

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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*Sitting period
9 to 11 August 2016*

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

The primary focus of proceedings in the House this week was consideration of the Greyhound Racing Prohibition Bill, which will implement the Government's recent decision to close down the greyhound racing industry in response to community concern over allegations of widespread animal cruelty within the industry. During debate on the bill several unusual procedural motions were moved in an effort to delay its progress. An amendment to require the bill to be read 'this day six months' would have caused the bill to lapse, and prevent the bill from being restored during the current session of Parliament. This procedure was last used in 1994. A further amendment to omit the motion for the second reading and replace it instead with a 'reasoned amendment' setting out statements in opposition to the bill would, had it been agreed to, have similarly caused the bill to lapse. That procedure is also quite rare, having last been used in 2001.

The House also considered two additional government bills and a private member's bill, and four private members' motions, making for a particularly lively private members' day on Thursday. This included the establishment of a select committee to inquire into off-protocol prescribing of chemotherapy in NSW.

The House now stands adjourned until Tuesday 23 August 2016.

Publication of proceedings in committee in the whole

During the first sitting week of 2016 (see [February House in Review](#)), the President informed the House that the Legislative Council Procedure Office would be trialling the publication of proceedings in committee of the whole in the Minutes of Proceedings. Until then, proceedings in committee had been published in Hansard only, with the formal minutes of the committee published in a separate bound, hard copy journal and not available on the Parliament's website.

On 9 August 2016, the President informed the House that the trial was a success and that the publication of proceedings in committee in the Minutes of Proceedings would continue permanently. The Minutes of Proceedings are the official record of the votes and deliberations of the Legislative Council and are [published on the Parliament's website](#).

Government business

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

Greyhound Racing Prohibition Bill 2016

House of origin: Legislative Council

In 2015 the ABC Four Corners program aired a report that alleged widespread live baiting practices and animal cruelty in the NSW greyhound industry. In response, the Government established a Special Commission of Inquiry headed by Justice the Honourable Michael McHugh AC QC, which reported in June 2016. The McHugh Report recommended two options: either consider closing down the industry, or allow the continuation of the industry with extensive reforms to improve transparency and governance and reduce greyhound deaths. In response to the report, the Government announced that it had decided to shut down the industry and would introduce legislation to ban greyhound racing in NSW.

The bill was declared an urgent bill on division (Ayes: 20 / Noes: 12), enabling the House to consider the bill through all stages in one sitting. The bill implements the legislative component of the Government's announcement, providing for the appointment of a greyhound racing administrator to manage the close-down of the industry and the continuation of greyhound racing until the closure date (defined in the bill as 1 July 2017). The administrator will also oversee the continued welfare of greyhounds affected by the greyhound racing industry closure, the dissolution of Greyhound Racing New South Wales after the closure date, the repeal of the Greyhound Racing Act 2009 while continuing certain regulatory and compliance functions of the Act, new animal welfare offences and consequential amendments to other Acts. The Minister stated that the Government intends to determine an appropriate timeframe for the shut down and would work with industry, the RSPCA and other groups to ensure that the welfare of greyhounds was protected and the pain caused to the industry was minimised.

The Opposition opposed the bill. While acknowledging that there was a need to address the practices highlighted in the McHugh Report, the Opposition argued that the closure of the industry would severely impact the thousands of people employed by the industry and the tens of thousands of people for whom greyhound racing is a livelihood or a hobby. The Opposition also observed that Justice McHugh had provided 79 recommendations to restructure the industry and argued that these should be implemented, or at the very least considered. The Opposition particularly contested the process by which the bill had been introduced, arguing that the House could not effectively perform its role as a House of Review if the legislation was introduced and passed in the one day. In an effort to delay or halt the progress of the bill, members of the Opposition moved amendments to the second reading to refer the bill to a committee; to read the bill 'this day six months' (which would cause the bill to lapse and prevent the bill from being restored during the current session); and to provide a 'reasoned amendment', a procedural motion which sets out the arguments against the passage of a bill and defeats its progress. The amendments were ultimately unsuccessful.

