

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW

Volume 56/46

*Sitting period
17 to 19 October 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

As is customary at this time of year, the work of the House this week was dominated by a heavy legislative agenda from the Government. In total, seven new government bills were introduced in the Council this week, while eight bills were also dealt with and either returned to the Legislative Assembly or forwarded to the Assembly for concurrence. Amongst those was the Aboriginal Languages Bill 2017, which has now passed both Houses.

The urgency in introducing legislation into the Council this week was shaped by the looming cut-off date of 19 October for the introduction of government bills. According to sessional order, any bill introduced into the Council or received from the Assembly after 19 October can only pass the House in the current calendar year if the House agrees that it is an urgent bill.

The House now stands adjourned until Tuesday 14 November 2017, which is the start of the final sitting fortnight of the year.

Matter of public importance – National energy policy

Standing order 200 provides an opportunity for the House to debate a topical matter with precedence of most other business on the Notice Paper. A member initiates a motion under standing order 200 by giving notice that on the next sitting day he or she will move that a nominated matter of public importance be discussed forthwith. The House must then agree to the matter being discussed in order for it to proceed.

On Wednesday 18 October 2017, Mr Buckingham (The Greens) moved according to notice that the House discuss national energy policy. In support of the motion Mr Buckingham argued that the National Energy Guarantee (NEG) recently proposed by the Federal Government fails to mitigate climate change, will result in the paralysis of energy policy, lacks effective penalties for non-compliance, and was devised by a Board which was established only four weeks ago. Mr Buckingham also noted the NEG had been discussed by the COAG energy council the previous day and was due to be further considered.

The Minister for Energy, Mr Harwin opposed the motion. Mr Harwin advised that the Board which had recommended the NEG includes leading specialists in energy policy, that the NEG will impose obligations on retailers with respect to reliability and emissions reduction, and that financial modelling suggests the NEG will increase energy affordability and reliability. Mr Harwin also noted that the NSW Government will be receiving further information about the NEG and that a better-informed discussion could be had at that time.

The full debate did not proceed as the motion for the matter to proceed forthwith was negatived on division (16:20).

Government business

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

[Aboriginal Languages Bill 2017](#)

House of origin: Legislative Council

Debate resumed from 11 October 2017 (see previous House in Review).

The Opposition supported the bill but expressed reservations in relation to certain aspects including the extent of the consultation which had been undertaken. The Opposition also raised a number of additional issues including the need for collaboration with Aboriginal groups to implementing the reforms and for adequate ongoing funding. Members of the Government also spoke in support of the bill acknowledging the impact and legacy of colonisation on first peoples. The Greens supported the bill while stressing the need for Aboriginal people to be at the centre of decision-making in relation to their languages. The Christian Democratic Party also supported the bill acknowledging the impact of protectionism and assimilation policies on Aboriginal peoples as well as the need for the Government to work with the NSW Aboriginal Land Council to ensure that the Trust has the support of the Aboriginal community.

In reply, the Minister stated that there had been on-going consultation with key stakeholders since the introduction of the bill the previous week. The Minister said that arising from that consultation the Government would move amendments in the committee stage relating to the preamble and to the Aboriginal languages strategic plan. These amendments included an amendment that to the extent there is any inconsistency between the plan and a direction from the Minister, the trust must conduct its activities in accordance with the plan. The Minister said that other issues raised during consultations would be addressed as part of the development of the strategic plan, and also gave a commitment that there would be genuine consultation regarding development of the supporting regulations. The second reading was agreed to.

In the committee stage the Government amendments were supported. The following day the third reading of the bill was agreed to and the bill was forwarded to the Assembly for concurrence. The bill was returned from the Legislative Assembly the following day without amendment. The message stick which accompanied the bill was also returned to the Legislative Council.

