

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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*Sitting period
18 to 20 September 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

This was the last of three consecutive weeks of sitting. The House has now adjourned for three weeks and is scheduled to resume sitting on 16 October 2012.

The most significant event of the sitting week was the historic issuing by both Houses of the Parliament of an apology for the forced adoption practices of the past (see below for more detail). In addition, the violent protest in the Sydney CBD on Saturday 15 September was discussed on a number of occasions, and four bills were passed.

Although the House is now adjourned for three weeks, the first round of the 2012/2013 Budget Estimates commence from Monday 8 October to Friday 12 October 2012.

Apology for forced adoption practices

On Thursday 20 September 2012, the House adopted an apology for the forced adoption practices of the past.

The motion was moved by the Leader of the Government in the Legislative Council (Mr Gallacher) in the following terms:

this House acknowledges the traumatic effects of the forced adoption practices of the past that have echoed through the lives of tens of thousands of mothers, fathers, people adopted as children and their families, and

all members of this House, with profound sadness and remorse, say to those living with the ongoing grief and pain of forced adoption practices, that we are sorry.

Mr Gallacher, the Leader of the Opposition in the Legislative Council (Mr Foley), Ms Barham (The Greens) and Revd Mr Nile (The Christian Democratic Party) spoke to the motion. The motion was then adopted unanimously, members and officers of the House standing in silence for one minute in affirmation of this historic event.

Prior to the motion being moved, the President made a statement highlighting the two seminal inquiries held by

the Legislative Council Standing Committee on Social Issues concerning adoption: the 1989 inquiry under the chairmanship of the Hon Max Willis respecting adoption information, and the 2000 inquiry under the chairmanship of the Hon Ann Symonds and the Hon Jan Burnswoods, respecting adoption practices.

The Legislative Assembly passed the same motion at the same time on the Thursday.

[Click here for a link to proceedings in both Houses.](#)

Ministerial statement

On Tuesday 18 September 2012, the Leader of the Government in the House, Mr Gallacher, made a ministerial statement concerning the protests that took place in Sydney on Saturday 15 September 2012. Mr Moselmane also addressed the House on behalf of the Opposition.

Condolence motion on the passing of the Hon Delcia Kite

On Thursday 20 September 2012, the House passed a condolence motion recording its deep regret in the loss sustained to the State at the passing of the Hon Delcia Ivy Kite, a member of the House from 1976 to 1995. Members speaking to the motion paid tribute to Delcia Kite as a Labor Party stalwart. She left the Parliament in 1995 as the longest-serving female member of the Legislative Council.

Government business

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

Transport Administration Amendment (Community Road Safety Fund) Bill 2012

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Transport Administration Act 1988* to establish the Community Road Safety Fund. The fund, which will receive fine revenue from camera recorded speeding and traffic light offences, will meet the cost of delivering road safety initiatives in New South Wales

Proceedings: The bill was received from the Legislative Assembly on 18 September 2012 and read a first time and printed. In his second reading speech, the Minister (Mr Gay) indicated that the bill reflects broad community sentiment and is in response to the petition signed by 13,500 NRMA Motoring Services members that was tabled in Parliament in November 2011. The Minister said the amount of road safety funding will be indexed to guarantee that it never falls below the current level, with consolidated revenue to make up any shortfall in fines revenue, and that the public will receive a transparent account of how funds generated by traffic cameras are used.

The members of the Government supported the bill. The Greens and the Christian Democratic Party supported the bill, citing their support for any initiative that guarantees funding to road safety programs. The Opposition also indicated their support, but argued that the enactment of legislation was not necessary to give effect to the purpose of the bill, and that the bill was merely designed to draw attention away from the Government's actions to increase fines revenue.

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

Prevention of Cruelty to Animals Amendment Bill 2012

The bill originated in the Legislative Assembly.

Summary: The bill seeks to improve the welfare of stock animals in regional communities by providing for the seizure and sale of certain stock animals that are in distress, and by establishing stock welfare panels to assess and report on the appropriate care for such stock animals. The stock welfare panels will consist of an inspector, an officer of the Department of Primary Industries, a representative of a livestock health and pest authority and such other person or persons as prescribed by regulation.

Proceedings: Debate on the second reading of the bill resumed on 19 September 2012 from 12 September 2012 (see the previous edition of *House in Review* for earlier debate). In his second reading speech in reply, the Minister (Mr Gay) argued that the bill will assist animal welfare agencies such as the RSPCA and the Animal Welfare League to achieve the best possible outcome in animal welfare cases.

The second reading was agreed to.

