

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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14 to 16 February 2012*

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

The first sitting week of 2012 was dominated by the House's consideration of the Election Funding, Expenditure and Disclosures Amendment Bill 2011, which occupied the House for much of Wednesday and into the early hours of Thursday. The bill is the latest in a series of bills in recent years dealing with political donations and expenditure. Ultimately, the bill was passed and returned to the Assembly with a Government amendment.

As is usual in the first sitting week after the summer long adjournment, the House also dealt with a large volume of formal business, including the tabling of a significant number of papers and reports. Amongst them were many reports from Council committees. The summer long adjournment was notable for being a particularly busy time for the committees of the Council, which continued to sit right up until Christmas and through January. Further information is provided in the 'Behind the scenes' comment at the end of this volume.

The week also marked a return to a more traditional sitting pattern for the Council. According to sessional orders adopted at the end of 2011, the House is now sitting a three day week: 2.30pm to approximately 7.00pm on Tuesdays, 11.00am to approximately 10.30pm on Wednesdays and 9.30 am to approximately 4.00pm on Thursdays. Private members' business is set down for Thursday morning.

Address to Her Majesty the Queen on the occasion of Her Diamond Jubilee

On Tuesday, the first sitting day of the year, the Leader of the Government moved by leave and without notice that the House adopt an Address to Her Majesty the Queen on the occasion of Her Diamond Jubilee. The Address from members of the Legislative Council and on behalf of the people of NSW offered Her Majesty 'loyal and heartfelt congratulations on the completion of the sixtieth year of Her beneficent reign'.

Many members spoke in support of the motion. They noted the circumstances leading to Her Majesty's accession to the throne; her selfless service, dignity and quiet authority; the sheer volume of her workload over

her sixty year reign and how the world had changed during that time. The motion was agreed to unanimously.

Subsequently, the House further resolved that Her Excellency the Governor be requested to forward the Address to Her Majesty.

Government business

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

Election Funding, Expenditure and Disclosures Amendment Bill 2011

Summary: Election funding, expenditure and disclosures in NSW is currently regulated under the *Election Funding, Expenditure and Disclosures Act 1981*. The Act currently provides that all political donations of over \$1,000 must be disclosed in each annual reporting period, and places caps on political donations of \$5,000 to registered parties or groups, and \$2,000 to elected members and candidates. Caps are also placed on election expenditure by parties in the lead up to elections: an overall cap is applied at the rate of \$111,200 multiplied by the number of Legislative Assembly seats contested by a party at the election; as is a separate cap of \$55,600 per electorate (these caps applying to the 2015 election).

The Election Funding, Expenditure and Disclosures Amendment Bill 2011 incorporates two key reforms to these arrangements. First, political donations are restricted to individuals on the electoral role only. Donations from corporations, unions and other entities are prohibited. Second, expenditure by an organisation affiliated to a political party, such as a union or peak industry group, is to be treated as expenditure by that party for the purposes of the caps on election expenditure.

Proceedings: The bill was received from the Legislative Assembly on 12 October 2011 and read a first time. The provisions of the bill were subsequently referred to a select committee, which reported on 15 February 2012.

The bill was not further considered by the House until the second reading of the bill which commenced on 15 February 2012, following the tabling of the select committee report earlier that day. In his second reading speech, the Minister (Mr Gallacher) argued that the

reforms in the bill are a reasonable, measured and equitable way to inject more transparency into the State's political processes. The Minister highlighted that the bill provides that only voters may make political donations, and, at the same time, closes the 'loophole' whereby organisations involved with a political party can campaign at an election on behalf of that party with no corresponding reduction in the party's own ability to spend. As such, the bill delivers on one of the Government's key election commitments – to clean up the whole area of political party funding and donations.

The Opposition strongly opposed the bill, describing it as a wholly undemocratic piece of legislation which blatantly disadvantages the Labor Party by restricting the rights of unions which are affiliated to the Labor Party to campaign at elections. The Opposition argued that the bill skews the rules of political engagement in favour of the wealthy and corporate Australia and against working people. In this regard, the Opposition was very critical of the Greens for supporting the bill.

