

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## *HOUSE IN REVIEW*



*Volume 55/27*

*Sitting period  
29 to 31 May 2012*

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

### Overview

This sitting week was dominated by two significant items of business. The first was the passage of the Government's Electricity Generator Assets (Authorised Transactions) Bill 2012 which authorises and facilitates the sale of the State's electricity generator assets to the private sector. The House sat late on Wednesday night to pass the bill.

The second was the House's conclusion on Thursday of debate on a motion in support of marriage equality. As many members wanted to contribute to the debate, the House agreed to extend the time for debate until all members who wished to speak had made a contribution. After debate of five hours over two days, the motion, as amended, was agreed to.

### Death of former member

The President reported to the House the death, on 28 May 2012, of the Hon Richard Weir Killen, a member of the House from 1981 to 1991. 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 of the House stood as a mark of respect.

### Government business

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

#### **Electricity Generator Assets (Authorised Transactions) Bill 2012**

The bill originated in the Legislative Assembly.

*Summary:* The bill authorises and facilitates the sale of the State's electricity generator assets to the private sector. It also authorises the transfer of employees of the electricity generators to other public sector agencies for the purposes of the sale. The bill requires that the proceeds of any sale, after deductions for debt repayments and payments of expenses, be paid into the Restart NSW Fund.

*Proceedings:* The bill was received from the Legislative Assembly on 14 March 2012 and read a first time.

Debate on the second reading of the bill commenced on 30 May 2012, with the Minister (Mr Pearce) incorporating his speech into Hansard. The Minister's second reading speech stated that the bill implements the Government's response to the Special Commission of Inquiry into Electricity Transmission conducted by the Hon Brian Tamberlain, QC. The Speech stated that the sale of the assets would provide funds for infrastructure, see more competition in energy markets, encourage private sector investment in generation and help put downward pressure on power prices. The Minister's speech also noted that the bill provides flexibility in the transaction structure that will apply to the sale, and that any staff transferred as a result of the sale will maintain continuity of service, superannuation arrangements and their current industrial conditions.

The Shooters and Fishers and the Christian Democratic Party indicated they would not oppose the bill on the condition that foreshadowed amendments, to guarantee transferred workers' conditions of employment, were agreed to in the committee stage.

The Opposition opposed the bill on the grounds that it was State Labor Party policy to support public ownership of electricity generation, distribution and transmission services. The Opposition questioned the economic validity of the sale, arguing that the proceeds of the sale will equate to only around six year's worth of the income currently generated by the assets.

The Greens also opposed the bill, arguing that the sale would inevitably lead to higher costs for consumers. The Greens similarly noted the loss of the guaranteed revenue stream to the State that would result from the sale.

Both the Opposition and the Greens also argued that the Government did not have an electoral mandate to proceed with privatisation, and criticised the Government for agreeing to allow shooting in certain national parks in order to garner the support of the Shooters and Fishers Party for the bill.

The second reading was agreed to (Division 20:17).

In the committee stage, the Greens sought to ensure the Government could not sell any generator assets without also including all of their associated liabilities. However, the amendment only attracted the support of the

Opposition and was negatived (Division 17:20). The Shooters and Fishers Party successfully moved two amendments implementing employment guarantee conditions and transfer payments for employees affected by any asset sale.

The bill was reported to the House with amendments, read a third time (Division 20:17) and returned to the Assembly. The Assembly agreed to the amended bill.

### **Public Sector Employment and Management Amendment (Procurement of Goods and Services) Bill 2012**

The bill originated in the Legislative Council.

*Summary:* The bill amends the *Public Sector Employment and Management Act 2002* to establish a new scheme for the procurement of goods and services by and for government agencies. The bill abolishes the State Contracts Control Board and establishes the NSW Procurement Board to oversee procurement across all government agencies.

*Proceedings:* Debate on the second reading of the bill resumed on 29 May 2012 (see previous edition of *House in Review* for earlier debate of 23 May 2012).

Members of the Government and the Christian Democratic Party supported the bill. While the Opposition and the Greens did not oppose the bill, each expressed some concerns, including that the bill did not promote small business access to government procurement, particularly in regional and country areas, and did not make a commitment to ethical purchasing. The second reading was agreed to.

In the committee stage, which was conducted the following day, amendments moved by the Opposition and the Greens were not supported.

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

### **Motor Accidents and Lifetime Care and Support Schemes Legislation Amendment Bill 2012**

The bill originated in the Legislative Council.

