

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## *HOUSE IN REVIEW*



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29 to 31 October 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

It was another busy sitting week, with the House dealing with a large volume of legislation. The House debated eight Government bills, finalising consideration of five – all of which were sent to the Assembly without amendment notwithstanding consideration of two of the bills in committee of the whole. In addition four new Government bills were introduced into the House, including the Planning and cognate Planning Administration Bills which were developed over two years of review and consultation.

Interestingly, despite the House debating a large number of bills this week, both Tuesday and Thursday were devoted to the consideration of a single bill – the National Disability Insurance Scheme (NSW Enabling) Bill and the Same Sex Marriage Bill respectively.

The House has resolved to forego debate on committee reports and on the budget estimates for the remainder of the year in order to concentrate on legislation.

### Vacancy in the representation of the State in the Senate

On 29 October 2013, the President reported a message from Her Excellency the Governor notifying that a vacancy had occurred in the representation of the State in the Senate through the resignation of Senator the Hon Bob Carr.

Later that day the President reported a message from the Legislative Assembly requesting that the Council fix the time and place for a joint sitting for the purpose of sitting and voting together to elect a replacement for Senator Carr.

Before the joint sitting is held, however, there is an interesting constitutional and procedural issue to be resolved. Senator Carr expressed his resignation as applying to both the current Senate up until 30 June 2014 and his seat in the next Senate commencing on 1 July 2014, for which he was elected at the recent half-Senate election. Urgent advice is being sought from the Crown Solicitor on whether there is any impediment to both vacancies being filled at one joint sitting, or whether two joint sittings are required.

### Report of the Privileges Committee

On 31 October 2013, the Chair of the Privileges Committee tabled the report of the Committee entitled 'The 2009 Mt Penny return to order'. The report examined the failure of the executive Government to provide a full return to the House in 2009 in response to the Mt Penny order for papers, and whether that failure was influenced by the former Minister for Mineral Resources and Minister for Primary Industries, Mr Ian Macdonald.

The Committee found that the failure was an administrative one within the former Department of Industry and Investment. There was no evidence, however, that any officers of the Department took any deliberate actions to restrict the documents provided to the House in 2009.

The Committee made various recommendations in relation to the operation of the order for papers process in the future.

### Reference to ICAC

On 29 October 2013, during formalities, the House agreed to the motion of Mr Borsak that called on the House to note the report of the Select Committee on the Agistment of Horses at Yaralla Estate and, under section 73 of the *Independent Commission Against Corruption Act 1988*, to refer to the ICAC for investigation and report the claims raised during the Committee's inquiry relating to Blue Vision Management and Conrad Capital.

The House forwarded a message to the Legislative Assembly informing it of the Council's resolution and requesting that the Assembly pass a similar resolution. Later that day the President reported a message from the Legislative Assembly informing the House that the Assembly had also passed a resolution to refer the claims to the ICAC.

### Conduct of business

On 29 October 2013, the House agreed that government business would take precedence over debate on committee reports and debate on the budget estimates that day. The House further agreed that the interruption

for the adjournment would occur at 10 pm instead of the usual time of 7 pm. The following day the House agreed that business would be conducted in this manner on Tuesdays for the remainder of 2013.

## Government business

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

### National Disability Insurance Scheme (NSW Enabling) Bill 2013

The bill originated in the Legislative Council.

*Summary:* The bill provides for the transfer of the disability assets of the State, which includes government employee staff involved in the provision of disability services, in connection with the National Disability Insurance Scheme (NDIS). From 2018, New South Wales will no longer provide or fund disability or community care, and the National Disability Insurance Agency will assume responsibility for managing and funding the sector. In effect, existing New South Wales service capacity, workforce and expertise will be transferred to the non-government sector and reinvested in a competitive marketplace of services and supports for the NDIS. New South Wales was the first State to commit to the NDIS, when it signed a Heads of Agreement with the Commonwealth in December 2012.

*Proceedings:* Debate on the second reading of the bill resumed on 29 October 2013 from 23 October 2013 (see the previous edition of *House in Review* for earlier debate). The Opposition did not oppose the bill, noting that the NDIS is a critical social reform and was initially a federal Labor initiative, subsequently supported by the federal Coalition. However, Opposition members identified a number of issues within the bill that caused them concern including the need to ensure a smooth transition for those reliant on disability services; that there be no loss of existing public service knowledge and expertise; the question of whether existing employee industrial protections and entitlements would be maintained; and that the non-profit sector not be undermined by competitive tendering for service contracts.

