

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



Volume 56/35

*Sitting period
28 to 30 March 2017*

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

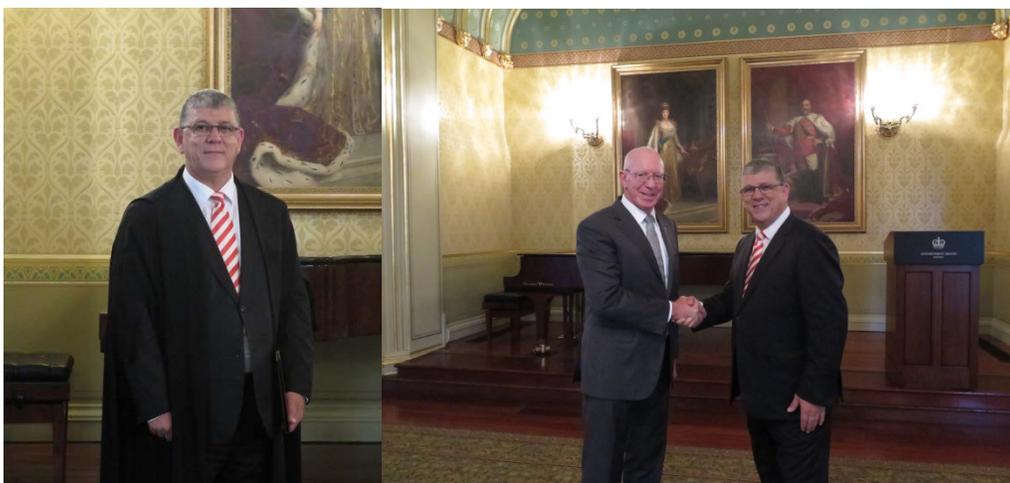
Overview

On Tuesday the House proceeded to Government House to present President the Honourable John Ajaka MLC to His Excellency the Governor. Back in the chamber, the House proceeded to consider three government bills over the course of the week, three private members' bills, a motion for the disallowance of a regulation and one private member's motion. This week also saw proceedings come to a close on various processes pertaining to an order for papers regarding greyhound welfare, discussed in further detail below.

The House now stands adjourned until Tuesday 4 April 2017.

Presentation of the President to His Excellency the Governor

On Tuesday the House presented its new President, the Honourable John Ajaka MLC, to His Excellency the Governor at a reception held at Government House. In accordance with established convention, the President, on behalf of the House, laid claim to all its undoubted rights and privileges, to which the Governor readily assented.



Digitisation of records of the Legislative Council: 1824 to 1901

On Thursday the President informed the House that digital records of the Parliament from 1824 to 1901 have now been made available online. The period captures both the colonial legislature, or the First Council, which operated between 1824 and 1856, prior to responsible government, and records from the

establishment of responsible government in 1856 until the establishment of the Commonwealth of Australia in 1901. The President acknowledged the work of staff from all three parliamentary departments who have managed this important project through to its conclusion.

Tabling of privileged documents – Greyhound welfare – further order

Previous editions of House in Review reported that the Independent Legal Arbitrator had recommended that a large number of documents received in a return to order regarding greyhound welfare did not warrant various claims of privilege made by Greyhound Racing NSW (GRNSW). On 8 March the House resolved that the documents be made public, but that GRNSW first be given the opportunity to redact documents subject to claims of confidentiality or commercial in confidence privilege of certain information that would identify informants or people the subject of spurious complaints.

Over the past two weeks Council staff put in place arrangements to facilitate GRNSW completing the redaction process. On Tuesday the Clerk tabled the redacted documents, which are now available to be viewed by both members and the public.

The Government also introduced the Greyhound Racing Bill 2017 in the Legislative Assembly on Tuesday.

Motion to disallow a regulation declaring the Newcastle Light Rail route

On Tuesday 28 March 2017, Dr Faruqi (The Greens) moved a motion to disallow the [Transport Administration \(General\) Amendment \(Newcastle Light Rail\) Regulation 2017](#), which declares the route of the Newcastle Light Rail system. Under the regulation, the proposed route will pass along the former heavy rail corridor from the Wickham Transport interchange, before leaving the heavy rail corridor to travel along Hunter Street and Scott Street, to Zaara Street. Dr Faruqi argued that the route is illogical and will see the loss of greenspaces and parking, additionally disrupting traffic and slowing transport services. She stated that the new route had been decided with no regard for the negative social, environmental and economic consequences that may arise and directly affect local citizens.