[Fair Trading Amendment \(Ticket Scalping and Gift Cards\) Bill 2017](#)

House of origin: Legislative Council

The bill amends the Fair Trading Act 1987 with respect to the supply of tickets to sporting or entertainment events and the expiry dates for gift cards. The bill prohibits the resale of certain tickets to sporting or entertainment events for a profit; prohibits the publication of advertisements for the resale of event tickets for a profit; prohibits the use of software to bypass the security measures of a ticketing website in order purchase tickets for an event; requires certain event organisers to publicly disclose the number of tickets made available for general public sale for certain events; prohibits the sale of gift cards with an expiry date that is earlier than three years after the date of sale of the gift card; and prohibits the imposition of any charge or fee that reduces the value of the gift card after its sale.

Debate on the bill resumed from 11 October 2017 (see earlier House in Review). The Opposition did not oppose the bill but expressed concern that regulatory intervention in the secondary ticket market may have unintended consequences. The Opposition indicated that regulatory attempts to ameliorate some of the negative impacts of online ticket scalping are worthwhile but urged the Government to keep a watching brief to ensure that the technology which facilitates online secondary ticket markets does not outstrip the regulatory system. The Christian Democratic Party supported the bill, while The Greens supported the bill's objectives but questioned how it would effectively regulate the secondary ticket market given many operators are based overseas.

The second reading was agreed to.

In committee the Opposition moved amendments to require that the provisions concerning gift cards come into effect on 1 December 2017 rather than by proclamation; and to require that the ticket scalping elements of the bill be subject to a statutory review within three years. The Opposition amendments were defeated on the voices. The Greens moved amendments to make gift cards issued by large retailers open ended rather than having three year minimum expiry dates. The Greens amendments were defeated on the voices.

The bill was reported without amendment, read a third time and sent to the Assembly for concurrence.

Health Practitioner Regulation Amendment Bill 2017

House of origin: Legislative Council

The *Health Practitioner Regulation (Adoption of National Law) Act 2009* adopts, with modifications, the Health Practitioner Regulation National Law which is set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* of Queensland. Earlier this year the Health Practitioner Regulation National Law was amended via the passage of legislation in Queensland.

The bill amends the *Health Practitioner Regulation (Adoption of National Law) Act 2009* to reflect the changes made to the National Law. Those changes include recognising paramedicine as a registered health profession, allowing National Boards for each health profession to be consolidated so that a single National Board may cover more than one health profession, separating the single health profession of nursing and midwifery into two health professions and making it an offence to breach a prohibition order made in any jurisdiction. In addition the bill makes a number of minor statute law revision type amendments.

Debate on the bill resumed from 11 October 2017 (see earlier House in Review). The Opposition did not oppose the bill but noted that concerns with aspects of the bill were held by the Health Services Union regarding the registration fee for paramedics, and by the NSW Nurses and Midwives Association regarding the impact of dividing nursing and midwifery into separate health professions particularly for midwives that held endorsement for scheduled medicines.

The Christian Democratic Party (CDP) supported the bill, noting that it provides the paramedic profession with the recognition it deserves and allows registered paramedics to work across all States and Territories. The CDP raised the issue of persons trained and skilled in both professions and the possibility of dual registration for a single fee. Both the Opposition and the CDP took the opportunity to highlight the need for appropriate numbers of paramedic staff and the effect on emergency response times.

The Greens supported the bill, also noting the importance of the paramedic profession and the need to recognise its place within the health system. The Greens stated that the bill gives effect to the long held call from nurses and midwives for the formal separation of the two distinct roles.

In response to the issues raised by the Opposition, the Parliamentary Secretary advised that the bill would have no material impact on nurses and midwives, that the bill makes no changes in relation to who can prescribe scheduled medicines, and that the two professions will be regulated by the one Nurses and Midwifery Board of Australia. In relation to paramedic registration fees, the Parliamentary Secretary advised that once the fee is set by the yet to be appointed paramedicine board registered paramedics will be required to pay their own registration fee, which will generally be tax deductible, as is consistent with other health practitioners.

The second and third readings of the bill were agreed to and the bill was forwarded to the Legislative Assembly for concurrence. The bill was returned from the Assembly the following day without amendment.