The Greens did not oppose the bill. Similar to the Opposition, the Greens also expressed a number of concerns regarding the proposed implementation process for the NDIS. The Greens argued that rather than being a necessary precursor for the implementation of the NDIS, the bill primarily provided for the privatisation of the Department of Ageing, Disability and Home Care. The Greens acknowledged that section 33 of the Heads of Agreement signed in 2012 provided that following the commencement of the full NDIS the New South Wales Government would not provide any residual disability or community services.

The Christian Democratic Party strongly supported the bill and also emphasised the need to ensure that services are not unduly disrupted by the transition process.

In reply, the Minister indicated that the Government was aware of the industrial issues regarding the transfer of current public sector staff, and stated that all transferring employees will retain their accrued entitlement balances

and that these would be transferred to a new employer, at the cost of government. The Minister also indicated the Government's willingness to work with the non-profit sector to ensure that it is not unduly disadvantaged by competitive tendering.

The second reading was agreed to.

In the committee stage, the Opposition and Greens moved five and two amendments respectively. The Opposition amendments sought to ensure that private service providers use transferred assets for the purpose for which they are transferred; that employees must not be compelled to move to a new employer without consent; that employees take all current benefits of employment with them upon transfer; that the full monetary value of employees' entitlements are secured upon transfer; and that a dispute resolution mechanism in relation to the transfer of staff was established. The Greens amendments sought to set a guaranteed period of employment for any transfer of 18 months; and to ensure that transferred employees retained all rights that were available to them immediately prior to the transfer.

All of the amendments were negatived, six of them on division (17:20), with the Government, Christian Democratic Party and Shooters and Fishers Party opposing each of the amendments.

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

### Industrial Relations Amendment (Industrial Court) Bill 2013

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Industrial Relations Act 1996* and certain other Acts to abolish the Full Benches of the Industrial Court and transfer their functions, and to provide for the exchange of judicial officers between the Supreme Court and the Industrial Court.

*Proceedings:* Debate on the second reading of the bill commenced on 30 October 2013. The second reading speech of the Parliamentary Secretary (Mr Clarke) was incorporated into Hansard. That speech stated that the Australian industrial relations and work health and safety systems have undergone significant recent change following the 2009 transfer of all private sector workers to the Federal industrial relations system, and the 2012 adoption of nationally consistent work health and safety laws which transferred most work health and safety prosecutions to the District Court. Accordingly there has been a significant decline in workload experienced by the Industrial Relations Commission, necessitating the changes in the bill. Where possible the jurisdiction of the Commission will be maintained and it will continue to operate as a distinct and specialist institution.

The Opposition did not oppose the bill, noting the decline in the Commission's workload. The Opposition argued, however, that the decline in work health and safety prosecutions before the Commission was a result of the Government transferring such matters to the jurisdiction of the District Court and expressed its belief that such a change should not have occurred. The Greens did not oppose the bill, stating they accepted the

practical outcomes of the implementation of the Fair Work industrial relations system. However, the Greens also expressed their view that the Government was ideologically opposed to the Commission and argued that this was a primary reason for its powers being diminished.

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

### **Work Health and Safety Amendment Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the Work Health and Safety Act 2011 to clarify the validity of that Act's provisions as they relate to the District Court's jurisdiction to hear prosecutions under the previous Occupational Health and Safety Act 2000. The bill also confirms that a legal practitioner acting on behalf of an inspector or the regulator in proceedings under the previous Occupational Health and Safety Act 2000 or the Work Health and Safety Act 2011 may sign an initiating process on behalf of a prosecutor.

The clarifications are required due to recent technical legal challenges which have arisen following the repeal of the Occupational Health and Safety Act 2000 which was replaced by the Work Health and Safety Act 2011 as New South Wales transitioned into the nationally harmonised system of occupational health and safety.

*Proceedings:* Debate on the second reading of the bill commenced on 30 October 2013. In his second reading speech, the Parliamentary Secretary (Mr Mason-Cox) said that the bill should be supported on the basis of public interest considerations, noting that there are a number of current prosecutions being challenged and that the impact on workers and families of allowing defendants to escape prosecution based on a legal technicality would be severe and would undermine public confidence in the work health and safety legislation. The Parliamentary Secretary referred to proposed amendments that had been circulated by the Opposition that sought to have category 2 offences heard before the Industrial Court. The Parliamentary Secretary argued that the amendments would potentially further jeopardise current prosecutions and made an appeal that the amendments not be pursued.