*Summary:* The bill amends the *Motor Accidents (Lifetime Care and Support) Act 2006* and the *Motor Accidents Compensation Act 1999* to clarify the operation of the Lifetime Care and Support Scheme to ensure that the Lifetime Care and Support Authority is obliged to only pay for assessed treatment and care needs. The bill also makes it clear that participation in the Scheme abolishes a participant's right to claim additional damages for economic loss.

*Proceedings:* The bill was introduced on 30 May 2012, read a first time and printed. In his second reading speech, the Minister (Mr Pearce) indicated that the purpose of the bill is to rectify an ambiguity in the legislation found in the decision of Justice Garling in the matter of *Thiering v Daly* [2011]. The bill will ensure that compulsory third party insurers will not be required to pay damages to participants in the Lifetime Care and Support Scheme in addition to the levy collected for the specific purpose of

meeting all the reasonable expenses of a participant's assessed treatment and care needs.

Debate was adjourned for five calendar days.

### **Health Services Amendment (National Health Reform Agreement) Bill 2012**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Health Services Act 1997* to make provision for the funding of health services in accordance with the National Health Reform Agreement that was agreed to by COAG on 2 August 2011. The bill contains common provisions to be enacted by the Commonwealth, States and Territories.

*Proceedings:* The bill was received from the Legislative Assembly on 30 May 2012, read a first time and printed. The second reading was set down for a later hour of the sitting.

### **National Energy Retail Law (Adoption) Bill 2012 and Energy Legislation Amendment (National Energy Retail Law) Bill 2012 (cognate)**

The bills originated in the Legislative Assembly.

*Summary:* In 2004 the Commonwealth, State and Territory governments (excluding Western Australia and the Northern Territory) entered into the Australian Energy Market Agreement. This agreement underpins the national energy market.

The National Energy Retail Law (Adoption) Bill 2012 applies the National Energy Retail Law in NSW. It establishes a national energy customer framework for the regulation of the retail supply of electricity and gas to customers. The cognate Energy Legislation Amendment (National Energy Retail Law) Bill amends various Acts as a consequence of the enactment of the National Energy Retail Law (Adoption) Act 2012.

*Proceedings:* The bills were received from the Legislative Assembly on 30 May 2012, read a first time and printed. The second reading was set down for the next sitting day.

#### **Messages from the Assembly**

**Firearms Amendment (Ammunition Control) Bill 2012:** On 29 May 2012 the Assembly advised it had agreed to the bill which it was returning without amendment.

**Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011:** On 30 May 2012 the Assembly advised it had agreed to the bill which it was returning without amendment.

#### **Private members' business**

**Note:** Private members' business is business 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.

## Motions

### **Marriage Equality (Ms Faehrmann, The Greens)**

*Summary:* The motion called on the House to support marriage equality and on the Parliament of the Commonwealth of Australia to amend the Commonwealth *Marriage Act 1961* to provide for marriage equality.

*Proceedings:* Debate on the motion resumed on 31 May 2012 (see previous edition of *House in Review* earlier debate of 24 May 2012). The House, on the motion of Ms Faehrmann, agreed to extend the time for debate until all members who wished to speak on the motion had had an opportunity to do so.

Debate continued to be marked by the heartfelt contributions of members from all sides of the House. A number of members referred to the volume of approaches they had received from the public urging either support or opposition to the motion. Thirty members spoke to the motion over two days.

On 24 May 2012, Mr Khan and Revd Mr Nile had moved amendments to the motion. Mr Khan's amendment included a call for any amendment to the *Marriage Act 1961* to ensure that religious institutions are not forced to solemnise marriages if they do not wish to and Revd Mr Nile's amendment sought to note a ruling of the European Court of Human Rights that denial of a same-sex marriage is not an instance of discrimination.

This week, Mr Donnelly moved that the motion be substantially amended by omitting all the words calling for marriage equality and instead inserting an acceptance of the right of every person to be treated with dignity and respect and an acknowledgement of the traditional understanding of the institution of marriage.

The amendment of Mr Donnelly was negatived (Division 26:13). The amendment of Revd Mr Nile was negatived (Division 24:14). The amendment of Mr Khan was agreed to.

The motion, as amended, was agreed to (Division 22:16).

### **Committee on the Office of the Ombudsman and the Police Integrity Commission – Inquiry reference (Mr Shoebridge, The Greens)**

*Summary:* The motion, as amended, called on the House to refer to the Committee an inquiry into the appropriateness and management of the human resources of the Inspector of the Police Integrity Commission (PIC) and of the PIC itself. In accordance with section 95 of the *Police Integrity Commission Act 1996*, the motion called on the House to request that the Legislative Assembly pass a similar resolution.

