

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## *HOUSE IN REVIEW*



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*Sitting period  
25 to 27 June 2013*



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](http://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](mailto:council@parliament.nsw.gov.au).

### Overview

The final sitting week before the winter long adjournment saw the House pass a number of important bills including the budget bills and the Ports Assets (Authorised Transactions) Amendment Bill 2013, which enables the lease of the Port of Newcastle to the private sector for 99 years. Six Government bills remain on the Notice Paper, including notably the Marine Parks Amendment (Moratorium) Bill 2013 and the Motor Accident Injuries Amendment Bill 2013.

The week also saw the House establish two new committee inquiries into allegations of bullying at WorkCover and the agistment of horses at Yaralla Estate. In addition, the House adopted a cut-off date – Thursday, 14 November 2013 – for the introduction of bills in the spring sitting period.

The House is now not due to sit again for six weeks until 20 August 2013. However, budget estimates commences the previous week on Monday 12 August 2013. The next edition of *House in Review* will report on the first week of budget estimates.

### Twitter

The Legislative Council launched its Twitter account on Monday 24 June 2013. For regular updates on the House and Committees follow us by clicking on the Twitter icon at the top of the page.

### New member sworn

On 25 June 2013, Dr Mehreen Faruqi was sworn in as a member of the House, filling the vacancy created by the resignation of the Hon Cate Faehrmann.

### Attendance of the Speaker of the Autonomous Region of Bougainville's House of Representatives

On 27 June 2013, prior to the commencement of Question Time, the President drew attention to the presence in his gallery of the Honourable Andrew Miriki, Speaker of the Autonomous Region of Bougainville's House of Representatives, accompanied by Mr Robert

Tapi, the Clerk of that House, and also Ms Tacasi Sanga, the Clerk of the National Parliament of Solomon Islands.

On the invitation of the House, the Honourable Andrew Miriki took a chair on the dais to the right of the President, upon which the President welcomed the Honourable Andrew Miriki to the House.

### Cut-off date for the introduction of government bills in 2013

On 25 June 2013, the House adopted a sessional order stipulating Thursday 14 November as the cut-off date for the introduction of Government bills to be considered in the spring sitting period. Such sessional orders have been adopted in the past to ensure that the House is afforded adequate time to scrutinise legislation in the final weeks of a sitting period, which are often characterised by a high volume of legislation. Under the sessional order, where Government bills are introduced after 14 November 2013, resumption of the second reading debate on the bill is to be set down for the first sitting day in 2014. However, bills declared by the House to be urgent may still proceed.

### 2013-2014 Budget Estimates take-note debate

On 26 June 2013, the House adopted a sessional order relating to the conduct of the 2013-2014 Budget Estimates take-note debate. The take-note debate will take precedence after debate on committee reports on Tuesdays until 7:00 pm. As in previous years, each speaker on the motion is limited to 15 minutes.

The Budget Estimates take-note debate is generally wide-ranging, and is an opportunity for members to speak to the administration of the State and the Government's policy direction.

## Government business

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

### **Appropriation Bill 2013 and cognates Appropriation (Parliament) Bill 2013 and State Revenue and Other Legislation Amendment (Budget Measures) Bill 2013**

The bills originated in the Legislative Assembly.

*Summary:* The Appropriations Bill is the annual budget bill which appropriates sums out of the Consolidated Fund to provide for the expenditure of the Government in the financial year 2013-2014.

The cognate Appropriations (Parliament) Bill sets out the annual appropriations for the recurrent services and capital works of the Legislature, while the State Revenue and Other Legislation Amendment (Budget Measures) Bill makes miscellaneous amendments to certain State revenue and other legislation in connection with the budget.

*Proceedings:* Debate on the second reading of the bills commenced on 25 June 2013. In his second reading speech, the Minister (Mr Gay) highlighted a number of budget initiatives including increasing the payroll tax threshold and removing annual indexation; increasing the Jobs Action Plan payroll tax rebate and closing the scheme from 1 July 2015; deferring the abolition of the intergovernmental agreement taxes; extending the First Home Owners Grant; and increasing the prescribed rate for the health insurance levy.

The Opposition advised that it would engage in detailed debate on the Budget during the take-note debate and would subject the Budget to detailed scrutiny during the Budget Estimates process in August. The Greens argued that the budget was concerned with the delivery of a number of infrastructure projects, the funding of which were financially dependent upon cuts to the public sector workforce and to public services and upon the privatization of public assets, and that the budget will leave most households worse off, particularly those that rely on public services. The Christian Democratic Party indicated its support for the budget bills, and also noted the recent convention that detailed analysis of the provisions of the Budget took place during the take-note debate.

