

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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

Overview

This sitting week the focus of the House was on the consideration of legislation. The House passed eight bills, four of which were considered in committee of the whole. Two bills were introduced in the Legislative Council and a further 10 bills were received from the Legislative Assembly.

The large volume of legislation coming across from the Legislative Assembly was ahead of the operation of the Council's cut-off date on the introduction of bills in this autumn sitting period on Thursday 30 May 2013. The cut-off date is designed to stop the Council from being swamped with legislation in the final sitting weeks of a sitting period.

Of particular note among the bills considered this week was the lengthy debate on the Victims Rights and Support Bill. Debate on the second reading of the bill commenced at 8.00 pm on Wednesday night. The bill finally passed the Council at 4.30 am the next morning.

Given the late sitting on Wednesday night, the House resumed at 11:00 am on Thursday morning rather than the usual 9.30 am.

The House will next meet on Tuesday 18 June 2013.

New member sworn

Mr Ernest Wong was elected at a joint sitting of the Legislative Council and Legislative Assembly on Thursday 23 May 2013 to fill the vacancy created by the resignation of the Hon Eric Roozendaal.

On 28 May 2013 Mr Wong was sworn in as a member of the House.

Government business

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

Victims Rights and Support Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill repeals the *Victims Support and Rehabilitation Act 1996* and replaces the statutory scheme

under that Act regarding compensation for victims of crimes of violence with a new Victims Support Scheme, provides for a Commissioner of Victims Rights and repeals and re-enacts, with minor modifications, provisions of the *Victims Rights Act 1996*.

Proceedings: Debate on the second reading of the bill commenced on 29 May 2013. The second reading speech of the Minister (Mr Gallacher) was incorporated into Hansard. In that speech, the Minister indicated that by mid-2010 the Victims Compensation Scheme that was meant to help victims of crime was crippled by a growth in demand that led to cost blowouts and to protracted delays for victims in receiving compensation – with an average wait for victims of 30 months. The Minister noted that in 2009 the Auditor-General identified that the then Government needed to take action to deal with the backlog of claims. The Minister advised that the Attorney General commissioned Pricewaterhouse Coopers to review the scheme, and that the bill gives effect to the recommendation of that review. The review recommended a radical overhaul of the way in which victims are supported by closing the current scheme and replacing it with a scheme underpinned by the principles of financial viability to ensure victims receive timely support; appropriate prioritisation of funds to meet the immediate needs of victims by providing financial assistance and rehabilitation and by recognising the trauma suffered; and consistency with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

The Opposition and the Greens were united in their opposition to the bill. Both parties were very critical of the time limits for making claims for compensation contained within the bill, citing research that it can take a very long time for some victims, particularly sexual abuse victims, to feel able to report crimes or make a compensation claim for the suffering they endured. The Opposition and the Greens questioned the timing of the bill with the current Royal Commission into Institutional Responses to Child Sexual Abuse calling for victims of past abuse to come forward. Both parties argued there was strong opposition to the bill within the community and victim support groups and referred to representations they had received from many of these

organisations. The parties were especially concerned by the retrospectivity of the bill and the effect this would have on the current 24,000 claimants within the system. The Greens argued that the difficulties experienced by the existing scheme were due to chronic underfunding and that there was no need to overhaul the scheme and reduce payments to victims.

Accordingly, both parties argued that the bill should be rejected outright. Each party also foreshadowed that if the bill was not rejected then it would seek to amend what the Opposition termed the bill's "worst excesses".

The Christian Democratic Party supported the bill on the grounds that the current scheme was no longer tenable and substantial reform could not be avoided. The Christian Democratic Party criticised the Opposition for its neglect of the scheme when it was in government. However, the Christian Democratic Party indicated that its support was dependent upon the success of an amendment, which it would be moving in the committee stage, relating to claims from victims of child sexual offences.

In reply, the Minister indicated that there will be no reduction to the victims support budget and that victims will receive payments in a timely and practical fashion. The Minister also noted that the new scheme will be subject to a statutory review after three years, the report of which will be tabled in Parliament.

