

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## *HOUSE IN REVIEW*



*Volume 56/27*

*Sitting period  
20 to 22 September 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](http://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](mailto:council@parliament.nsw.gov.au).

### **Overview**

This week the House considered a total of seven government bills, including a bill to authorise the privatisation of the Land and Property Information Office and a bill to establish a new Law Enforcement Conduct Commission to replace the oversight functions previously undertaken by the Police Integrity Commission, the NSW Crime Commission and the Ombudsman. The House also considered four items of private members' business.

The House now stands adjourned until Tuesday 11 October 2016.

### **Resignation of the Honourable Sophie Cotsis MLC**

On Tuesday 20 September 2016, the President reported receipt of a communication from the Administrator of the State of New South Wales (in office last week in the absence of the Governor and Lieutenant-Governor) advising of the resignation of the Honourable Sophie Cotsis MLC (Labor Party) on 16 September 2016.

Ms Cotsis is expected to contest the lower House seat of Canterbury in Sydney's inner west in an upcoming by-election following the election of the former Member for Canterbury, the Honourable Linda Burney, as the Federal Member for Barton in the Australian House of Representatives.

### **Government business**

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

#### **[Land and Property Information NSW \(Authorised Transaction\) Bill 2016](#)**

House of origin: Legislative Assembly

The bill enables the private sector to invest in and operate the titling and registry business of Land and Property Information for a period of 35 years. The other two divisions (Spatial Services and Valuation Services) of Land and Property Information will remain within the Department of Finance, Services and Innovation.

The Parliamentary Secretary argued that the involvement of the private sector will be of long-term benefit to consumers and industry, and that the private sector will have strong incentives to invest in new technology, resulting in significant improvements to the system. The Parliamentary Secretary also argued that the transaction will free up government funds to invest into new infrastructure across the State.

The Opposition opposed the bill, arguing that land titling underpins the state's entire economy and all of its financial institutions, and that the accuracy of the titling system and its standards is paramount. The Opposition also argued that the future costs for the Government will increase, noting that almost every government department has interaction with Land and Property Information to check, verify, establish or dispose of property title. The Opposition moved that the bill be referred to General Purpose Standing Committee No. 1 for inquiry and report, and foreshadowed amendments if this referral was unsuccessful. The referral to the committee was subsequently negated on division (Ayes: 16 / Noes: 20).

The Greens also opposed the bill, rejecting the privatisation program of the government, and noting that the titling service is a vital source of information for buyers, sellers, solicitors and journalists. The Shooters, Fishers and Farmers Party did not support the bill, arguing that alternative financing models should be looked at, and that Land and Property Information NSW is a very well run government department.

The CDP supported the bill, observing that the bill provides protection of title and includes provisions to safeguard consumers, house owners and landowners, while enabling the funding of infrastructure. Noting that the bill will transfer Property and Information NSW employees to the private sector, the CDP argued that employment guarantees proposed in the bill should be extended from two years to four years, and foreshadowed that these amendments would be put forward in committee of the whole. The second reading of the bill was agreed to on division (Ayes: 19 / Noes: 16).

In committee of the whole, the Opposition moved amendments to extend employment guarantees from two years to five years. The CDP subsequently moved an amendment to reduce this to four years, which was supported by the Government but opposed by the Opposition, Shooters Fishers and Farmers Party and The Greens. The amendment to the amendment was agreed to on division (Ayes: 18 / Noes: 14), and the amendment of the Opposition, as amended, was agreed to on the voices. The Opposition moved a further five amendments, but these were defeated on division (Ayes: 12 / Noes: 18).

The third reading was agreed to on division (Ayes: 17 / Noes: 13) and the bill returned to the Assembly with amendments.

### **[Law Enforcement Conduction Commission Bill 2016](#)**

House of origin: Legislative Assembly

The bill establishes the Law Enforcement Conduct Commission (LECC), a single law enforcement oversight body that will exercise the functions currently undertaken by the PIC, the Ombudsman and the Inspector of the Crime Commission. To that end, the bill abolishes the Police Integrity Commission and the Inspector of the Crime Commission and transfers the Ombudsman's jurisdiction as it relates to police. Three new commissioners will be appointed to govern the LECC: the Chief Commissioner, the Commissioner for Integrity and the Commissioner for Oversight.

