

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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19 to 21 November 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 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 penultimate sitting week of the year saw the House deal with eleven government bills. The House finalised consideration of eight bills, four of which were amended in the committee stage. Indeed, of the nine bills that passed the second reading stage this week, all but two were considered in detail in committee of the whole.

A number of notable pieces of legislation were finalised this week, including the Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill, the Crown Lands Amendment (Multiple Land Use) Bill, and the Mining and Petroleum Legislation Amendment (Public Interest) Bill – which was introduced and passed on Thursday 21 November 2013.

Looking ahead to next week, there are still a number of government bills on the Notice Paper, chief among these being the Planning Bill and cognate Planning Administration Bill, for which the second reading debate has commenced.

The House will commence sitting at 11:00 am next Tuesday, instead of the normal 2:30 pm start.

Government business

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

Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Casino Control Act 1992* to authorise the conduct of gaming in a restricted gaming facility to be situated at Barangaroo South. The following restrictions will apply regarding gaming in the Barangaroo restricted gaming facility: gaming is not authorised until 15 November 2019; the playing of poker machines is not authorised; minimum bet limits will apply, and only persons who, under the conditions of the licence for the facility, are members or guests of the gaming facility will be authorised to participate in gaming activities.

Proceedings: Debate on the second reading commenced on 19 November 2013. The second reading speech of the Minister (Mr Gallacher) was incorporated into Hansard. That speech stated that in October 2012 the Government announced that it had received an unsolicited proposal from Crown Limited to develop a six-star hotel with VIP gaming facilities to be located at Barangaroo South. The speech then stated that in accordance with the unsolicited proposal process and independent analysis, the Government had agreed to accept Crown Limited's proposal. The bill introduces the necessary legislation to enable the Independent Liquor and Gaming Authority (ILGA) to grant a restricted gaming licence at Barangaroo South. The bill specifies the location of the restricted gaming facility and details the conditions under which the restricted gaming facility will operate.

The Opposition supported the bill stating that it would contribute to the development of a new iconic Sydney location which will drive economic and social development. The Opposition acknowledged that Lend Lease, the developer of Barangaroo had won the right to develop the site after an open public tender process and that it would only have the financial means to build the six-star hotel if it was supported by Crown Limited, whose support was dependent on the provision of a license for a high-end casino. The Opposition also noted that Crown Limited will be establishing two training colleges to help young people move into hospitality industry, as well as providing indigenous employment programs, but indicated it would seek to amend the bill to secure those commitments in law.

The Greens strongly opposed the bill arguing that it broke a longstanding one-casino-only policy for the State. The Greens added that the process to grant a second casino license had been conducted behind closed doors with no public engagement and no opportunity for the public to influence the outcome. The Greens detailed a number of concerns regarding the social and economic costs of gambling and foreshadowed they would be moving multiple amendments to the bill.

The Christian Democratic Party indicated that it had been lobbying the Government to establish an Upper House inquiry to investigate the adequacy and

effectiveness of public health measures to reduce risk of gambling harm, and that its response to the restricted gaming facility would be formulated by the findings of such an inquiry.

The second reading was agreed to (Division 27:7), with the Government, Opposition and the Shooters and Fishers Party voting in favour, and the Greens and the Christian Democratic Party voting against the motion.

In the committee stage, which commenced the following day, the Greens moved 13 amendments which sought to increase the powers of the ILGA to oversee the operations of the restricted gaming facility; increase minimum bet limits; add a provision defining poker machines; and ensure that smoking in the restricted gaming facility is confined to only those parts where gaming occurs. All of the amendments were defeated either in division or on the voices. The Opposition amendment foreshadowed during the second reading was agreed to, as was a Christian Democratic Party amendment that banned poker machines in the new facility.

The bill was reported to the House with the amendments. The House divided on the third reading of the bill (Division 27:7), with the Greens and the Christian Democratic Party voting against the motion. The bill was returned to the Assembly.

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 status 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 potentially affected by the Goomallee decision. 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 resumed on 19 November 2013 from 30 October 2013 (see Vol 55/59 of *House in Review* for earlier debate). During the debate, the Opposition and the cross-bench parties all noted with approval the willingness of the office of the Minister for Trade and Investment to engage in negotiations regarding the bill, while also

criticizing the Government for having at the same time engaged in a public campaign to discredit any opposition to the bill. The Opposition indicated that it held a number of concerns regarding the bill and therefore could not support it in its current form. Its concerns related to the bill’s potential effect on travelling stock routes; the level of executive discretion provided to the Minister with respect to the granting of secondary interest leases; the lack of definition of the term ‘material harm’; and the length of time afforded to the proposed dispute process. The Opposition foreshadowed amendments and indicated that its ultimate support for the bill at the third reading stage would depend on the outcome of the committee stage.

