

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## HOUSE IN REVIEW

*Volume 56/50*

*Sitting period  
13 to 15 February 2018*



The *House in Review* provides regular updates of the activities of the New South Wales Legislative Council. For further information refer to the NSW Parliament website [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au).

### Overview

This week the House resumed sitting for 2018 – the last parliamentary sitting year before the March 2019 election. In this first sitting week a joint sitting was held to fill a vacancy in the Senate, and the House considered three government bills and three private members' bills.

In addition, the House marked the death of Sir Nicholas Michael Shehadie, AC, OBE. The President made a statement on Tuesday and advised that on behalf of the House he had extended its deepest condolences to Dame Marie Bashir and family. On Thursday, numerous members contributed to debate on a motion offering condolences on the death of Sir Nicholas.

During the final sitting week in 2017, the House established two new committees, on a trial basis, as recommended by the Select Committee on the Legislative Council Committee System. Both committees: the Selection of Bills Committee and the Regulation Committee, met for the first time this week.

### Vacancy in the representation of the State in the Senate



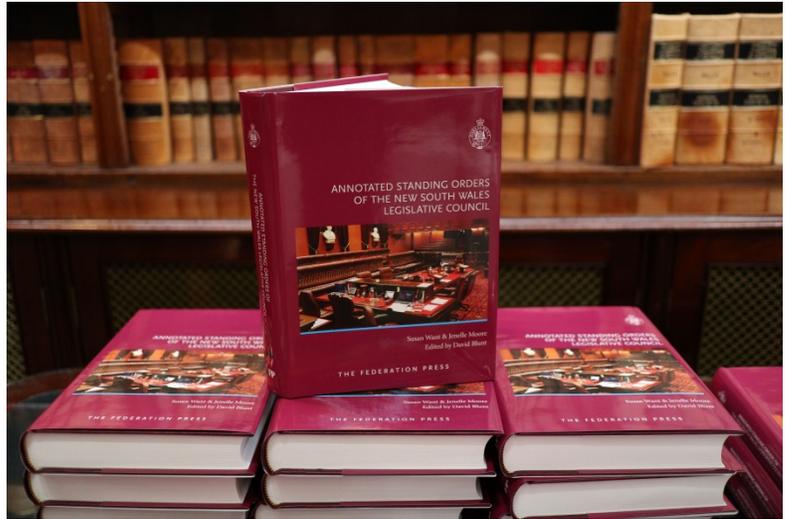
On the first sitting day the President reported a message from His Excellency the Governor notifying that a vacancy had occurred in the representation of New South Wales in the Senate through the resignation of Senator the Hon Sam Dastyari on 25 January 2018.

On Wednesday, and in accordance with section 15 of the Commonwealth Constitution, a joint sitting of the two Houses was held to elect a person to fill the vacated seat. Ms Kristina Keneally, a former Premier of New South Wales, was the person elected at the joint sitting.

## Launch of the annotated standing orders

On Wednesday a major new reference book on parliamentary practice and procedure was launched in the Jubilee Room at Parliament House. The book is entitled *The Annotated Standing Orders of the New South Wales Legislative Council* and provides a practical guide to each of the current standing orders, their modern operation and historical development.

The book is intended to complement the current procedural reference work, *New South Wales Legislative Council Practice*, and will inform a number of chapters in the forthcoming second edition of that work.



The former Clerk of the Australian Senate, Dr Rosemary Laing, was the guest speaker at the launch. Other speakers included the President of the Legislative Council and the two principal authors, Susan Want and Jenelle Moore.

## Government business

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

### [Health Legislation Amendment Bill 2017](#)

House of origin: Legislative Assembly

The bill amends six New South Wales Acts: the *Health Administration Act 1982*, the *Health Services Act 1997*, the *Human Tissue Act 1983*, the *Mental Health Act 2007*, the *Mental Health (Forensic Provisions) Act 1990*, the *Government Sector Employment Act 2013* and makes a consequential amendment to the *Government Information (Public Access) Act 2009* (GIPA).

The bill was received from the Assembly and read a first time on Tuesday 13 February 2018 and debate on the second reading took place the next day. See Hansard to follow the Parliamentary Secretary's [second reading speech](#), and [further debate](#) later that day.