The new Commission will be responsible for oversight of the NSW Police Force and NSW Crime Commission complaint investigations, investigating matters that could amount to serious misconduct or serious maladministration, and monitoring in real time NSW Police Force investigations into critical incidents (being incidents involving a police officer that results in the death or serious injury of a person). The structure of the Commission and the responsibilities allocated accord with the recommendations of a review undertaken by former shadow Attorney General Mr Andrew Tink AM, published in August 2015. The Minister asserted that the bill will improve law enforcement oversight by removing the unnecessary overlap and duplication between the existing oversight agencies.

The Opposition did not oppose the bill, acknowledging that a degree of overlap between the oversight functions of the Police Integrity Commission, the Ombudsman and the Inspector of the Crime Commission has developed over the years, resulting in confusion and redundancy in their operations, and supporting the creation of a single oversight body. However, the Opposition advised that they would move amendments in committee of the whole to address several areas of concern in the bill.

The Greens supported the bill, acknowledging that while the bill was not perfect, it was a major step forward to address the flaws in the oversight structure currently in place. The Greens also foreshadowed amendments in committee to require that the LECC undertake, rather than monitor, critical incident investigations, and to address other matters. The CDP also supported the bill, stating that the current oversight structure is outdated and complex, and that the new single agency would streamline oversight functions. The CDP foreshadowed amendments in committee to address concerns raised by the NSW Police Association.

The second reading was agreed to on the voices and consideration in committee of the whole set down for the next sitting day.

### **Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Bill 2016**

House of origin: Legislative Assembly

The bill amends schedule 1 of the *Criminal Procedure Act 1986* by proposing that four strictly indictable breaking and entering offences in the *Crimes Act 1900* (being breaking out of a dwelling-house after committing, or entering with intent to commit, an indictable offence; entering a dwelling-house; breaking into any house and committing a serious indictable offence; and breaking into any house with intent to commit a serious indictable offence) be dealt with summarily in a Local Court, rather than a District Court. These offences will be heard by the Local Court if; firstly, the serious indictable offence alleged is stealing or intentionally or recklessly destroying or damaging property; secondly the value of the property stolen or destroyed, or the value of the damage to the property, does not exceed \$60,000; and, thirdly the only circumstance of aggravation is that the alleged offender is in the company of another person or persons.

The Parliamentary Secretary stated that the bill will reduce court delays by ensuring that criminal offences are dealt with promptly and efficiently.

Members unanimously supported the bill, however the Opposition expressed concerns that shifting the jurisdiction of these offences to the Local Court may not effectively ease District Court trial delays if adequate resources are not supplied on a regular basis. The Greens similarly raised concerns that a substantial influx of caseloads will place an overwhelming burden on Local Courts. The Christian Democratic Party (CDP) noted that one additional proposed magistrate for the Local Court may not meet the needs of a backlogged workload.

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

### **Fair Trading Amendment (Commercial Agents) Bill 2016**

House of origin: Legislative Assembly

This bill amends the *Fair Trading Amendment Act 1987* by transferring responsibility for regulation of commercial agents (who specialise in debt collection, process serving or repossession of goods) from the NSW Police Force to NSW Fair Trading. The bill also repeals the *Commercial Agents and Private Inquiry Agents Act 2004* to introduce a negative licensing scheme that enable persons, unless disqualified as prescribed in the bill, to engage in commercial agent activity such as debt collection, process serving and repossession of goods, without a licence.

The Parliamentary Secretary argued that the bill reduces costs and a burdensome regulatory regime for the industry, citing a 2014 Legislative Assembly Legal Affairs Committee report which found that the existing system creates unnecessary costs and delays and does not match the changes in the modern debt collection industry. The Parliamentary Secretary stated that regulation of private inquiry agents will remain a responsibility of the NSW Police Force under the *Security Industry Amendment (Private Investigators) Act 2016*.

While the Opposition supported NSW Fair Trading as the most appropriate regulator for commercial agents and acknowledged that the bill gives effect to a number of recommendations in the 2014 Legal Affairs Committee report, it contended that the bill deregulates debt collecting in New South Wales and expressed concerns for the vulnerable if field agents (commercial agents who conduct face-to-face activity) are unlicensed. The Opposition foreshadowed that it would move amendments to retain the licensing requirements for field agents and require the Government to review the new scheme within two years of the enactment of the legislation.

The Greens opposed the bill, emphasising that debt collection often occurs in the most vulnerable section of the community and that negative interactions with debt collectors may entrench people's financial problems and emotional stress. The Greens stated that the bill contains inadequate protections and dispute resolution provisions for debtors and consumers and that regulation is required to prevent unsuitable persons from engaging in face-to-face debt collection activities. The CDP supported the bill, but called for the Government to consider amendments that seek to uphold the professional standards of commercial agents.

