

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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13 to 15 March 2018*

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.

Information on all bills can be accessed [here](#). House papers, Hansard, tabled documents and questions and answers for each sitting day are accessible [here](#).

Overview

This was a busy week in the Council, in an indication of the pace to be expected for the rest of this pre-election year.

The House debated and ultimately agreed to three motions that demonstrate the exercise of its functions as a House of Review: two motions to establish new committees, the Public Accountability Committee and the Public Works Committee, and a motion to order the production of papers relating to Sydney stadiums.

The House also debated several bills and considered numerous amendments. On Wednesday the House sat late to debate government legislation originating in the Assembly. The State Debt Recovery Bill 2017 was considered first, with 24 Government and four Greens amendments being agreed to. The House then considered four cognate bills including the parent bill, the Liquor and Gaming Legislation Amendment Bill 2018. The Greens moved amendments to all four bills, resulting in lengthy consideration in committee, with one of the bills being amended.

Following question time on Thursday, the President made a statement to mark the retirement of Mr Don Colagiuri SC, Parliamentary Counsel, who commenced work in the Parliamentary Counsel's office in 1974 and was appointed Parliamentary Counsel in 2001.

New committees – Public Accountability Committee and Public Works Committee

On 15 March 2018 the House resolved to establish two new standing committees – a Public Accountability Committee and a Public Works Committee (further discussion of debate on the motions is outlined below).

The Public Accountability Committee is modelled on the Legislative Assembly Public Accounts Committee. In addition to the functions of the Assembly committee, the committee may inquire into and examine the public accountability, financial management, regulatory impact and service delivery of Government departments, statutory bodies or corporations.

The role of the Public Works Committee will be to inquire into and report on any public works to be executed (including works that are continuations, completions, repairs, reconstructions, extensions or new works) where the estimated cost of completing such works exceeds \$10 million.

Both committees can inquire into matters referred by the House as well as any inquiries referred by the committees themselves. Both committees will also inquire into future arrangements for ongoing scrutiny by the Legislative Council of the matters set out in their resolutions of appointment.

Government business

[Liquor and Gaming Legislation Amendment Bill 2018](#) and cognate bills [Casino Control Amendment Bill 2018](#), [Gaming Machines Amendment \(Leasing and Assessment\) Bill 2018](#), [Registered Clubs Amendment \(Accountability and Amalgamations\) Bill 2018](#)

House of origin: Legislative Assembly

Between them the bills amend 16 separate pieces of legislation and in the Government's view represent the most significant set of reforms to New South Wales gaming regulation in more than ten years.

The parent bill, the Liquor and Gaming Legislation Amendment Bill, makes a number of changes to liquor and gaming legislation, including providing for tougher penalties for wagering operators that breach gambling advertising restrictions and a risk-based approach to post-employment restrictions for public officials regulating the liquor and gaming industries. The Casino Control Amendment Bill implements aspects of the Government's response to the Casino Modernisation Review with a view to ensuring a closer alignment between regulatory risk and the level of regulatory oversight. The Gaming Machines Amendment (Leasing and Assessment) Bill makes a number of changes to the decision-making process governing the location of gaming machines. The bill also introduces a gaming machine entitlement leasing scheme to complement the existing entitlement trading scheme. The Registered Clubs Amendment Bill provides for the establishment of a Registered Clubs Accountability Code (to be set out in the principal regulation) with which clubs will be required to comply. The bill also updates amalgamation and de-amalgamation requirements and authorises the Independent Liquor and Gaming Authority to take disciplinary action against the secretary or member of the governing body of a club rather than only against the club itself.

The House received the bills from the Assembly and read them a first time on Wednesday 14 March. Debate on the second reading of the bills commenced later in the day and continued into the evening. Details of the debate can be found in [Hansard](#).

The second reading of the bills was agreed to on division (33:5) with The Greens having their opposition to the bills noted.

Each bill was considered separately in committee of the whole. Overall, the committee stage for the four bills proceeded for over two hours with 42 amendments being moved. Ultimately, the House agreed to one amendment – to the Liquor and Gaming Legislation Amendment Bill. That amendment, which was unanimously supported, prohibited liquor in any form as a non-monetary gaming prize. The remaining amendments were negatived either on the voices or on division.

The third reading of the bills was agreed to and the Gaming Legislation Amendment Bill was returned to the Assembly with an amendment, and the Casino Control Amendment Bill, Gaming Machines Amendment (Leasing and Assessment) Bill and Registered Clubs Amendment (Accountability and Amalgamations) Bill were all returned without amendment.