The second and third readings of the bills were agreed to and the bills were returned to the Assembly.

### **Ports Assets (Authorised Transactions) Amendment Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Ports Assets (Authorised Transactions) Act 2012* to extend the operation of that Act to the Port of Newcastle to authorise and facilitate the transfer of the State's ports assets to the private sector. This transfer will be subject to the restriction that the land concerned can be leased to the private sector for up to 99 years but ownership of the land must remain with the State.

*Proceedings:* Debate on the second reading of the bill commenced on 25 June 2013. The second reading speech of the Minister (Mr Gay) was incorporated into Hansard. In that speech, the Minister said that the success of the recent long-term leases of Port Botany and Port Kembla, which realised \$4.3 billion, dictates that the Government act now to capture the current strong market demand for port infrastructure assets. The Minister stated that the lease of the Port of Newcastle will help free up millions of dollars to help fund a backlog of critical infrastructure projects across the State, and that the Government intends to invest \$340 million of the proceeds towards the revitalisation of central Newcastle. The Minister advised that the same restrictions and employee protections that applied to the Port Botany and Port Kembla transactions will apply to the lease of the Port of Newcastle.

The Opposition opposed the bill, criticising the Government for its haste in seeking to push through the bill and commence the sale process without first undertaking a scoping study or engaging in meaningful consultation. The Opposition stated that many of the concerns they raised with respect to the leasing of Port Botany and Port Kembla hold equally for this bill, including lack of an adequate restriction on future increases to port charges, and the forfeiture of an ongoing revenue source for a short term windfall (see Vol. 55/39 of *House in Review* for debate on the introduction of the original bill).

The Greens also stated that their opposition to the leasing of the Port of Newcastle mirrored their opposition to the leasing of Port Botany and Port Kembla, and in particular noted the lack of notice given by the Government regarding its decision. The Greens foreshadowed that should the bill proceed past the second reading stage, they would seek to amend what they saw as some of its worst aspects in committee.

The Christian Democratic Party initially noted that its support last year for the leasing of Port Botany and Port Kembla was in part based on the need to ensure the State's AAA credit rating was not threatened, but that now there was no such imperative. However, it did acknowledge the Government's argument that it needed to take advantage of the strong market demand that currently existed. Later in the debate, the Christian Democratic Party indicated that it favoured allowing the bill to proceed.

The Shooters and Fishers Party also indicated that it had not formed a definitive position and would monitor the debate while taking counsel with the other cross-bench members. However, it did state that it would have preferred more time to consider the bill.

In reply, the Minister stated that if the bill was passed the Government would undertake a scoping study and confirmed that the Government has a mechanism for comparing transaction proceeds with revenues foregone from continued ownership and that the lease would proceed only if the scoping study deemed that it would be of net benefit to the taxpayers of the State.

The second reading was agreed to (Division 21:18) with the Christian Democratic Party and the Shooters and

Fishers Party voting with the Government, and the Opposition and the Greens voting against the bill.

In the committee stage, the Greens moved two amendments: the first sought to require that any liabilities associated with the ports assets were also transferred and not left as a public liability; and the second sought to double the employment guarantee period provided for in the bill. Despite the support of the Opposition, both amendments were defeated on division (18:21). The Opposition sought to move an amendment that would require Ministerial approval for the imposition or increase of a port infrastructure or service charge at any of the ports assets leased by the Government. The amendment was ruled out of order as it went beyond the scope of the bill. The Opposition subsequently moved a similar amendment which was restricted in its application to the Port of Newcastle. The amendment was supported by the Greens, but opposed by the Government, Christian Democratic Party and the Shooters and Fishers Party and was negatived (Division 18:21).

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

### **Succession to the Crown (Request) Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill adopts uniform changes across Australia to laws relating to royal succession in order to be consistent with changes made to succession law in the United Kingdom. This will ensure that the Sovereign of Australia is the same person as the Sovereign of the United Kingdom. All States have agreed to request the Parliament of the Commonwealth of Australia to enact legislation to give effect to the proposed changes under section 51 of the Constitution of the Commonwealth.

The bill provides that royal succession is not dependent on gender, removes statutory restrictions under which anyone who marries a Roman Catholic loses their place in the line of succession and requests the United Kingdom repeal the *Royal Marriages Act 1772*.