[Crimes \(Sentencing Procedure\) Amendment \(Sentencing Options\) Bill 2017 and cognates Justice Legislation Amendment \(Committals and Guilty Pleas\) Bill 2017 and Crimes \(High Risk Offenders\) Amendment Bill 2017](#)

House of origin: Legislative Assembly

The objective of these cognate bills is to reform the State's sentencing procedures so as to improve existing community sentencing options and to make supervised correction orders available to more offenders. The reforms will change how offenders are sentenced to ensure they are supervised where necessary. A new regime will be created to address indictable offences by allowing guilty pleas to be made at an early stage of the justice process. In certain instances offenders may be eligible for sentencing discounts ranging from 25 per cent to 5 per cent for pleading guilty to indictable offences – the earlier the plea is made the greater the discount. To better manage offenders that pose an unacceptable risk to the community upon completing their sentence, the reforms will strengthen the High Risk Offender Scheme. Here community safety will be the paramount consideration of the court when imposing post-sentence supervision in the community (extended supervision orders) or in correctional centres for a small cohort of high-risk sex and violent offenders (continuing detention orders).

The Parliamentary Secretary (Mr Clarke) stated that the reforms are required because too many offenders are leaving court without supervision, including domestic violence offenders. The Parliamentary Secretary also noted that too many offenders are not being compelled to attend evidence-based programs offered by the State to reduce their risk of reoffending. The Parliamentary Secretary stated that the guilty plea reforms will resolve criminal cases faster and reduce stress for victims, reduce wasted costs for the courts and justice agencies in preparing for trials that do not go ahead, and ensure guilty pleas are entered by defendants only where appropriate.

The Opposition did not oppose the bills and generally supported the Government's reforms. The Opposition did, however, question why the Government had taken so long to introduce its changes to the High Risk Offender Scheme given the changes had been recommended in a Department of Justice report tabled in May 2017. According to the Opposition this six month delay has meant that high-risk offenders who would have otherwise been subject to stronger supervision orders have been at liberty when they should not have been. The Christian Democratic Party supported the bills. The Greens acknowledged that there were some positive aspects to the reforms but expressed a number of significant concerns that precluded them from supporting the bills. The Greens' primary concern was that the changes to the High Risk Offender Scheme lowered the bar for making continued detention orders. According to the Greens, offenders will not only be imprisoned for crimes they have committed but also for crimes the State thinks that they may commit.

The second reading was agreed to.

In committee the Greens moved amendments to increase the percentage discounts applicable to offenders that submit early guilty pleas for indictable offences. The amendments were negated on the voices.

The third reading was agreed to and the bills returned to the Legislative Assembly without amendment.

[Parole Legislation Amendment Bill 2017](#)

House of origin: Legislative Assembly

The bill amends the *Crimes (Administration of Sentences) Act 1999* and the *Children (Detention Centres) Act 1987* with respect to parole for adult and juvenile offenders and re-integration home detention orders for adult offenders. The bill's objective is to implement evidence-based parole reforms that will help reduce domestic violence and reoffending, and to improve community safety.

In his second reading speech the Parliamentary Secretary (Mr Clarke) said that the bill builds on the recommendations contained in a 2015 Law Reform Commission report on parole. The Parliamentary

Secretary noted that the bill replaces the current public interest test for release on parole with a community safety test, allows parole to be revoked where there is an increased risk to community safety even if the offender has not breached a condition, introduces a reintegration home detention scheme for eligible and suitable offenders, imposes supervision and health treatment as a condition of all parole orders, provides sanctions to be used in response to breaches, and clarifies the information about offenders that can be disclosed to registered victims. With respect to the juvenile parole system, the bill introduces a new legislative framework that provides a decision-making supervision and management system for the release of young offenders on parole.