Both the Shooters and Fishers Party and the Christian Democratic Party indicated their support for the crown lands multiple use principle and each also indicated their support for some of the Opposition amendments to the bill.

The Greens opposed the bill, arguing that its scope went beyond the required response to the Goomallee decision, provided excessive executive discretionary powers and would serve to prejudice any land rights claims lodged after 9 November 2013. The Greens also foreshadowed they would seek to amend the bill in the committee stage.

The second reading was agreed to (Division 27:5), with the Greens voting against the motion.

In the committee stage, the Opposition successfully moved a number of amendments which drew the support of the Government and the cross bench parties. These amendments ensured that a secondary interest must be in the public interest in order for it to be granted; provided clarity and guidance on how to define ‘materially harm’; and reduced the period of notice required, from six to three months, for the commencement of legal proceedings regarding the validity of new grants of interest in Crown reserves. However, the Opposition’s attempt to have validation orders published in the Gazette and to be subject to disallowance drew the support of the Greens only and were negatived (Division 16:19). Greens amendments to establish a public register of validated secondary interests, while supported by the Opposition, were negatived (Division 16:19). The Greens also unsuccessfully sought to remove retrospective validation of secondary interests and to ensure that validations of secondary interests have no effect on any land claim within the meaning of the *Aboriginal Land Rights Act 1983*.

The bill was reported to the House with the amendments. The third reading was agreed to (Division 29:5), with the Greens voting against the motion, and the bill was returned to the Assembly.

The next day, the House received a message from the Assembly advising that the Assembly had agreed to the Council’s amendments. The message also enclosed a further amendment to the bill for which the Assembly sought the concurrence of the Council. The House resolved itself into committee of the whole and agreed to the further amendment. The House sent a message to the Assembly advising that it had agreed to the amendment.

Mining and Petroleum Legislation Amendment (Public Interest) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill seeks to make the public interest a ground (in addition to other grounds) for making any of the following decisions regarding mining or petroleum rights or titles: a decision to refuse to grant, renew or transfer a mining or petroleum right or title; a decision to refuse a tender for a mining right or title; decision to cancel a mining or petroleum right or title, or to suspend operations under a mining or petroleum right or title (in whole or in part); and a decision to restrict operations under a mining or petroleum right or title by the imposition or variation of conditions of the right or title.

The bill will also extend to pending applications for mining or petroleum rights or titles.

Proceedings: The bill was received from the Legislative Assembly on 21 November 2013. The bill was declared urgent and read a first time. Debate on the second reading commenced immediately. The second reading speech of the Minister (Mr Gallacher) stated that the bill seeks to amend mining and onshore petroleum legislation to ensure that if and when it ever becomes necessary to do so following the Independent Commission Against Corruption's (ICAC) inquiry regarding operations Acacia and Jasper, the Government will have a specific power to cancel or refuse to renew a mining licence or other mining title. The speech also noted that it is the Government's intention to use this power only when the ICAC has determined that serious corrupt conduct has infected in some essential respect the granting of a mining licence or mining licence holder itself.

The Opposition supported the bill, but did express reservations as to what was captured by the bill. While the bill was drafted in response to recent ICAC inquiries, the Opposition noted that it applied not only to the licenses being investigated by ICAC but to all mining leases. The Opposition did note the statement by the Government that, if there were any issues with the bill, which had been drafted urgently, these would be fine-tuned early next year.

The Christian Democratic Party supported the bill stating it would enable the Government to cancel any mining licences that have been secured through corrupt activities. The Greens supported the bill welcoming the addition of a public interest test to cancel mining licences, while the Shooters and Fishers Party also supported the bill.

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

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: Debate on the second reading of the bill commenced on 20 November 2013. In his second reading speech, the Minister (Mr Gay) said that the bill was the result of two and a half years of development and consultation, that included the Moore and Dyer review that commenced in July 2011 and the subsequent release for public comment of a green paper, white paper and exposure bill. The Minister said that the Government had undertaken unparalleled consultation and had listened to the views of a genuine cross-section of the community, and argued that this was why the bill was able to achieve a balance between supporting development and respecting community expectations. The Minister argued that the bills should not be subject to amendment, as this would risk the simplicity and certainty in the planning system that the bill aims to achieve and that amendment would in effect undermine the consultation that had taken place with stakeholders.