The Government opposed the motion, arguing that the regulation represents significant government investment into the area and provides the people of Newcastle the foundation for the building of an effective modern transport system, in the pursuit of revitalising the city. The Shooters, Fishers and Farmers Party also opposed the motion, noting that cancellation of the route would reverse the hard work that has gone into the development and planning for the revitalisation of Newcastle. The Opposition supported the motion, observing that local businesses, as well as taxpayers, will be greatly impacted by the additional costs associated with the Light Rail investment.

The motion was negatived on division (Ayes: 15 / Noes: 21).

Government business

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

[Local Government Amendment \(Rates – Merged Council Areas\) Bill 2017](#)

Debate resumed from 8 March 2017 (see [previous House in Review](#) for an outline of the parliamentary secretary's speech outlining the purpose of the bill).

The Opposition questioned the impacts of the bill, arguing that it was poorly drafted and had been drafted on the authority of an Independent Pricing and Regulatory Tribunal (IPART) report that had been provided to the Government but not made publicly available. The Opposition argued that, in the absence of the report or the Government's response to the report, and in view of the terminology used in the bill, it was impossible to determine whether the effect of the 'rate path protection' applied by the bill would be to freeze council rates, the period any freeze or protection would apply, the obligation on the minister to apply such a freeze or protection, or the role of IPART in performing its role as the independent umpire.

The Greens opposed the bill, arguing that the Government was empowering the Minister for Local Government to set the rate peg (the maximum percentage amount by which a council may increase its general income for the year), which is normally the role of IPART and a function that The Greens' argued should instead be within the powers of local councils. The Greens also echoed the Opposition's concerns regarding the definition of 'rate path' provided in the bill, arguing that the measures were ill thought through.

While the Christian Democratic Party (CDP) supported the bill, it noted that Local Government NSW does not support the rate path freeze, instead favouring a system where councils can harmonise phased rates and service levels. The CDP supported this view, but noted that such a system would take time to implement. The Shooters, Fishers and Farmers Party did not oppose the bill, but argued that the measures were aimed at placating ratepayers in the short term and would not generate sufficient funds to sustain the large bureaucracies supporting amalgamated councils in the long term. The second reading was agreed to on division (Ayes: 28 / Noes: 6), the Greens and Animal Justice Party voting against the second reading.

During consideration in committee of the whole the CDP moved an amendment to ensure that the rate caps applied under the bill would not apply to the Mid Coast Council, which the CDP argued had inherited a significant infrastructure backlog which will require considerable funding to address. The amendment was supported and the bill reported from committee with the amendment.

The third reading was agreed to and the bill was forwarded to the Assembly for concurrence.

[Fire and Emergency Services Levy Bill 2017](#)

House of origin: Legislative Assembly

The bill establishes a new way of providing funds to the state's fire and emergency services by abolishing the existing insurance-based emergency services levy (whereby most of the cost of fire and emergency services is borne only by people who insure their properties), and introducing a new fire and emergency services levy (the levy) to be paid by all property owners. The levy is to be collected by councils through rates and charges on behalf of the state and is payable each financial year, commencing on 1 July 2017.

The Parliamentary Secretary stated that the bill will ensure a fairer funding scheme for emergency services, as every property owner will contribute. He noted that the new method of funding emergency services brings New South Wales in line with all other mainland states, which have already replaced insurance levies with property levies. He also observed that the bill will also reduce the cost of insurance, making it more affordable.

The Opposition supported the bill in principle, but had significant concerns about checks and balances that the Government is putting in place during the transitional phase. The Leader of the Opposition indicated his intention to move amendments in committee of the whole to address their concerns. The Christian Democratic Party spoke in support of the bill, noting that moving from an insurance based levy to a property based levy would bring New South Wales into line with the other states and benefit the residents of New South Wales. The Shooters Fishers and Farmers Party supported the bill in principle, but expressed concern that insurance companies would pocket the savings, rather than pass the savings on to consumers in the form of reduced premiums.

The Greens opposed the bill, arguing that it imposes a new tax obligation on ordinary residential property owners across New South Wales in order to lift the burden of the levy on insurance industry. The second reading was agreed to on division (Ayes: 29/ Noes: 4), the Greens voting against the second reading.