The Opposition did not oppose the bill noting that it implements a number of common sense proposals developed by the Law Reform Commission to reduce red tape and promote community safety. The Christian Democratic Party supported the bill, in particular its emphasis on requiring parole decisions to be made in the interests of public safety. The Greens broadly supported the bill but expressed significant concerns regarding two key matters. Firstly, that it allows the revocation of parole for juveniles on the grounds of terrorism concerns. Secondly, that the bill does not require the Parole Authority to notify offenders of the reasons for refusing re-integration home detention orders.

The second reading was agreed to.

In committee the Greens moved amendments to require that the Parole Authority must give offenders reasons for refusing re-integration home detention orders, and to remove the provisions in the bill that allow for the revocation of parole for juveniles on the basis of terrorism concerns. The amendments were not supported by the other parties and were negated on the voices.

The bill was reported without amendment, read a third time and returned to the Legislative Assembly for concurrence.

Fisheries Management Amendment (Aboriginal Fishing) Bill 2017

House of origin: Legislative Assembly

The bill amends the *Fisheries Management Act 1994* to enable payments to be made out of the Aboriginal Fishing Trust Fund, and to provide assistance to Aboriginal communities in relation to cultural fishing and commercial fishing activities. The assistance is to be provided through grants and loans and through the acquisition of fishing assets for the use and benefit of Aboriginal communities.

The second reading speech of the Minister (Mr Blair) was incorporated in Hansard. In that speech, the minister indicated that the bill makes significant improvements to the operation of the Aboriginal Fishing Trust Fund and supports Aboriginal fishing across the State by allowing the trust to issue loans rather than just grants, enabling assets to be held in trust for the benefit of the Aboriginal community, allowing the Fisheries Administration Ministerial Corporation (FAMC) to hold assets for the benefit and use of Aboriginal people and communities and allowing the Minister for Primary Industries to approve Aboriginal fishing assistance programs. The Minister's speech also addressed concerns which had been raised by certain stakeholders, advising that the bill does not place restrictions on how loans or grants may be used, that assets purchased with loans or grants are intended to sit with the purchaser and not with the FAMC, and that the bill is not intended to restrict Aboriginal business or individuals from pursuing economic development opportunities. The minister's speech advised that section 21AA of the principal Act, which makes special provision for Aboriginal cultural fishing, is intended to commence in conjunction with a cultural fishing regulation and that investigations in relation to the best approach for commencement of section 21AA and the regulation are under way.

The Opposition supported the bill but sought clarification on a number of issues relating to the operation of the bill including matters that had been raised by the Aboriginal Land Council following the bill's introduction in the Legislative Assembly. The Opposition was critical of the Government's lack of action

in activating section 21AA of the principal Act, noting that it had been inserted into the Act in 2009 and questioned whether the Government was still committed to commencing the section.

The Greens supported the bill notwithstanding having similar concerns to those held by the Opposition. The Greens said the good work of investing in the Aboriginal Fishing Trust was undermined by the failure to commence section 21AA of the principal Act, and foreshadowed an amendment that would seek to link the commencement of that section to this bill's assent. The Greens commented that it was unfortunate that the Trust was not established in time to participate in the Government's commercial fishing subsidised share trading market held earlier in the year.

The Christian Democratic Party (CDP) supported the bill on the basis of its potential to empower Aboriginal communities to develop viable fishing organisations. The CDP saw the bill as a big step forward but considered that there was still more that needed to be done in terms of granting Aboriginal communities access and rights to sea resources.

The Minister used his speech in reply to address the issues that had been raised during the debate and by the NSW Aboriginal Land Council and the Native Titles Service Corporation during the ongoing consultation regarding the development and passage of the bill.

The second reading was agreed to.

In the committee stage, the Greens amendment to have section 21AA of the principal Act commence on the assent of this bill was negatived (Division 13:17). The bill was read a third time and returned to the Assembly without amendment.