The second reading was agreed to (Division 19:17).

In the committee stage, the Opposition and the Greens moved a range of amendments that variously sought to broaden the eligibility criteria for some compensation categories; increase the payment amounts for compensation categories; extend or remove the time limits for lodging applications; and to remove the retrospective element from the bill. All were negated, primarily on division, with the Opposition and the Greens voting for and the Government, Christian Democratic Party and the Shooters and Fishers Party voting against each amendment.

One amendment was made to the bill. That amendment, moved by the Christian Democratic Party, removed the time limits for applications from victims of child sexual offences for recognition payments, out-of-pocket expenses up to \$5,000 and expenses for attending related criminal proceedings up to \$5,000.

The bill was reported to the House with the amendment. The third reading was agreed to (Division 18:16), with the Opposition and the Greens restating their opposition to the bill. The bill was returned to the Assembly.

On 30 May 2011, a Protest against the passing of the bill, signed by the five Greens members was forwarded to the Governor by the President. The Protest stated that the bill undermines the rule of law by making substantial retrospective changes to existing rights of victims of crime and to legal obligations of the State; offends certainty in the law; and will have a significant impact on some of the State's most vulnerable people.

State Owned Corporations Legislation Amendment (Staff Directors) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *State Owned Corporations Act 1989* and other legislation relating to State owned corporations (SOCs) by removing the requirement that one of the directors of a statutory SOC is to be a staff director, that is a director selected from among members of the staff of the SOC, including a director nominated by Unions NSW.

Proceedings: Debate on the second reading of the bill commenced on 28 May 2013. In his second reading speech, the Minister (Mr Pearce) said that the bill ensures the Government has the ability to make skills-based appointments to all positions on SOC boards, and brings the director recruitment process for SOCs in line with board governance best practice.

The Opposition did not oppose the bill, but noted that while the bill removes the requirement for boards to include staff director positions it did not insert any new requirement to ensure that all future director appointments were made by way of independent, competitive, merit-based selections. The Opposition further noted that there was no evidence of the performance of any board suffering from having staff directors in the past. The Christian Democratic Party supported the bill, arguing the change was long overdue and that it will lead to improvements in the governance of the corporations.

The Greens strongly opposed the bill, arguing that the strategic decision-making capacity of boards of SOCs will diminish because of the loss of the insight and perspective of long term employee experience. The Greens pointed out that the introduction of union-based appointments to such boards was an initiative of the former Greiner coalition government, and argued that staff directors would experience no greater conflict of interest in their fiduciary responsibilities than would directors appointed from the business sector.

The second (Division 29:5) and third readings of the bill were agreed to and the bill was returned to the Assembly without amendment.

Gaming Machines Amendment (Multi-terminal Gaming Machines in Clubs) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Gaming Machines Act 2001* to allow clubs that hold no more than 33 gaming machine entitlements to have, as part of the total number of approved gaming machines, up to five player terminals that form part of multi-terminal gaming machines. These are gaming machines that are designed to be played by more than one player at a time.

Proceedings: Debate on the second reading of the bill commenced on 28 May 2013. The second reading speech of the Minister (Mr Gallacher) was incorporated into Hansard. In that speech, the Minister indicated that the bill implements a commitment from the Government's memorandum of understanding with ClubsNSW. The concession to remove limitations on installing multi-

terminal gaming machines is limited to small clubs in order to promote their viability. The measures in the bill will not increase the total number of machine entitlements in individual clubs or within NSW.

The Opposition supported the bill on the basis that it did not believe it would increase problem gambling in the community and in acknowledgment that the bill was a pre-election commitment made by the Government. The Greens and the Christian Democratic Party were both opposed to the bill as they believed it further spread the creation of 'mini-casinos' throughout the community.

The second reading was agreed to on division (27:8) with the Government and the Opposition voting for the bill and the Greens, the Christian Democratic Party and the Shooters and Fishers Party voting against it. The third reading of the bill was then agreed to and the bill was returned to the Assembly without amendment.