The Shooters and Fishers Party also strongly opposed the bill, citing it as a comprehensive 'gutting' of the democratic process. The Party argued that the bill will prevent community groups, church groups, hunters, fishers, green groups, unions and so on from participating and engaging in the political process.

By contrast, the Greens supported the bill as an important step towards cleaning up political donations law in NSW. Of note, the Greens strongly supported the banning of political donations by corporations in NSW, citing it as a once in a generation reform to eradicate the culture of money for decisions in NSW. The Greens argued that the ban is a key achievement of their decade long campaign for electoral reform through their 'Democracy for Sale' project. At the same time, the Greens noted that more reforms are still needed in the area of third-party election expenditure.

The Christian Democratic Party also supported the bill, suggesting that it is a further step in the right direction of electoral donations and expenditure reform, coming after previous reforms in 2008, 2009 and 2010. This is despite the potential adverse impact of the reforms on the Party through reduced donations from various churches and religious organisations. The Party did, however, foreshadow amendments seeking to address this.

The second reading was agreed to (Division 24:15), the Opposition and the Shooters and Fishers Party voting against the second reading. An Opposition motion for an instruction to the committee of the whole that it have the power to consider amendments relating to the disclosure of political advertisements and enforcement was negated (Division 15:24).

In the committee stage, the Government moved an amendment to ensure that electoral expenditure does not include expenditure by third parties not directed to supporting or opposing a political party or candidate. As such, genuine third party issues-based campaigns will be protected. The Opposition opposed the amendment, suggesting the wording of the amendment was ambiguous and might not accord with the Government's stated intent. The amendment was agreed to.

The key amendments moved by the Opposition sought to exempt from the donation cap affiliation fees of up to \$5 (indexed for inflation) for persons in affiliated organisations such as unions, suggesting this would remove some of the inequity from the bill for unions. The Government opposed the amendments, arguing that the bill implements a level playing field for all political parties, and that there should be no exemptions from the donations ban. The amendments were negated (Divisions 15:24).

The Opposition also moved various other amendments to require disclosure of election expenditure by electorate; to enable members of peak bodies to contribute to third party campaigns such as the 'Your Rights at Work' campaign; to address concerns about aggregation of coordinated election expenditure; to exempt not-for-profit organisations from the prohibition on political donations; and to prevent high-net worth individuals or corporations from supporting campaigns or candidates. The amendments were all negated, either on division or the voices.

The Christian Democratic Party moved amendments to exempt Christian church organisations or organisations engaged in hunting, shooting, fishing or related outdoor activities from the prohibition on political donations. The amendments were also negated (Division 4:35).

The bill was reported to the House with the Government amendment, read a third time and returned to the Assembly. The Assembly agreed to the Council's amendment.

Crimes Amendment (Consorting and Organised Crime) Bill 2012

Summary: In recent months, the Sydney media has been reporting a spike in the incidence of drive-by shootings, particularly in Sydney's west and south west, which it has been attributing to organised crime.

This bill creates a new offence of firing at a dwelling-house, with a higher penalty than the existing general offence for firing at a dwelling-house, where the offence occurs in the course of an organised criminal activity. The bill also introduces new offences relating to criminal groups, and modernises the offence of consorting.

Proceedings: The bill was received from the Legislative Assembly on 15 February 2012 and read a first time. The second reading of the bill was set down for a later hour.

Crimes (Criminal Organisations Control) Bill 2012

Summary: In 2009, the Parliament enacted the *Crimes (Criminal Organisations Control) Act 2009* which introduced a scheme for the declaration of criminal groups by an eligible judge of the Supreme Court on the application of the Commissioner of Police. Under section 9 of the 2009 Act, an eligible judge could make a declaration in relation to an organisation if he or she was satisfied that the members of the organisation were involved in organising, planning, facilitating, supporting or engaging in serious criminal activity and that the organisation represented a risk to public safety. Once an organisation was so

declared, the activities of its members could be restricted through control orders issued by the Supreme Court.