*Proceedings:* Standing orders were suspended to bring on the motion. Mr Shoebridge, by leave, amended the motion to omit sections relating to identified shortcomings in PIC investigations and reports. The motion was agreed to without debate, and a message sent to the Assembly.

## Motions taken as formal business

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

- (1) Facioscapulohumeral Dystrophy Global Research Foundation (Ms Ficarra)
- (2) NSW Weightlifting Association (Ms Ficarra)
- (3) Mrs Helen Zerefos OAM (Ms Ficarra)
- (4) National Volunteer Week (Ms Ficarra)
- (5) Sydney Employment Development Service (Ms Ficarra)
- (6) Italian National Day (Ms Ficarra).

## Petitions received

- (1) Support for scripture classes – 61 signatures (presented Revd Mr Nile)
- (2) Unsupervised hunting – 106 signatures (presented Mr Shoebridge); 118 signatures (presented Mr Shoebridge); 176 signatures (presented Mr Shoebridge).

## Report tabled

**Auditor General:** Financial Audit report Volume Two 2012, focusing on Universities, 30 May 2012.

## 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*

**Standing Committee on State Development:** The Chair (Mr Colless) informed the House that on 28 May 2012, the Committee resolved to inquire into the adequacy of water storages in NSW. The inquiry was referred to the Committee by the Minister for Primary Industries, the Hon Katrina Hodgkinson MP.

### *Committee reports tabled*

**Legislation Review Committee:** Legislation Review Digest No. 18 of 2012, dated 29 May 2012.

**General Purpose Standing Committee No 2:** Report No 38 entitled '*Education Amendment (Ethics Classes Repeal) Bill 2011*', dated 30 May 2012. The Chair (Ms Ficarra) moved that the House take note of the report, with the debate adjourned until the next sitting day.

**Standing Committee on State Development:** Report No. 36 entitled '*Economic and social development in central western New South Wales*', dated 31 May 2012. The Chair (Mr Colless) moved that the House take note of the report, with the debate adjourned until the next sitting day.

**Joint Standing Committee on the Health Care Complaints Commission:** Report 1/55 of the Committee on the Health Care Complaints Commission entitled *'Review of the 2009-2010 and 2010-2011 Annual Reports of the Health Care Complaints Commission'*, dated May 2012.

*Committee reports debated*

**Standing Committee on Social Issues:** The House continued the take-note debate on Report No. 45 entitled *'Transition support for students with additional or complex needs and their families'*, dated 6 March 2012. The Chair (Mr Blair) continued his contribution by highlighting the importance of communication and coordination and transfer of information across the range of services responsible for transitions. Mr Blair made particular reference to the Committee's recommendations that transition planning should commence well in advance to give students and their families as much time as possible to prepare for and adjust to the transition.

Mrs Maclaren-Jones also highlighted the need for enhanced coordination of agencies involved in transition and raised problems faced by students with an 'invisible disability' – those who do not qualify disability criteria that prevent many students from qualifying for services.

Dr Kaye complimented the Committee for undertaking the inquiry and the report's recommendations. He noted the complexity for parents attempting to find out information about transitions, and the Committee's recommendation about creating a central access point for parents.

Mr Mason-Cox spoke of his own experience as a parent of a child with additional needs, visiting schools to try and find an appropriate level of support for his child starting school. He agreed with the Committee's recommendations creating a central online access point for information on transition support. As with other members who spoke, Mr Ajaka supported the recommendations aimed at enhancing access to information, coordination and consistency of decision making time frames. On the motion of Mr Ajaka, the debate was adjourned until the next sitting day.

**Joint Standing Committee on Road Safety (Staysafe):** The House continued the take-note debate on Report No. 1/55 entitled *'Inquiry into School Zone Safety'* dated March 2012. The Deputy Chair (Mr Colless) raised the positive impact on vehicle speed and injury rates achieved by installation of flashing lights in school safety zones, and penalties for speeding in school safety zones where lights have been installed, and referred to the Committee's recommendation that revenue from such fines should be redirected to installing additional lights in other school precincts.

Mr Secord also discussed concerns raised during the inquiry about the lack of standardised school safety zone operating hours, and the Committee's recommendation to install flashing lights at all school safety zones across the State.

In his contribution to the debate, Mr Ajaka canvassed a number of the Committee's recommendations, and reiterated the support of other members for the

installation of flashing lights in all school safety zones, and further examination of options for pedestrian fencing and pedestrian bridges. The debate was interrupted.

## **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.

### **Select Committee on the NSW workers compensation scheme**

The Joint Select Committee on the NSW Workers Compensation Scheme has completed three days of hearings, with over 70 witnesses appearing before the Committee.