The Opposition supported the bill, noting that the legal technicalities which the bill seeks to address were raised by the Opposition during the recent Budget Estimates, and criticised the Government for its delay in taking action to address the current uncertainty regarding the jurisdiction of the District Court. The Opposition rejected the Government's assertion that its proposed amendments would harm any current prosecutions.

The Greens, while supporting the bill on the grounds that the ability to prosecute breaches of health and safety standards is a crucial protection for workers, indicated that they would consider the Opposition amendments during debate in the committee stage. The Christian Democratic Party supported the bill, stating that it was important that any technical legal impediments to effective prosecutions be removed as soon as possible.

The second reading was agreed to.

Consideration of the bill in committee of the whole was set down for a later hour.

### **Crown Lands Amendment (Multiple Land Use) Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* In accordance with the *Crown Lands Act 1989*, Crown reserves are reserved for a primary purpose but have often been managed to accommodate public and private purposes such as mining, farming, telecommunications towers, and tourist parks. In 2012, a decision of the New South Wales Court of Appeal – *Minister Administering the Crown Lands Act 1989 v. New South Wales Aboriginal Land Council 2012 (Goomallee Claim)* – questioned the process of secondary use tenures. The Court found that a grazing licence granted over a parcel of Crown land reserved for the purpose of public recreation was unlawful, as the licence's purpose was not for the same purpose as that of the reserve.

The bill seeks to restore the multiple use principle contained in the *Crown Lands Act 1989* and to ensure the legal validity of all secondary tenures affected by the Goomallee Claim. Specifically, the bill amends the *Crown Lands Act 1989* to provide that a secondary interest (a lease, licence, permit, easement or right-of-way) can be granted in respect of Crown land that is reserved for a public purpose so long as the use and occupation of the land under the secondary interest is not likely to materially harm the use and occupation of the land for the public purpose for which it is reserved.

*Proceedings:* Debate on the second reading of the bill commenced on 30 October 2013. In his second reading speech, the Minister (Mr Gay) said that although the bill was precipitated by a claim under the *Aboriginal Land Rights Act*, it is not the primary purpose of the bill to frustrate the land claims process. The primary purpose of the bill is to ensure the legal validity of all secondary tenures affected by the Goomallee decision, most of which are not under Aboriginal land claim. The Minister argued that the bill is essential to the lawful and effective administration of Crown reserves and will provide certainty for government, the community, business and Aboriginal land councils, which in turn will enable the economic and social value of the Crown estate to be maximised.

Debate was adjourned until a later hour.

### **Companion Animals Amendment Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Companion Animals Act 1998* to promote responsible pet ownership and protect the community by enabling certain dogs to be declared by the Local Court or council officers to be menacing dogs and providing for tighter controls and higher offence penalties; shortening the period within which an owner of an unregistered companion animal issued a notice by a council officer must register the animal; and enabling the Local Court to order a dog owner to undertake responsible pet ownership training in specified circumstances.

*Proceedings:* The bill was received from the Legislative Assembly on 30 October 2013 and read a first time. Debate on the second reading commenced later that day. The second reading speech of the Parliamentary Secretary (Ms Ficarra) was incorporated into Hansard. The speech stated that while companion animals are important to households, owning a pet also comes with responsibilities, and noted that the bill responds to the work of the Companion Animals Taskforce which was established to deal with community concerns about companion animals.

The Opposition supported the bill, but criticised the Government for having taken nine months to develop a legislative response to the Companion Animals Taskforce's recommendations. The Opposition sought a commitment from the Parliamentary Secretary that the Government would commit to reviewing the bill's effectiveness in the future. The Greens supported the bill but foreshadowed an amendment to the bill in the committee stage to enable citizens to make complaints to their local council about a specified dog and request that they be declared dangerous or menacing, and to have the ability to escalate their complaint to the Local Court if their local council failed to respond within 28 days.

In reply, the Parliamentary Secretary said that the bill would only apply to a minority of irresponsible pet owners, that the Government will continue to consider the recommendations of the Companion Animals Taskforce, and that further reforms may be implemented at a later stage.

The second reading was agreed to.

In the committee stage the Greens amendment was negated, with both the Government and Opposition opposing it on the basis that it may lead to vexatious complaints.