Education Amendment (School Providers for Overseas Students) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Education Act 1990* to enable the Board of Studies to continue approving and regulating providers of courses at schools to overseas students, following the repeal of the transitional arrangements under the *Vocational Education and Training (Commonwealth Powers) (Transitional) Regulation 2011* which is to be repealed at the end of 30 June 2013.

Proceedings: Debate on the second reading of the bill commenced on 28 May 2013. The second reading speech of the Parliamentary Secretary (Mr Ajaka) was incorporated into Hansard. In that speech, the Parliamentary Secretary indicated that the bill consolidates the functions of the Board of Studies in one statute and facilitates the integration of the Board's regulatory role in relation to schools. The Parliamentary Secretary stated that the bill was not intended to change current arrangements in providing courses at schools to overseas students, and that it will simply put provisions currently in a transitional regulation into principal legislation. Relevant key stakeholders were consulted on both the current and proposed form of these provisions.

The Christian Democratic Party supported the bill and the Opposition and the Greens did not oppose it, with both parties stating that the role of the Board of Studies to approve schools delivering courses to overseas students has strengthened the Board's authority to regulate these schools. The bill also streamlines the registration and approval processes and provides increased mechanisms by which the Board might monitor the quality of educational programs being delivered to international students. Members stated that this is an area that needs careful regulation as some individuals have tried to exploit overseas students for financial purposes.

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

Independent Commission Against Corruption and Other Legislation Amendment Bill 2013

Summary: The bill amends the *Independent Commission Against Corruption Act 1988* and other Acts to enable certain information, including criminal intelligence, to be requested, disclosed and used for vetting applicants for positions with the Independent Commission Against Corruption, the New South Wales Crime Commission, the NSW Police Force, and the Police Integrity Commission. The bill also enables former judges of the District Court of NSW to be appointed chairperson of the NSW Crime Commission; enables a public authority to disclose information to the Ombudsman without having to comply with certain information protection principles; exempts appropriately trained officers of the PIC from the requirement to have licences or permits for certain firearms when performing duties; and enables records relating to young offenders to be directed to, and kept by, the Ombudsman.

Proceedings: Debate on the second reading of the bill commenced on 28 May 2013. The second reading speech of the Minister (Mr Gallacher) was incorporated into Hansard. That speech indicated that the reforms in the bill were requested by each of the integrity and law enforcement agencies affected and that the reforms will strengthen these agencies and remove obstacles and red tape that inhibit the effective discharge of their functions. The Minister's speech noted that in two years the Attorney General will facilitate a review of the practices and procedures adopted by agencies using applicant vetting information.

The Opposition did not oppose the bill, but were concerned that applicants denied a position on the basis of vetting information about an associate or relative could be denied procedural fairness if not advised of the reason. The Greens did not oppose the bill on the grounds that the four key changes contained within the bill serve to strengthen corruption resilience within key policing and integrity bodies. The Greens also argued that applicants should be informed that their close associates or relatives could be vetted as part of an application process and foreshadowed that they would seek to amend the bill in the committee stage. The Christian Democratic Party supported the bill, emphasising the importance of being assured that employees of integrity and law enforcement agencies are free from the risk of being compromised through their associations.

In reply, the Minister advised that the bill did not prevent the NSW Police Force informing unsuccessful applicants of the reason that their application was unsuccessful if there is no operational or applicant safety reason not to do so. The Minister indicated that the Government did not object to the amendments to the bill foreshadowed by the Greens.

The second reading was agreed to.

In the committee stage Greens amendments requiring an agency to notify an applicant that the agency has the power to request vetting information about associates or relatives of the applicant were agreed to.

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

Casino Control Amendment (Supervisory Levy) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill introduces a requirement for the payment of a casino supervisory levy in respect of each casino licence issued under the *Casino Control Act 1992*. The amount of the levy is to be fixed by regulations and paid into the Consolidated Fund.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2013 and read a first time. Debate on the second reading of the bill commenced later that day. The second reading speech of the Minister (Mr Gallacher) was incorporated into Hansard. That speech indicated that a high level of regulatory oversight is necessary in a casino environment to ensure the unique risks associated with such a venue are identified and managed within a strict regulatory framework. It was stated that under existing arrangements much of the cost of maintaining the casino oversight regime is borne by taxpayers, and that the proposed levy will assist in meeting these costs and maintaining a high degree of oversight and supervision.