In 2010 the constitutional validity of this Act was challenged in the High Court by Mr Derek Wainohu, then president of the Hells Angels Motorcycle Club, the first organisation against which a declaration was sought. On 23 June 2011 the High Court ruled the Act to be invalid.

This bill re-enacts the 2009 Act in a form which is believed to address the identified constitutional shortcomings in the former Act.

Proceedings: The bill was received from the Legislative Assembly on 15 February 2012 and read a first time. The second reading of the bill was set down for a later hour.

Firearms Amendment (Ammunition Control) Bill 2012

The bill originated in the Legislative Council.

Summary: The bill amends the *Firearms Act 1996* to prevent the sale of ammunition by a licensed firearm dealer to a shooter unless the shooter is the registered owner of, or has a permit to acquire, a firearm that takes that ammunition; and by requiring firearms dealers to maintain records of purchases and sales of ammunition.

Proceedings: The bill was introduced on 15 February 2012 and read a first time. In his second reading speech the following day, the Minister (Mr Gallacher) indicated that the bill will further strengthen regulation of the sale and transfer of ammunition in NSW. This will provide additional support to law enforcement agencies in tackling gun-related crime, and further restrict the potential for firearms ammunition to come into the possession of criminals for use in crimes such as robberies and drive-by shootings. Debate was adjourned for five calendar days.

Real Property Amendment (Public Lands) Bill 2012

The bill originated in the Legislative Council.

Summary: The bill enables Crown land that is reserved under the *National Parks and Wildlife Act 1974* or dedicated under the *Forestry Act 1916* to be brought under the *Real Property Act 1900*. This is part of a wider project to convert all old system and Crown title land to Torrens title.

Proceedings: The bill was introduced on 15 February 2012 and read a first time. In his second reading speech the following day, the Minister (Mr Pearce) indicated that the bill will further progress the goal of converting all land in NSW to Torrens title under the *Real Property Act 1900*, which the Minister argued is one of the most robust and reliable land title systems in the world. Debate was adjourned for five calendar days.

Criminal Case Conferencing Trial Repeal Bill 2011

The bill originated in the Legislative Council.

Summary: The *Criminal Case Conferencing Trial Act 2008* established a trial criminal case conferencing scheme

which commenced in May 2008. The scheme encouraged early plea negotiations in certain criminal cases heard in certain courts, before committal for trial, by providing for sentencing discounts for guilty pleas.

This bill repeals the 2008 Act, and thus discontinues the trial scheme, while preserving any entitlement or application made under the scheme before the repeal date.

Proceedings: The bill was introduced on 24 November 2011 and read a first time. In his second reading speech, on 16 February 2012, the Parliamentary Secretary (Mr Clarke) indicated that following a number of extensions to the trial scheme and a review of the scheme by the Bureau of Crime Statistics and Research in 2010, there was little evidence of the scheme producing its intended outcomes. As such, terminating the scheme will have little impact on the criminal justice system while freeing up resources. Debate was adjourned for five calendar days.

Government Information (Public Access) Amendment Bill 2011

The bill originated in the Legislative Council.

Summary: The bill makes miscellaneous amendments to the *Government Information (Public Access) Act 2009* and certain other legislation. Among other things the bill confirms that access to information is to be provided in a manner that has due regard to copyright issues and confirms that an agency may require proof of identity from an applicant before providing access to government information in certain circumstances.

Proceedings: The bill was introduced on 24 November 2011 and read a first time. In his second reading speech, on 16 February 2012, the Parliamentary Secretary (Mr Clarke) indicated that the *Government Information (Public Access) Act 2009*, which replaced the previous Freedom of Information Act, had been in operation for one and a half years, and that over that time users had identified a number of minor problems which were addressed by the provisions of this bill. The range of minor amendments contained within the bill will ensure the access to government information system continues to operate smoothly. Debate was adjourned for five calendar days.