The third reading of the bill was agreed to and the bill was returned to the Assembly.

### **Crimes (Domestic and Personal Violence) Amendment Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Crimes (Domestic and Personal Violence) Act 2007* to allow police officers above the rank of sergeant to issue interim apprehended domestic violence orders, and to provide police with a limited power to detain an individual to serve an interim apprehended domestic violence order. The bill provides for the deterrence of vexatious applications for apprehended personal violence orders, and the speedy resolution of appropriately initiated matters. The bill responds to some of the recommendations made in the 2012 New South Wales Legislative Council Standing Committee on Social Issues report on domestic violence trends and issues in New South Wales, and also implements components of the Government's Domestic Violence Justice Strategy.

*Proceedings:* The bill was received from the Legislative Assembly on 30 October 2013 and read a first time. Debate on the second reading commenced later that day. The second reading speech of the Parliamentary Secretary (Mr Clarke) was incorporated into Hansard.

The speech stated that the bill will ensure that the safety and protection of victims in domestic violence situations are at the forefront of the police response. The speech also noted that the bill will provide courts with greater flexibility regarding personal violence orders to ensure that only appropriate matters are brought before them.

The Christian Democratic Party supported the bill stating that the police and the courts need flexibility to deal with instances of domestic and personal violence.

The Opposition supported the bill, but questioned whether the measures in the bill seeking to deter vexatious applications for apprehended personal violence orders were supported by robust empirical data.

The Greens did not oppose the bill but did identify some concerns and argued that the bill had not been before the Parliament long enough to enable sufficient review. A primary concern for the Greens was that the provisions seeking to deter vexatious applications for apprehended personal violence orders may have the unintended consequence of preventing victims from making such applications due to a fear of being penalised for doing so. The Greens foreshadowed that they would move an amendment to provide for a further statutory review of the Act as amended by the bill, at the end of 18 months so that the practical implications of the bill may be considered.

The second reading was agreed to.

In the committee stage, the Greens amendment was opposed by the Government on the grounds that the Department of Attorney General and Justice is currently conducting a statutory review of the *Crimes (Domestic and Personal Violence) Act 2007*. The Opposition supported the amendment on the basis that it would require that the Act, as amended by the bill, also be reviewed and that it had received representations from stakeholders concerned that the bill may have a number of unintended consequences. The amendment was negated (Division 17:20), with the Government, Christian Democratic Party and Shooters and Fishers Party voting against the amendment.

The third reading of the bill was agreed to and the bill was returned to the Assembly.

### **Police Amendment (Police Promotion) Bill 2013**

The bill originated in the Legislative Council.

*Summary:* The bill amends the *Police Act 1990* to create exceptions to the general requirement that appointments by way of promotion to vacant non-executive police officer positions of a particular rank are to be made from the promotion list for that rank and according to rankings on that list. The bill provides that promotion appointments to certain specialist positions may be made from outside the relevant promotion list, if the position has not been able to be filled after being advertised to persons on the promotion list for the rank concerned. The current exception that enables appointments to specialist positions to be made from a promotion list otherwise than in accordance with the order of rankings on the promotion list is continued. The bill also provides for police officers to be promoted, following a selection

process, to superintendent positions other than in accordance with the rankings on the relevant promotion list. Appointments of sergeants to senior sergeant positions will also be made following a selection process as there will no longer be a promotion list for the grade of senior sergeant.

*Proceedings:* The bill was introduced, read a first time and printed on 30 October 2013. In his second reading speech, the Minister (Mr Gallacher) indicated that the reforms in the bill arose out of a review of the police promotions system by the Hon Lance Wright QC, former President of the Industrial Relations Commission. The Minister advised that the majority of the recommendations of that review were accepted by the Government, but that with respect to several recommendations the Government had opted for alternative proposals. The Minister stated that both the NSW Police Force and the Police Association had been consulted during the review, the Government response to the review, and in the development of the bill.

Debate was adjourned for five calendar days.

### **Coal Mine Health and Safety Amendment (Validation) Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill seeks to validate previous appointments of the Chief Inspector, inspectors, mine safety officers and investigators under the *Coal Mine Health and Safety Act 2002* and to save appointments of officers under that Act that were inadvertently revoked; and validate things done or omitted by those officers and things done in reliance on or as a consequence of such things.