The Opposition did not oppose the bill but argued that the Government should have advised of the amount that it anticipates the levy will raise. The Christian Democratic Party supported the bill but questioned whether it is necessary given the existing licence cost and taxation rates applied to a casino. The Greens did not oppose the legislation on the grounds that it was a sensible move to recover costs of regulating probity matters.

In reply, the Minister confirmed that the bill does not represent a change to the Government's one casino policy.

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

Energy Services Corporations Amendment (Distributor Efficiency) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Energy Services Corporations Act 1995* to improve the combined operational efficiency of energy distributors by providing for the appointment of a single board of directors that is to be the board of each of the three energy distributors and which is to act in the best interests of energy distributors as if they formed part of a combined operation.

In July 2012, the Government implemented interim governance arrangements for the three State-owned electricity distributors – Ausgrid, Endeavour Energy and Essential Energy – which provided for the appointment of common board members, a common chief executive and senior management structure.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2013 and read a first time. Debate

on the second reading of the bill commenced on 29 May 2013. The second reading speech of the Parliamentary Secretary (Mr Ajaka) was incorporated into Hansard. In that speech, the Parliamentary Secretary indicated that the bill, which is part of the Government's electricity network reform program to achieve efficiency savings and place downward pressure on electricity prices, will improve the combined operational and capital efficiency of the three distributors by creating more streamlined board governance arrangements. The bill formalises the interim structure introduced in 2012 in order to ensure the continuing success of the network reform initiatives.

Members of the Government spoke in support of the bill, noting that targeted operational cost savings across the three businesses are likely to be substantially exceeded. The Christian Democratic Party supported the bill, on the basis that a single joint board was a sensible approach; however it also argued that the bill was an indication that the Government would eventually move towards amalgamation of the three electricity distributors.

The Opposition did not oppose the bill but questioned why the Government had taken so long to formalise the interim structure. The Opposition said it was not opposed to State-owned corporations becoming more efficient, but not when efficiency is sought solely for the purpose of generating more profit for incorporation into Consolidated Revenue. The Opposition argued that it was important to recognise that electricity distributors were important employers in many rural communities, and foreshadowed it would move amendments in the committee stage seeking to guarantee maintenance of staff numbers in rural centres. The Greens were opposed to the bill on the grounds that it represented another step on the path towards privatisation and that ultimately it would lead to a loss of jobs and service, particularly in rural areas.

The second reading was agreed to (Division 31: 5).

In the committee stage, the Greens sought to insert a direction that the joint board consider the impact of its decisions on the employees of energy distributors and seek to minimise staff reductions. Despite the support of the Opposition, the amendment was ultimately negated. (Initially, the amendment was agreed to on division (19:18), however it was later reconsidered and omitted from the bill on the voices).

The Opposition sought to insert a guarantee that staff numbers be maintained in rural centres for a period of five years. The amendment drew the support of the Greens but was negated on division (17:20).

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

Child Protection Legislation Amendment (Children's Guardian) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Child Protection (Working with Children) Act 2012* to transfer the functions relating to working with children check clearances from the Commission for Children and Young People to the Children's Guardian and for the Parliamentary Joint

Committee on Children and Young People to monitor and review the exercise of the Guardian's new functions.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2013 and read a first time. The second reading commenced the next sitting day with the Parliamentary Secretary (Mr Ajaka) incorporating his speech in Hansard. In that speech, the Parliamentary Secretary said that the bill will improve child protection by streamlining the process to integrate child protection regulatory systems into one single independent regulator. The Parliamentary Secretary stated that the current Working with Children Check leaves the decision to employ a person in child-related employment to the employer while the new check will be an accreditation-based licensing system in addition to a risk-assessment system. The new check will either clear people to work with children or bar them, rather than leave it to an employer to make a decision.