Throughout the second day of hearings on 25 May the Committee heard evidence from various unions, including Unions NSW, the CFMEU and the NSW Nurses' Association, that the proposed reforms would have a significant detrimental impact upon injured workers and would not address the underlying causes of the Scheme's financial deficit, including the performance of WorkCover and Scheme agents. The Committee also heard evidence from representatives of the Insurance Council of Australia, who suggested that the Scheme is in need of reform to address the underlying causal factors which, it submitted, relate to the legislation and its implementation.

On the hearing day on 28 May, the Committee heard from a number of organisations representing medical, insurance and employer organisations, who gave evidence of their experience with the Scheme; as well as from the Police Association of NSW. Finally, the Committee heard evidence from a number of individuals who had been injured at work, and whose stories of contact with the Scheme provided a 'grass roots' perspective of the impact of the Scheme's operation, and an insight into how the reform options set out in the Issues Paper released by the Minister for Finance and Services may affect people who are injured at work.

The Committee will deliver its final report on 13 June 2012.

### **General Purpose Standing Committee No 2**

The Committee tabled its report entitled *'Education Amendment (Ethics Classes Repeal) Bill 2011'* on Wednesday 30 May.

In total, there were 14 recommendations that aim to improve the implementation and delivery of ethics classes as well as special religious education (SRE) classes in government schools. Primarily, the report recommended that ethics classes continue in NSW government primary schools.

Other recommendations relate to increasing the availability of information for parents including factsheets on SRE and ethics, improving access to the SRE and ethics curriculums, ensuring suitable training of volunteer teachers and the collection of statistics on the

number of students participating in ethics, SRE and for those students who do not attend either to better help inform policy decisions.

The report also recommended a future independent review of both ethics classes and SRE, which should be conducted by appropriately qualified early childhood educational reviewers in 2014-2015, that includes the issues that were raised in the inquiry.

### **Standing Committee on State Development**

The Committee tabled its report entitled *'Economic and social development in central western NSW'* on Thursday 31 May.

The Committee made 30 recommendations to unlock the economic and social development potential of central western NSW. These recommendations include that Transport for NSW give serious consideration to the construction of a dual lane expressway over the Blue Mountains as part of the NSW Long Term Transport Master Plan. Other recommendations are that the Department of Planning and Infrastructure engage more closely with local communities when preparing population projections, and that the NSW Government hold at least four regional community cabinets meetings, including at least one in central western NSW, before November 2013.

The Committee also recommended that the NSW Government, together with the Presiding Officers, re-establish the Regional Produce Showcases that were held at Parliament House between 2006 and 2009, and give consideration to establishing other such initiatives to promote regional areas and businesses at Parliament House.

The Committee is currently accepting submissions to its inquiry into the adequacy of water storages in NSW, with a closing date of Friday 3 August 2012. The Committee will hold its first public hearing at Parliament House on Monday 20 August 2012.

### **General Purpose Standing Committee No 5**

The Committee is currently accepting submissions to its inquiry into the management of public land in New South Wales, with a closing date for submissions of Friday 3 August 2012. The Committee will hold its first hearing in Parliament House on Friday 7 September 2012.

## **Adjournment debate**

### **Tuesday 29 May 2012**

New South Wales Young Nationals annual conference (Mrs Mitchell); Central Coast infrastructure (Mr Donnelly); Casino Beef Week (Mrs Maclaren-Jones); Tribute to Kevin McCormick, OAM (Ms Westwood); National Little League Baseball Championships (Dr Phelps); Murray-Darling Basin Plan (Mr MacDonald); Murray-Darling Basin Plan (Mr Mason-Cox).

### **Wednesday 30 May 2012**

Racist graffiti (Mr Secord); National Reconciliation Week (Ms Barham); Tribute to the Hon Richard Killen (Miss Gardiner); Palliative Care NSW (Mr Primrose); Recreational hunting (Mr Shoebridge); Julie Ramage killing (Mr Khan); Parliamentary superannuation (Ms Fazio).

### **Thursday 31 May 2012**

Drugs (Revd Mr Nile); Seventieth anniversary of the HMAS Kuttabul (Mr Lynn); Community Building Partnership Program (Mr Roozendaal); World No Tobacco Day (Dr Kaye); Local Government infrastructure; (Ms Cotsis); Tribute to Pastor Noel Frederick Cannon; (Mr Clarke).

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

We welcome any comments you might have on this publication.

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

All responses will be kept strictly confidential.



Steven Reynolds  
Deputy Clerk