*Proceedings:* Debate on the second reading of the bill commenced on 25 July 2013. The second reading speech of the Parliamentary Secretary (Ms Ficarra) was incorporated into Hansard. In that speech, the Parliamentary Secretary indicated that the bill is an important step towards reforming and modernising the rules of succession for Australia's sovereign. All other States have agreed to make a similar request to the Commonwealth Parliament with the Prime Minister signalling in-principle support during the 2011 Commonwealth Heads of Government meeting in Perth. The Parliamentary Secretary stated that the bill will mean that if the Duke and Duchess of Cambridge were to have a daughter and then a son, the older daughter would precede the younger son in the line of succession, thus ending the bias of males over females in the line of succession.

The Opposition, the Christian Democratic Party and the Greens supported the bill stating that it undertakes long overdue reforms of the rules of succession to the monarchy and meant an end to discrimination against women and Roman Catholics. Members spoke of the

historical reasons why the current succession rules are in place, particularly in regards to the restrictions that apply to people who marry Roman Catholics.

Although supporting the bill, the Greens expressed concern regarding the hereditary nature of the Crown and stated their desire to see Australia become a republic. To this end, the Greens moved that the question on the second reading be amended by inserting a call from the House for Australia to become a republic. The President ruled the amendment out of order on the grounds that it was not relevant to the bill.

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

### **Local Land Services Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill establishes Local Land Services as a statutory corporation to administer, deliver and fund certain programs and services associated with agricultural production, biosecurity, natural resource management and emergency management. The bill also repeals the *Rural Lands Protection Act 1998* and the *Catchment Management Authorities Act 2003*.

*Proceedings:* Consideration of the bill in committee of the whole commenced on 25 June 2013 (see the previous edition of *House in Review* for debate on the second reading of the bill). In the committee stage, the Government, the Opposition and the Greens all moved amendments that sought to broaden the objectives of the Act. The Government and the Greens amendments were agreed to on the voices, while the Opposition amendments were not agreed to, also on the voices. The Government, with the support of the Greens, Opposition and Christian Democratic Party, also successfully moved amendments that broadened the functions of Local Land Services; required that local strategic plans have regard to sound, evidence-based practices; and allowed the relevant Minister to order a spot audit of a local strategic plan.

The Opposition also moved a number of amendments, all of which were defeated on division, to increase the number of elected members on local land service boards (15:18); require that at least one of the ministerial appointed members of each local land service board be an Aboriginal person (16:19); and broaden the matters that must be included in local strategic plans and require that the Natural Resources Commission have a role in advising on such plans (16:19). In each case the amendments were supported by the Greens but opposed by the Government, Christian Democratic Party and Shooters and Fishers Party.

The bill was reported to the House with the Government and the Greens amendments, read a third time and returned to the Assembly.

## Work Health and Safety (Mines) Bill 2013

The bill originated in the Legislative Assembly.

*Summary:* The bill adopts the provisions of the national model Work Health and Safety (Mines) Regulation to assist in securing and promoting the health and safety of persons who work at mines and related places. The bill replaces the *Coal Mine Health and Safety Act 2004* and the *Mine Health Safety Act 2002* with a single mine-specific legislative scheme which is to be read as if it formed part of the *Work Health and Safety Act 2011*.

*Proceedings:* Debate on the second reading of the bill commenced on 25 June 2013. The second reading speech of the Parliamentary Secretary (Mr Ajaka) was incorporated into Hansard. In that speech, the Parliamentary Secretary said that the bill will ensure the ongoing regulation of health and safety in the New South Wales mining industry by allowing the adoption of the provisions of the national model Work Health and Safety (Mines) Regulation and additional provisions developed cooperatively by the New South Wales, Queensland and Western Australia regulators, unions and employer groups. The Parliamentary Secretary noted that the bill finalises implementation of the national harmonisation of work health and safety laws and emphasised that the bill does not reduce the legislated safety standards for mine workers in the State.

The Opposition supported the bill, noting that it was part of the ongoing process for harmonisation of national regulation in order to deliver a seamless national economy. The Opposition commended the involvement of the relevant unions in the consultation process and development of the model regulation. The Greens supported the bill and urged the Government to make the related regulations, that will contain much of the detail necessary to implement many of the bill's provisions, available as soon as practicable so that stakeholders may assess the finer details of the reforms. The Christian Democratic Party supported the bill and commended the consultation process leading to the development of the bill.

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

### *Message from the Assembly*

The House received the following message from the Legislative Assembly relating to a bill forwarded to the Assembly by the Council in the previous sitting week.

**Local Government Amendment (Conduct of Elections) Bill:** On 20 June 2013 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.

## Bill

### Crimes Amendment (Zoe's Law) Bill 2013 (Revd Mr Nile, Christian Democratic Party)

The bill originated in the Legislative Council.