The Christian Democratic Party supported the bill and the Opposition and the Greens did not oppose it. Members supported expanding the range of people who will be required to undergo a Working with Children Check including adults who live with home-based childcare providers, and supported measures requiring that first-time carers who perform intimate functions with disabled children will have to undergo clearances.

However, the Opposition raised concerns regarding what impact the bill would have on the future of the Commission for Children and Young People. The Greens raised various concerns including that the Children's Guardian's principal functions will be amended to provide that the guardian 'may' carry out public awareness and advice functions stating that if the word 'may' remains in the bill it will be seen as neglecting the responsibility to protect young people.

In reply, the Parliamentary Secretary responded to issues raised by the Opposition to state that the bill in no way affects the advocacy functions of the Commission for Children and Young People.

In the committee stage the Christian Democratic Party moved an amendment to ensure that the child-safe organisation function should be recognised as a principal function of the Children's Guardian so that it is subject to parliamentary oversight by the Joint Committee on Children and Young People. The amendment was agreed to on the voices. The Greens then moved three amendments to ensure that capacity for parliamentary review be extended to the full range of functions carried out by the Children's Guardian not just the functions included in this bill. Despite the support of the Opposition, the amendments were negated (Division 18:20).

The bill was reported to the House with the amendment, read a third time and returned to the Legislative Assembly with an amendment.

Heavy Vehicle (Adoption of National Law) Bill 2013

The bill originated in the Legislative Council.

Summary: The Heavy Vehicle National Law provides a scheme to regulate the use of heavy vehicles. The

national law is the subject of an agreement between NSW and other participating jurisdictions, under which each jurisdiction has agreed to establish a national system of regulation for heavy vehicles, consisting of uniform laws administered by a single national regulator. The text of the national law is set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland. The bill applies the text of the national law as a law of this State.

Proceedings: The bill was introduced, read a first time and printed on 29 May 2013. In his second reading speech, the Minister (Mr Gay) said the application of the national law delivers on a decision of the Council of Australian Governments (COAG) to establish a single national heavy vehicle regulator (NHVR) to streamline safety and access for heavy vehicles over 4.5 tonnes across Australia while ensuring that the standards which apply to heavy vehicles in NSW are maintained and strengthened. The Minister stated that the bill makes the necessary first round of legislative amendments to establish the NHVR in NSW. The Minister advised that a second bill providing for consequential repeal and amendments of other Acts and for savings and transitional arrangements will be presented later with a view to finalisation prior to 1 September 2013 – the anticipated commencement date for full operations of the NHVR.

Debate was adjourned for five calendar days.

Local Government Amendment (Conduct of Elections) Bill 2013

The bill originated in the Legislative Council.

Summary: The bill amends the *Local Government Act 1993* to provide more flexible arrangements for the administration of local council elections by the Electoral Commissioner. The existing arrangements require a council to decide whether to have the Electoral Commissioner administer its elections within 12 months after the previous ordinary election of councillors and that only permit an arrangement for all of a council's elections to be administered by the Electoral Commissioner.

Proceedings: The bill was introduced, read a first time and printed on 29 May 2013. In his second reading speech, the Minister (Mr Pearce) noted that 14 councils chose to conduct their own elections in 2012. However, the Minister said that the autonomy of many councils is being constrained as the current regime does not allow them adequate time to test the market and determine whether it is feasible for them to conduct their own elections.

Debate was adjourned for five calendar days.

NSW Self Insurance Corporation Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *NSW Self Insurance Corporation Act 2004* to confirm that the NSW Self Insurance Corporation may provide protection on an individual basis to eligible State officials for claims made against them in connection with the exercise of their functions, and to enable the Corporation to provide principal arranged construction insurance that extends to

non-Government contractors for certain major capital works projects undertaken by or on behalf of the State.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2013 and read a first time. The second reading was set down for a later hour of the sitting.

Petroleum (Onshore) Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill primarily amends the *Petroleum (Onshore) Act 1991* to strengthen and clarify the compliance and enforcement framework for the exploration and extraction of petroleum products in the State. The bill establishes a framework for the release of environmental information, and enables a code of practice for land access to be established by regulation.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2013 and read a first time. The second reading was set down for a later hour of the sitting.

