

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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*Sitting period
23 to 25 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

This week saw the election of a new member of the Legislative Council, Mr Justin Field, to fill the vacancy caused by the death of Dr John Kaye. The election of Mr Field took place at a joint sitting of the two Houses on Wednesday, convened by the Governor. Government business this week comprised a condolence motion to mark the passing of former Premier the Honourable Thomas Lancelot Lewis, and three government bills, including the Local Government Amendment (Governance and Planning) Bill, the subject of considerable debate from the Opposition and Cross Bench. The House also agreed to its first private member's bill for the 56th Parliament, the Steel Industry Protection Bill 2016, introduced by Mr Shoebridge (The Greens).

The House now stands adjourned until Tuesday 13 September 2016, during which time the general purpose standing committees will conduct their annual Budget Estimates hearings.

Joint sitting to fill the vacancy caused by the death of Dr John Kaye

On Tuesday 23 August 2016, the House was informed that the Governor had convened a joint sitting of the two Houses on Wednesday 24 August 2016 for the purpose of electing a member to fill the vacancy in the Legislative Council caused by the death of Dr John Kaye (The Greens) (see [recent House in Review](#) for discussion of a condolence motion debated by the House following his passing). On Wednesday, members of the two Houses met at the nominated time in the Council chamber and elected Mr Justin Field to fill the seat vacated by Dr Kaye.

Condolence motion – Death of the Honourable Thomas Lancelot Lewis, former Premier of NSW

On Tuesday 23 August 2016, the Leader of the Government moved a condolence motion placing on record the deep regret of the House in the loss sustained to the State by the death of the Honourable Thomas Lancelot Lewis on 25 April 2016. Mr Lewis served as the Premier of NSW from 3 January 1975 to 23 January 1976, being only the second Liberal Premier in the history of NSW at that time, and had previously served as the Minister for Lands, Minister for Mines, Minister for Local Government and Treasurer during the 21 years in which he was a member of Parliament. Members acknowledged the particular legacy bequeathed to the state during Mr Lewis' years as the Minister for Lands, during which time he was responsible for establishing the National Parks and Wildlife Service and Western Plains Zoo at Dubbo.

Government business

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

[Local Government Amendment \(Governance and Planning\) Bill 2016](#)

House of origin: Legislative Assembly

Debate resumed from Tuesday 9 August 2016 (see previous House in Review for an outline of the minister's speech explaining the purpose of the bill, and contributions from the Opposition and the CDP).

The Opposition continued to oppose the bill, arguing that the representative nature of local councils would be undermined by the new provisions embedded within the bill. The Greens also opposed the bill, noting that while The Greens believe there is a need for comprehensive reform of local government, the bills fails to implement the changes required and will instead take local government back to the 1970s by removing protections for residents, allowing councillors to vote in their financial interest and restricting freedom of comment. However, The Greens did support a provision that would increase the term of office of mayors from one year to two. The second reading of the bill was agreed to on division (Ayes: 21 / Noes: 15).

During consideration in committee of the whole, the CDP moved three amendments that sought to prevent the abolition of council wards and remove the extension of postal voting provisions, all of which were agreed to on the voices.

The Greens also moved 16 amendments that sought to make the Government's proposed guiding principles for councils binding, prevent the abolition of council wards, prevent councils from reducing the number of councillors, ensure that councillors represent the diversity of views in their community, enhance the leadership role of councillors, ensure that councils meet at least six times per year, and ensure that councillors cannot vote on matters on which they have a pecuniary interest. The amendments were defeated either on the voices or division. The Opposition moved 18 amendments that sought to provide for the popular election of mayors, prevent councillors from being restricted in voicing their views on council decisions, prevent changes to the structure of councils and the role of the general manager, remove provision for the minister to approve councillors to vote on a matter on which they have a pecuniary interest, remove provision for the Auditor-General to delegate the task of auditing a council to an alternative person or firm, retain a requirement for 'state of the environment' reports, and make provision for an independent person (ie not a councillor) to be a member of each Council's Audit, Risk and Improvement Committee. The Opposition amendments were also defeated, either on the voices or division, and the bill was reported with the CDP amendments.