The Opposition acknowledged that the Government went to the election with a commitment to rewrite the State's planning laws. However, the Opposition said that it could not support the bills in their current form, and indicated that it believed the bills require significant amendment. The Opposition argued that the bills diminished community rights and environmental protections and that the new proposed planning system was considerably removed from that which the Government outlined prior to the election. The Opposition foreshadowed that it would move substantive amendments while pledging that it would endeavour to work constructively with the Government during the committee stage.

The Greens opposed the bill, arguing that rather than improving the planning system the bill made it worse by removing environmental protection and largely ignoring community participation. The Greens criticised the Government for not incorporating the key findings of the Moore and Dyer review into the bill. The Greens argued that the bills reproduced and amplified the worst elements of the current planning system, by expanding the use of private certifiers and broadening the scope of Ministerial discretion regarding declaring and giving consent to State significant development.

Debate was adjourned, and resumed the following day until it was interrupted for Question Time. Resumption of the second reading debate is listed as the first item of Government Business next Tuesday, 26 November 2013.

Petroleum (Onshore) Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill primarily amends the *Petroleum (Onshore) Act 1991* to strengthen and clarify the compliance and enforcement framework for the exploration and extraction of petroleum products in the State. The bill establishes a framework for the release of

environmental information, and enables a code of practice for land access to be established by regulation.

Proceedings: The second reading debate commenced on 19 November 2013. In his second reading speech, the Minister (Mr Gay) noted that stakeholders concerns were raised following the passage of the bill through the Assembly in June this year. In response to those concerns, the Government tasked the Land and Water Commissioner to consult and work with key stakeholders on development of the bill, resulting in a set of amendments to the bill that among other things provide even clearer and more effective protections for landholders. The Minister advised that all stakeholders would be given the opportunity to consider the proposed amendments before debate on the bill proceeds further.

Debate was adjourned until the first sitting day in 2014.

Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Crimes (Appeal and Review) Act 2001* to implement recommendations arising from a statutory review of the DNA Review Panel under section 97 of that Act. The bill abolishes the DNA Review Panel; imposes an ongoing duty on NSW Police and other authorities to retain biological material gathered in relation to convictions for certain offences; and enables a person convicted of an offence to request information about the biological material that may have been retained by NSW Police or other authorities.

Proceedings: Debate on the second reading of the bill commenced on 20 November 2013. The second reading speech of the Parliamentary Secretary (Mr Clarke) was incorporated into Hansard. That speech indicated that while the bill did not propose the continuation of the DNA Review Panel, it in no way implied any criticism of the panel or its work, as the role of the panel was always intended to be time limited. The legislative time limit of the panel reflected the view at the time that the routine use of DNA testing during investigations would eventually render the role of the panel redundant. In addition, the bill streamlines the procedures for post-conviction review and ensures that people applying for a review on the basis of DNA testing will have access to the evidence they need to support an application.

The Opposition did not oppose the bill, noting that during its six years of operation, the panel had considered 31 applications and made no referrals to the Court of Criminal Appeal. The Opposition did, however, question why the Government was not also implementing the recommendations from the DNA Panel's annual report. The Greens supported the bill, stating that the on-going requirement to retain biological material was a positive step. However, the Greens foreshadowed they would seek to amend the bill to lower the threshold for storage requirements from being sentences of imprisonment of 20 years or more to sentences of 14 years or more. The Christian Democratic Party supported the bill, but held some reservations regarding the abolition of the DNA Review Panel. The Christian Democratic Party argued that the panel provides an important public avenue for

people who believed they had been wrongly convicted of a crime.

The second reading was agreed to.

In the committee stage, the Greens moved amendments to the threshold requirement for the storage of biological material, arguing that it reflected a recommendation from the statutory review. The Opposition and the Christian Democratic Party indicated their initial support for the amendments in the absence of any compelling information to incline them otherwise.

Consideration of the bill in detail was interrupted for Question Time, and did not resume during the remainder of the week.

Cemeteries and Crematoria Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill reforms the Crown cemetery sector, provides strategic oversight and regulation of the interment industry, and promotes sustainable burial practices. The bill was developed in response to an acknowledged need for a coordinated and strategic approach to management of the interment industry in order to address the critical shortage of burial space in NSW and to ensure the full range of interment options are accessible.