In the committee stage, the Greens moved two amendments. The first sought to expand the definition of an animal in distress to include an animal suffering 'dehydration or poor body condition', on the basis that it is easier for an inspector or prosecutor to prove dehydration or poor body condition than the more general condition of 'debility'. The Government argued that the amendment was unnecessary, and could potentially expose farmers in drought conditions to prosecution. The Christian Democratic Party adopted a similar position. The amendment was negated. The second Greens' amendment sought to specify that the fourth or other persons on a stock welfare panels should

have 'expertise in animal welfare'. The Greens argued that, for example, representatives from the NSW Farmers Association should not be members of stock welfare panels, given their regulatory and enforcement function. Other parties opposed the amendment, arguing that it is entirely appropriate for farmers to have someone on stock welfare panels who can advocate their interests, and that the panels will already be required to have members with significant expertise in animal welfare. The amendment was negated (Division 4:30).

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

Crimes Legislation Amendment Bill 2012

The bill originated in the Legislative Assembly.

Summary: The bill makes miscellaneous amendments to a number of Acts with respect to criminal offences and procedure and also contains provision to repeal certain legislation.

Proceedings: The bill was received from the Legislative Assembly on 11 September 2012 and read a first time. Debate on the second reading of the bill commenced on 19 September 2012. In his second reading speech, the Parliamentary Secretary (Mr Clarke) said that the bill forms part of the Government's regular legislative review and monitoring program, and that legislative amendments proposed in the bill will improve the efficiency and operation of the State's criminal laws.

The members of the Government and the Christian Democratic Party supported the bill. The Opposition did not oppose the bill noting that it was a sensible means of making miscellaneous amendments to various Acts under the control of the Attorney General. The Greens supported the bill with the exception of the provision for the abolition of any common law rule of spousal privilege. This common law rule prevents a person from being found guilty of an offence involving failing to disclose a crime committed by their husband, wife or de facto partner.

The second reading of the bill was agreed to.

In the committee stage, the Greens, with the support of the Opposition, sought to have the question of the removal of spousal privilege referred to the Law Reform Commission for examination. However the amendment was not supported by the Government or the other cross bench parties and was negated (Division 18:21).

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

Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012

The bill originated in the Legislative Assembly.

Summary: Computer games are classified under the National Classification Scheme, which provides uniform national classification of publications, films and computer games. The national scheme operates with the support of all Australian jurisdictions. Following negotiations between Federal and State Attorneys-

General, the scheme will be amended to introduce an R18+ classification for computer games, scheduled to take effect from 1 January 2013.

This bill amends the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* to provide for the NSW enforcement regime to regulate the sale, delivery and exhibition of R18+ computer games.

Proceedings: The bill was received from the Legislative Assembly on 19 September 2012 and read a first time. In his second reading speech, the Parliamentary Secretary (Mr Ajaka) said that an R18+ classification for computer games will make the Australian regime more consistent with international standards, and that the introduction of the classification has been the subject of extensive public consultation and had received widespread support throughout Australia.

Members of the Government, the Greens and the Opposition supported the bill, noting the lack of an R18+ classification had resulted in some computer games being inappropriately classified as MA15+. Some individual members, while supporting the bill, expressed concern over the content of many computer games and their potential impact on the behaviour of young children.

The Christian Democratic Party opposed the bill on the grounds that a more permissive censorship regime will ultimately result in increasing exposure of minors to inappropriate material, notwithstanding any purported protective measures. The Shooters and Fishers Party aligned itself with the position of the Christian Democratic Party in opposition to the bill.

The second reading (Division 32:4) and third reading of the bill were agreed to and the bill was returned to the Assembly without amendment.

Messages from the Assembly

The House received the following messages from the Legislative Assembly relating to bills forwarded to the Assembly by the Council in previous sitting weeks.

Industrial Relations Amendment (Industrial Representation) Bill 2012: On 18 September 2012 the Assembly advised it had agreed to the bill which it was returning without amendment.

Crime Commission Bill 2012: On 18 September 2012 the Assembly advised it had agreed to the bill which it was returning 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.

Motions

Violent protest in the Sydney CBD (Mr Clarke, Liberal Party)

Summary: The motion called on the House to condemn the violent protest that occurred in the Sydney CBD on Saturday 15 September 2012; to note the valuable

contribution of Australian Muslims to the community, and those Islamic community leaders who have condemned extremist violence; and to congratulate the NSW Police Force for its response the protest.

Proceedings: Standing orders were suspended on 19 September 2012 to bring on the item of business. The motion was debated, with fourteen members speaking to the motion. Members from all sides condemned the use of violence in protests and emphasised that the actions of the protesters were in no way a reflection on the local Muslim community.

The motion was agreed to.

Motions taken as formal business

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

- (1) Film industry in New South Wales (Ms Ficarra)
- (2) 32nd anniversary of Life Education (Ms Ficarra)
- (3) 90th anniversary of the Country Women's Association (Ms Ficarra)
- (4) Pakistan Australia Business Council (Ms Fazio)
- (5) Multicultural Media Awards (Ms Fazio).