In the reply, the Parliament Secretary informed the House that the Government accepted the proposal to retain the existing licensing regime for field agents and adjourned the debate until the next sitting day to enable the drafting of the necessary amendments.

### **[Crimes \(Administration of Sentences\) Amendment Bill 2016](#)**

House of origin: Legislative Council

The bill was introduced and read a first time. The bill makes miscellaneous amendments to the *Crimes (Administration of Sentences) Act 1999* and other consequential amendments to legislation governing Corrective Services NSW to update terminology, enable any magistrate to perform the functions of a visiting magistrate, remove the existing requirement for the Chief Magistrate to appoint each visiting magistrate individually, consolidate legislative provisions regarding stop, search and detain powers, and improve provisions governing the disclosure of sensitive corrections information within the bounds of privacy laws.

The minister stated that the amendments in the bill will improve the administration of justice in New South Wales and assist Corrective Services NSW, courts and other agencies within the Department of Justice to perform their work more efficiently.

According to standing order, following the minister's second reading speech, debate was adjourned for five calendar days.

### **[Industrial Relations Amendment \(Industrial Court\) Bill 2016](#)**

House of origin: Legislative Council

The bill amends the *Industrial Relations Act 1996* and other Acts by abolishing the Industrial Court, transferring functions of the Court to the Supreme Court, the District Court or the Industrial Relations Commission and reconstituting the Commission. The bill also makes consequential amendments to other legislation that confers functions on the Court and repeals Acts that will become redundant once the Court is abolished.

The minister stated that the Industrial Relations Commission currently consists of two bodies, namely the Industrial Court and the Industrial Relations Commission. In recent years, the Court's workload has decreased due to the transfer of industrial relations powers over the private sector to the Commonwealth in 2009 and the transfer of occupational health and safety prosecutions to the District Court in 2013. The minister stated that while the Government recognises the importance of the judicial functions performed by the Court, it was appropriate to abolish the court as there had been a reduction in the Court's workload and the Supreme Court and the District Court are well resourced to perform these functions.

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

### [Health Legislation Amendment Bill 2016](#)

House of origin: Legislative Assembly

The bill implements the final recommendations of a review of the Institute of Psychiatry undertaken by the Mental Health Commissioner in 2013, which recommended transferring the functions of the Institute to the Health Education and Training Institute (HETI) to better align mental health education with other health education. To that end, the bill transfers the Institute of Psychiatry's higher education functions to HETI and repeals the *New South Wales Institute of Psychiatry Act 1964*. The bill also amends the *Health Services Act 1997* to amend governance provisions for local health districts and statutory health corporations, and extends personal liability protections for NSW Health Service staff. Finally, the bill amends the *Mental Health (Forensic Provisions) Act 1990* to restrict the power of the Mental Health Review Tribunal to classify a forensic patient as a civil patient prior to ministerial review. Other amendments addressing the entitlements of the President of the Tribunal and administrative matters are also made.

The Opposition did not oppose the bill but argued against provisions that would enable the Minister for Health to extend the tenure of members of local health district boards and foreshadowed that they would move amendments during committee of the whole to omit those provisions.

The CDP supported the bill, arguing that it would build a better health system. The CDP acknowledged the challenges faced in appropriately addressing the needs of people who suffer from acute psychiatric episodes and stated that the legislation addressed some of those issues. The Greens also supported the bill, but shared the Opposition's concerns regarding the extension of tenure of board members and stated that they would consider the amendments foreshadowed. The second reading of the bill was agreed to on the voices.

During consideration in committee of the whole the Opposition moved two amendments to omit provisions for the Minister for Health to extend the tenure of members of local health district boards from four years to five years, and the overall maximum length of service from eight years to 10 years. The amendments were defeated and the bill was reported from committee without amendment.

The third reading was agreed to on the voices and the bill was returned to the 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.

*Bill*

### [Alcoholic Beverages Advertising Prohibition Bill 2015](#) (Revd Mr Nile, Christian Democratic Party)

Debate resumed from 15 September 2016 (see [previous House in Review](#) for an outline of the mover's speech explaining the purpose of the bill, and contributions from the Opposition and the CDP).

