

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW

Volume 56/53

*Sitting period
10 to 12 April 2018*



The *House in Review* provides regular updates of the activities of the New South Wales Legislative Council. Further information is available via the NSW Parliament website www.parliament.nsw.gov.au

Information on all bills can be accessed [here](#). House papers, Hansard, tabled documents and questions and answers for each sitting day are accessible [here](#).

Overview

Orders for papers were a significant issue for the House this week. On Tuesday, the Clerk tabled a return to order relating to Sydney stadiums (discussed in the last edition). On Thursday, the House voted to prioritise consideration of a private members' motion to order the production of papers relating to the business case for the relocation of the Powerhouse Museum. This was the only item of private members' business debated that day. Debate on the motion continued for several hours and three amendments were moved before the order for papers was finally agreed to, as amended.

In addition, two government bills were introduced into the Council and a further two government bills agreed to without amendment. A motion was also moved but negated that a matter of public importance be debated forthwith.

Return to Order—Sydney stadiums

On Thursday 5 and Friday 6 April 2018, documents were received from the Secretary and Deputy Secretary of the Department of Premier and Cabinet relating to an order for papers regarding Sydney Stadiums made by the House on Thursday 15 March 2018 (see [House in Review 56/52](#)).

On Wednesday 11 April, a second additional return was received from the Secretary of the Department of Premier and Cabinet relating to the order for papers regarding Sydney Stadiums made by the House on Thursday 15 March 2018 (see [House in Review 56/52](#)). The Department of Premier and Cabinet also provided an updated index to documents received on Thursday 5 April 2018.

The full indexes to documents received in each return can be accessed via the website:

- [Return to Order received Thursday 5 April 2018](#)
- [Return to Order received Friday 6 April 2018](#)
- [Return to Order received Wednesday 11 April 2018](#)

Government business

[Smoke-free Environment Amendment Bill 2018](#)

House of origin: Legislative Assembly

The bill amends the Smoke-free Environment Act 2000 and the Public Health (Tobacco) Act 2008 to prohibit the use of e-cigarettes and heat-not-burn tobacco products in existing smoke-free areas where tobacco smoking is currently prohibited. The bill also requires e-cigarette retailers to notify the Secretary of the Ministry of Health of their e-cigarette business.

The House received the bill from the Assembly and read it a first time at the beginning of proceedings on Wednesday. Debate on the second reading took place later that day. The Parliamentary Secretary (Mr MacDonald) and members of the Opposition, Christian Democratic Party, Government, and The Greens spoke to the bill. See [Hansard](#) to follow the debate. During the second reading debate, Ms Walker moved that the bill be referred to Portfolio Committee No. 2—Health and Community Services for inquiry and report. The proposal was negatived on the voices and the second reading was agreed to.

In the committee stage an amendment was moved by a Government member, Dr Phelps, in his capacity as a private member, which sought to amend the exemption relating to the type of retail premises in which vaping is permitted, to allow consumers to vape in tobacconists, in order to try e-cigarette products before purchase. The amendment was not supported by the House.

The third reading of the bill was agreed to on the voices and the bill was returned to the Legislative Assembly without amendment.

[Child Protection \(Working with Children\) Amendment \(Statutory Review\) Bill](#)

House of origin: Legislative Council

The bill amends the *Child Protection (Working with Children) Act 2012* (the Act) to make further provision for checks and clearances for the purposes of working with children. The amendments include changes to the definition of child-related work so that direct contact with children must be a usual part of the work, a requirement for parent volunteers on overnight camps to have a working with children check clearance, and to permit penalty notices to be issued for offences under the Act.

On Tuesday the second reading debate on the bill resumed from Wednesday 14 March 2018. See Hansard for the [second reading speech](#) of the Parliamentary Secretary. Members of the Opposition, Government, Christian Democratic Party and The Greens spoke to the bill. See [Hansard](#) for details of the debate.

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

[Coal Industry Amendment Bill](#)

House of origin: Legislative Council

The bill extends the application of the Coal Industry Act 2001 with respect to workers compensation to all workers employed in or about a coal mine.

Employers in the coal industry are required to obtain workers compensation insurance from an approved workers compensation company. Currently that requirement only applies to employers directly engaged in the coal industry and not to employers who are engaged in another industry and merely provide services to the coal industry. The bill requires all employers whose employees work in or about a coal mine to obtain workers compensation insurance from an approved workers compensation company.

The Minister for Resources, Mr Harwin, introduced the bill and gave his second reading speech on Wednesday 11 April (see Hansard for a transcript of the speech). At the conclusion of the Minister's speech debate was adjourned for five calendar days.