On Thursday 15 March, the House received a message from the Assembly stating that it had agreed to the Council's amendment to the Liquor and Gaming Legislation Amendment Bill.

[State Debt Recovery Bill 2018](#)

House of origin: Legislative Assembly

As a principal piece of legislation the bill introduces a new framework for the recovery of state debts. The bill authorises the Chief Commissioner of State Revenue to undertake debt recovery action in relation to referable debt, tax debt, or grant debt, owed to a public or local authority, without court action. The bill makes provision for a range of aspects of the new debt recovery framework including debt referral, review mechanisms, the debt recovery process and recovery actions. The bill includes consequential amendments to a number of other Acts.

The House received the bill from the Assembly and read it a first time on Wednesday 7 March 2018. Debate on the second reading of the bill commenced on Wednesday 14 March (see Hansard to follow the debate which [commenced](#) before Questions and [resumed](#) after the conclusion of Question Time).

During the second reading debate the Opposition raised concerns over the provisions of the bill relating to referable debt from local councils and the recovery of overdue council rates, and moved that the bill be referred to Portfolio Committee No. 1 – Premier and Finance for inquiry and report. The amendment was negated on division (15:25) with the Opposition, Animal Justice Party and Shooters, Fishers and Farmers Party voting for the bill to be referred to the committee and the Government, Christian Democratic Party and The Greens voting against the motion.

The second reading was subsequently agreed to on division (28:12), with the Government, Animal Justice Party, Christian Democratic Party, Shooters, Fishers and Farmers Party and The Greens voting for the motion and the Opposition voting against.

In committee the Government successfully moved 24 amendments to remove the provisions of the bill relating to the cancellation of occupational licences. The House also agreed to the four Greens amendments concerning deadlines for providing certain information, penalties for persons other than a corporation, multiple applications for hardship review and authorising the Chief Commissioner to make directions concerning costs payable. Amendments moved by both the Animal Justice Party and the Christian Democratic Party were not agreed to, with the House dividing (17:23) on both occasions. The Animal Justice Party amendments were designed to suspend debt recovery action during certain reviews of the Hardship Review Board or Chief Commissioner. The amendments moved by the Christian Democratic Party removing certain provisions relating to referable debts from local councils were also negated on division.

The third reading of the bill was agreed to on the voices and the bill was returned to the Legislative Assembly with amendments. A message was received from the Assembly on Thursday 15 March agreeing to the Council's amendments.

[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.

Debate on the second reading of the bill resumed on Tuesday 13 March 2018 (see [Hansard](#) for details of the debate). The second and third readings were agreed to and the bill was forwarded to the Legislative Assembly for concurrence.

[Child Protection \(Working with Children\) Amendment \(Statutory Review\) Bill](#)

House of origin: Legislative Council

The bill amends the *Child Protection (Working with Children) Act 2012* (the Act) to make further provision for checks and clearances for the purposes of working with children. The amendments include changes to the definition of child-related work so that direct contact with children must be a usual part of the work, a requirement for parent volunteers on overnight camps to have a working with children check clearance, and to permit penalty notices to be issued for offences under the Act.

The Parliamentary Secretary, Mr Farlow, introduced the bill and gave his second reading speech on Wednesday 14 March 2018 (see Hansard for details of the [Parliamentary Secretary's speech](#)). Mr Farlow advised that the bill implements the first tranche of recommendations from the 2017 statutory review of the Act. Mr Farlow also indicated that the bill responds to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. At the conclusion of the second reading speech 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.

Motions

Appointment of Public Accountability Committee and Appointment of Public Works Committee (Mr Brown, Shooters, Fishers and Farmers Party)

At the start of the sitting week Mr Brown placed two notices of motions on the Notice Paper, each notice calling for the appointment of a new Legislative Council committee.

The first motion called for the appointment by the House of a Public Accountability Committee with the function of inquiring into and examining the public accountability, financial management, regulatory impact and service delivery of Government departments, statutory bodies or corporations. The motion provided for Revd Nile (Christian Democratic Party) to be the chair, and Mr Mason-Cox (Liberal Party) to be the deputy chair of the seven-member committee.

The second motion called for the appointment by the House of a Public Works Committee with the function of inquiring into and reporting on all public works to be executed where the estimated cost of the works exceeds \$10 million. The motion provided for Mr Brown to be the chair of the seven-member committee.

