

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## HOUSE IN REVIEW

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

Information on all bills can be accessed via [Current Session Bills](#). House papers, Hansard, tabled documents and questions and answers for each sitting day are accessible via [Legislative Council House Business Papers](#).

### Overview

This week the House passed three government bills which had originated in the Legislative Assembly. Four bills were introduced to the Council – one government bill and three private members' bills. In addition, debate concluded on a fourth private members' bill and one private members' motion.

As well as its legislative agenda, the House considered whether to discuss a matter of public importance.

### Government business

#### [Saint John's College Bill 2018](#)

House of origin: Legislative Assembly

The bill modernises the governance arrangements for Saint John's College at the University of Sydney. The bill repeals the *Saint John's College Bill 1857* and constitutes the Rector and Fellows of the college as a corporation. The bill also reduces the number of members of the College Council from 19 to 13.

Debate on the second reading of the bill commenced on Wednesday 7 March (see [Hansard](#) for details of the debate). The second and third readings of the bill were agreed to and the bill was returned to the Assembly without amendment.

#### [Justice Legislation Amendment Bill 2018](#)

The bill amends various Acts relating to courts, crimes and other related matters. The amendments include provisions removing exemptions to sex discrimination laws in relation to the employment of pregnant women, closing a loophole in the offence of having sexual intercourse with a 16 or 17 year old to ensure the offence captures any person employed at a school with students under his or her care, and improving the operation of legislation affecting the courts and other justice portfolio agencies.

The House received the bill from the Assembly and read it a first time on Wednesday 14 February 2018. Debate on the second reading took place on Tuesday 6 March and Wednesday 7 March 2018. See [Hansard](#) to follow the debate. The second reading was agreed to.

In the committee stage an amendment was moved by The Greens to omit provisions which empower a court to order a person found guilty of a drug driving offence to attend a police station to have the person's photograph, finger-prints and palm-prints taken. The amendment was negated on the voices.

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

## [Work Health and Safety Amendment Bill 2018](#)

House of origin: Legislative Council

The bill provides that certain members of the NSW Police Force who are involved in responding to active armed offender incidents do not commit offences under Division 5 of Part 2 of the *Work Health and Safety Act 2011* for failure to comply with health and safety duties when responding to such incidents. The bill also makes miscellaneous amendments to the Act as a result of a statutory review of the Act that was tabled in Parliament in June 2017.

Mr Colless (on behalf of Minister Mitchell) introduced the bill and gave his second reading speech on Wednesday 7 March (See [Hansard](#) for details of the speech). At the conclusion of the Parliamentary Secretary's speech debate was adjourned for five calendar days.

## [Property, Stock and Business Agents Amendment \(Property Industry Reform\) Bill 2017](#)

House of origin: Legislative Assembly

The bill introduces reforms to the real estate and property industry by amending the licensing framework, educational and professional standards, and accountability and transparency procedures, and provides additional compliance and enforcement powers to NSW Fair Trading.

The House received the bill from the Assembly on Wednesday 14 February 2018 and considered the bill on 7 March 2018. The second reading was agreed to on the voices (see to [Hansard](#) follow the debate).

In the committee stage two amendments were moved by the Opposition which sought to strengthen the provisions in the bill to include conditions regarding continuing professional development. The amendments were negated on the voices.

The third reading of the bill was 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.

*Bill*

## [Smoke-free Environment Amendment \(E-Cigarettes\) Bill 2017](#) (Mr Secord, Australian Labor Party)

House of origin: Legislative Council

The bill seeks to amend the *Smoke Free Environment Act 2000* to regulate the use of e-cigarettes in public places. The bill follows legislation in Victoria, Queensland, South Australia, Tasmania, and the Australian Capital Territory, jurisdictions that all classify e-cigarettes within the same class as tobacco cigarettes.