Marine Pollution Bill 2011

The bill originated in the Legislative Council.

Summary: The object of the bill is to protect the State's marine and coastal environment from pollution by oil and other marine pollutants discharged from ships. The bill repeals and re-enacts the Marine Pollution Act and implements additional provisions of the *International Convention for the Prevention of Pollution from Ships, 1973* (known as MARPOL).

Proceedings: The bill was introduced on 23 November 2011 and read a first time. In his second reading speech, on 14 February 2012, the Minister (Mr Gay) indicated that the new Marine Pollution Act will do three things: it will adopt revisions to annexes I and II of MARPOL; it will adopt MARPOL annexes III, IV and V, which relate to marine pollution from harmful substances in packaged form, sewage and garbage respectively; and, it will include

miscellaneous provisions to clarify the intent of the Act as well as to improve the capacity of the NSW Government and the three port corporations to protect NSW coastal and port waters. Debate was adjourned for five calendar days.

Mental Health Commission Bill 2011

Summary: The bill establishes the Mental Health Commission of New South Wales. The Commission will be an independent statutory body with the objectives of championing mental health issues, ensuring better accountability of mental health services and the use of mental health funds, and nurturing innovation in the approach to mental health.

Proceedings: The bill was introduced on 15 February 2012 and read a first time. The second reading of the bill was set down for a later hour.

Private members' business

Note: Private members' business is business moved 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

Threatened Species Conservation Amendment (Ecological Consultants Accreditation Scheme) Bill 2011 (Ms Faehrmann, The Greens)

Summary: The bill amends the *Threatened Species Conservation Act 1995* to establish an accreditation scheme for ecological consultants who prepare or carry out certain assessments, impact statements or surveys under the Act, the *Fisheries Management Act 1994* or the *Environmental Planning and Assessment Act 1979*. The bill also makes it an offence for a person to carry out an ecological assessment without the required accreditation.

Proceedings: Debate on the second reading of the bill resumed from 11 November 2011 (see Vol 55/15 of *House in Review* for earlier debate). On the resumption of debate, the Opposition indicated its support for the bill stating that the integrity of the planning process relied on the accuracy of ecological assessments. The Opposition argued that the proposed accreditation scheme would not represent an onerous cost, while providing real benefits.

The Government opposed the bill arguing that it would impose an unnecessary level of bureaucracy that would have a negative impact on the timeliness of the planning system. The Government favoured the establishment of a voluntary self-regulated scheme for the industry, and noted that the Ecological Consultants Association was working with the Office of Environment and Heritage towards such an end. This view was shared by the Christian Democratic Party which argued that the scheme as proposed in the bill was not the way forward at this time.

In her reply, Ms Faehrmann expressed doubt that the industry could establish an effective self-regulatory scheme in the near future and stressed that the bill represented a simple, workable solution to a long-

standing problem in the environmental assessment and planning system.

The second reading was negatived (Division 19:22).

Motion

Leaving care plans (Ms Barham, The Greens)

Summary: The motion, as amended by leave, called on the Government to fulfil its legislative requirements under the *Children and Young Persons (Care and Protection) Act 1988* to provide all young people leaving out-of-home-care with a leaving care plan. Leaving care plans seek to ensure that young people have a more satisfactory transition to the adult world. They often include planning for work, education, housing and health.

Proceedings: Debate on the motion commenced according to precedence. In speaking to the motion, Ms Barham argued that currently, young people leaving out-of-home care are often not getting leaving care plans despite the requirements of the *Children and Young Persons (Care and Protection) Act 1988*. She cited a range of studies and research indicating that there are proven benefits from greater support for young people leaving care, and called on the Government to recommit to providing young people leaving out-of-home care with leaving care plans and greater support.

The Government supported the motion, and indicated the commitment of the Minister for Family and Community Services, the Hon Pru Goward, to improve the services for young people in out-of-home care. The Government also indicated some of the initiatives being taken to assist young people leaving care. The Opposition also supported the motion, citing young people leaving out-of-home care as some of the most vulnerable and disadvantaged people in society.