The third reading of the bill was agreed to and the bill was returned to the Assembly for consideration of the amendments made by the Council. On Thursday, the Council received a message from the Assembly indicating the Assembly's agreement to the Council's amendments.

[Poppy Industry Bill 2016](#)

House of origin: Legislative Council

Debate resumed from Thursday 11 August 2016 (see previous House in Review for an outline of the minister's speech explaining the purpose of the bill).

Members unanimously supported the bill, but noted there may be challenges with implementation. The Opposition observed that an ageing population, and emerging middle classes in India and China, have provided opportunities for new markets for opiate-based medicines, which in turn are likely to provide a new source of jobs and income for rural communities. However, the Opposition cautioned the need to implement adequate security measures, and to inform the community of the dangers of the production process, as alkaloid poppies have properties similar to strychnine. The Greens similarly voiced their support for the bill, noting that the bill would provide an important boost for the agricultural sector.

However, the Greens reiterated the need for strong regulatory controls and for community education regarding the dangers of poppies, and questioned whether the penalties applied for possession of alkaloid poppies without a permit could be conflated with harsher penalties for possession of other prohibited plants under s 23 of the Drug Misuse and Trafficking Act 1985.

The Christian Democratic Party (CDP) also acknowledged the benefits of the new industry for NSW and the advantages of increasing access to medicine by increasing supply, thereby making medicine more affordable. The CDP requested that the Government provide a report to Parliament outlining all security breaches in the chain of custody, including cultivation, harvesting, transportation and supply, within one year of enactment of the legislation. In his speech in reply, the minister undertook to do so. In response to the questions raised by the Opposition and The Greens, the minister also acknowledged that community education and security measures would be a strong focus of the Government, and licensed cultivation of alkaloid poppies would not attract penalties set out under the Drug Misuse and Trafficking Act.

The second and third readings of the bill were agreed to and the bill was forwarded to the Assembly for concurrence. The Assembly returned the bill to the Council without amendment on Wednesday 24 August 2016.

[Adoption Amendment \(Institute of Open Adoption Studies\) Bill 2016](#)

House of origin: Legislative Assembly

The bill amends statutory provisions concerning adoption practices in New South Wales by allowing the sharing of information about children in out-of-home care with prescribed research institutes. The bill also enables the institute to conduct evidence-based research on open adoption, and to provide courts with expert advice on decision-making around permanency planning for the affected child. The bill includes provisions to safeguard private information disclosed by ensuring that research institutes are subject to the relevant privacy regulations in New South Wales and stringent ethical approval arrangements.

Members did not oppose the bill, but expressed concerns as to the adequacy of the protections afforded to private information sharing. The Opposition voiced concern that the disclosure of information may have an adverse impact on the privacy of the affected individuals and called on the Government to commit to funding beyond the three year period provided for in the bill. The Greens and the Christian Democratic Party observed that open adoption is not the best solution to child protection, and considered that more resources and better policies were needed to support troubled families before circumstances reach the point where children needed to be removed. The second reading of the bill was agreed to.

During consideration in committee of the whole, The Greens moved two amendments that sought to prohibit the Secretary of the Department of Family and Community Services from entering into any information disclosure arrangements prior to receiving approval from the Privacy Commissioner. On the amendments being defeated, as an alternative, The Greens moved two further amendments that sought to require the Secretary to consult the Privacy Commissioner prior to disclosing any private information to a research institute. The amendments were agreed to and the bill was reported with amendments.

The third reading of the bill was agreed to and the bill was returned to the Assembly for consideration of the amendments agreed to by the Council.

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

Steel Industry Protection Bill 2016 (Mr Shoebridge, The Greens)

Debate resumed from 23 June 2016 (see [previous House in Review](#) for an outline of the mover's speech explaining the purpose of the bill, and [contributions from other parties](#)).