[Education Amendment \(School Safety\) Bill 2017](#)

House of origin: Legislative Council

The bill amends the *Education Act 1990* to enable the Minister for Education to direct a student not to attend school for a specified period if the Minister reasonably believes there is a high risk that the student will engage in serious violent conduct or supports terrorism. In such instances the Minister will be required to assess whether the student's school attendance constitutes a health or safety risk and, if appropriate, develop risk management strategies to enable the student to attend school. The bill also extends school disciplinary powers to student conduct that significantly affects, or is likely to significantly affect, the health or safety of students or staff, regardless of whether that conduct occurs on or outside school premises or within or outside school hours.

In her second reading speech the Minister (Mrs Mitchell) stated that the Government and Parliament have an important duty to ensure that all children receive an education in a safe environment. The Minister explained that the bill has been developed in response to a number of recent episodes and advice received by the Education Department that it needs additional powers to ensure that government schools have the power to deal with students who pose a risk of serious violent conduct or who support terrorism. The Minister noted that while instances of such conduct are rare they are neither far-fetched nor fanciful.

Debate was adjourned for five calendar days.

[Electricity Supply Amendment \(Emergency Management\) Bill 2017](#)

House of origin: Legislative Council

The bill amends the *Electricity Supply Act 1995* to provide for streamlined emergency management powers in the event that electricity supply is severely disrupted. The emergency management powers provide that the Premier will be able to declare an electricity supply emergency and enable the Minister for Energy and Utilities to take certain actions, give directions and obtain information while the electricity supply emergency declaration is in force.

In his second reading speech the Minister (Mr Harwin) stated that New South Wales needs simple and speedy options to manage electricity shortages. The Minister noted that the current New South Wales electricity supply emergency scheme is out of date having been designed in the 1980s. At that time New South Wales had a standalone electricity grid and was not connected to the Australian Energy Market. Currently, primary responsibility for maintaining power system security and managing electricity supply emergencies across the interconnected south-east Australian grid rests with the AEMO, with assistance from New South Wales. The bill provides that should the AEMO not be able take emergency action because of limits on its powers, then the Resources and Energy Minister will have the necessary powers to provide the assistance required by the AEMO.

Debate was adjourned for five calendar days.

[Natural Resources Access Regulator Bill 2017](#)

House of origin: Legislative Council

The bill constitutes the Natural Resources Access Regulator as a statutory corporation with responsibility for the enforcement of natural resources management legislation, such as the *Water Management Act 2000*. A three-person governing Board will act for the Regulator with the Chief Regulatory Officer responsible for its day to day management. The Minister may give general directions to the Regulator if the Minister is satisfied that it is in the public interest to do so. The bill provides for the transfer of compliance and enforcement staff of Water NSW to the public service agency to support the Regulator.

In his second reading speech, the Minister (Mr Blair) said that the establishment of an independent board and the consolidation of water compliance into a single body are the first steps in a series of measures to rebuild public confidence in water management and compliance. The Minister noted that the establishment of the Natural Resources Access Regulator follows the independent investigation by Mr Ken Matthews AO, which highlighted the urgent need to improve the accountability, transparency and performance of the NSW water compliance and enforcement system. In relation to the recommendations in the Matthews report, the Minister said that the Government accepted the principles of those recommendations that are within its power. The Minister declared the Government's intention to implement these recommendations through a bill to be introduced in the 2018 budget session of Parliament.

Debate was adjourned for five calendar days.

[Environmental Planning and Assessment Amendment Bill 2017](#)

House of origin: Legislative Council

The bill substantially amends the *Environmental Planning and Assessment Act 1979* in order to implement a range of reforms intended to improve the environmental planning and assessment system in New South Wales. The bill significantly re-organises, revises and simplifies the provisions of the Act, including by restructuring the Act into ten parts and moving matters of detail (particularly savings and transitional provisions) to the regulations.