*Proceedings:* The bill was received from the Legislative Assembly on 30 October 2013 and read a first time. Debate on the second reading commenced later the same day. In his second reading speech, the Minister (Mr Gay) stated that the bill was required to validate the inadvertent revocation of the Chief Inspector, inspectors, mine safety officers and investigators under the *Coal Mine Health and Safety Act 2002*, which had been caused by an instrument of appointment published in the *Government Gazette* on 5 October 2012.

The Opposition, Greens and Christian Democratic Party all supported the bill acknowledging the necessity of the haste with which it had been introduced. In reply, the Minister thanked the House for its understanding and for dealing with the bill urgently.

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

### **Mining Amendment (Development Consent) Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Mining Act 1992* to clarify the requirement for appropriate development consents for activities carried out under mining leases. The bill makes it clear that nothing in the Act permits an activity to be carried out under a mining lease without any

required development consent under the *Environmental Planning and Assessment Act 1979*.

*Proceedings:* The bill was received from the Legislative Assembly on 30 October 2013 and read a first time. Debate on the second reading of the bill commenced later that day. The second reading speech of the Minister (Mr Gay) was incorporated into Hansard. That speech indicated that a provision in the Act, introduced in 1996, has been identified as potentially affecting the integrity of the mining titles framework in the State. The bill makes clear that development consent for mining purposes can be an appropriate form of consent to enable the granting of a mining lease for minerals, which will ensure the security of tenure to current holders of mining leases. The speech concluded that the bill will benefit the State by ensuring the titles framework in the Act is preserved in its current form.

The Greens opposed the bill, arguing that while there was a need for a comprehensive review of mining laws governing the granting of exploration licences, the bill appeared to be intended solely to benefit the interests of a single mining company currently involved in a lawsuit.

Debate was adjourned until the next sitting day.

### **Planning Bill 2013 and cognate Planning Administration Bill 2013**

The bills originated in the Legislative Assembly.

*Summary:* The bills repeal and replace the *Environmental Planning and Assessment Act 1979* and introduce a new planning system for New South Wales. The objectives of the Planning Bill are to: promote economic development; protect the environment and quality of life; provide certainty for all users of the system; and deliver more housing, jobs and infrastructure in the right locations to cater for a growing population. The proposed new planning system was first outlined in the Government's April 2013 White Paper. Following public consultation, a number of changes were made to the proposed legislation to reflect the evidence and submissions received.

*Proceedings:* The bills were received from the Legislative Assembly on 30 October and read a first time. The second reading was set down for a later hour.

### **Combat Sports Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill replaces the *Combat Sports Act 2008* to strengthen the regulation of combat sports to promote the health and safety of combatants and the integrity of combat sports contests.

*Proceedings:* The bill was received from the Legislative Assembly on 30 October 2013 and read a first time. The second reading was set down for a later hour.

### **Residential (Land Lease) Amendment Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill seeks to improve the governance of residential parks. The bill repeals and replaces the *Residential Parks Act 1998* following a review of that Act. The bill sets out the rights and obligations of operators

of residential communities and home owners in residential communities; establishes procedures for resolving disputes between operators and home owners; protects home owners from bullying and unfair business practices; and encourages the continued growth and viability of residential communities.

*Proceedings:* The bill was received from the Legislative Assembly on 30 October 2013 and read a first time. The second reading was set down for a later hour.

### **Building and Construction Industry Security of Payment Amendment Bill 2013**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Building and Construction Industry Security of Payment Act 1999* to introduce reforms that will provide greater protection for subcontractors and promote cash flow and transparency in the contracting chain.

*Proceedings:* The bill was received from the Legislative Assembly on 31 October 2013 and read a first time. The second reading was set down for a later hour.

### **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.

#### *Bills*

### **Same Sex Marriage Bill 2013 (Ms Sharpe, Australian Labor Party)**

The bill was developed by the NSW Cross-Party Marriage Equality Working Group, comprised of individual members from the Legislative Council and the Legislative Assembly.

*Summary:* The object of the bill is to allow for adults of the same sex to enter into a same-sex marriage. The bill sets out requirements for same-sex marriages, including, the grounds for eligibility, the need to be solemnised by an authorised celebrant, and the notices and declarations that must be given before solemnization. The bill also provides for the regulation of the dissolution or annulment of same-sex marriages and for the recognition in New South Wales of same-sex marriages made under the laws of other States and Territories.

*Proceedings:* On 31 October 2013, standing orders were suspended to bring on the item of business, to allow debate on the bill to take precedence over all other business on the Notice Paper that day and, in effect, to allow the second reading debate to continue after the mover's speech. The bill was introduced, read a first time and printed.