In previous debates, the Government had stated its opposition to the bill, while the Opposition, Christian Democratic Party and Shooters, Fishers and Farmers Party had spoken in support of the bill. Members of the Government again voiced their opposition to the bill, the second reading then being agreed to on division (Ayes: 20 / Noes: 18).

During consideration in committee of the whole, the Opposition moved four amendments that sought to extend the definition of excluded steel to steel that cannot be manufactured for the purposes of that project at reasonable cost and in a reasonable timeframe; to impose a minimum limit on the percentage of Australian steel to be used in projects; and to make provision for the appointment of a Steel Industry Advocate. Dr Phelps, a member of the Government, moved an amendment to omit reference to a Steel Industry 'Advocate' and insert instead 'Kommissar', however the amendment was ruled out of order. The original amendments moved by the Opposition were then agreed to. The bill was reported from committee with amendments.

The third reading of the bill was agreed to and the bill was forwarded to the Assembly for concurrence. This was the first private members' bill agreed to by the Council in the 56th Parliament.

Motions

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

Debate resumed from Thursday 11 August 2015 (see previous House in Review for an outline of the mover's speech).

Members continued to speak in strong support of the motion. Members acknowledged the important work of Father Chris Riley's Youth Off the Streets program and its growth from one van delivering food in Kings Cross to the sizeable program it is today, helping thousands of people in NSW, including those in regional areas. Members also acknowledged the many other community programs that support the people of NSW, often utilising the assistance of volunteers and church groups, including KYDS Youth Development service, Sport for Social Change, Oasis Youth Support Network, Foster House, the Byron Youth Service, the Police Citizens Youth Club (PCYC), the Young Women's Christian Association, Mannahouse Youth, Make Bullying History and programs for juvenile sex offenders. Government programs such as The Youth Frontiers Program, Youth Week and the Smart and Skilled Fee-Free Scholarship were also acknowledged.

The time for debate on the motion was twice extended in order to facilitate the large number of speakers who wished to contribute to the motion. The motion was agreed to unanimously.

Motions taken as formal business

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

- (1) Repatriation of artefacts to the Gweagal people (Mr Shoebridge)
- (2) Spell and the Gypsy Collective (Mr Franklin)
- (3) Northern NSW Local Health District Aged Care Symposium (Mr Franklin)
- (4) Byron Bay Cenotaph (Mr Franklin)
- (5) 30th Anniversary of Friends of the Koala (Ms Sharpe)

- (6) Wildlife Information, Rescue and Education Service Inc. (Ms Sharpe)
- (7) Sydney Neuro-Oncology Group (Ms Cotsis)
- (8) 30th Anniversary of Qinghai University Australian Alumni in Sydney (Mr Wong)
- (9) Opening of Rockdale Library (Mr Moselmane)
- (10) Yonder Magazine (Mrs Mitchell)
- (11) Ability Technology (Mr Donnelly)
- (12) Nancy Hillier Memorial Lecture (Dr Faruqi)
- (13) Hunter and Central Coast Olympians (Mr MacDonald)
- (14) Hearing Awareness Week (Ms Cotsis)
- (15) Professor George Williams AO (Mr Moselmane)
- (16) Mr Michel Elias Jarjoura (Mr Moselmane)
- (17) Professor Patrick McGorry - Early Intervention Services (Mr Pearson)
- (18) 71st Anniversary of Indonesian Independence Day (Mr Mallard)
- (19) 10th Anniversary of the Australian Arab Business Council (Mr Moselmane).

Petitions received

- (1) Job cuts at Wauchope Station – 506 signatures (presented Mrs Houssos).

Government response

- (1) TAFE funding – (the Honourable John Barilaro MP, Minister for Regional Development, Minister for Skills, and Minister for Small Business) received 22 August 2016.

Reports tabled

Auditor General: Red tape reduction: Department of Premier and Cabinet, Department of Finance, Services and Innovation, dated August 2016.