During consideration in committee of the whole, the Opposition moved 20 amendments which sought to amend the description of the levy on council rate notices to make clear that it is a NSW Government charge, to ensure secure contributions by Commonwealth lessees, to include TransGrid to the list of state owned corporations liable to pay the levy, to extend the term for which insurance companies would be

monitored and investigated to prevent over-collection during the transitional period, and to extend the term of service of the Emergency Services Levy Insurance Monitor. The amendments were defeated and the bill reported from committee without amendment.

On the minister moving that the bill be read a third time, the Leader of the Opposition informed the House that as the Opposition amendments had been defeated, the Opposition would not support the third reading of the bill. Third reading was agreed to on division (Ayes: 19/ Noes: 15) and the bill returned to the Legislative Assembly without amendment.

Motor Accident Injuries Bill 2017

House of origin: Legislative Assembly

The bill introduces a new compulsory third party (CTP) scheme which provides general support for anyone who has sustained injuries and the families who have lost their life as a result of a motor accident, regardless of fault. It replaces the current motor accidents scheme under the Motor Accidents Compensation Act 1999. The new scheme consists of two key elements. First, it provides statutory benefits in the form of weekly income support and medical treatment and care for all injured road users with injuries other than soft tissue or minor psychological injuries. Second, the bill retains the right to claim common law damages for those able to establish fault. The bill also establishes a dispute resolution service within the State Insurance Regulatory Authority to assist with dispute resolution.

Speaking to the bill, the parliamentary secretary emphasised that the bill, in addition to providing support for all injured persons, will ensure that payments to injured individuals will be made sooner than current arrangements. The parliamentary secretary argued that the bill will reduce motorists' insurance premiums and legal costs and return more of the scheme premium to injured persons rather than insurance companies. The parliamentary secretary advised that the new scheme does not affect the existing Lifetime Care and Support Scheme for severely injured people.

The Opposition did not oppose the bill, but noted that it is imperative to have an independent body overseeing CTP premiums, a clear definition of what constitutes minor injury and minor psychological injury, and to ensure that injured persons who are not at fault are not deprived of their common law rights to claim compensation. The Opposition was also concerned about the proposal for internal reviews of disputes to be undertaken by the insurers, as this process might deter people from pursuing their claims. While the Opposition did not oppose the extension of insurance coverage to injured drivers at fault, members of the Opposition argued that priority should be given to innocent drivers who were not at fault. The Opposition foreshadowed amendments addressing these issues.

The Greens supported the bill. The Greens reasoned that the new scheme should reduce insurance premiums to make them more affordable, reduce superprofits for insurers and prevent fraudulent claims. The Greens commented that the new scheme has achieved the right balance between providing immediate accessible statutory protection for all regardless of fault and retaining necessary common law benefits. The Shooters, Fishers and Farmers Party (SFFP) indicated support for the bill, but queried what could be done to address the cost of CTP insurance for the taxi industry and to provide equity for the industry. For that reason, the SFFP foreshadowed support for certain amendments of the Greens and the Christian Democratic Party.

The Christian Democratic Party (CDP) also supported the bill, and argued that the current CTP scheme was in need of overhaul. The CDP argued that, under the current scheme, people injured in motor accidents do not receive payments when they are most in need, only half of the funds in the scheme that are disbursed to those injured, and that premiums in New South Wales are among the highest in the country. The CDP foreshadowed amendments in committee addressing issues relating to the management of insurer profit, the dispute resolution process, fairness for injured people and the premium for point to point transport vehicles. The second reading of the bill was agreed to.

During consideration in committee of the whole, 26 amendments were moved: 12 by the Opposition, 5 by The Greens and 10 by the CDP. All of the Greens and CDP amendments moved were accepted, with one of the Opposition amendments accepted. The committee passed amendments to require the regulator to undertake a review of insurer profit if realised profit is two per cent or more greater than filed profit; to provide ongoing treatment and care to injured persons who are Australian citizens or permanent residents when they reside outside Australia; to clarify that damages may be awarded for past loss of earning capacity rather than loss of earnings to avoid unintended taxation consequences; and extending the protections for people under a legal incapacity beyond claims assessments to applications for merit review or medical assistance. The bill was agreed to by the committee with 16 amendments.

The third reading of the bill was agreed to on the voices. The bill was returned to the Assembly with amendments.

Private members' business

Note: Private members' business is business introduced by members of the House other than Government ministers. There are two types of private members' business: private members' bills and private members' motions.

