Noes 16). The third reading was agreed to and the bill returned to the Assembly without amendment.

Fines Amendment Bill 2017

House of origin: Legislative Assembly

The bill amends the Fines Act 1996 and the Victims Rights and Support Act 2013 to transfer responsibility for enforcing victims restitution debts to the Commissioner for Fines Administration and the Office of State Revenue. Administration of restitution orders will remain the responsibility of Victims Services within the Department of Justice. The bill also allows the Commissioner to take enforcement action against a fine defaulter without first suspending or cancelling the fine defaulter's drivers licence or vehicle registration, a significant change from the current system.

The Parliamentary Secretary stated that the new arrangements follow a successful trial by the Office of State Revenue of enforcing restitution orders as court fines. Under the previous system, while between 1,500 and 2,000 restitution orders are made each year, requiring payment of around \$20 million, only \$4 million was recovered as Victims Services could only enforce these orders as a judgement debt requiring application to a court. The Parliamentary Secretary stated that during the 12-month trial the Office of State Revenue enforced 1,000 restitution orders worth \$10.55 million and at the conclusion of the trial 70 per cent of the debt was either paid or under active management through an instalment payment arrangement or work and development order. The Parliamentary Secretary also noted that the bill will allow flexibility in the imposition of licence and vehicle registration sanctions, having regard to the circumstances of the offender, acknowledging that in some cases the imposition of RMS sanctions can be counterproductive by restricting an individual's employment or access to services.

The Opposition did not oppose the bill, stating that the new arrangements would capitalise on the expertise of agencies, freeing Victims Services and Support look after victims, while facilitating the Office of State Revenue and Commissioner of Fines Administration to retrieve the restitution debt. However, the Opposition noted that for some individuals the imposition of a garnishee order could coincide with a period of financial crisis, and questioned whether there would be limits on the enforcement measures applied in such cases. The Greens similarly did not oppose the bill, but particularly stressed the ramifications that enforcement of fines can have on vulnerable people, in particular the systemic unfairness experienced by Aboriginal people, for whom the loss of a driver's licence may impact significantly on a small community who rely on one driver. While The Greens supported a new system that would prevent automatic cancellation of a driver licence as a first step, they argued that the bill should provide for additional measures to identify and protect vulnerable people.

The Christian Democratic Party supported the bill, arguing that it will provide a far more efficient system for achieving success when people have been fined but will not pay the fine, particularly given that action can be taken across three different areas – seizure of property, garnishing of wages, or as a charge on the fine defaulter's land.

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

Local Government Amendment (Rates—Merged Council Areas) Bill 2017

House of origin: Legislative Council

In December 2015, the New South Wales Government committed that residents of any new council would pay no more for their rates than they would have under their old council for four years. The same year, the former Premier asked the Independent Pricing and Regulatory Tribunal (IPART) how best to implement this commitment. The bill implements IPART's recommendations by amending the Local Government Act to provide the Minister for Local Government with an instrument-making power to require a council to maintain the rate path that applied to its former council area. While the instrument that first implemented the Government's new amalgamated Council structure applied this rate path protection for the first year of operation, this bill will implement the rate path protection commitment for the remaining three year period.

Speaking in support of the bill, the Parliamentary Secretary argued that without these amendments, the Local Government Act would require councils to harmonise their rates across former council areas, likely leading to increased rates for many people, particularly those in regional areas where rates can vary by over \$500 per year. The Parliamentary Secretary noted that the bill will have no impact on councils that are not merged or were not the subject of merger proposals.

According to standing order, at the conclusion of the Parliamentary Secretary's second reading speech, debate was adjourned for five calendar days.

Budget Estimates 2016-2017 – Take Note

Debate resumed from the 17 November 2016. Members highlighted the Government's achievements in moving from significant debt to a \$57 million surplus in 2016. Mr Mallard (Liberal Party) highlighted infrastructure development projects currently underway around the state, particularly those for new train and light rail services that will reduce congestion, and the Leader of the Government spoke to the extensive construction works undertaken in recent years in the parliamentary precinct. The Leader of the Government noted that the works have assisted to provide a safe working space for employees, improved food hygiene, new storage for valuable records, new meeting and training spaces, new office space and significant improvements to the visitor experience.

Debate on the motion was interrupted by resolution of the House for the first speech of Ms Dawn Walker.

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

Crimes Amendment (Zoe's Law) Bill 2017 (Revd Mr Nile, Christian Democratic Party)

The bill amends the Crimes Act 1900 by establishing a separate offence for conduct causing serious harm to or the destruction of a child in utero, and extending the offence of dangerous driving causing death or grievous bodily harm to dangerous driving causing the destruction of, or serious harm to, a child in utero.