Both motions provided for the committees to inquire into matters referred by the House as well as inquiries referred by the committees themselves.

Each motion was moved and agreed to on Thursday 15 March. When speaking to each of the respective motions Mr Brown argued that the appointment of the committees strengthened the accountability role of the Legislative Council. In both cases, the Government argued against the appointment of the committee, on the basis that the current committee structure encompassed the proposed role and function of the two new committees, and neither committees had been proposed by the 2016 report of the Select Committee on the Legislative Council Committee System. See Hansard to read the debate on the [Public Accountability Committee](#) and [Public Works Committee](#)).

In each case the motions were agreed to on division (21:18), with the Government voting against the appointment and the cross-bench parties and the Opposition voting in support.

Order for Papers – Sydney Stadiums (Ms Voltz, Australian Labor Party)

The motion calls on the Government to provide documents created since 1 January 2015 relating to the demolition, reconfiguration or rebuild of Allianz Stadium or ANZ Stadium, cost-benefit analysis for any projects under the Government's Stadia strategy, safety and compliance audits and issues at Allianz Stadium and any agreement between the Government and the National Rugby League regarding fixtures. The order relates to documents in the possession or control of the Department of Premier and Cabinet, Infrastructure NSW, the Office of Sport, Sydney Olympic Park Authority, Sydney Cricket and Sports Ground Trust, Venues NSW, the Minister for Sport and the Minister for Transport and Infrastructure.

In speaking to the motion, Ms Voltz stated that the order for papers should be agreed to as numerous applications under the Government Information (Public Access) Act had failed to yield any meaningful information. Ms Voltz said that there was a need for transparency and clarity regarding the business case and plans for the construction and refurbishment of the Sydney stadiums. In response the Government stated that it always takes a careful approach when considering calls for orders for papers given the workload such orders can place on the bureaucracy to produce documents. However the Government indicated that in this case it would support the motion in the interests of putting as much information as possible in the public domain. See [Hansard](#) for details of the debate.

As the motion called for the documents to be provided to the House within 21 days, the return is due by 5 April 2018.

Agricultural shows in New South Wales (Mrs Taylor, The Nationals)

On Thursday 15 March Mrs Taylor moved a motion concerning agricultural shows in New South Wales. The motion highlights that it is local show season in New South Wales and that this is the 87th year of the Agricultural Societies Council of New South Wales. The motion acknowledges the role of shows in promoting and protecting the pastoral, agricultural, horticultural and industrial resources of local communities, both regionally and in Sydney.

Mrs Taylor, Mr Blair and Mr Veitch spoke in support of the motion, emphasising the important role agricultural shows play in supporting local economies and fostering community spirit and reflecting on their personal experiences with agricultural shows. See [Hansard](#) for details of the debate, which [commenced](#) before Questions and [resumed](#) after Questions Time had concluded.

Debate was adjourned until the next sitting day.

Bill

[Summary Offences Amendment \(Full-face Coverings Prohibition\) Bill 2017 \(Revd Mr Nile, Christian Democratic Party\)](#)

House of origin: Legislative Council.

The object of the bill is to make it an offence for a person, without reasonable excuse, to wear a face covering while in a public place, apart from a church or other place of worship. A face covering is defined as any article that hides the face of a person in a way that conceals their identity. Under the bill, a person's religious or cultural belief does not constitute a reasonable excuse for the purposes of the proposed offence.

On 14 September 2017, Revd Mr Nile introduced the bill and gave his second reading speech. Debate on the second reading resumed on Thursday 15 March during which members of the government contributed to the debate. Details of the resumed debate are available in [Hansard](#).

Debate was adjourned until the next sitting day.

Matter of public importance – Land clearing laws

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 14 March, Dr Faruqi (The Greens) moved according to notice that the House discuss “the Government’s land clearing laws and their effect on the environment and threatened species”.

In accordance with the standing order, the mover and a Minister then made statements as to whether the matter should be discussed by the House forthwith (details are available in [Hansard](#)).

Speaking in support of her motion, Dr Faruqi said land clearing laws introduced by the Government will inevitably lead to broad scale land clearing, the loss of threatened species and irreversible damage to land and water. Dr Faruqi argued that the Government’s lack of concern for environmental protection was evidenced by the latest land clearing codes recently being ruled invalid by the Land and Environment Court because of a failure to follow required process.