On 23 November 2017 Mr Secord introduced the bill and gave his second reading speech. Debate on the second reading resumed on Thursday 8 March. The Parliamentary Secretary, Mrs Taylor, noted that while the bill would not be supported by the Government, the Government would be taking action and bringing forward its own bill in the near future. A number of other members also contributed to the debate (see [Hansard](#) for details, including the [resumed](#) debate), during which The Greens moved that the bill be referred to Portfolio Committee No. 2 – Health and Community Services for inquiry and report.

The motion to refer the bill to Portfolio Committee No 2 was defeated (Division 16:19), with The Greens, the Opposition and the Shooters, Fishers and Farmers Party voting for the motion and the Government and the Christian Democratic Party voting against. The question on the second reading of the bill was

defeated (Division 11:19) with the bill receiving support only from the Opposition and the Shooters, Fishers and Farmers Party.

### **Wyong Special Area (Protection) Bill 2018 (Mr Searle, Australian Labor Party)**

The provisions of the bill seek to protect certain land at Wyong, namely the site of the Wallarah 2 coal mine project, from mining and mining related activities. The bill prohibits the granting, renewal, or modification of licences, leases, and authorisations made under the Mining Act 1992 which would allow for the prospecting for, or mining of, minerals and petroleum in the Wyong special area.

Mr Searle introduced the bill and gave his second reading speech on Thursday 8 March 2018 (see [Hansard](#) for details), after which, according to standing orders, debate was adjourned for five calendar days.

### **Modern Slavery Bill 2018 (Mr Green, Christian Democratic Party)**

The bill seeks to combat modern slavery through the establishment of an Anti-Slavery Commissioner. The bill is also intended to raise awareness of modern slavery, detect and expose supply chains, introduce mandatory reporting, and provide assistance and support to victims. While the bill introduces criminal penalties in relation to forced child marriage and cyber-sex trafficking, the Commissioner is expressly prevented from investigating individual cases, and instead the bill focuses the role of the Commissioner on strategic planning, advice and expertise, and information exchange with law enforcement agencies.

Mr Green introduced the bill and gave his second reading speech on Thursday 8 March 2018 (see [Hansard](#) for details). Mr Green noted that the bill addresses the findings and recommendations of the Select Committee on Human Trafficking in New South Wales, and has been developed by the cross-party parliamentary working group on modern slavery. Debate was adjourned for five calendar days.

### **Animal Protection and Crimes Legislation Amendment (Reporting Animal Cruelty and Protection of Animal Enterprises) Bill 2017 (Mr Borsak, Shooters, Fishers and Farmers Party)**

The bill introduces requirements for the timely reporting of recorded acts of serious animal cruelty and the provision of such footage to law enforcement agencies. The provisions of the bill also make it an offence to damage or destroy property or engage in threatening or intimidating conduct towards persons engaged in lawful animal enterprises.

Mr Borsak introduced the bill and gave his second reading speech on Thursday 8 March 2018 (see [Hansard](#) for details of the speech). Debate was adjourned for five calendar days.

### **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.

Debate on the motion first commenced on 19 October 2017, with debate resuming from that date on Thursday. A number of members spoke in support of the motion and emphasised the importance of physical activities in maintaining mental health (see [Hansard](#) for details of the debate).

The motion was agreed to.

### **Matter of public importance**

Standing order 200 provides an opportunity for the House to debate a topical matter of public importance with precedence of most other business on the Notice Paper.

On Wednesday 7 March, Mr Buckingham (The Greens) moved according to notice that the House discuss ‘the repeated failure of the Premier, the Honourable Gladys Berejiklian to meet with community groups’.

In accordance with the standing order, the mover and the Minister then made statements as to whether the matter be discussed forthwith. Speaking in support of his motion, Mr Buckingham alleged that the Premier ‘regularly meets’ with ‘lobbyists, big businesses and donors’ but not with community groups. However the Minister for Resources, Energy and Utilities, and the Arts refuted these claims, stating that ‘the Premier has travelled all over New South Wales to meet with residents, business and community groups’. The Minister also observed that ministers and government members meet with groups on the Premier’s behalf.