Committee activities

Committee references

General Purpose Standing Committee No. 3: The Deputy Chair informed the House that on 17 August 2016, the committee resolved to inquire into inner city public primary school enrolment capacity and the redevelopment of Ultimo Public School.

The Deputy Chair also informed the House that on 24 August 2016, the committee resolved to inquire into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales.

Committee membership

Select Committee on Off-Protocol Chemotherapy in New South Wales: The Leader of the Opposition nominated Mrs Houssos as a member of the committee.

Committee reports tabled

Legislation Review Committee: ‘Legislation Review Digest No. 23/56’, dated 23 August 2016.

Standing Committee on Law and Justice: Report No. 59 entitled “First Review of the Compulsory Third Party insurance scheme”, dated 19 August 2016.

Extension of reporting date

Procedure Committee: The President informed the House that on 24 August 2016, the committee resolved to extend the reporting date for its inquiry into young children accompanying members into the House to Thursday 20 October 2016.

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 concluded 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.

Joint Standing Committee on Electoral Matters:

The House concluded the take note debate on Report No. 1/56 entitled “The Final Report of the Expert Panel – Political Donations and the Government’s Response”, dated June 2016.

General Purpose Standing Committee No. 2:

The House continued the take note debate on Report No. 44 entitled “Elder Abuse in New South Wales”, dated June 2016.

Inquiry activities

Select Committee on the Legislative Council committee system

Private roundtable meetings were conducted in May and August to consider options and recommendations for the final report. The committee is expected to report by the end of the year.

General Purpose Standing Committee No. 2

Inquiry into child protection

The committee has received 125 submissions. It held one public hearing on 16 August, and will hold another two on 26 and 27 September 2016.

General Purpose Standing Committee No. 3

Inquiry into enrolment capacity in inner city public primary schools

The closing date for submissions is 18 September 2016.

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

The committee will commence its inquiry and begin accepting submissions in due course.

General Purpose Standing Committee No. 4

Inquiry into museums and galleries

The committee has received over 140 submissions. Hearings and site visits 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 was 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 preparing its report.

General Purpose Standing Committee No. 6

Inquiry into Crown land in New South Wales

The committee has received over 350 submissions, conducted seven hearings throughout New South Wales and is due to report by 13 October 2016.

Law and Justice Committee

First review into New South Wales workers compensation scheme

The closing date for submissions is 18 September 2016. The committee will conduct hearings on 4 and 7 November 2016 and intends to report by February 2017.

State Development Committee

Inquiry into economic development in Aboriginal communities

The committee held a public roundtable on 18 August 2016 and is due to table its final report in September.

Inquiry into regional planning processes in NSW

The committee will be holding regional hearings in Albury and Ballina in September and is expected to report by the end of the year.

Social Issues Committee

Inquiry into childhood overweight and obesity

The committee has received over 25 submissions and is planning hearings and site visits in September and October.

Adjournment debate

Tuesday 23 August 2016

Drug Harm Minimisation Summit (Mr Mallard); New South Wales performing arts (Mr Secord); Kangaroo meat industry (Mr Pearson); Domestic, family and sexual violence (Mrs Taylor); Broken Hill water supply (Mr Mookhey); Lindt siege and NSW Police (Mr Shoebridge).

Wednesday 24 August 2016

Local Government rating system (Mr Primrose); British Rule in India (Dr Faruqi); Litigation funding (Mr Khan); Wentworth Park (Mr Veitch); Greyhound racing industry (Mr Borsak); Aboriginal economic development (Mr Pearce).

Thursday 25 August 2016

Hearing Awareness Week (Mr Brown); Domestic violence (Mrs Maclaren-Jones); Centenary of the Battle of Fromelles Fiftieth Anniversary of the Battle of Long Tan (Ms Voltz); The Greens (Mr Buckingham); Civil aviation (Mr Clarke); Racial vilification legislation (Mr Moselmane).

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.



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