*Summary:* The bill amends the *Crimes Act 1900* to establish a separate offence for conduct causing serious harm to or the destruction of a child in utero and to extend the offence of dangerous driving causing death or grievous bodily harm to a child in utero.

*Proceedings:* Standing orders were suspended to bring on the item of business (Division 21:18). Debate on the second reading of the bill resumed on 27 June 2013 from 21 February 2013 (see Vol 55/41 of *House in Review* for earlier debate).

Mr Green, from the Christian Democratic Party, spoke in support of the bill arguing that it is fundamentally about justice and stating that there is currently no sufficient penalty for people who by negligence, carelessness or malice cause serious harm or the destruction of a child in utero.

Ms Ficarra, a member of the Government, also spoke, indicating her personal support for the bill as it values life in all its stages, but acknowledging that this is a difficult issue and one that members required more time to consider before speaking in debate. The member ended the contribution by adjourning debate until the first sitting day in August on which private members' business takes precedence. The motion was agreed to.

## Motions

### Australian weather (Ms Voltz, Australian Labor Party)

*Summary:* The motion calls on the House to note that the Australian Bureau of Meteorology reported that January 2013 was Australia's hottest month on record and that a number of other maximum temperature records were set during the 2012-13 summer; and that Australia and the globe are experiencing rapid climate change. The motion also calls on the House to acknowledge comments made in 2009 by the federal Opposition leader regarding a carbon tax and to congratulate the federal Government for establishing a carbon price and note that emissions reductions will be achieved without having an impact on the strength of the economy.

*Proceedings:* Debate on the motion commenced according to precedence on 27 June 2013. In speaking to the motion, Ms Voltz argued that the overwhelming majority of scientific studies indicated that the world was experiencing climate change as a result of human activity, and that a carbon price was the most efficient method by which to achieve an essential reduction in carbon emissions.

Other members of the Opposition and the Greens spoke in support of the motion, arguing that there is irrefutable scientific proof that human-induced climate change was occurring, and that there was a need for greater investment in clean, renewable energy sources in order to reduce carbon emissions.

By contrast, members of the Government did not support the conclusion that climate change was necessarily human induced. Members of the Government and the Christian Democratic Party also noted the importance of the coal industry to the State and argued that as Australia represents only 1.5% of the world's carbon emissions, any reduction in Australia's emissions will have negligible impact globally.

Members from all sides did concede that individual climate episodes should not be advanced as conclusive evidence in the argument.

Debate was adjourned until the next sitting day.

### **71st anniversary of the Battle of Coral Sea (Mr Lynn, Liberal Party)**

*Summary:* The motion acknowledges the 71st anniversary of the Battle of Coral Sea that occurred from 4 to 8 May 1942 and calls on the House to pay tribute to the servicemen and women involved in the historic battle that removed the threat of a Japanese invasion of Port Moresby and the Australian mainland.

*Proceedings:* Debate on the motion commenced according to precedence with Mr Lynn moving the motion and stating that the Battle of the Coral Sea was one of the most significant battles in stemming the tide of the Japanese advance in the Second World War.

All members who spoke on the motion spoke in strong support, acknowledging the bravery of those who fought and the importance of the battle. During debate members discussed the history and context of the battle as well as its effects on the outcome of the war. Members stated that it is the largest naval battle to have occurred in close proximity to Australia and represented the first occasion in the war where Japanese naval forces experienced failure in a major operation.

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) Order for papers—Draft liquor promotion guidelines (Dr Kaye)
- (2) Community War Memorials Fund (Mr Lynn)
- (3) Hinduism (Mr Moselmane)
- (4) Ms Candice Tancred (Ms Ficarra)
- (5) Ramadan (Mr Moselmane)
- (6) Corporal Cameron Stewart (Mr Lynn)
- (7) Lismore City Lions fundraising initiative (Ms Ficarra)
- (8) Dr Victoria Haskins (Mr Lynn)
- (9) Ms Marie Dunn OAM Netball Courts (Ms Ficarra)
- (10) Panthers on the Prowl (Mr Lynn)
- (11) 36<sup>th</sup> Annual Highland Gathering of Bundanoon is Brigadoon (Mrs Maclaren-Jones)

- (12) Taxi transport subsidy scheme (Ms Barham)
- (13) General Purpose Standing Committee No. 1 inquiry reference (Mr Shoebridge)
- (14) Sydney Cricket Ground's 100<sup>th</sup> Cricket Test (Mr Foley).