Bills

Summary Offences Amendment (Safe Access to Reproductive Health Clinics) Bill 2017 (Ms Sharpe, Australian Labor Party)

The bill seeks to establish safe access zones around reproductive health clinics at which abortions are provided so as to protect the safety, well-being, privacy and dignity of those accessing the services provided at those premises, including those accessing premises in the course of their employment. The safe access zone is defined as being within a radius of 150 metres of a clinic, or within 150 metres of a pedestrian access point to a building that houses a clinic. The bill will make it an offence for anyone within a safe access zone to harass, intimidate, interfere with, threaten, hinder, obstruct or impede, by any means, any person accessing, leaving, or attempting to access or leave, any reproductive health clinic at which abortions are provided. The penalty for these offences is 150 penalty units or imprisonment for 12 months.

Ms Sharpe stated that the bill sought to prevent significant harassment and intimidation experienced by those who enter reproductive health clinics where abortions are provided, both in the case of women accessing the services of the clinic and staff. Ms Sharpe observed that the safe access radius of 150 metres is consistent with provisions operating in the ACT, Tasmania, Victoria and the Northern Territory, and the penalties applied are consistent with those in Victoria.

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

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

Debate resumed from 9 March 2017 (see [previous House in Review](#) for an outline of the mover's speech outlining the purpose of the bill, and previous contributions to the second reading debate).

The Christian Democratic Party (CDP) did not support the bill, citing concerns that regional job opportunities would be lost as a consequence of the phasing out of coal mining. The CDP argued that the bill sought to apply a one-size-fits-all solution to energy production, and that it would be unwise to pursue the development of new resource industries without considering risks to water supply, prime agricultural land and the overall long-term wellbeing of the environment. The Shooters, Fishers and Farmers Party also opposed the bill, arguing that if the bill was to pass, it could seriously impact on the plan to build generators in the Hunter Valley.

The Opposition also opposed the bill, arguing that while it recognises the challenge of climate change, the bill is too blunt an instrument, and will be highly destructive for industry, the NSW economy and all those who depend on the industry for economic support.

The bill was negatived on division (Ayes: 6 / Noes: 32), the Greens and Animal Justice Party voting in support of the bill and other parties against.

Local Government Amendment (Disqualification from Civic Office) Bill 2017 (Mr Primrose, Australian Labor Party)

The bill disqualifies property developers and real estate agents from holding the office of councillor or mayor of a local council or, in the case of a county council, the office of chairperson or member.

Mr Primrose argued that the bill provides an opportunity for the Parliament to draw a line under the corruption and perceptions of corruption that have bedevilled local government in NSW for a number of decades, and from which no political party has been immune. Mr Primrose stated the new measures would implement the necessary tranche of protections expected by the New South Wales community in response to the various cases of conflicts of interest canvassed in media reports over recent years.

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

Motions

The Bible Society (Mr Green, Christian Democratic Party)

The motion noted the 200 year anniversary of the Bible Society, which was established on 7 March 1817 by Governor Lachlan Macquarie and his wife, Lady Macquarie. The first patron of the Bible Society was Governor Macquarie, and today the patron remains the Governor of New South Wales, His Excellency General the Hon. David Hurley, AC DSC (Ret'd). The motion also noted that on Sunday 5 March 2017, a National Celebration of the Bible was held to mark the anniversary, hosted by the Hillsong Church and Senior Pastors Brian and Bobbie Houston, with Dr Greg Clarke, Chief Executive Officer of the Bible Society Australia, and Archbishop Glenn Davies, Anglican Archbishop of Sydney present.

Speaking to the motion, Mr Green observed that the Bible Society Australia is the oldest operational society in Australia, and that it has contributed to the strong foundations on which many of the nation's institutions are built. Mr Green noted that the Bible is the world's most read book with over 5 billion copies in print, and argued that the Bible expresses a belief in human dignity, is a foundation to our human rights and our legal system, and inspires a passion for community service.

Members spoke in support of the motion, noting the work of the Bible Society in advocacy and spreading the Bible. Members noted that the Bible Society's activities take place as part of the United Bible Societies, which is a global network operating across 200 countries and territories. The Society is one of the most extensive mission groups in the world and works in partnership with churches providing resources and Bible focus campaigns and community programs. In 2010 the Bible societies in each Australian State merged into a new single organisation with the title Bible Society of Australia. Having celebrated 200 years of existence, members looked forward to the Society's 300th and 400th anniversary in the years ahead.