The Christian Democratic Party and Shooters, Fishers and Farmers Party (SFFP) also opposed the bill, similarly acknowledging that while there was a need to address concerns regarding animal welfare, the effect of a closure would be substantial on an essentially working-class membership and the workers of businesses who supported greyhound racing, such as the pet food industry. The SFFP in particular questioned the veracity of the McHugh Report, pointing to media reports that questioned the evidence given and the conclusions reached.

The Greens supported the bill, highlighting the large number of trainers who reportedly practice live baiting techniques and the levels of wastage unveiled by the McHugh Report. The Greens argued that the inability to confront and deal with these practices was not a new phenomenon to the industry and the closure of the industry was the only way forward. The Animal Justice Party (AJP) also supported the bill, speaking in detail of the pain experienced by animals used for live baiting and dogs engaged in racing. The

AJP stated that the industry had formulated its own demise, but acknowledged that its closure would no doubt carry innocent casualties with it of both the human and non-human kind. The second reading of the bill was agreed to on division (Ayes: 19/ Noes: 12).

During consideration in committee of the whole the Opposition moved two amendments, the first of which sought to restrict the sale of public land used, to date, for greyhound racing. On the motion of the SFFP the amendment was amended to provide that land sold could only be used for ‘community purposes’, but both the original amendment and that proposed by the SFFP were defeated. The Opposition then moved an amendment seeking to establish a financial assistance scheme for those disadvantaged by the closure of the industry, however this amendment was also defeated, the Government indicating that any such measures would be set out in the report prepared by NSW Natural Resources Commissioner, Dr John Keniry AM. The bill was reported without amendment.

The third reading of the bill was agreed to (Division: Ayes 19/ Noes: 12) and the bill was forwarded to the Assembly for concurrence.

Local Government Amendment (Governance and Planning) Bill 2016

House of origin: Legislative Assembly

The bill implements the first phase in the reforms to local government announced by the Government in the lead-up to the 2015 state election. The bill applies broad-ranging amendments to governance arrangements, which include: new strategic business planning principles for local government; distinct roles for mayors, general managers and councillors; an increase in the term of office for mayors elected by councillors from one to two years; a requirement for councillors to take an oath or affirmation of office; new regulation-making powers to allow the Government to establish induction and professional development programs for councillors; a new model meeting code; consolidation of pecuniary interests obligations within the Model Code of Conduct; a requirement for councils to establish an internal audit function; provision for councils to be subject to oversight by the Auditor-General; and the ability for the Minister for Local Government to appoint a financial controller to councils at financial risk.

The Parliamentary Secretary argued that the amendments made by the bill will enable local government to “reimagine” itself and its purpose in the community, and to begin the journey away from process-focused governance towards principle-focused governance.

The Opposition opposed the bill, labelling it “flawed and confused”. Having provided a critique of almost every provision of the bill, the Opposition advised that if it was not successful in defeating the bill at the second reading stage it would seek to move a series of amendments during committee of the whole in an attempt to improve it.

The Christian Democratic Party supported the bill but acknowledged the breadth of concerns raised by the Opposition, noting that they would look forward to hearing the Parliamentary Secretary’s response to those concerns and to the opportunity to consider the merits of the Opposition’s amendments during committee of the whole.

Debate on the second reading was adjourned.

Poppy Industry Bill 2016

House of origin: Legislative Council

The bill establishes the legal framework for a poppy industry in New South Wales, allowing alkaloid poppies to be grown and supplied for the manufacture and production of therapeutic goods and scientific research. The bill follows similar legislation recently introduced by Victoria, the Northern Territory and South Australia, and will allow the state to build on the production currently centred in Tasmania.

The Minister for Primary Industries stated that New South Wales' entry into the alkaloid poppy industry will support Australia's central role in safely and securely providing opiates for a range of important medicines. The long-term demand for opiate-related medicines is projected to increase with Australia's ageing population, the growth of developing economies and growth in the global population. The minister stated that the Government supports an alkaloid poppy industry that is consistent with national and international security and compliance obligations, and operating within a robust framework to prohibit unlawful activities.

Debate on the bill was adjourned for five calendar days.

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.

Bill

Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 (Dr Faruqi, The Greens)

In 1971 a District Court ruling in *R v Wald* provided exceptions for when abortion can be lawfully performed; however, under ss 82 – 84 of the *Crimes Act 1900*, abortion remains a criminal offence. NSW and Queensland are the two states in Australia where abortion has not been decriminalised. The bill will repeal existing abortion offences; require doctors to disclose a conscientious objection and make it an offence to fail to refer a person to another medical practitioner or to a Women's Health Centre; and provide for safe access zones around reproductive health clinics.