[Farm Debt Mediation Amendment Bill 2018](#)

House of origin: Legislative Council

The bill amends the Farm Debt Mediation Act 1994 to clarify and extend certain definitions and provisions of the principal Act and make further provisions relating to the mediation required before action may be taken to enforce the mortgage securing the debt. Additionally, the bill introduces further provisions concerning the process for mediation, mediator accreditation and the processes and powers of the Rural Assistance Authority.

The Minister for Primary Industries, Mr Blair, introduced the bill and gave his second reading speech on Wednesday. See [Hansard](#) for details of his speech. At the conclusion of the Minister's speech debate was adjourned for five calendar days.

Matter of public importance – private native forestry

On Wednesday 11 April, Ms Walker (The Greens) moved according to notice that the House discuss the matter of private native forestry and its effect on the environment. Ms Walker and the Parliamentary Secretary for Natural Resources (Mr Colless) then made statements as to whether the matter should be discussed forthwith.

Speaking in support of her motion, Ms Walker said it was prompted by the fact that the responsibility for regulation of private native forestry had recently been taken away from the Environment Protection Authority and placed with Local Land Services, a move which she argued was symptomatic of the Government's downgrading of environmental protection.

The Parliamentary Secretary stated that land management, consistent with the principles of ecologically sustainable development, was a priority for the Government and that is why it had commissioned an independent review of biodiversity legislation. Mr Colless argued that Local Land Services was the appropriate body to oversight management of private native forestry and that the Government was providing the Local Land Services with extra resources to undertake this role effectively.

The Greens, the Opposition and the Animal Justice Party supported the motion being discussed by the House, however the motion was opposed by the Government and the Christian Democratic Party and was negatived on division (16:19).

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.

Order for papers – business case for the relocation of the Powerhouse Museum (Mr Shoebridge, The Greens)

The motion called on the House to order the production within seven days of the preliminary and final or current versions of the business case for the relocation of the Powerhouse Museum from Ultimo to Parramatta.

The Leader of the Government, Mr Harwin, stated that in February 2015, the Government announced that a business case examining the proposal to relocate the museum would be prepared. A preliminary business case was submitted towards the end of 2016, following which a decision was made by the Government on a relocation site and to proceed to the preparation of an extended final business case that would also look at the possibility of retaining cultural space at Ultimo. The extended final business case was received in December 2017. The Government stated that it would release a summary of the business case upon which the decision whether or not to relocate the Museum was based within ninety days of the decision being made.

Speaking in support of the motion, Mr Shoebridge argued that the Government needed to produce the business case for public scrutiny prior to committing to the expenditure of up to \$1.5 billion of taxpayers' money. Mr Shoebridge noted that the Portfolio Committee No. 4 inquiry into museums and galleries had repeatedly called for the production of the business case but that these calls had been denied. The Government opposed the motion, on the grounds that the extended final business case was currently subject to review by central government agencies prior to final consideration by Cabinet and that, in its view, to release the documents called for would breach the principle of Cabinet confidentiality. For full

details of the debate see Hansard, debate commenced on [Thursday morning](#) and [continued after Questions](#).

Mr Shoebridge's motion was supported by the other members of The Greens, the Opposition, the Shooters, Fishers and Farmers Party, the Animal Justice Party and by one Government member (Mr Mason-Cox). During the debate three amendments were proposed. The Government sought to have the document return date increased from seven to 21 days and to restrict the order to the preliminary business case only. The Animal Justice Party proposed that the documents be returned within 14 days and that the order be confined to the preliminary and final business case.

The House agreed to the Animal Justice Party amendments, and the motion as amended was then agreed to on division (19:18). The documents are due by close of business on Thursday 26 April 2016.

Committee activities

Committee references

Public Works Committee: The committee self-referred an inquiry into the Sydney stadiums strategy.

Public Works Committee: The committee self-referred an inquiry into the scrutiny of public works in New South Wales.

Regulation Committee: The House referred an inquiry into the impact and implementation of the Environmental Planning and Assessment Amendment (Snowy 2.0 and Transmission Project) Order 2018.

Committee reports tabled

Legislation Review Committee: 'Legislation Review Digest No. 52/56', dated 10 April 2018.

Selection of Bills Committee: 'Report No. 4 of the Selection of Bills Committee', dated 10 April 2018.

Portfolio Committee No. 6 – Planning and Environment: Report No. 7 entitled 'Energy from waste technology', dated March 2018.