Work Health and Safety (Mines) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill adopts the provisions of the national model Work Health and Safety (Mines) Regulation to assist in securing and promoting the health and safety of persons who work at mines and related places.

Proceedings: The bill was received from the Legislative Assembly on 29 May 2013 and read a first time. The second reading was set down for the next sitting day.

Succession to the Crown (Request) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill adopts uniform changes across Australia to laws relating to royal succession in order to be consistent with changes made to succession law in the United Kingdom. This will ensure that the Sovereign of Australia is the same person as the Sovereign of the United Kingdom. All States have agreed to request the Parliament of the Commonwealth of Australia to enact legislation to give effect to the proposed changes under section 51 of the Constitution of the Commonwealth.

The bill provides that royal succession is not dependent on gender, removes statutory restrictions under which anyone who marries a Roman Catholic loses their place in the line of succession and requests the United Kingdom repeal the *Royal Marriages Act 1772*.

Proceedings: The bill was received from the Legislative Assembly on 29 May 2013 and read a first time. The second reading was set down for the next sitting day.

Local Land Services Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill establishes as a statutory corporation the Local Land Services to administer, deliver and fund certain programs and services associated with agricultural production, biosecurity, natural resource management and emergency management. The bill also repeals the

Rural Lands Protection Act 1998 and the *Catchment Management Authorities Act 2003*.

Proceedings: The bill was received from the Legislative Assembly on 29 May 2013 and read a first time. The second reading was set down for the next sitting day.

Government Sector Employment Bill 2013 and Members of Parliament Staff Bill 2013

These bills originated in the Legislative Assembly.

Summary: The Government Sector Employment Bill repeals the *Public Sector Employment and Management Act 2002* and replaces it with legislation to modernise government sector employment. The bill is based on recommendations made by the Public Service Commissioner in February 2013, which built on related recommendations made in the New South Wales Commission of Audit report released in January 2012.

The Members of Parliament Staff Bill provides for new arrangements under which staff of political office holders and staff that assist members of Parliament in their electorate and Parliamentary duties may be employed. The Bill does not cover the officers and employees of either House of Parliament or the Department of Parliamentary Services.

Proceedings: These bills were received from the Legislative Assembly on 29 May 2013 and read a first time. The second reading of the bills was set down for the next sitting day.

Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Public Health Act 2010* to prevent the enrolment of children at child care facilities unless immunisation certificates proving vaccination, or certificates as to conscientious objection to vaccination or medical contraindication for vaccination, are provided to principals of child care facilities. The bill also requires such certificates to be kept as part of each child's immunisation record by a child care facility.

Proceedings: The bill was received from the Legislative Assembly on 29 May 2013 and read a first time. The second reading was set down for a later hour of the sitting.

Statute Law (Miscellaneous Provisions) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The purpose of this bill is to make minor and inconsequential amendments to various Acts. The form of this bill is similar to that of previous bills in the statute law revision program.

Proceedings: The bill was received from the Legislative Assembly on 28 May 2013 and read a first time. The second reading was set down for a later hour of the sitting.

Courts and Other Miscellaneous Legislation Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill makes miscellaneous amendments to certain legislation administered by the Attorney General and the Minister for Justice with respect to courts.

Proceedings: The bill was received from the Legislative Assembly on 29 May 2013 and read a first time. The second reading was set down for the next sitting day.

Disallowance of delegated legislation

Note: The Legislative Council may disallow pieces of delegated legislation such as statutory rules and instruments under Part 6 of the *Interpretation Act 1987* or under the provisions of the primary act.

Privacy and Personal Information Protection Amendment (CCTV) Regulation 2013 (Mr Shoebridge)

Summary: On 2 May 2013, the Administrative Decisions Tribunal (ADT), in response to a complaint from an individual, ruled that Shoalhaven City Council's CCTV system in Nowra represented an infringement on personal privacy. The decision of the ADT prompted the council to suspend operation of its CCTV system.