Proceedings: Debate on the second reading of the bill commenced on 20 November 2013. In his second reading speech, the Minister (Mr Gay) said that projections indicate that available burial sites will reach capacity within 30 to 40 years and that to avoid this predicament it is essential, along with land acquisition, to implement more sustainable burial practices to extend the life of existing cemeteries. The three key elements of the bill were reform of the Crown cemetery sector; strategic oversight and regulation of the interment industry by the Cemeteries Agency; and sustainable burial practices.

The Opposition, while noting that it contained some worthwhile provisions, did not support the bill on the grounds of its long-standing opposition to renewable tenure on gravesites. The Opposition argued that there was strong community concern regarding the concept of renewable tenure, and that if it was introduced across the State it would inevitably lead to social inequity, with only those of greater means able to secure permanent burial sites.

The Greens supported the bill, on the grounds of the clear need for uniform regulation in and strategic planning for the interment industry. The Greens indicated their support for the concept of renewable interment tenure, provided it was not applied retrospectively and appropriate consumer protections were in place. The Greens foreshadowed that, following constructive negotiations with the Government they would move a number of amendments to strengthen various provisions in the bill.

The Christian Democratic Party argued that reform of the interment industry was required now to avoid the challenges associated with increasingly limited burial space. The Christian Democratic Party indicated their

support for the bill, subject to the Greens amendments and their own foreshadowed amendment to increase the minimum period after which an interment site may be re-used from 10 to 25 years. The Shooters and Fishers Party supported the bill subject to the proposed amendments.

The second reading was agreed to (Division 25:12), with the Opposition voting against the motion.

In the committee stage, the 22 Greens amendments and the Christian Democratic Party amendment drew unanimous support from the House and were agreed to. The Greens amendments incorporated environmental sustainability into the bill's objects; required mandatory codes of practice be established for the industry; removed the provisions allowing for cemetery-wide renewals; required within three years an investigation and report by the IPART on interment rights; and established various interment right consumer protections.

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

Law Enforcement (Powers and Responsibilities) Amendment (Arrest without Warrant) Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Law Enforcement (Powers and Responsibilities) Act 2002* to extend police powers of arrest without warrant. The bill follows a review of the Act necessitated by police concerns with section 99 which sets out police powers to arrest without a warrant. The review found that poor drafting had resulted in differing interpretations regarding section 99, with some suggestions that police could only arrest without a warrant for a past offence if it was a serious indictable offence. The bill clarifies that police can arrest without a warrant for any offence they reasonably suspect a person is committing or has committed.

Proceedings: Debate on the second reading commenced on 19 November 2013. The second reading speech of the Parliamentary Secretary (Mr Clarke) was incorporated into Hansard. That speech stated that the bill gives police the certainty to act swiftly in instances of serious crimes without having to consider whether a reason to arrest without a warrant exists. The speech also noted that the review which led to the development of the bill was conducted by former police Minister the Hon. Paul Whelan (ALP) and former shadow Attorney General Mr Andrew Tink (Liberal) at the urgent request of the Attorney General.

The Opposition did not oppose the bill, indicating it supported the concept of clarifying police powers. The Opposition did, however, argue that the preparation of the bill had been unorthodox and devoid of proper consultation. In addition, the Opposition expressed concerns as to whether the bill was technically adequate, and foreshadowed it would seek to amend the bill to make it clear that a police officer may also arrest a person without a warrant if directed to do so by another police officer who may lawfully arrest that person.

The Greens opposed the bill, arguing that it unduly shifted the balance between the requirement for police to uphold the law and the need for citizens to be free from arbitrary arrest or detention. The Greens argued that the bill was unacceptably lowering the bar required for an arrest to be deemed reasonably necessary. The Greens foreshadowed amendments to require that the Act commences via proclamation; that it be referred to the Law Reform Commission for inquiry and report; and that the proclamation be made no earlier than the time by which each House of Parliament has sat for 15 days following the tabling of the Commission report in each House.

The second reading was agreed to (Division 32:5).

In the committee stage, the Greens and Opposition amendments were negated on the voices.

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

Mental Health (Forensic Provisions) Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill provides for extension orders to be made regarding a limited number of forensic patients in order to facilitate the continued supervision and review of those patients by the Mental Health Review Tribunal. The bill implements a recommendation of the NSW Law Reform Commission. The Tribunal can already make orders regarding the care, treatment and control of a forensic patient who is assessed as a mentally ill person at the expiry of their limiting term. However, the Commission found that there is a gap in the State's laws for dealing with forensic patients who pose an unacceptable risk of serious harm to others at the end of a limiting term, but who may not come within the definition of a mentally ill person. The bill addresses that gap by ensuring that the Tribunal can continue its oversight of these forensic patients.