Portfolio Committee No. 1 – Premier and Finance: Report No. 46 entitled 'Alcoholic Beverages Advertising Prohibition Bill 2015', dated March 2018.

Committee report debated

Portfolio Committee No. 2 – Health and Community Services: The House concluded the take-note debate on Report No. 47 entitled 'Road Tolling in New South Wales', dated October 2017.

Government responses

Portfolio Committee No. 2 – Health and Community Services: The House received a response to Report No. 47 entitled 'Road Tolling in New South Wales', tabled 20 October 2017.

Portfolio Committee No. 3 – Education: The House received a response to Report No. 37 entitled 'Education of students with a disability or special needs in New South Wales', tabled 21 September 2017.

Inquiry activities

Select Committee on Electricity Supply, Demand and Prices in New South Wales

The committee has received more than 240 submissions to date and held three public hearings. Further hearings will be held on 8 May and 18 June. The committee proposes to undertake a number of site visits in May and June 2018.

Standing Committee on State Development

Inquiry into regional development and a global Sydney

The committee held a roundtable discussion on 27 March with key stakeholders. The committee expects to report in June 2018.

Defence industry in New South Wales

The committee held a roundtable discussion on 4 April with key stakeholders. The committee expects to report in June 2018.

Standing Committee on Law and Justice

Inquiry into the adequacy and scope of special care offences
The closing date for submissions is 30 May 2018.

Portfolio Committee No. 2 – Health and Community Services

The provision of drug rehabilitation services in regional, rural and remote New South Wales.

The committee held hearings in Nowra and Batemans Bay on 5 and 6 April. Further hearings will take place in May and June, commencing with hearings in Dubbo and Broken Hill on 9 and 10 May.

Portfolio Committee No. 4 – Legal Affairs

Inquiry into museums and galleries

The committee will hold an additional two hearings on 28 May and 1 June 2018.

Emergency services agencies

The committee has received over 190 submissions and conducted eight hearings to date. The committee is currently drafting its final report.

Fire and emergency services levy

The committee has received 24 submissions and will commence hearings in August 2018.

Inquiry into Parklea Correctional Centre and other operational issues

The committee has received 35 submissions and will commence hearings and site visits in May 2018.

Portfolio Committee No. 5 – Industry and Transport

Inquiry into water augmentation for rural and regional New South Wales

The committee has received 118 submissions and held 11 hearings in Sydney and regional areas. The committee will report in May 2018.

Inquiry into the Windsor Bridge replacement project

Public hearings will be held in April and May 2018. The committee is expected to report in June 2018.

Review of the commercial fishing inquiry recommendations

The committee received an update on the progress of the reforms by the Minister for Primary Industries and expects to report later in the year.

Portfolio Committee No. 6 – Planning and Environment

Inquiry into the music and arts economy in New South Wales

The committee has received over 400 submissions to date and held its first hearing on 26 March 2018. The committee anticipates holding further hearings and site visits in the coming months.

Select Committee on the State Senate Bill 2015

The closing date for submissions is 22 April 2018 and the committee will conduct a hearing in May.

Privileges Committee

Inquiry into procedural fairness for inquiry participants

The committee has published a discussion paper and received 10 submissions.

Review of Members' Code of Conduct

The committee is required to review the Code of Conduct for Members every four years. The committee is considering next steps for the conduct of the inquiry.

Adjournment debate

Tuesday 10 April 2018

Operation Acacia and Nucoal (Dr Phelps); Public Libraries (Mr Secord); Taxation (Mr Shoebridge); Japanese Icebreaker Shirase (Mr Khan); State Infrastructure (Mr Mookhey); Tweed Water Table / Youth Unemployment (Ms Walker).

Wednesday 11 April 2018

Public Libraries (Mr Primrose); Evian Conference (Revd Mr Nile); Shipbuilding Industry (Mr Amato); United Services Union Annual Picnic Day / Light Rail Services (Mrs Houssos); Christian Democratic Party (Mr Green); Newborn and Paediatric Emergency Transport Service (Mr Fang).

Thursday 12 April 2018

Greyhound Racing Industry (Dr Faruqi); The Basement Music Venue Closure (Mr Graham); Blue Mountains City Council Asbestos Contamination (Mr Mallard); Cadia Valley Mine (Mr Buckingham); Youth Health Framework (Mrs Taylor); Industrial Relations Enterprise Agreements (Mr Donnelly).

Feedback on *House in Review*

We welcome any comments you might have on this publication or any suggestions for improvement.

Please contact us at:

lc.procedure@parliament.nsw.gov.au

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

David Blunt
Clerk of the Parliaments