The regulation exempts local councils from provisions of the *Privacy and Personal Information Protection Act 1998* relating to the collection of personal information, when using a CCTV camera installed for the purpose of filming a public place and when disclosing that information by way of live transmission to the NSW Police Force.

Proceedings: The House agreed to consider the disallowance motion on 28 May 2013. Mr Shoebridge argued that the effect of the regulation would be to utterly exempt local councils from a key provision of the Act, namely that personal information should only be collected when required for legitimate purposes and in appropriate circumstances. Mr Shoebridge asserted that the regulation was unnecessary and that any competent council would be able to deploy CCTV and comply with the provisions of the Act. Other members of the Greens supported the motion, arguing that the existing privacy legislation should be respected and that the onus should be placed on local councils to ensure compliance with privacy provisions.

The Government, Christian Democratic Party and the Opposition opposed the motion. The Government argued that CCTV is a vital tool in ensuring the protection of the community, with footage having been of immeasurable assistance to police in the investigation of crimes, and that it has acted quickly to ensure these systems which have broad community support, continue to operate. The Christian Democratic Party noted the prevalence of CCTV in public places and on public transport and argued the community would be concerned if their continued use was restricted. The Opposition said that the breaches found by the ADT were essentially of a technical nature and argued that the clear overt use of CCTV in public places did not represent a serious infringement on an individual's personal liberty or rights.

The motion was negatived (Division 5:32). The regulation remains in force.

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.

Motion

Actions of elected Greens representatives (Mr MacDonald, Liberal Party)

Summary: The motion notes that the public expects members to reject illegal activities and that the Greens have publically stated their support for illegal blockades and a recent hoax perpetrated by an environmental activist. The motion further calls on the House to condemn the Greens for this support.

Proceedings: Debate resumed on 30 May 2013 from 2 May 2013 (see Vol 55/46 of *House in Review* for earlier debate). Government members spoke in support of the motion, the Opposition spoke in support of the majority of the motion while the Greens argued strongly against it.

During debate an Opposition member moved an amendment to omit paragraph 1 (a) and insert instead: 'that the House recognises there are occasions when oppression or lack of democratic processes justifies unlawful protest; however the public expects its political representatives to reject illegal activities and participate in a lawful debate'. The Opposition argued that the motion, as moved, could be interpreted as constituting an infringement on the rights of parliamentarians to support people who peacefully make illegal protests about matters of great social importance.

The Greens also moved amendments in debate to remove the same paragraph as the Opposition along with a paragraph condemning the Greens for their support of unlawful activities. The Greens argued that in some circumstances unlawful protests were justified, particularly in instances where the legal system fails to deal with the moral imperative.

Speaking in reply, Mr MacDonald stated the Government would not be supporting the proposed amendments to the motion. The Government could not support the amendment moved by the Opposition as the motion is primarily about the role and responsibility of elected representatives and the amendment dilutes this original aim.

The Opposition and Greens amendments to the motion were negatived on the voices and the original motion was agreed to on the voices.

Motions taken as formal business

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

- (1) 2013 NSW Women of the Year Awards (Mrs Maclaren-Jones)

- (2) Inaugural Premier's Multicultural Media Awards (Mrs Maclaren-Jones)
- (3) South Coast Winter Swimming Association (Ms Voltz)
- (4) Dr Stepan Kerkyasharian AO (Ms Ficarra)
- (5) National Reconciliation Week (Ms Fazio)
- (6) 2013 Community Sports Awards (Ms Ficarra)
- (7) Ecumenical Prayer Service, St George Coptic Orthodox Church (Mr Clarke)
- (8) Australian Arab Business Network luncheon (Mr Moselmane)
- (9) Italian National Day (Ms Ficarra)
- (10) 45th Italian National Ball (Ms Fazio)
- (11) 2nd Annual Korean Australian Professionals Cocktails for Charity Night (Mr Clarke)
- (12) Australian Arabic community organisation events (Mr Moselmane)
- (13) Brunswick Heads marine rescue vessel commissioning (Ms Fazio)
- (14) CeBIT Australia (Ms Ficarra)
- (15) Mr Umar Ghani (Mr Moselmane)
- (16) Indian Link's Mother of the Year 2013 (Ms Fazio)
- (17) Indian Army and Navy participation in the Sydney ANZAC Day parade (Ms Fazio)
- (18) Bangladeshi garment workers (Ms Fazio)
- (19) Mrs Hazel Hawke AO (Ms Westwood)
- (20) National Reconciliation Week 2013 (Ms Barham)
- (21) Mr George Pavlis (Mr Clarke)
- (22) Pakistan Australia Business Council luncheon (Mr Moselmane)
- (23) Mr Jeremy Balkin (Mr Clarke)
- (24) Funding for refugees (Mr Moselmane).