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 Susan Falk (Ms Ficarra)
- (2) Sir Douglas Mawson (Mr Colless)
- (3) Ovarian Cancer Awareness Month (Ms Ficarra)
- (4) Mrs Isa Wye MBE OAM (Ms Ficarra)
- (5) Australian Women Donors Network (Ms Ficarra)
- (6) Sassy Dolls White Ribbon Day fashion launch (Ms Ficarra)
- (7) Korea Town Lunar New Year Festival (Ms Ficarra)
- (8) Australian Chinese Charity Foundation (Ms Ficarra)
- (9) Mr Frank Galluzzo (Ms Ficarra)
- (10) Recommendations of NSW Ombudsman (Ms Fazio)
- (11) Mr Edmund Capon AM, OBE (Ms Fazio)

- (12) World Aids Day (Ms Fazio)
- (13) Ovarian Cancer Awareness Month (Ms Fazio)
- (14) Lunar New Year celebration (Mr Clarke)
- (15) Vietnamese New Year (Mr Clarke)
- (16) United Indian Association (Ms Fazio)
- (17) Australia Day and India Republic Day (Mr Clarke)
- (18) St Antonio da Padova Association, Sydney (Ms Fazio)
- (19) Ahmadiyya Muslim Association of Australia (Dr Kaye)
- (20) Mrs Marie Dunn OAM (Ms Ficarra).

Orders for papers

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

Orders made

- (1) **Aboriginal Cultural Heritage Advisory Committee (Mr Shoebridge):** The order related to documentation concerning the operation of the Aboriginal Cultural Heritage Advisory Committee. The motion was agreed to as formal business. Due: 28 February 2012.
- (2) **Ministerial Audit of the NSW Police Force (Parson's Review) (Mr Whan):** The order related to the full version of the Ministerial Audit of the NSW Police Force conducted by Mr Peter Parsons APM and to any documentation related to the review. Standing orders were suspended to bring on the motion, which was subsequently agreed to. Due: 29 February 2012.

Return to order

- (1) **Economic analysis of domestic solid fuel heaters:** On 24 November 2011, the House passed a resolution ordering the production of documents relating to the policy options for controlling smoke from domestic solid fuel heaters. On 8 December 2011, the Clerk received correspondence from the Director General of the Department of Premier and Cabinet advising that the Office of the Minister for Environment was not in possession, custody or control of any documents covered by the terms of the resolution.

Petitions received

- (1) Special religious education classes – 149 signatures (presented Revd Mr Nile); 11 signatures (presented Miss Gardiner); 3 signatures (presented Mr Colless).
- (2) Dangers of second-hand smoke in outdoor locations – 1,015 signatures (presented Ms Ficarra).
- (3) Religious discrimination – 423 signatures (presented Mr Moselmane).
- (4) Leaving Care Plans – 130 signatures (presented Ms Barham).

Committee activities

Committee reports tabled

Joint Select Committee on the Parliamentary Budget Office: Report No. 1/55 entitled 'Inquiry into the Parliamentary Budget Office', December 2011.

General Purpose Standing Committee No. 1: Report No. 37 entitled 'Budget Estimates 2011-2012', February 2012.

General Purpose Standing Committee No. 2: Report No. 37 entitled 'Budget Estimates 2011-2012', February 2012.

General Purpose Standing Committee No. 3: Report No. 25 entitled 'Budget Estimates 2011-2012', December 2011.

General Purpose Standing Committee No. 4: Report No. 25 entitled 'Budget Estimates 2011-2012', February 2012.

General Purpose Standing Committee No. 5: Report No. 34 entitled 'Budget Estimates 2011-2012', February 2012.

Legislation Review Committee: 'Legislation Review Digest No 9/55', 14 February 2012.

Standing Committee on Law and Justice: Report No. 47 entitled 'Fourth review of the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council', December 2011.

Standing Committee on Law and Justice: Report No. 48 entitled 'Eleventh review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council', December 2011.