Orders for papers

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

Return to order

- (1) **Nimmie-Caira System Enhanced Environmental Water Delivery Project:** received 20 September 2012, 1 box public, 1 box privileged.

Petitions received

- (1) Community Building Partnership program funding – 36 signatures (irregular, presented Mr Moselmane).

Debate on budget estimates

The House continued the take-note debate on the Budget Estimates and related papers for the financial year 2012-2013.

Committee activities

Note: Committee activities include committee references, reports tabled, debate on committee reports, government responses received and any other significant matter.

Change of portfolio allocation for General Purpose Standing Committee No. 1

Following the creation of the new Industrial Relations portfolio and the appointment of Mike Baird MP as Minister for Industrial Relations, the House passed a resolution to include the portfolio of Industrial Relations within the purview of GPSC No 1. The House also amended the resolution referring the Inquiry into the Budget Estimates 2012/2013, to include the Industrial Relations portfolio in the GPSC No 1 hearing schedule.

The Industrial Relations and Treasury portfolios will be examined together on the morning of Tuesday 9 October 2012.

Committee report tabled

Legislation Review Committee: Legislation Review Digest No. 25/55 of 2012, 18 September 2012.

Committee reports debated

Joint Select Committee on the New South Wales Workers Compensation Scheme: The House concluded the take-note debate on Report No. 1 entitled 'NSW Workers Compensation Scheme', June 2012.

Privileges Committee: The House concluded the take-note debate on Report No. 61 entitled 'The right of reply process', June 2012.

Inquiry activities

Note: Inquiry activities include committee activities as part of an active inquiry. It includes hearings, site visits and other meetings. This section also notes which committees are receiving submissions and upcoming committee inquiry activity.

Standing Committee on State Development

The Committee has received 105 submissions to its Inquiry into the adequacy of water storages in NSW. The Committee will conduct its second site visit, to Orange and the Murrumbidgee Valley, in late October. The Committee will hold its first regional hearing in Wagga Wagga on Thursday 1 November, followed by a hearing at Parliament House on Friday 16 November 2012.

General Purpose Standing Committee No. 5

The Committee held the second public hearing of its Inquiry into public land management on Friday 14 September 2012 at Parliament House. The Committee will conduct site visits and hearings in Bourke and Coonabarabran on 25-27 September, and Port Macquarie and Grafton on 3-5 October. The Committee has now published 427 submissions to the Inquiry.

Select Committee on the Closure of the Cronulla Fisheries Centre

The Committee held its final public hearing on 10 September 2012 and a final site visit is scheduled for Friday 28 September 2012, to the Port Stephens Fisheries Institute. The Committee has received 106 submissions to date and is required to table its final report by 23 October 2012.

Select Committee on the Partial Defence of Provocation

The Committee's third day of public hearings will be held on Friday 21 September 2012 at Parliament House. The Committee has also developed a paper for the purposes of consulting with stakeholders about a number of options for the reform of the partial defence of provocation. The report of the Committee is due to be tabled by 21 November 2012.

Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities

The Committee has been tasked to inquire into and report on the closure or downsizing of Corrective Services NSW facilities. The Committee held its initial meeting and elected Mr Borsak to the position of Deputy Chair. The Committee is currently accepting submissions with a closing date of Wednesday 7 November 2012. The Committee will initially hold two public hearings in Sydney on Friday 23 November and Monday 10 December 2012, and has a reporting date of Friday 14 June 2013.

General Purpose Standing Committees – Budget Estimates 2012/2013

The Budget Estimates hearings will be held 8 – 12 October 2012. Over the past few weeks each of the GPCs have held pre-hearing meetings to discuss matters relating to the allocation of time for portfolios and other matters.

Adjournment debate

Tuesday 18 September 2012

Education funding (Dr Kaye); Moss Vale aquatic centre (Mr Blair); Newcastle Show (Mr Donnelly); Anti-Islamic film protest (Revd Mr Nile); Democracy and parliamentary openness (Ms Sharpe); Armidale energy forum (Mr MacDonald).

Wednesday 19 September 2012

Nymboida colliery (Ms Westwood); Sex trafficking (Mr Green); The National federal conference (Mrs Mitchell); Film classification (Ms Fazio); Puppy farms (Ms Faehrmann); Sydney Morning Herald Good Food Guide 2013 (Miss Gardiner).

Thursday 20 September 2012

Life Education (Mrs Maclaren-Jones); Education funding (Mr Searle); Strategic Regional Land Use Policy (Mr Buckingham); Alternative energy sources (Mr Borsak); Education funding (Mr Roozendaal); Australian Rotary Health (Ms Ficarra); The Greens (Dr Phelps).

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.



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