The Greens and the Opposition supported the motion being discussed by the House, however the motion was opposed by the Government and the Christian Democratic Party and was negated on division (16:20).

## Committee activities

### *Committee reports tabled*

**Legislation Review Committee:** ‘Legislation Review digest No. 5/56’, dated 6 March 2018.

**Selection of Bills Committee:** ‘Report No. 2 of the Selection of Bills Committee’, dated 6 March 2018.

### *Government response*

**Standing Committee on Law and Justice:** Response received to the report entitled “First Review of the Lifetime Care and Support scheme”, received out of session and authorised to be printed on 22 February 2018.

**Standing Committee on Law and Justice:** Response received to the report entitled “First Review of the Dust Diseases scheme”, received out of session and authorised to be printed on 22 February 2018.

### *Committee membership*

**Procedure Committee:** Mr Fang in place of Mr Franklin.

### *Extension of reporting date*

**Standing Committee on State Development:** The reporting date for the committee’s inquiry into regional development and a global Sydney was extended to 7 June 2018.

**Portfolio Committee No. 4 – Legal Affairs:** The reporting date for the committee’s inquiry into museums and galleries was extended to 28 June 2018.

**Portfolio Committee No. 5 – Industry and Transport:** The reporting date for the committee’s inquiry into the augmentation of

water supply for rural and regional New South Wales was extended to 14 May 2018.

**Select Committee on Electricity Supply, Demand and Prices in New South Wales:** The reporting date was extended to the last sitting day in November 2018.

## 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 two hearings will be held on 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 has received nine submissions to the discussion paper. A roundtable will be held on 27 March 2018.

#### *Defence industry in New South Wales*

The committee will hold a final public hearing in April 2018. The final report is expected to 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 in Sydney on 12 March, with regional hearings to take place in April, May and June 2018.

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

##### *Inquiry into museums and galleries*

The committee will be holding another two hearings on 28 May and 1 June 2018.

##### *Emergency services agencies*

The committee has received over 190 submissions and conducted six hearings to date. Further hearings are scheduled for 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*

The committee has received 35 submissions and will commence hearings and site visits in May 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.

##### *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 committee has received over 300 submissions to date and will hold its first hearing on 26 March 2018.

#### **Privileges Committee**

##### *Inquiry into procedural fairness for inquiry participants*

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

#### **Adjournment debate**

#### **Tuesday 6 March 2018**

Little Wings (Mr Fang); Sydney Stadiums (Ms Voltz); Adani Carmichael Coalmine Proposal (Mr Buckingham); Butler Street Reserve Markets (Ms Cusack); Rockmelon Listeria Contamination (Mr Secord); Doyles Creek Training Mine (Dr Phelps).

#### **Wednesday 7 March 2018**

Swimming Pool Facility Safety Standards/Public Library Funding (Mr Primrose); Gun Control Laws/Midcoast Region Planning (Mr Shoebridge); Medicinal Cannabis (Mr Khan); Yarri and Jacky Jacky Acts of Bravery (Mr Veitch); The Greens (Ms Walker); Tribute to Colin Wood (Mrs Taylor).

**Thursday 8 March 2018**

Drought Relief Funding (Mr Borsak); Badgerys Creek Cemetery (Mr Mallard); Women's Rights (Ms Sharpe); NSW Nationals Central Regional Conference (Mr Colless); Tribute to the Late Mrs Jowaher Mohamed Mouhana Mousslimani; Operation Jasper and Operation Acacia (Dr Phelps).

**Feedback on *House in Review***

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

Please contact us at:

[lc.procedure@parliament.nsw.gov.au](mailto:lc.procedure@parliament.nsw.gov.au)

A handwritten signature in black ink, appearing to be 'DB', written in a cursive style.

David Blunt  
**Clerk of the Parliaments**