The bill was introduced by the Parliamentary Secretary (Mr MacDonald). In his second reading speech, the Parliamentary Secretary noted that it had been almost four decades since the *Environmental Planning and Assessment Act* was introduced and in that time it had been amended on more than 150 occasions and had more than doubled in size to over 300 pages. The Parliamentary Secretary said that the bill was the outcome of two years of targeted consultation and a review of more than 400 submissions made in response to a draft bill. The Parliamentary Secretary stated that the bill aims to improve the planning system through faster, simpler processes, enhanced strategic planning, improved community confidence and participation, and more balanced and transparent decision-making.

Debate was adjourned for five calendar days.

Rural Crime Legislation Amendment Bill 2017

House of origin: Legislative Council

The bill amends a number of Acts in response to a review of laws relating to stock theft and trespass. Among other things, the bill creates an offence of aggravated trespass where a biosecurity risk is introduced or increased by the trespass where the offender intends to engage in stock theft or is in possession of hunting equipment or accompanied by hunting dogs. The bill also gives owners of stock and police the power to apply for a stock mustering order authorising entry onto property, and allows a victim's geographical isolation to be considered as an aggravating factor in sentencing.

In his second reading speech, the Minister (Mr Blair) said that the bill follows the review by former NSW Police Force Assistant Commissioner Steve Bradshaw, and earlier research by the University of New England in 2015 which showed that rural crime was not trending downwards and was likely to be significantly under-reported. The Minister said that the bill provides a more comprehensive and effective response to rural crime and responds to calls from rural landholders for greater legislative recognition of the impact of trespass on rural properties. The Minister indicated that the Government would continue to consult with stakeholders and strive to further improve the response to rural and regional crime.

Road Transport and Related Legislation Amendment Bill 2017

House of origin: Legislative Council

The bill amends various road transport and related legislation including establishing a NSW written-off heavy vehicles register, allowing camera technology to be used for the enforcement of vehicle dimension offences, mandating Working With Children check clearances and introducing good repute requirements for driving instructors, and updating legislation covering point to point taxi and hire vehicles to align certain provisions with those of work health and safety legislation.

In his second reading speech, the Minister (Mr Blair) argued that the reforms in the bill will deliver positive road safety outcomes and contribute to the effective and reliable delivery of transport and freight services for the people of New South Wales. Debate was adjourned for five calendar days.

Statute Law (Miscellaneous Provisions) Bill (No 2) 2017

House of origin: Legislative Council

The bill continues the statute law revision program, which has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984, and generally contain policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. On this occasion, the bill contains amendments to 22 acts and one related instrument, including amendments to the *Ombudsman Act 1974*, the *Combats Sports Act 2013* and the *National Parks and Wildlife Act 1974*.

Debate was adjourned for five calendar days.

Private members' business

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

Bills

[Plastic Shopping Bags \(Prohibition on Supply by Retailers\) Bill 2016](#) (Ms Sharpe, Australian Labor Party)

The bill bans single-use plastic bags in New South Wales. The bill was introduced into the Council on 20 October 2016 when Ms Sharpe gave her second reading speech.

Debate on the bill resumed on 19 October 2017. The Government did not support the bill arguing that it was unnecessary as the use of plastic bags was a matter of personal choice, and pointing to the decision by the major supermarkets to phase out their use of single-use plastic bags. Government members argued that in some jurisdictions that had implemented bans there was evidence of unintended consequences. The Government stated that single-use plastic bags make up a small percentage of the overall volume of plastic litter and argued that the Premier's commitment to reduce litter by 40 per cent by 2020 through such measures as the container deposit scheme will achieve a greater benefit for the environment.

Opposition members spoke in support of the bill, noting that the Government was setting New South Wales apart from all other States and Territories by not taking action on single-use plastic bags and argued that there was overwhelming community support for a ban. Opposition members said that they were disappointed and mystified over the Government's position, particularly as, they argued, many Government members were on the public record as supporting taking action on single-use plastic bags.