Dr Faruqi stated that while abortions are a common medical procedure, abortion remains in a grey zone in the law and is not fully mainstream like other medical procedures. Dr Faruqi argued that, as the procedure is not routinely provided by public hospitals, patients face difficulties in the cost of access, particularly in regional and rural NSW, and that the criminalisation of abortion has led to ongoing stigmatisation and the harassment, abuse and intimidation of patients. Citing a poll conducted by Lonergan in September 2015, Dr Faruqi stated that there is strong support for decriminalisation in NSW, with 77 per cent of people in regional and rural areas and 70 per cent of people living in Sydney supporting the move, while support for safe access zones was reported at 93 per cent in rural areas and 87 per cent in Sydney.

Debate on the bill was adjourned for five calendar days.

Motions

Joint Select Committee on the greyhound industry (Revd Mr Nile, Christian Democratic Party)

The motion sought to establish a joint select committee inquiry into the future of the greyhound industry, in particular the recommendations of the Special Commission of Inquiry conducted by Justice the Honourable Michael McHugh AC QC and the impact of any future ban on the industry. Speaking in support of the inquiry, Revd Nile argued that, although the Legislative Council had agreed to the Government's bill to abolish the industry, a number of the recommendations made by the Special Commission of Inquiry would nevertheless apply, particularly those that apply to the industry in the interim period before closure and those that overlap into other areas of racing and sport in NSW.

The Government opposed the motion, arguing that the Parliament had held its own Upper House inquiry into the industry in 2013-14 which received more than 1,000 submissions and received evidence that seriously questioned the viability of the industry. The Government argued that, in view of the comprehensive inquiries undertaken by the Parliament and Justice McHugh, it could not identify a need for another inquiry. The Government noted that the NSW Natural Resources Commissioner, Dr John Keniry AM, was currently undertaking extensive work into the transition package, and a report with his

recommendations would be provided to Parliament. The Greens also opposed the motion, arguably that an inquiry would only postpone the inevitable. The Greens observed that the Special Commission of Inquiry's report was based on 13 months of investigation and was far-reaching and comprehensive.

The Opposition supported the motion, arguing that the inquiry would be the proper and appropriate use of the mechanisms of the Parliament and there were a plethora of issues associated with the winding down of the industry that could be properly addressed by a committee. The Shooters, Fishers and Farmers Party also supported the motion, arguing that statements to the effect that multiple inquiries had deemed the future of the industry unviable were false and there was a need to verify the evidence given to the Special Commission of Inquiry and the recommendations made.

The motion was negatived on division (Ayes: 14 / Noes: 21).

Proposal for a Special Commission of Inquiry into off-protocol prescribing of chemotherapy treatment in NSW — establishment of a [Select Committee](#) (Mr Secord, Labor Party)

The motion as moved by Mr Secord called on the Government to establish a Special Commission of Inquiry into the off-protocol prescribing of chemotherapy treatment in NSW following recent revelations of under-dosing by at least two doctors at several hospitals in New South Wales. Mr Secord argued that a Special Commission of Inquiry would be an open and transparent way to get to the bottom of the allegations of under-dosing, and there was strong support for an investigation amongst the community.

The Christian Democratic Party moved an amendment to the motion to instead establish a select committee inquiry into the matter, to commence after the investigations currently being conducted by NSW Health are completed in September 2016. The amendment was supported by the Government, acknowledging that patients and their families feel let down by the findings of the report of the State's Chief Cancer Officer that chemotherapy provided at St Vincent's Hospital to some patients with head and neck cancers was off-protocol and not supported by clinical evidence.

The Greens supported the original motion moved by Mr Secord, observing that the actions in question may have led to the deaths of potentially hundreds of people and arguing that a Special Commission Inquiry may have broader powers than those available to a select committee. However, the Greens also moved an amendment to the amendment moved by Revd Mr Nile to make Mr Buckingham a member of the committee, should the amendment to establish a committee be successful.