### **Order for papers**

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

#### *Order made*

**Draft liquor promotion guidelines (Dr Kaye):** The motion was agreed to as formal business. Due: Friday 12 July 2013.

### **Petitions received**

- (1) Parenting payments – 75 signatures (presented Ms Barham)
- (2) Support for an open Australia – 258 signatures (presented Revd Mr Nile)
- (3) Royal Commission into Bowraville murders – 34 signatures (irregular, presented Mr Shoebridge).

### **Report tabled**

**Police Integrity Commission:** Reports entitled 'Operation Binda' and 'Operation Calyx', dated June 2013.

### **Committee activities**

**Note:** Committee activities includes committee references, reports tabled, debate on committee reports, government responses received and any other significant committee activity in the House. Committee activity as part of a current inquiry is summarised in the following section entitled 'Inquiry activities'.

#### *Committee references*

**General Purpose Standing Committee No. 1:** The House referred to the Committee an inquiry into allegations of bullying in WorkCover.

**Select Committee on the agistment of horses at Yaralla Estate:** The House referred to the Committee an inquiry into the current and future agistment of horses at the Yaralla Estate. The following members were nominated to be members of the committee: Mr Borsak (Chair), Mr Khan (Deputy Chair), Mr Foley, Dr Kaye, Mr MacDonald, Dr Phelps, Mr Wong.

#### *Committee membership*

The following change to committee membership was reported:

**General Purpose Standing Committee No. 3:** Dr Mehreen Faruqi in place of Ms Cate Faehrmann.

#### *Committee report tabled*

**Standing Committee on State Development:** Report No. 37 entitled 'Adequacy of water storages in New South Wales', dated June 2013.

**General Purpose Standing Committee No. 5:** The House continued the take-note debate on Report No. 37 entitled 'Management of public land in New South Wales', dated May 2013.

### **Inquiry activities**

#### **The 2009 Mt Penny return to order**

The Privileges Committee conducted its first public hearing on Monday 24 June 2013 for its inquiry into the 2009 Mt Penny return to order. The transcript of that hearing is available online.

#### **Racial vilification law in NSW**

The Standing Committee on Law and Justice has deferred consideration of its draft report.

#### **Drug and alcohol treatment**

General Purpose Standing Committee No. 2 has received 53 submissions to its inquiry into the effectiveness of current drug and alcohol policies with respect to deterrence, treatment and rehabilitation. The Committee is now preparing its report, due for tabling on 29 August 2013.

#### **Same sex marriage law in NSW**

The Standing Committee on Social Issues is inquiring into a proposed same sex marriage law in New South Wales. The Committee is scheduled to report in July 2013.

#### **Strategies to reduce alcohol abuse among young people**

The Standing Committee on Social Issues has received 52 submissions to its inquiry into strategies to reduce alcohol abuse among young people. The Committee has held three public hearings, and is scheduled to conduct a site visit to the north coast of New South Wales in October.

#### **Tourism in local communities**

Submissions to this General Purpose Standing Committee No. 3 inquiry are due by 28 June 2013. The Committee will hold hearings in August, followed by site visits to regional areas in October and November.

#### **Adequacy of water storages in NSW**

The Standing Committee on State Development tabled its report entitled Adequacy of water storages in New South Wales on 26 June 2013. The report recommends an integrated approach to water management to secure an adequate and reliable water supply for the future needs of the State.

### **Adjournment debate**

#### **Tuesday 25 June 2013**

Land clearing legislation (Mr Colless); Palliative Care NSW awards (Mr Donnelly); Knesset Christian Allies Caucus visit (Revd Mr Nile); Canberra Airport expansion (Mr Whan); Environmental movement (Dr Phelps); People with disability housing assistance (Ms Barham).

#### **Wednesday 26 June 2013**

North west rail link (Mr Primrose); Crime statistics (Mr Green); Gunnedah blood donations (Mrs Mitchell); St George Migrant Resource Centre (Mr Moselmane); Fossil Fuel Divestment Strategy (Mr Buckingham); Royal Flying Doctor Service 85th anniversary (Mrs Maclaren-Jones); Rugby League State of Origin 2013 (Mr MacDonald).

#### **Thursday 27 June 2013**

Animal welfare (Mr Brown); Tribute to Nelson Mandela (Mr Khan); Office of Environment and Heritage (Mr Foley); The Greens (Mr Borsak); Manufacturing jobs (Ms Westwood); Asbestos Awareness Think Smart Campaign (Ms Ficarra); Retirement of Mark Faulkner, Editor of Debates (Mr Colless); Succession to Crown (Request) legislation (Ms Fazio).

### **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](mailto:stephen.frappell@parliament.nsw.gov.au).

All responses will be kept strictly confidential.



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