The Minister for Primary Industries, Regional Water and Trade and Industry in turn argued that the land clearing codes that were introduced last August – and remade in identical terms following the Court’s decision – strike a sensible balance between improving on-farm efficiency and protecting natural habitats. The Minister argued that there was no need to discuss this matter as the codes which were made last year delivered on an election commitment and had been made following extensive community consultation.

The Greens, the Opposition and the Animal Justice Party supported the motion being discussed by the House, however the motion was opposed by the Government, Shooters Fishers and Farmers Party and the Christian Democratic Party. The motion was negated on division (18:22).

Orders for papers

Note: The Council has a common law power to order the Government to produce State papers.

Order made

- (1) **Sydney Stadiums (Ms Voltz):** Due 5 April 2018.

Petition received

- (1) **Shark nets in New South Wales** – 526 signatures (presented by Mr Field).

Committee activities

Committee reference

Privileges Committee: The Chair (Mr Mason-Cox) informed the House that on 15 March 2018, the Privileges Committee resolved to inquire into the Review of Members’ Code of Conduct and Constitution (Disclosures by Members) Amendment Regulation 2018.

Committee reports tabled

Committee on the Independent Commission Against Corruption: Report No. 5/56 entitled ‘Review of the 2014-2015 and 2015-2016 Annual

Reports of the Independent Commission Against Corruption”, dated March 2018.

Legislation Review Committee: ‘Legislation Review Digest No. 51/56’, dated 13 March 2018.

Selection of Bills Committee: ‘Report No. 3 of the Selection of Bills Committee’, dated 13 March 2018.

Committee reports debated

Select Committee on Human Trafficking In New South Wales: The House concluded the take note debate on the report of the committee entitled ‘Human Trafficking in New South Wales’, dated October 2017.

Standing Committee on State Development: The House concluded the take note debate on the following discussion papers:

- (1) Discussion paper entitled ‘Defence industry in New South Wales’, dated November 2017
- (2) Discussion paper entitled ‘Regional Development and a global Sydney’, dated November 2017.

Portfolio Committee No. 2 – Health and Community Services: The House continued the take note debate on the report of Report No. 47 entitled ‘Road tolling in New South Wales’, dated October 2017.

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 three 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 the adequacy and scope of special care offences
The closing date for submissions is 30 May 2018.

Standing Committee on State Development

Inquiry into regional development and a global Sydney
The committee has received ten 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. This will take the form of a roundtable discussion with key defence industry stakeholders. 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 held its first hearing in Sydney on 12 March. Regional hearings will take place in April, May and June 2018, commencing with hearings in Nowra and Batemans Bay on 5 and 6 April.

Portfolio Committee No. 4 – Legal Affairs

Inquiry into museums and galleries

The committee will hold an additional 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 August 2018.

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. The committee will report in May 2018.

Inquiry into the Windsor Bridge replacement project

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

Review of the commercial fishing inquiry recommendations

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

Portfolio Committee No. 6 – Planning and Environment

Inquiry into energy from waste technology

The committee is currently drafting its final report.

Inquiry into the music and arts economy in New South Wales

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

Select Committee on the State Senate Bill 2015

The committee commenced its inquiry this week and will conduct a hearing in May 2018.

Privileges Committee

Inquiry into procedural fairness for inquiry participants

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

Adjournment debate

Tuesday 13 March 2018

Faster Rail Initiative (Mrs Taylor); Cyberbullying (Mr Green); Commonwealth Parliamentary Association Drug Policy Study Tour (Mr Secord); Snowy Hydro Sale (Mrs Maclaren-Jones); Liverpool Plains and Pilliga Forest Mining (Dr Faruqi); Tribute to Panayiotis Houssos (Mrs Houssos).

Wednesday 14 March 2018

Regional Air Travel/Criminal Incitement Laws (Mr Mookhey); Cadia Valley Mine (Mr Buckingham); Newcastle Infrastructure (Mr MacDonald); Australian Poverty (Mr Wong); Dairy Cow 1055 (Mr Green); Regional Community Organisations (Mr Franklin).

Thursday 15 March 2018

South African Farmers (Revd Mr Nile); Hornsby Connect (Ms Ward); Sydenham Creative Hub (Mr Graham); Alfred Deakin and Vegetarianism (Mr Pearson); Parramatta War Memorial Swimming Centre (Ms Voltz); India (Mr Farlow); 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:

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