Select Committee on the provisions of the Election Funding, Expenditure and Disclosures Amendment Bill 2011: Report entitled 'Inquiry into the provisions of the Election Funding, Expenditure and Disclosures Amendment Bill 2011', February 2012.

Extensions of reporting date

General Purpose Standing Committee No. 3: The House extended the reporting date for the Committee's inquiry into rail infrastructure project costing in NSW to Wednesday, 9 March 2012.

Standing Committee on Law and Justice: The Chair informed the House that the Committee had resolved that the reporting date for the Committee's inquiry into opportunities to consolidate tribunals in NSW be extended to Thursday, 22 March 2012.

Committee reports debated

Standing Committee on Law and Justice:

- (1) The House commenced the take-note debate on Report No. 47 entitled 'Fourth review of the exercise of the functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council', December 2011.
- (2) The House commenced the take-note debate on Report No. 48 entitled 'Eleventh review of the

exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council', December 2011.

Government responses

The House received a Government response to the following reports:

- (1) **Standing Committee on State Development:** Report No. 34 entitled 'New South Wales Planning Framework', tabled 10 December 2009.
- (2) **Standing Committee on State Development:** Report No. 35 entitled 'Wine grape market and prices', tabled 2 December 2010.
- (3) **Standing Committee on Law and Justice:** Report No. 42 entitled 'Spent convictions for juvenile offenders', tabled 6 July 2010.
- (4) **Standing Committee on Law and Justice:** Report No. 43 entitled 'Review of the exercise of the functions of the Motor Accidents Authority and the Motor Accidents Council – Tenth Report', tabled 28 October 2010.
- (5) **Standing Committee on Law and Justice:** Report No. 45 entitled 'Review of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council – Third Report', tabled 11 November 2010.
- (6) **Standing Committee on Social Issues:** Report No. 44 entitled 'Inquiry into services provided or funded by the Department of Ageing, Disability and Home Care', tabled 11 November 2010.
- (7) **Select Committee on Recreational Fishing:** Report entitled 'Recreational fishing in New South Wales', tabled 10 December 2010.
- (8) **General Purpose Standing Committee No. 5:** Report No. 32 entitled 'The inquiry into the RSPCA raid on the Waterways Wildlife Park', tabled 9 September 2010.

Reports tabled

Auditor General:

- (1) Financial Audit report, Volume Eight 2011, focusing on Transport and Ports, November 2011.
- (2) Financial Audit report, Volume Nine 2011, focusing on Education and Communities, December 2011.
- (3) Financial Audit report, Volume Ten 2011, focusing on Health, December 2011.
- (4) Performance Audit report entitled: 'Visiting medical officers and staff specialists: NSW Ministry of Health', December 2011.
- (5) Performance Audit report entitled: 'Managing IT Services Contracts: Department of Finance and Services, NSW Ministry of Health, NSW Police Force', February 2012.

Independent Commission Against Corruption:

- (1) Investigation into the unauthorised purchase of property at Currawong by the chief executive of the Land and Property Management Authority, December 2011.
- (2) Investigation into the undisclosed conflict of interest of a senior executive of the Sydney Harbour Foreshore Authority, December 2011.
- (3) Investigation into alleged fraud on the former NSW Department of Education and Training, January 2012.

Ombudsman: Law Enforcement (Controlled Operations) Act 1997 – Annual Report 2010-2011, November 2011.

Unproclaimed legislation: Mr Pearce tabled a list of unproclaimed legislation as at 14 February 2012.

Adjournment debate

Tuesday 14 February 2012

Tribute to Salim Sultan (Mr Ajaka); Toddler safety (Mr Veitch); Byron Bay community (Ms Barham); Hillgrove mine (Mr MacDonald); Sydney drive-by shootings (Mr Borsak); Auschwitz sixty-seventh liberation anniversary (Mr Secord).