The Greens strongly supported the bill, characterising single-use plastic bags as wasteful and environmentally destructive. The Greens also pointed to other jurisdictions in Australia and overseas that had brought in legislation to ban single use plastic bags, and argued that the community and business were expecting the Government to also take action. The Animal Justice Party supported the bill, stating that wildlife that ingest single-use plastic bags suffer painful and lingering deaths. The Animal Justice Party argued that the House should support the bill as it was elected to represent and lead the community and that it should not take refuge behind the premise of leaving this matter up to personal choice.

The second reading was negated on division (17:20) with the Government and the Christian Democratic Party voting against the bill.

[Crimes Amendment \(Zoe's Law\) Bill 2017](#) (Revd Mr Nile, Christian Democratic Party)

The bill amends the *Crimes Act 1900* by establishing a separate offence for conduct causing serious harm to or the destruction of a child in utero, and extending the offence of dangerous driving causing death or grievous bodily harm to dangerous driving causing the destruction of, or serious harm to, a child in utero.

Debate on the bill resumed from 12 October (see earlier House in Review) allowing Mr Farlow to conclude his contribution. Mr Farlow again commended Revd Mr Nile for introducing the bill and while reiterating that there are challenges to be resolved in the bill, Mr Farlow said that he believed it is time for legislation such as this to be introduced to fill a gap in the current law.

Debate was adjourned until the next sitting day.

[Forestry Amendment \(Public Enforcement Rights\) Bill 2017](#) (Ms Walker, The Greens)

House of origin: Legislative Council

The bill amends the *Forestry Act 2012* to remove a prohibition on third parties bringing proceedings in relation to certain breaches of that Act.

In her second reading speech, Ms Walker made clear that the bill is intended to allow third parties to bring proceedings against the Forestry Corporation. Currently, the NSW Environment Protection Agency (EPA) may bring proceedings or issue fines for breaches of environmental protection law, however Ms Walker argued that the EPA, with its current resources, does not have the capacity to regulate and monitor the Forestry Corporation. Ms Walker argued that restoring the rights of third parties to bring legal proceedings goes some way to restoring community protection and guardianship of public natural resources.

Debate on the bill was adjourned for five calendar days.

Motions

Wellness Walk – Bridge Walk for Mental Health (Mr Farlow, Liberal Party)

The motion noted that the annual Wellness Walk – Bridge Walk for Mental Health took place on Sunday 15 October 2017. The motion called on the House to acknowledge the health benefits of walking which decreases depression, stress and anxiety, and to congratulate the organisers of the walk.

In speaking to the motion Mr Farlow commended the walk stating that it is an initiative that helps reduce the stigma of mental illness and reinforces social and community interactions. Mr Farlow also observed that regular exercise is something that can help improve mental health. Other speakers noted the role of the NSW Mental Health Commission in working with Government and the community to promote better mental health outcomes and ensuring that support services are available to those that need them.

Debate was adjourned until the next sitting day.

Motions taken as formal business

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

1. Ms Clare McCabe (Mr Amato).
2. Camden Meals on Wheels (Mr Amato).
3. Spring Charity Fundraiser for Sutherland Hospital (Mr Amato).
4. Ms Alida van Driel (Mr MacDonald).
5. James Phillip McAuley (Mr Pearson).
6. Jordon Kiss (Mr MacDonald).
7. Maitland Regional Sportsground Complex (Mr MacDonald).
8. Regional Academies of Sports Awards (Mr MacDonald).
9. GFG Alliance (Mr MacDonald).
10. Development and Relief Agency (Mr MacDonald).
11. Madison Fitzpatrick (Mr MacDonald).
12. Hunter TAFE Foundation scholarships presentation (Mr MacDonald).
13. National Youth Championship in touch football (Mr MacDonald).
14. Hastings Valley Netball Association (Mr MacDonald).
15. Rohingya refugees (Mr Moselmane).
16. Syrian national football team (Mr Moselmane).
17. Newcastle University students selected to the Australian Universities Merit Teams (Mr MacDonald).