Debate was adjourned.

Motions taken as formal business

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

- (1) Mr Vincent Thanh Minh Kong (Mr Wong).
- (2) 10th anniversary of the assassination of Mr Hrant Dink (Mr Donnelly).
- (3) Saint Joseph's Maronite Catholic Church Solemn Devine Liturgy (Mr Donnelly).
- (4) Greek Independence Day (Mr Moselmane).
- (5) Woy Woy Roosters Rugby Club (Mr MacDonald).
- (6) Independence Day of Bangladesh (Mr Moselmane).
- (7) Shoalhaven International Women's Day awards (Mr Buckingham).
- (8) 2017 NSW Women of the Year Awards (Mrs Maclaren-Jones).
- (9) World Bipolar Day (Mr Farlow).
- (10) Cancer Council Relay for Life (Mrs Taylor).

Committee activities

Committee reports tabled

Legislation Review Committee: 'Legislation Review Digest No. 33/56', dated 28 March 2017.

General Purpose Standing Committee No. 2: 'Child Protection', dated March 2017.

Committee membership

Portfolio Committee No. 3 – Education: The Hon Duncan Gay MLC replaced the Hon Sarah Mitchell MLC.

Portfolio Committee No. 4 – Legal Affairs: The Hon Catherine Cusack MLC replaced the Hon Shayne Mallard MLC.

Portfolio Committee No. 6 – Planning and Environment: The Hon Matthew Mason-Cox MLC replaced the Hon Catherine Cusack MLC, and the Hon Shayne Mallard replaced the Hon Bronnie Taylor MLC.

Standing Committee on Social Issues: The Hon Catherine Cusack MLC replaced the Hon Scott Farlow MLC as Chair.

Joint Committee on Children and Young People: The Hon Catherine Cusack MLC replaced the Hon Ben Franklin MLC.

Inquiry activities

Select Committee on Off-Protocol Chemotherapy in New South Wales

The committee has received 114 submissions and conducted six hearings to date, with the latest taking place on 31 March. The committee will report by 19 May 2017.

Select Committee on Human Trafficking

The committee has received 28 submissions and has held two hearings in March. Further hearings are anticipated to take place in late May. The committee is due to report in September 2017.

Standing Committee on Law and Justice

First review of the Dust Diseases and Lifetime Care and Support schemes

The committee commenced its first review of the Dust Diseases and Lifetime Care and Support schemes on 13 March 2017. The closing date for submissions is 23 April 2017, and the committee will conduct a hearing on 2 June 2017.

Portfolio Committee No. 2 – Health and Community Services

Inquiry into road tolling

Submissions to the inquiry have now closed. The committee will hold two public hearings on 11 and 12 April 2017.

Portfolio Committee No. 3 – Education

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

The committee has received 260 submissions to date and held its first public hearing on 27 March 2017. The next hearing will take place on 3 April 2017. Additional hearings will take place in May and June 2017.

Portfolio Committee No. 4 – Legal Affairs

Inquiry into museums and galleries

The committee has received 173 submissions and held six public hearings to date. The committee has extended its reporting date to 15 June 2017.

Portfolio Committee No. 5 – Industry and Transport

Inquiry into water augmentation for rural and regional New South Wales

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

Reports tabled

Auditor General:

- (1) 'Members' Additional Entitlements 2016', March 2017.
- (2) '2016 – An Overview' March 2017.

Adjournment debate

Tuesday 28 March 2017

Western Sydney waste incinerator proposal (Mr Buckingham); Cyber bullying (Mr Wong); The Nationals Southern Regional Conference (Mrs Taylor); Albert Coulston (Bert) Evans, AO (Mr Brown); Tribute to Ian Sinnett (Mr Secord); Conservatism (Dr Phelps).

Wednesday 29 March 2017

Quad bikes (Mr Veitch); Tribute to former Members of the Legislative Council (Mr Khan); Riversdale (Mr Green); Indigenous incarceration rates (Mr Moselmane); Indigenous incarceration rates (Mr Shoebridge); Gosford Hospital redevelopment (Mr MacDonald).

Thursday 30 March 2017

Australia21 (Mr Mallard); Same sex marriage (Revd Mr Nile); New South Wales 2021 Plan (Ms Voltz); renewable energy (Mr Buckingham); Work Life balance (Mr Searle); Broken Hill AGL Viewing Platform (Mr Franklin).

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