Speaking in reply, Mr Secord moved an additional amendment to Revd Mr Nile's amendment to provide that St Vincent's Hospital, St George Hospital, Sutherland Hospital, Macquarie University Hospital and clinics at Orange and Bathurst be made a particular focus of the inquiry and to provide for the Leader of the Opposition to nominate the second Opposition member appointed to the committee.

All three amendments were successful, as a result of which the motion had the effect of establishing a select committee inquiry into the matter. The select committee is required to report by March 2017.

Fairfield's Youth Off the Street program (Mr Amato, Liberal Party)

The motion notes the important work conducted by Fairfield's Youth Off the Street program, which helps young people aged 12 to 25 to find their footing in the community and equips them with essential skills to overcome any challenges they may face in the future. The motion also acknowledges youth workers Mr Tommy Poto and Ms Sonia Giwargis, team volunteer and Youth Advisory Committee member Ms Jessika Wrage, and the positive impact of youth outreach programs across NSW in assisting the next generation of community members to be safe, productive and fulfilled.

Mr Amato noted that the Fairfield program was established in 2014 and is a part of Father Chris Riley's Youth Off the Streets program, which empowers young people to participate in and transform their futures through the development of skills, confidence and relationships with each other, their families and the community. Mr Amato acknowledged the high rates of homelessness experienced by many people in

Sydney, including those who shelter in the streets and parks bordering Parliament, and called on all members and people in the community to support programs that assist people who are disadvantaged.

Members strongly supported the motion. Members of the Government acknowledged that the Premier has made the reduction of homelessness a key target for 2020 and spoke to some of the new programs in place to meet that target, including the Youth Private Rental Subsidy program and funding made available for regional areas. Other members noted that the work of government is made more effective by the work of programs such as Youth Off the Streets and spoke of their own experience in working with disadvantaged young people. Members acknowledged the work of various organisations around the state which assist young people to build skills, confidence and find opportunities for future employment.

Debate on the motion was adjourned.

Motions taken as formal business

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

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

- (1) William Shakespeare (Mr Pearson)
- (2) Physical Disability Council of NSW 'I'm OK' Website (Mr Donnelly)
- (3) Pakistan Independence Day (Mr Moselmane)
- (4) International Remembrance Day for people who have died due to drug use (Dr Faruqi)
- (5) Conference on violence in the media (Mr Donnelly)
- (6) Mr Simon Ko, CEO, Sing Tao Newspaper (Mr Moselmane)
- (7) Mr Abdul Sattar Edhi (Mr Moselmane)
- (8) Filipino Online news Emanila.com (Mr Moselmane)
- (9) Women of the Future Scholarship (Mrs Taylor)
- (10) Newcastle Unity in Diversity Festival (Dr Faruqi)
- (11) Canterbury-Bankstown Bulldogs' donation to White Ribbon Australia (Ms Cotsis)
- (12) Cooks Hill Surf Life Saving Club redevelopment (Mr MacDonald)

Orders for papers

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

Order made

- (1) **Government's advertising campaign relating to the greyhound racing industry (Mr Primrose)** The order requires all documents, including emails and other electronic documents, including the budget, strategy and objective of the campaign relating to the Government's greyhound racing industry advertising campaign. (The motion was agreed to as private members business on 11 August 2016.) Due: 8 September 2016.

Return to order

- (2) **Budget 2016-2017 (Mr Searle):** The order required documents relating to the 2016-2017 budget, received 14 July 2016, two public boxes.
- (3) **Budget finances 2016-2017 (Mr Searle):** The order required advice, briefing papers and electorate reports relating to the 2016-2017 budget, received 14 July 2016, 8 public boxes, 1 privileged box.

Petitions received

- (1) TAFE funding – 540 signatures (presented Mr Secord).

Government responses

- (1) TAFE funding (received 25 July 2016) – (Honourable John Barilaro MP, Minister for Regional Development, Minister for Skills, and Minister for Small Business).
- (2) National Partnership Agreement on Skills Reform (received 26 July 2016) – (Honourable John Barilaro MP, Minister for Regional Development, Minister for Skills, and Minister for Small Business).
- (3) Job cuts at Wauchope Station (received 27 July 2016) – (Honourable Andrew Constance MP, Minister for Transport and Infrastructure).

Reports tabled

Auditor General: Financial Audit report of the Auditor General, Volume Three 2016: Additional Entitlements for Members of Parliament, dated June 2016.