Petitions received

Pensioner housing rent – 117 signatures (irregular, presented Ms Sharpe).

Orders for papers

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

Order made

Yaralla Estate (Mr Foley): Standing orders were suspended to bring on the item of business. The order was subsequently agreed to without debate. The order relates to documents created since 1 January 2012 regarding services relating to the agistment of horses at the Yaralla Estate, also known as the Dame Eadith Walker and Thomas Walker Estates. Due: 13 June 2013.

Reports tabled

Auditor-General:

- (1) Finance Audit report, Volume Two 2013: focusing on Universities, dated May 2013.
- (2) Performance Audit report, entitled, 'Management of historic heritage in national parks and reserves: Office of Environment and Heritage – National Parks and Wildlife Service', May 2013.

Ombudsman: Special Report entitled 'A level playing field? HSC Disability provisions', dated May 2013.

Committee activities

Committee report tabled

Legislation Review Committee: 'Legislation Review Digest No. 38/55', dated 28 May 2013.

Committee reports debated

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

Joint Standing Committee on the Office of the Valuer-General: The House concluded the take-note debate on Report No. 2/55 entitled 'Land Valuation System – Report on the inquiry into the land valuation system and the eighth general meeting with the Valuer-General', dated May 2013.

Government response

Joint Standing Committee on Electoral Matters: The House received a response to Report No. 2/55 entitled 'Administration of the 2011 NSW election and related matters', tabled December 2012.

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.

The 2009 Mt Penny return to Order

The Privileges Committee has published 7 submissions as part of its inquiry. Hearings will commence shortly.

Racial vilification law in NSW

The Standing Committee on Law and Justice has concluded its evidence gathering and is intending to report in June 2013.

Drug and alcohol treatment

General Purpose Standing Committee No. 2 has received 53 submissions to its inquiry into the effectiveness of current drug and alcohol policies with respect to deterrence, treatment and rehabilitation. The Committee has held four hearings. The Committee made site visits to drug and alcohol treatment centres in New South Wales and Western Australia, with a further site visit scheduled for 12 June 2013.

Closure or downsizing of Corrective Services New South Wales facilities

The Select Committee has concluded its evidence gathering and is currently in the process of preparing its report, which will be tabled by 14 June 2013.

Same sex marriage law in NSW

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

Strategies to reduce alcohol abuse among young people

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

Adequacy of water storages in NSW

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

Tourism in local communities

Submissions to this new General Purpose Standing Committee No. 3 inquiry are due by 28 June 2013.

Adjournment debate

Tuesday 28 May 2013

Northern Tablelands by-election (Mr Khan); National Reconciliation Week (Mr Veitch); Illegal firearms (Mr Borsak); Teenage crime (Ms Cusack); Yaralla estate (Mr Foley); Renewable energy industry (Dr Kaye).

Wednesday 29 May 2013

Constitutional recognition of local government (Ms Cotsis); Catholic Church and child sexual abuse (Mr Shoebridge); Hunter Water (Mr Secord); Bus of Books (Mr Green); Regional road hazards (Mr MacDonald).

Thursday 30 May 2013

Higher education funding (Ms Faehrmann); Reserve Forces Day (Mrs Maclaren-Jones); Tribute to Hazel Hawke AO (Ms Westwood); World Congress of Families (Revd Mr Nile); Vivid Festival (Ms Fazio); Dr Ralph Bright and Matthew Bright stem cell research (Ms Ficarra).

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