The Opposition did not oppose the bill. However, the Opposition described provisions in schedule 7 relating to the disclosure of reportable incidents as the most controversial aspect of the bill and said that this warrants a statutory review in the first two years of the Act's operation to see whether the clauses are benefiting patients and medical staff.

The Greens did not oppose the bill and shared the Opposition's concerns regarding the privileged status and exemption of preliminary assessments of reportable incidents from the GIPA Act. Additionally, the Greens raised concerns about the changes to the *Mental Health Act 2007* which allow the Mental Health Review Tribunal to hear reviews without the patient present.

The Christian Democratic Party supported certain elements of the bill. However, in accordance with the concerns raised by other parties, the CDP reiterated the concerns about the Government's proposal to exempt preliminary assessments of reportable incidents from the GIPA Act.

The second reading was agreed to.

In the committee stage the Opposition moved an amendment to require a statutory review within two years to consider whether the provisions relating to root cause analysis, which will be called “serious adverse event reviews” under the bill, should be exempt from the GIPA Act. The amendment was negatived.

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

### [Teaching and Education Legislation Amendment \(Employment\) Bill 2017](#)

House of origin: Legislative Assembly

The bill makes amendments to various education acts in order to modernise employment practices under which staff are employed in New South Wales government schools. In particular, the bill extends the period of time for which both teachers and school administrative and support staff may be employed as temporary employees from one year to up to three years. The bill also enables the Secretary of the Department of Education to determine the eligibility criteria for student enrolment in individual government schools and to make it clear that requiring overseas students to pay fees to attend government schools does not contravene the *Anti-Discrimination Act 1977*.

The bill was received from the Assembly and read a first time on Tuesday. Debate on the second reading took place the following day. See [Hansard](#) from Wednesday 14 February 2018 to follow the debate. The second and third readings of the bill were agreed to and the bill was returned to the Legislative Assembly without amendment.

### [Vexatious Proceedings Amendment \(Statutory Review\) Bill 2017](#)

House of origin: Legislative Assembly

The bill amends the *Vexatious Proceedings Act 2008* to make further provision for the making, variation and setting aside of vexatious proceedings orders and the granting of leave to institute proceedings prohibited by such orders. It gives effect to recommendations arising from a statutory review of that Act. The amendments in the bill clarify the matters that superior courts can consider when determining whether to make a vexatious proceedings order so that there is greater consistency in court decisions and greater certainty for litigants, and clarify the rights of vexatious litigants to institute and conduct later proceedings.

The bill was received from the Assembly and read a first time on Tuesday. Debate on the second reading took place immediately. See [Hansard](#) from Tuesday 13 February 2018 to follow the debate. The second and third readings of the bill were agreed to and the bill was returned to the Legislative Assembly without amendment.

## **Private members' business**

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

*Bills*

### [Medicinal Cannabis \(Compassionate Access\) Bill \(Mr Searle, ALP\)](#)

The bill amends the Drug Misuse and Trafficking Act 1985 and the Poisons and Therapeutic Goods Act 1966 to provide for the medicinal use of cannabis. The bill establishes a registration scheme for medicinal cannabis users and their carers. The bill also supports the establishment of a scheme of authorities for cultivating cannabis plants, and manufacturing and supplying cannabis for the use of registered users, and protects registered users and their carers from criminal liability.

The bill was received and read a first time on Thursday 15 February 2018. Mr Searle then gave his second reading speech (see [Hansard](#) for details) after which, in accordance with the standing orders, debate was adjourned for five calendar days.

### **Family Impact Commission Bill (Revd Nile, Christian Democratic Party)**

The bill proposes the establishment of the Family Impact Commission. The role of the proposed Commission is to study and report on the moral, social and economic effects on the family unit of certain laws and proposed laws and Government expenditure, with a view to ensuring that principles relating to maintaining the integrity of the family unit are recognised and upheld. The bill provides for the preparation and publication of Family Impact Studies and Assessments for all bills and expenditure programs.

The bill was introduced and read a first time on Thursday 15 February 2018. Revd Nile then gave his second reading speech (see [Hansard](#) for details) after which, in accordance with the standing orders, debate was adjourned for five calendar days.

### **Prevention of Cruelty to Animals Amendment (Stock Animals) Bill 2015 (Mr Pearson, Animal Justice Party)**

The bill amends the *Prevention of Cruelty to Animals Act 1979* to introduce certain operational requirements in abattoirs and intensive livestock keeping facilities for the purposes of ensuring the humane treatment of stock animals.