18. Civcon Scholarship for Hunter River High School students (Mr MacDonald).
19. Central Coast Mariners club captain (Mr MacDonald).
20. 2017 Surf Life Saving NSW Awards of Excellence (Mr MacDonald).
21. Harden Kite Festival (Mrs Taylor).
22. Griffith Multicultural Festival (Mr Moselmane).
23. 2017 Alive and Well fundraising event (Mr MacDonald).
24. Ms Jennifer Webb (Mr MacDonald).
25. University of New England Lions Women's Rugby Union Team (Mr MacDonald).

Inquiry activities

Select Committee on Human Trafficking

The committee tabled its report on 19 October 2017.

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

The committee has received 11 submissions and will hold its first hearing on 31 October 2017, with a second hearing scheduled for 17 November 2017.

Standing Committee on State Development

Inquiry into regional development and a global Sydney

The committee has received 37 submissions and has held hearings in Sydney, Nowra, Orange, the Tweed and Armidale. Further regional visits and hearings will be held in the coming months.

Defence industry in New South Wales

The committee will conduct a public hearing in Queanbeyan and site visit in Adelaide on 24 and 25 October respectively. A discussion paper is to be published towards the end of the year.

Standing Committee on Law and Justice

Statutory review of the State Insurance and Care Governance Act 2015

Submissions close on 31 October. The committee will hold a public hearing on 7 November.

Portfolio Committee No. 1 – Premier and Finance

Inquiry into Alcoholic Beverages Advertising Prohibition Bill 2015

The closing date for submissions is 12 November 2017. Hearings will be held in the coming months.

Portfolio Committee No. 2 – Health and Community Services

Inquiry into road tolling

The report was tabled on 20 October 2017.

Budget Estimates

The committee has resolved to conduct a supplementary hearing into the Health and Disability Services portfolios on 26 October 2017.

Portfolio Committee No. 4 – Legal Affairs

Inquiry into museums and galleries

The committee is considering holding a further hearing. The report is due to be tabled by 1 March 2018.

Emergency services agencies

The committee has received more than 170 submissions to date and has held two public hearings. The committee will conduct its next public hearing on 10 November 2017.

Fire and emergency services levy

The closing date for submissions is 26 November 2017.

Budget Estimates

The committee has resolved to conduct a supplementary hearing into the Police and Emergency Services portfolios.

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.

Budget Estimates

The committee has resolved to conduct a supplementary hearing into the Lands and Forestry, and Racing portfolios.

Portfolio Committee No. 6 – Planning and Environment

Inquiry into energy from waste technology

The committee will conduct a site visit in October and anticipates reporting by the end of the year.

Privileges Committee

Inquiry into procedural fairness for inquiry participants

The committee has published a discussion paper to assist stakeholders to make submissions. The closing date for submissions is 6 November 2017.

Reports tabled

Inspector of Independent Commission Against Corruption: Annual Report of the Inspector of the Independent Commission Against Corruption, June 2017.

Inspector of the Law Enforcement Conduct Commission: Annual Report of the Inspector of the Police Integrity Commission, June 2017.

Adjournment debate

Tuesday 17 October 2017

Defence Industries (Mr Pearce), Martin Lysicrates Prize (Mr Secord), Child Protection (Mr Mason-Cox), Chinese-Australian Community (Mr Wong), TAFE NSW (Ms Walker).

Wednesday 18 October 2017

Manufacturing Industry Employment (Mr Primrose); Nuclear Power (Revd Mr Nile); Mambo Wetlands Land Sale (Ms Cusack); Same-Sex Marriage/Diwali Festival (Mr Mookhey); Same-Sex Marriage Postal Survey (Mr Green); Cootamundra and Murray By-elections (Mr Fang).

Thursday 19 October 2017

FSHD Global Research Foundation (Mrs Maclaren-Jones); National Parks and Service Wildlife Restructure (Dr Faruqi); Cootamundra Electorate By-election/Prince Alfred Bridge, Gundagai (Ms Sharpe); Centenary of Anzac Commemorative Service (Ms Voltz); Gaming and Racing Industry (Mr Field); Health Services (Mrs Taylor).

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