Revd Mr Nile stated that the reference to 'Zoe' in the title of the bill refers to a still born child that died in 2009 as a result of injuries sustained by her pregnant mother who was run down by a drug-affected driver. Pursuant to the Crimes Act 1900, the driver was charged with inflicting grievous bodily harm on the mother, but was not charged with the death of the child in utero as she was not legally regarded as a person. Revd Mr Nile acknowledged that a number of parents had experienced the death of a child in similar circumstances, and stated that the bill's purpose is to provide an appropriate response to incidents

such as this as the law currently fails to provide justice to mothers due to a failure to adequately acknowledge the loss directly.

According to standing order, at the conclusion of the mover's second reading speech debate was adjourned for 5 calendar days.

Mining Amendment (Climate Protection—No New Coal Mines) Bill 2016 (Mr Buckingham, The Greens)

Debate resumed from 20 October 2016 (see previous House in Review for mover's second reading speech).

The Government opposed the bill, arguing that it would have a negative impact on the economy, regional communities and hardworking families across NSW. The Leader of the Government stated that by shutting down the coal industry, the bill would lead to the loss of potentially tens of thousands of jobs, jeopardise local economies in parts of regional NSW, turn away new investment and deprive households and businesses of an affordable and reliable energy supply.

Debate on the bill was interrupted according to sessional order.

Motions

Safer Pathway Program (Mr MacDonald, Liberal Party)

Debate resumed from Thursday 2 March 2017 (see [previous House in Review](#) for the mover's speech in support of the motion).

Members of the Government and Christian Democratic Party continued to speak in support of the motion, acknowledging work that is being undertaken across the state to combat domestic violence. Members observed that the systems recently introduced have sought to hold perpetrators to account and intervene to ensure there is a change in behaviour, while still ensuring that victims are supported both during an incidence and later during their process of recovery. Members acknowledged the important role that multi-agency meetings have had in facilitating coordinated responses from government agencies and ensuring that victims no longer need to repeat their story multiple times; and in catering to individual circumstances, rather than applying a uniform one-size-fits-all response to incidents.

The motion was agreed to unanimously.

Parramatta War Memorial Pool (Ms Voltz, Australian Labor Party)

The motion indicated that the demolition of Parramatta War Memorial Pool had been approved without public consultation or a plan to fund a replacement pool, and that demolition will proceed in March 2017, leaving the residents of Parramatta without a pool. The motion requested that the House call on the Premier to immediately fund a replacement pool and remove the Minister for Sport for failing to advise the public of the intention to demolish the pool.

In speaking to the motion, Ms Voltz stated that government ministers had on several occasions reassured residents that the pool would not be demolished and that the decision to demolish a pool would be made by an elected council. However, the demolition was subsequently approved by the Government to accommodate the new Parramatta Stadium. Ms Voltz noted the decision had been made without informing the public, councillors or Member for Parramatta. While Ms Voltz did not oppose the construction of a new stadium, she was strongly critical of the approval process for the demolition of the pool.

The Greens supported the motion, arguing that the pool could have been preserved had the Government attempted to incorporate the pool into its stadium plans. The Greens noted that a set of alternative plans has since been put forward, however the Government has refused to consider the plans and insisted on implementing its original proposal. The Greens stated that the Memorandum of Mutual Understanding signed between the City of Parramatta and the Parramatta Park Land Trust to relocate the pool to the

Mays Hill precinct neglects the needs of the people in Parramatta and fails to protect the land which was supposed to be guarded by the Trust as an independent statutory body.

The SFF also supported the motion, arguing that the Government could have worked harder to retain or replace the pool.

The Government opposed the motion, arguing that infrastructure in Parramatta needs renewal and that the new Parramatta Stadium will provide contemporary facilities and safety standards for the public. The Government argued that the demolition of the 50-year-old War Memorial Park is fundamental to the expansion of the new Parramatta Stadium and stated that the Government did inform the public of the demolition once it had decided to pursue that option. Government speakers also pointed to the number of alternative swimming pools within a ten kilometre radius of Parramatta.

The motion was negated on division (Ayes: 17/Noes: 20), the CDP voting with the Government to defeat the motion.