The Greens expressed support in regard to sections of the bill, chiefly the prohibition of alcoholic sponsors of sporting events. However, they noted that in certain other regards the implications of the bill extend too far, especially concerning the prohibition of alcohol labelling.

Debate was adjourned until the next sitting day.



## *Motions*

### **Nepean Hospital (Mr Secord, Labor Party)**

The motion notes that the independent Bureau of Health Information reports that as at 30 June 2016, Nepean Hospital was Sydney's most under pressure hospital, expresses disappointment that the Government has committed only \$1 million in the 2016-17 Budget towards a \$370 million upgrade of the hospital, supports residents who attended a rally to request that the upgrade be provided and commends the NSW Leader of the Opposition for committing to the upgrade.

Mr Secord stated that Nepean Hospital is under strain and at breaking point, the independent report having found that 51.8 per cent of patients waited longer than four hours in the emergency department. Mr Secord argued in favour of a \$370 million redevelopment of the hospital which would provide increased and improved cancer-related services; enhanced renal, cardiology and neurology services; a new high-dependency unit; new and enhanced birthing suites; and an enhanced emergency department. Other Opposition members also spoke in support of the motion.

The Government opposed the motion, arguing that they would deliver on their 2015 State Election commitment to the redevelopment of Nepean Hospital and that the Government has already allocated \$2 million of the \$4 million promised at the election. The Government also noted that in its first term of government it had funded more than \$70 million of infrastructure projects at Nepean Hospital, and that since 2011 the budget for the Nepean Blue Mountains Local Health District had increased by 50 per cent.

Debate was adjourned until the next sitting day.

### **2016 Paralympians (Mr Mallard, Liberal Party)**

The motion acknowledged the immense efforts and resilience of the Australian athletes who attended the 2016 Paralympics in Rio De Janeiro. The motion also acknowledged the function the Paralympics plays in breaking down the barriers and perceived limitations of individuals with disabilities, as well as highlighting the broader opportunities the Paralympics creates for society as a whole.

In moving the motion, Mr Mallard acknowledged the determination of the Paralympic athletes in proving that individuals with disabilities are equal to other Australian athletes of the highest calibre. Mr Mallard stated that the substantial advances in technology utilised alongside Paralympian athletes could shift the balance and cause disabled athletes to surpass their Olympian counterparts.

Members unanimously supported the motion, speaking of the amazing achievements the fifty-three New South Wales athletes who participated in Rio De Janeiro. Members noted the importance of Paralympians in positively representing the Australian nation and raised concerns that Paralympians require more funding.

Debate on the motion was adjourned until the next sitting day.

### **Select committee on the CBD and South East Light Rail Project (Dr Faruqi, The Greens)**

Debate resumed from 15 September 2016 (see [previous House in Review](#))

Dr Faruqi resumed her speech, arguing that it was imperative that an inquiry commence into the project to ensure a sustainable and publicly supported transport system in the future. The Opposition supported the motion, arguing that there was a lack of transparency and rigorous and open provision of information around the project. The Government opposed the motion, noting the environmental benefits of light rail, the crucial transport benefits accruing from the project, and that the project had been redesigned in parts to prevent street trees being removed. The motion was negatived on division (Ayes: 13 / Noes: 19).

### *Motions taken as formal business*

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

- (1) Re-homing of companion animals (Mr Pearson).
- (2) Racing NSW Horse Welfare Fund (Mr Pearson).
- (3) Statements made by Senator Pauline Hanson (Dr Faruqi).
- (4) India Australia Business and Community Awards (Mr Mookhey).
- (5) James Cook Boys Technology High School (Mr Moselmane).
- (6) Mangalorean Catholic Association of Sydney Inc. (Mr Clarke).
- (7) 118th Anniversary of Philippine Independence Day (Mr Clarke).
- (8) National Day of the Republic of Croatia Celebratory Function (Mr Clarke).
- (9) Philippine Flag Ceremony (Mr Clarke).
- (10) Sydney Taiwanese Food Festival 2016 (Mr Clarke).
- (11) National Day of the Republic of Croatia Reception (Mr Clarke).
- (12) Boer War Peace Treaty Commemoration Service (Mr Clarke).
- (13) 70th Anniversary of Indian Independence Day Celebratory Dinner (Mr Clarke).
- (14) 70th Anniversary of Indian Independence Day Celebratory Fair (Mr Clarke).
- (15) 75th Anniversary of the Deportation of Baltic Citizens (Mr Clarke).
- (16) Strike Force Durkin Awards (Mr Clarke).
- (17) Queen Elizabeth II Fountain and Plaque (Mr Clarke).
- (18) NSW Police Force South West Metropolitan Medals and Awards (Mr Clarke).
- (19) White Knight Foundation (Mr Clarke).
- (20) Egyptian Open Day (Mr Clarke).