Wednesday 15 February 2012

International Women's Day (Ms Cotsis); Firearms laws (Mr Brown); Australian Academy of Cinema and Television Arts Awards (Miss Gardiner); Bahrain democratic struggle (Mr Shoebridge); Darwin bombing seventieth anniversary (Mr Lynn); Hunter infrastructure (Ms Voltz).

Thursday 16 February 2012

Moree floods (Mrs Mitchell); Champion College, University of Notre Dame Australia (Mr Donnelly); Referendum on Indigenous constitutional recognition (Mr Moselmane); Margaret Thatcher (Mr Clarke); Children with special needs education resources (Dr Kaye); Iraqi Kurdistan (Mr Secord).

Behind the scenes

Whilst *House in Review* focuses on the work undertaken by members in the House and its committees, I would like to take this opportunity to pay tribute to the extraordinary skill, professionalism and hard work of the staff of the Department of the Legislative Council in supporting members that was particularly evident this week.

The Select Committee which examined the provisions of the Election Funding Bill received submissions and took evidence from 18 witnesses at two public hearings. The second hearing was held on 20 January 2012. The secretariat had 10 business days to prepare a comprehensive, balanced and readable draft report for the Committee Chair. I was particularly pleased to read the comments of the Committee Chair, at the conclusion of his Chair's Foreword, about the contribution of the secretariat in this regard.

The Committee met to deliberate on the report on Monday, 13 February 2012. The meeting went from 10.00am until 3.40pm. The minutes of proceedings for this meeting were circulated to members by 9.30pm that night, to enable those members who wished to do so to prepare dissenting statements. The minutes for that deliberative meeting, appended to the Committee's report, cover 29 pages! Committee staff worked around the clock to amend and compile the report to ensure it would be ready for tabling by 11.30am on Wednesday, 15 February 2012.

Once the Select Committee's report was tabled and debate on the bill commenced on Wednesday 15 February, there was a flurry of activity in relation to the drafting of amendments to the bill. The drafting of amendments in NSW is the responsibility of the Parliamentary Counsel and his staff.

By the time the bill passed its second reading, a total of 14 sets of amendments had been circulated, the last of these at 8.59pm. Many of these amendments were 'conflicting', coming either at the same place in the bill or doing contradictory things or both. All amendments were reviewed to ensure they were within the leave of the bill – three sets of amendments were outside the leave of the bill and advice was provided to members as to how to seek to have those amendments considered. By the time the House resolved itself into a committee of the whole for the consideration of the bill in detail at 9.30pm, a running sheet was available to the Deputy President, minister, shadow minister, other members and advisors to ensure the orderly and seamless consideration of amendments, which concluded at 12.08 am.

Meanwhile Table Office staff assisted with the drafting of approximately 90 notices of motions and procedural scripts. In addition, approximately 170 documents were tabled and 52 questions on notice were edited and published this week.

At the time of publication another major select committee report, this one dealing with Orica, is being compiled for tabling next week. There will be more about this and other inquiries in next week's *House in Review*.

New Clerk Assistant

On Tuesday the President advised the House that, following recruitment action, Mr Stephen Frappell had been appointed Clerk Assistant. The President also indicated that he would advise the House of the allocation of responsibilities amongst the senior managers in the Department of the Legislative Council shortly, following the conclusion of a review of senior management being conducted by the Deputy Clerk.

Stephen has qualifications in Economics and Law, and started his career in the Australian public service. From 1999 to 2003 Stephen worked for the Department of the Senate in a number of roles, including as Acting Committee Secretary. Since joining the Department of the Legislative Council in 2003 Stephen has served in both the committee and procedure teams. He has also served as a clerk-at-the-table and, since 2007, has filled the roles of Director Procedure and Director Training and Research. In that capacity Stephen has supported the

work of the Privileges Committee and has undertaken numerous procedural research projects.

Prominent amongst those projects was the compilation and publication of *New South Wales Legislative Council Practice*. Although many staff worked on the drafting of material for that publication which has, importantly, captured much of the procedural knowledge of my two predecessors, the successful publication of this work is largely the result of Stephen's tenacity and determination.

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