In her second reading speech, Ms Sharpe argued that equality before the law is a fundamental right and that it was past time to remove one of the last vestiges of discrimination against gay and lesbian citizens. Ms Sharpe argued that surveys had consistently shown that Australians did not believe that the right to marry should be restricted on the basis of sexuality, and it was the role

of the Parliament to make laws that reflect the wishes of the electorate. Ms Sharpe paid tribute to the recent Legislative Council Standing Committee on Social Issues inquiry and report on same-sex marriage law in NSW which she said had brought intellectual rigour to the public debate on the issue. Ms Sharpe noted that the bill had been drafted to take into account the findings of the inquiry and that as a result it had good prospects of resisting any constitutional challenge in the High Court.

Members from all sides of the House spoke to the bill, many of whom referred to the large volume of correspondence they and other members had received from individuals and organisations exhorting them to either support or oppose the bill. Members also drew attention to the presence in the public gallery of a large number of interested citizens.

In the debate, a number of members argued that if the ultimate goal was true marriage equality, this could only come through amendment to the federal *Marriage Act 1961*. This view prompted some members to oppose the bill on the grounds that a 'patchwork' of individual State laws was undesirable, or because they did not believe the bill would be able to withstand any federal challenge. Some members argued that the bill should at least wait until the determination of the current Federal Government challenge to the recently enacted Australian Capital Territory same-sex marriage law. Other members opposed the bill primarily on the basis of their belief that it represented a threat to the institution of marriage and to the traditional family unit.

Members in support of the bill argued that inaction at the federal level or the threat of a High Court challenge should not act as a deterrent for legislating now to address discrimination against same-sex couples in this State. Members noted that New South Wales was the third jurisdiction to consider such legislation and ventured that even if the bill was defeated, full marriage equality would eventually be achieved.

Debate was interrupted for Questions.

#### *Motions taken as formal business*

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

- (1) Regional Flagship Events Program (Mrs Maclaren-Jones)
- (2) NSW State Training Awards (Mrs Maclaren-Jones)
- (3) St Stanislaus College, Bathurst (Mrs Maclaren-Jones)
- (4) 40<sup>th</sup> anniversary of the Sydney Opera House (Mrs Maclaren-Jones)
- (5) 15th annual Deepavali Festival (Mr Moselmane)
- (6) Australian War Memorial (Mr Moselmane)
- (7) Opening of the Khilafat Centenary Hall (Mr Moselmane)
- (8) 15th annual Deepavali Fair (Mr Clarke)
- (9) Ms Clare McCabe (Ms Ficarra)

- (10) Mr Alberty 'Albie' George Thomas OAM (Mr Moselmane)
- (11) NSW Federation of Community Language Schools (Mr Clarke)
- (12) 2nd Annual Harmony Walk (Mr Clarke)
- (13) Mr John Wilkson (Ms Voltz)
- (14) Festival of Diwali (Mr Clarke)
- (15) 73rd anniversary of Greek National Day (Mr Clarke)
- (16) 13th annual Australian Serbian Film Festival (Mr Clarke).

### Orders for papers

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

#### *Order made*

- (1) **Former Officer of the Department of Planning and Infrastructure:** The order relates to documents created since 1 April 2011 in the possession, custody or control of the Department of Planning and Infrastructure relating to Matthew Daniel, former Director of the Project Delivery Unit in the Department of Planning and Infrastructure. Due: 14 November 2013.

#### *Returns to order*

- (1) **NSW Health labour expenses cap:** received 31 October 2013 (after the rising of the House); 2 public boxes and 1 privileged box.
- (2) **Request for Papers – Bus Contracts:** received 31 October 2013 (after the rising of the House); 166 boxes public, 228 boxes privileged.

### Petitions received

- (1) Peak rail services to Rockdale – 64 signatures (presented Mr Moselmane)
- (2) Sanctity of marriage – 165 signatures (presented Mr Colless)
- (3) Sanctity of marriage – 500 signatures (presented Mr Colless).

### Reports tabled

**Independent Commission Against Corruption:** report entitled 'Reducing the opportunities and incentives for corruption in the State's management of coal resources', dated October 2013.

**Inspector of the Police Integrity Commission:** report entitled 'Annual report of the Inspector of the Police Integrity Commission' for year ended 30 June 2013.