Motions taken as formal business

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

- (1) Mr Steve Posselt (Mr Field).
- (2) National Family Drug Support Day (Dr Faruqi).
- (3) Celebration of the Festival of Lights in Martin Place (Mr Clarke).
- (4) Lights of Christmas Presentation 2016 (Mr Clarke).
- (5) Pakistan Minority Alliance Australia (Mr Clarke).
- (6) 2017 Annual Conference of the Western Division Councils of NSW (Mr Primrose).
- (7) 25th Anniversary of Independence of the Republic of Kazakhstan Reception (Mr Clarke).
- (8) 83rd birthday of the Emperor of Japan (Mr Clarke).
- (9) Oberon Community (Mr Shoebridge).
- (10) 2016 White Ribbon Day (Mr Moselmane).
- (11) Pakistan Resolution Day (Mr Moselmane).
- (12) Mr Tony Kazzi OAM (Mr Moselmane).
- (13) Riverstone Meatworks Wetlands (Dr Faruqi).
- (14) Police Medals and Awards Presentation Ceremony (Mr Clarke).
- (15) Women in Local Government Awards (Mr Primrose).
- (16) Katoomba RSL Club (Mr Mallard).
- (17) Rape and Domestic Violence Service Australia (Mr Moselmane).
- (18) 2016 National Day of Bosnia-Herzegovina (Mr Clarke).
- (19) 2016 Jewish House Crisis Centre fundraising dinner (Mr Clarke).
- (20) Annual feast day of St Michael the Archangel (Mr Clarke).
- (21) 2016 Polish Christmas Festival (Mr Clarke).

Petitions received

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| (1) Compulsory Acquisition of Hurstville Baptist Church – 49 signatures (presented Mr Green). | (2) Relocation of Fairfield Ambulance Station – 1,403 (presented by Mr Green). |
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Committee activities

Legislation Review Committee: 'Legislation Review Digest No. 32/56', dated 7 March 2017.

Standing Committee on Law and Justice: 'First review of the workers compensation scheme', dated March 2017.

Committee membership

Portfolio Committee No. 2 – Health and Community Services: Ms Dawn Walker MLC replaced Dr Mehreen Faruqi MLC.

Portfolio Committee No. 5 – Industry and Transport: Dr Mehreen Faruqi MLC replaced Mr Jeremy Buckingham MLC.

Portfolio Committee No. 6 – Planning and Environment: Mr Jeremy Buckingham MLC replaced Mr David Shoebridge MLC.

Inquiry activities

Select Committee on Off-Protocol Chemotherapy in New South Wales

The committee has received 112 submissions and conducted five hearings to date. A further hearing is scheduled for 31 March and the committee will report by 19 May 2017.

Select Committee on Human Trafficking

The committee has received 26 submissions to date and held its first hearing on 6 March 2017. The next hearing will be held on 28 March 2017 to take evidence from the Commissioner of Police.

Portfolio Committee No. 2 – Health and Community Services

Inquiry into child protection

The report is currently being drafted and is expected to be tabled later in March 2017.

Inquiry into road tolling

Submissions to the inquiry have now closed. The committee intends to hold several public hearings over the coming months.

Portfolio Committee No. 3 – Education

Inquiry into students with disability or special needs in New South Wales schools

The committee has received 170 submissions to date and will hold its first public hearing on 27 March 2017. Additional hearings will take place in April and May 2017.

Portfolio Committee No. 4 – Legal Affairs

Inquiry into museums and galleries

The committee has received 173 submissions and held six public hearings to date. The committee has extended its reporting date to 30 April 2017.

Portfolio Committee No. 5 – Industry and Transport

Inquiry into water augmentation for rural and regional New South Wales

The committee has received over 100 submissions, and held site visits and hearings in Deniliquin and Griffith on 27 February to 1 March 2017. Additional hearings will take place in May and June 2017.

Reports tabled

Ombudsman: Oversight of the Public Interest Disclosures Act 1994 Annual Report 2015-2016, February 2017.

Adjournment debate

Tuesday 7 March 2017

National Home Doctor Service (Mr Secord); Public health (Dr Phelps); Climate change (Mr Field); Western New South Wales (Mr Colless); Young worker exploitation (Mr Searle); Euthanasia (Revd Mr Nile).

Wednesday 8 March 2017

Penalty rates (Mr Primrose); Rewilding (Mr Pearson); Shale oil and gas (Mr MacDonald); Penalty Rates (Mr Graham); Gun control (Mr Shoebridge); Motor cycle safety awareness (Mr Amato).

Thursday 9 March 2017

Native forests (Ms Walker); Badgerys Creek Airport (Mr Mallard); Early childhood educators (Ms Sharpe); National Firearms Agreement (Mr Borsak); Moree Solar Farm (Mr Franklin); Palliative care (Mr Donnelly).

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 be 'DB', written in a cursive style.

David Blunt
Clerk of the Parliaments