### **Petitions received**

- (1) Abortion Law Reform Bill 2016 – 154 signatures (presented Revd Mr Nile).

### **Committee activities**

#### *Committee membership*

The following changes to committee membership were reported:

Mr Jeremy Buckingham resigned from General Purpose Standing Committee No.1. Nominations have been called for his replacement.

#### *Committee reports tabled*

**Legislation Review Committee:** 'Legislation Review Digest No. 25/56', dated 20 September 2016.

**Joint Standing Committee on Road Safety (Staysafe):** 'Driverless vehicles and road safety in NSW', dated September 2016.

#### *Committee reports debated*

**Standing Committee on Law and Justice:** The House concluded the take note debate on Report No. 59 entitled 'First Review of the Compulsory Third Party insurance scheme', dated August 2016.

#### *Government response*

**Standing Committee on Law and Justice:** The House received a response to the report entitled 'Security classification and management of inmates sentenced to life imprisonment', tabled 4 April 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.

### **Select Committee on Off-Protocol Chemotherapy in New South Wales**

The closing date for submissions is 23 October 2016. The committee will be conducting hearings and site visits on 31 October and 1, 2 and 29 November. It is due to report by March 2017.

### **General Purpose Standing Committee No. 2**

*Inquiry into child protection*

The committee will hold another two public hearings on 26 and 27 September 2016 and is expected to report by the end of the year.

### **General Purpose Standing Committee No. 3**

*Inquiry into enrolment capacity in inner city public primary schools*

Submissions have now closed. Public hearings will be held at Parliament House on 11 and 25 November 2016.

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

The closing date for submissions is 29 January 2017. The committee intends to hold hearings in February 2017.

### **General Purpose Standing Committee No. 4**

*Inquiry into museums and galleries*

The committee has received 170 submissions and held two public hearings to date. The committee will undertake a site visit to Lithgow and the Blue Mountains on 23 September and is due to table its report tabled on 24 November 2016.

### **General Purpose Standing Committee No. 5**

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

The committee has received over 90 submissions. The committee will commence inquiry activities on 25 and 26 October in Broken Hill and Menindee Lakes and will hold a public hearing in Sydney on 7 November 2016.

*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 25 September. The committee will hold 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 and is due to table its final report in September 2016.

*Inquiry into regional planning processes in NSW*

The committee held its final hearing on 19 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 35 submissions and held one hearing. The committee will hold its second public hearing on 10 October 2016 and is due to table its report by 3 February 2017.

## **Adjournment debate**

### **Tuesday 20 September 2016**

New South Wales defence industry (Mr Pearce); Senator Pauline Hanson's first speech (Mrs Houssos); New South Wales marine parks (Mr Field); Tribute to Denzil Edwin Ballard (Mr Veitch); Royal Commission into Institutional Responses to Child Sexual Abuse (Mr MacDonald); Private prisons (Mr Shoebridge).

### **Wednesday 21 September 2016**

Belubula River (Ms Sharpe); Tribute to Doreen Joyce Coburn (Mr Brown); Western New South Wales events (Mrs Mitchell); Shalom Gamarada Indigenous Residential Scholarship Program (Mr Secord); Hospital privatisation (Mr Buckingham); Local Government elections (Mr Mallard).

### **Thursday 22 September 2016**

Disability discrimination (Dr Faruqi); Voluntary assisted dying (Mr Khan); Pregnancy Support Awards dinner (Mr Donnelly); Marriage equality (Revd Mr Nile); State economy (Mrs Maclaren-Jones); TAFE NSW (Mr Mookhey).



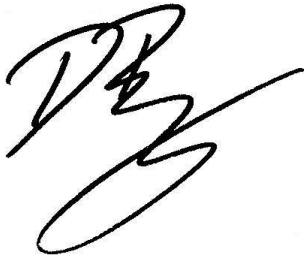
## Feedback on *House in Review*

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](mailto:stephen.frappell@parliament.nsw.gov.au).

All responses will be kept strictly confidential.

A handwritten signature in black ink, appearing to read 'DB', with a large, sweeping flourish at the bottom.

David Blunt  
**Clerk of the Parliaments**