**Ombudsman:** report entitled 'Annual report of the Ombudsman' for year ended 30 June 2013.

**Inspector of the New South Wales Crime Commission:** report entitled 'Annual report of the Inspector of the New South Wales Crime Commission' for year ended 30 June 2013.

**Independent Commission Against Corruption:** report entitled 'Annual report of the Independent Commission Against Corruption' for year ended 30 June 2013.

**Police Integrity Commission:** report entitled 'Annual report of the Police Integrity Commission' for year ended 30 June 2013.

**Auditor-General:** report entitled 'Financial Audit report of the Auditor-General, Volume Three 2013, Focusing on New South Wales State Finances', dated October 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 reports tabled*

**Legislation Review Committee:** 'Legislation Review Digest No. 47/55 of 2013', 29 October 2013.

**General Purpose Standing Committee No. 5:** Report No. 38 entitled 'Budget Estimates 2013-2014', October 2013.

**Committee on the Independent Commission Against Corruption:** Report No. 3/55 entitled 'Review of the 2011-2012 Annual Report of the Inspector of the Independent Commission Against Corruption', October 2013.

**Committee on the Independent Commission Against Corruption:** Report No. 4/55 entitled 'Review of the 2011-2012 Annual Report of the Independent Commission Against Corruption', October 2013.

**Privileges Committee:** Report No. 69 entitled 'The 2009 Mt Penny return to order', October 2013.

### Inquiry activities

#### **Greyhound racing in NSW**

The Select Committee is currently receiving submissions, with a closing date of 6 November 2013. To date over 300 submissions have been received, and hearings will be held on 15 and 25 November 2013.

#### **Removing or reducing station access fees at Sydney Airport**

General Purpose Standing Committee No. 3 is currently receiving submissions, with a closing date of 13 November 2013. Hearings will be held on 2 and 3 December 2013.

#### **Motor Accidents Authority 12th Review and Lifetime Care and Support Authority Fifth Review**

The Standing Committee on Law and Justice is conducting concurrent reviews into the exercise and functions of the MAA and LTCSA. The closing date for submissions is today, 1 November 2013.

### **Allegations of bullying in WorkCover NSW**

General Purpose Standing Committee No. 1 will hold its first hearing next week, on 6 November 2013, with the second hearing on 11 November 2013. The Committee expects to report in early 2014.

### **Tourism in local communities**

General Purpose Standing Committee No. 3 has received 84 submissions. It has held three public hearings in Sydney and roundtable discussions in Ballina and Dubbo, and is scheduled to conduct a hearing in Queanbeyan on 8 November 2013.

### **Ministerial propriety in NSW**

The Select Committee has received six submissions. The first public hearing was held on Monday 14 October 2013 with representatives from the Department of Family and Community Services. The Minister for Family and Community Services has declined the Committee's invitation to attend a public hearing.

### **Budget Estimates**

General Purpose Standing Committee No. 1 is holding a supplementary hearing into the portfolio of Premier today, 1 November 2013.

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

The Standing Committee on Social Issues has received 54 submissions concerning strategies to reduce alcohol abuse among young people. The Committee has held four public hearings and a roundtable with young people from the Byron Bay area.

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

The Standing Committee on Law and Justice is finalising its report and anticipates tabling in late November 2013.

## **Adjournment debate**

### **Tuesday 29 October 2013**

Cardiovascular disease (Mrs Pavey); Grandparents as carers (Ms Barham); Regional manufacturing sector (Mr Veitch); Sunday Streets (Dr Faruqi); Drought assistance (Mr Whan); Australian Broadcasting Commission (Mr Clarke).

### **Wednesday 30 October 2013**

Independent Education Union Women's Forum (Ms Westwood); Mercy Ships (Mr Green); Myall Lakes Community Awards (Miss Gardiner); Law and Justice Foundation Justice Awards (Mr Moselmane); Dr Cynthia Maung 2013 Sydney Peace Prize Recipient (Dr Kaye); World Osteoporosis Day (Ms Maclaren-Jones).

### **Thursday 31 October 2013**

Australian Light Horse Victory (Revd Nile); Graincorp Takeover Proposal (Mr Blair); School Bullying (Ms Sharpe); Racing Industry and Gambling (Dr Kaye); Battle of Broken Hearts (Mr Moselmane); State Finances (Mr Mason-Cox); Blacktown Childcare Services (Ms Cotsis).

## **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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Clerk of the Parliaments