Debate on the second reading of the bill resumed on Thursday 15 February 2018. Following contributions from members of the Government, Opposition and the Greens (see [Hansard](#) for details), debate was adjourned until the next sitting day.

#### *Motions*

### **Sir Nicholas Michael Shehadie, AC OBE (Ms Ward, Liberal Party)**

On 11 February 2018 Sir Nicholas Shehadie, AC OBE passed away at the age of 92 years. Among his many achievements Sir Nicholas served as Sydney lord mayor, SBS Chairman and President of the Australian Rugby Union. Sir Nicholas was a national rugby union representative, making thirty Test appearances for the Wallabies, including as captain. Sir Nicholas was the husband of the former Governor of New South Wales Dame Marie Bashir to whom he was married for 61 years.

The motion called on the House to express and place on record its deep sense of the loss sustained to the State by the death of Sir Nicholas and that this resolution be communicated by the President to the family.

Ms Ward moved and spoke to the motion on Thursday 15 February 2018, with a number of members then contributing to the debate by paying tribute to the life of Sir Nicholas (see [Hansard](#) for details).

The motion was agreed to.

#### **Petitions received**

- (1) Newcastle Transport Ferry Services – 212 signatures (presented Mr MacDonald).
- (2) Energy from waste incinerator at Eastern Creek – 10, 668 signatures (presented by Mr Buckingham).

#### **Adjournment debate**

##### **Tuesday 13 February 2018**

Government Transparency (Ms Voltz); Surf Life Saving NSW Awards of Excellence

(Mr Franklin); Murray-Darling Basin (Mr Buckingham); Train Timetables (Mr Searle); Northern Tablelands Electorate (Mr Borsak); Australia Day Public Holiday (Mr Farlow).

##### **Wednesday 14 February 2018**

Palliative Care (Mr Donnelly); Recreational Fishing (Mr Amato); Drought Relief Funding (Mr Brown); State Economy (Dr Phelps); Western Slopes Pipeline/Government Policy (Mr Mookhey); Asylum Seeker Process Delays (Dr Faruqi).

## Thursday 15 February 2018

Mining Industry (Mr MacDonald); Defence Industries (Mr Field); Local Government Infrastructure (Mr Primrose); Religious Freedom (Revd Mr Nile); Hunter and Central Coast Regions (Mr Martin); Holiday Reading List (Mr Graham).

### Committee activities

#### *Committee references*

#### **Portfolio Committee No. 4 – Legal Affairs:**

The committee resolved to extend its terms of reference for its inquiry into Parklea Correctional Centre to include rapid-build dormitory prisons and the benchmarking of prisons in New South Wales.

**Standing Committee on Law and Justice:** The committee resolved to adopt an inquiry into the adequacy of the scope of the special care offence, referred to it by the Attorney General.

#### *Committee reports tabled*

**Portfolio Committee No. 1 – Premier and Finance:** ‘Budget Estimates 2017-2018’, dated November 2017.

**Portfolio Committee No. 2 – Health and Community Services:** ‘Budget Estimates 2017-2018’, dated November 2017.

**Portfolio Committee No. 3 – Education:** ‘Budget Estimates 2017-2018’, dated November 2017.

**Portfolio Committee No. 4 – Legal Affairs:** ‘Budget Estimates 2017-2018’, dated November 2017.

‘Museums and galleries in New South Wales – First report’, dated December 2017.

**Portfolio Committee No. 5 – Industry and Transport:** ‘Budget Estimates 2017-2018’, dated November 2017.

**Portfolio Committee No. 6 – Planning and Environment:** ‘Budget Estimates 2017-2018’, dated November 2017.

**Standing Committee on Law and Justice:** ‘Statutory review of the State Insurance and Care Governance Act 2015’, dated December 2017.

**Legislation Review Committee:** ‘Legislation Review Digest No. 48/56’, dated 6 February 2018.

**Selection of Bills Committee:** ‘Report No. 1 of the Selection of Bills Committee’, dated 13 February 2018.

The committee recommended that the following bills not be referred to standing committees this day:

- Teaching and Education Legislation Amendment (Employment) Bill 2017
- Vexatious Proceedings Amendment (Statutory Review) Bill 2017
- Health Legislation Amendment Bill 2017
- Justice Legislation Amendment Bill 2018
- Industrial Relations Amendment (Contracts of Carriage) Bill 2018.