Committee activities

Select Committee on off-protocol prescribing of chemotherapy in New South Wales: The House established a select committee to inquire into and report on off-protocol prescribing of chemotherapy in New South Wales including at St Vincent's Hospital, St George Hospital, Sutherland Hospital, Macquarie University Hospital and clinics in Orange and Bathurst.

Committee reports tabled

Legislation Review Committee: 'Legislation Review Digest No. 21/56', dated 2 August 2016.

Legislation Review Committee: 'Legislation Review Digest No. 22/56', dated 9 August 2016.

Committee membership

The following changes to committee membership were reported:

Select Committee on the Legislative Council Committee System:

Mr Shoebridge in place of Dr Kaye.

General Purpose Standing Committee No. 1:

Mr Buckingham in place of Dr Kaye.

Committee reports debated

General Purpose Standing Committee No. 3: The House continued the take note debate on Report No. 34 entitled "Reparations for the Stolen Generations in New South Wales", dated June 2016.

Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission: The House continued the take note debate on Report No. 1/56 entitled "Review of the Annual Reports of Oversighted Bodies", dated June 2016.

Committee on the Health Care Complaints Commission: The House continued the take note debate on Report No. 1/56 entitled "Review of the 2013/14 and 2014/15 Annual Reports of the Health Care Complaints Commission", dated June 2016.

Inquiry activities

Select Committee on the Legislative Council committee system

The committee has received 20 submissions and held a hearing on 29 April. The committee conducted a private roundtable meeting in late May to consider options and recommendations for its report and will meet again this month to further consider these matters.

General Purpose Standing Committee No. 2

Inquiry into child protection

The committee has received 97 submissions and will be holding a number of public hearings in Sydney on 16 August and 26-27 September 2016.

General Purpose Standing Committee No. 4

Inquiry into museums and galleries

The closing date for submissions is 14 August 2016. Hearings are scheduled for 5, 6 and 23 September 2016, and the report is due to be tabled by 24 November 2016.

General Purpose Standing Committee No. 5

Inquiry into water augmentation for rural and regional New South Wales

The closing date for submissions is 14 August 2016. The committee will conduct hearings in October and November, and in early 2017.

Inquiry into Wambelong fire inquiry evidence

The committee is currently in the process of undertaking the inquiry.

General Purpose Standing Committee No. 6

Inquiry into Crown land in New South Wales

Over 200 submissions have been received for this inquiry. The committee has conducted six hearings throughout New South Wales and the final hearing will be held in Sydney on Monday 15 August. The committee is due to report by 13 October.

Law and Justice Committee

First review into CTP insurance scheme

The committee will table its report on 17 August 2016.

State Development Committee

Inquiry into economic development in Aboriginal communities

Following receipt of submissions in response to its discussion paper, the committee will be holding a public roundtable on 18 August 2016. The committee is due to table its final report in September.

Inquiry into regional planning processes in NSW

The committee held four hearings in the first half of 2016 and will be conducting a Sydney hearing on 17 August before holding regional hearings in Albury and Ballina in September. The committee is expected to report by the end of the year.

Social Issues Committee

Inquiry into childhood overweight and obesity

The closing date for submissions is 21 August 2016.

Adjournment debate

Tuesday 9 August 2016

Gosford Hospital And Wyong Hospital (Mr MacDonald); Commercial fishing (Mr Veitch); Independent government reviews (Mr Brown); Tribute to Max Woods (Mr Colless); Public health administration (Mr Secord); Black Lives Matter Movement (Dr Faruqi); Public health administration (Dr Phelps).

Wednesday 10 August 2016

Bylong Valley (Mr Buckingham); Byron Writers Festival (Mr Franklin); State Budget and Canterbury Electorate (Ms Cotsis); Tribute to Father Jacques Hamel; Commonwealth Parliamentary Associations Study Tour (Mr Moselmane); Lake Ainsworth Sport and Recreation Centre (Ms Cusack).

Thursday 11 August 2016

Biodiversity (Ms Sharpe); Britain and European Union (Mr Clarke); Property Council of Australia (Mr Shoebridge); Safe Schools Coalition (Revd Mr Nile); Federal Election (Mrs Mitchell).

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