#### *Committee membership*

The following changes to committee membership were reported:

**Standing Committee on State Development:** Ms Ward in place of Mr Pearce (resigned); Mr Martin in place of Ms Ward.

**Standing Committee on Social Issues:** Mr Fang in place of Mr Mallard; Mr Mallard in place of Ms Cusack.

**Standing Committee on Law and Justice:** Ms Ward in place of Mr Mallard.

**Portfolio Committee No. 3 – Education:** Ms Ward in place of Mr Martin.

**Portfolio Committee No. 5 – Industry and Transport:** Mr Fang in place of Mr Pearce (resigned).

**Portfolio Committee No. 6 – Planning and Environment:** Mr Martin in place of Mr Amato.

**Joint Committee on Children and Young People:** Mr Fang in place of Ms Cusack.

The following members were appointed to the following committees:

**Selection of Bills Committee:**

*Government:* Mrs Maclaren-Jones, Mr Khan, Dr Phelps

*Opposition:* Mr Moselmane, Ms Voltz

*Crossbench:* Revd Nile, Mr Shoebridge, Mr Brown, Mr Pearson.

**Regulation Committee:**

*Government:* Mr Farlow, Mr Khan, Mr Mallard, Ms Ward

*Opposition:* Mr Donnelly, Mr Veitch

*Crossbench:* Mr Green, Mr Pearson.

**Select Committee on the State Senate Bill 2015:**

*Government:* Mr Fang, Mr Farlow, Ms Ward

*Opposition:* Mr Searle, Mr Secord

*Crossbench:* Mr Field.

The following members were appointed as chairs of the following committees:

**Standing Committee on Social Issues:**  
Mr Mallard.

**Standing Committee on Law and Justice:**  
Ms Ward.

**Standing Committee on State Development:**  
Mr Martin.

**Regulation Committee:** Mr Farlow.

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

The committee has received more than 230 submissions to date and held two public hearings. A further three hearings will be held in on 21 February, 8 May and 4 June. The committee proposes to undertake a number of site visits in May and June 2018.

**Standing Committee on State Development**

*Inquiry into regional development and a global Sydney*

The committee published a discussion paper on 14 November 2017 and invited further submissions on the questions raised. A further five submissions have been received. Submissions have now closed. The final report will be tabled by 28 April 2018.

**Standing Committee on State Development**

*Defence industry in New South Wales*

The committee published a discussion paper in November 2017. A further ten submissions have been received. Submissions have now closed. The final report will be tabled in June 2018.

**Portfolio Committee No. 1 – Premier and Finance**

*Inquiry into Alcoholic Beverages Advertising Prohibition Bill 2015*

The committee is currently drafting its final report.

**Portfolio Committee No. 2 – Health and Community Services**

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

The committee will hold its first hearing on 12 March, with further regional hearings to take place in April and May 2018.

**Portfolio Committee No. 4 – Legal Affairs**

*Inquiry into museums and galleries*

The committee tabled an interim report on 18 December 2017 and will be holding another hearing.

*Emergency services agencies*

The committee has received over 180 submissions and conducted three hearings to date. Further hearings are scheduled for 26 February and 20 and 21 March 2018.

*Fire and emergency services levy*

The committee has received 24 submissions and will commence hearings in the coming months.

*Inquiry into Parklea Correctional Centre and other operational issues*

Following the amendments to its terms of reference the committee extended the submission period to 28 February 2018.

**Portfolio Committee No. 5 – Industry and Transport**

*Inquiry into water augmentation for rural and regional New South Wales*

The committee has received 118 submissions and held 11 hearings in Sydney and regional areas. The committee is due to report in March 2018.

*Inquiry into the Windsor Bridge replacement project*

The committee has received over 300 submissions. Public hearings will be held in April and May 2018.

*Review of the commercial fishing inquiry recommendations*

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

**Portfolio Committee No. 6 – Planning and Environment**

*Inquiry into energy from waste technology*

The committee is currently drafting its final report.

*Inquiry into the music and arts economy in New South Wales*

The closing date for submissions is 28 February 2018.

**Privileges Committee**

*Inquiry into procedural fairness for inquiry participants*

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

**Feedback on *House in Review***

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

Please contact us at:

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