Proceedings: Debate on the second reading of the bill commenced on 20 November 2013. The second reading speech of the Parliamentary Secretary (Mr Clarke) was incorporated into Hansard. That speech stated that the bill strikes the right balance between protecting the interests of forensic patients and protecting the community by implementing the recommendation of the Law Reform Commission.

The Opposition and the Greens did not oppose the bill, but queried why the Government was implementing only one of the Commission's recommendations and sought an update regarding the others.

In reply, the Parliamentary Secretary stated that the Government will consider the other recommendations made by the Commission regarding people with cognitive and mental health impairments in the criminal justice system in coming months.

The second reading was agreed to.

In the committee stage, the Opposition moved an amendment to require that if an extension order is made regarding a forensic patient that the patient is provided legal and financial assistance by order of the Supreme

Court. The amendment, while supported by the Greens, was negated.

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

Surveillance Devices Amendment (Mutual Recognition) Bill 2013

The bill originated in the Legislative Assembly.

Summary: This bill amends the *Surveillance Devices Act 2007* so as to bring the Act further into line with the model law on cross-border investigative powers for law enforcement developed by the Australian Leaders' Summit on Terrorism and Multi-jurisdictional Crime. This will facilitate the mutual recognition of warrants and authorisations for the use of surveillance devices issued under the New South Wales Act and those issued under Acts of other jurisdictions.

Proceedings: The bill was received from the Legislative Assembly on 19 November 2013, read a first time and declared urgent. Debate on the second reading commenced the following day. The second reading speech of the Minister (Mr Gallacher) was incorporated into Hansard. That speech stated that New South Wales has entered into discussions with other jurisdictions to facilitate mutual recognition of surveillance devices legislation. Some jurisdictions have requested that amendments be made to the New South Wales Act to address minor variations between it and the model laws, particularly where a surveillance device authorised under the New South Wales Act will be used in another jurisdiction. In order to facilitate mutual recognition, the bill contains amendments to the New South Wales Act to bring it more into line with the model laws.

The Opposition did not oppose the bill, but noted that the bill will create two regimes: one for warrants issued by a New South Wales court for a surveillance device used in another jurisdiction; and the other for devices used in New South Wales. The Greens did not oppose the bill, also stating that the bill's changes do not make the New South Wales scheme compliant with the model law; rather it only means that warrants issued in New South Wales for surveillance devices in other jurisdictions are consistent with the model law. The Christian Democratic Party supported the bill.

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

Motor Dealers and Repairers Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill establishes a scheme for the licensing and regulation of motor dealers, motor vehicle repairers, motor vehicle recyclers and motor vehicle tradespersons; provides for remedies for customers of motor dealers and motor vehicle repairers who suffer loss as a result of illegal or unjust conduct by motor dealers or motor vehicle repairers; empowers the Consumer, Trader and Tenancy Tribunal to declare terms of contracts for the supply of motor vehicles by manufacturers to motor dealers unfair and to make orders for the protection of motor dealers; and makes legislative amendments of a consequential nature.

Proceedings: Debate on the second reading of the bill commenced on 20 November 2013. The second reading speech of the Minister (Mr Ajaka) was incorporated into Hansard. That speech indicated that the bill reforms the regulation of motor dealers and motor vehicle repairers and will ensure greater consumer protection for anyone buying or having a motor car repaired. The bill consolidates the *Motor Dealers Act 1974* and the *Motor Vehicle Repairs Act 1980* into a single piece of legislation, recognising the connections which exist between these two industry sectors.

The Opposition did not oppose the bill in principle, arguing that it had advocated strongly for the main elements of the bill. However, the Opposition foreshadowed that it would move a series of amendments that would, it argued, substantially improve the bill. In particular, the Opposition argued the bill lacked provisions that protected smash repairers in their dealings with insurers or assisted consumers who had suffered poor quality repair work. The Christian Democratic Party supported the bill, noting the review and stakeholder consultation that led to its development and the consistency that it would bring to the industry sector. The Greens did not oppose the bill, but indicated it would support the amendments foreshadowed by the Opposition.

In reply, the Minister reiterated that the bill was the culmination of a comprehensive consultation process that began in 2011, and advised that the Government would move an important amendment in the committee stage to expand the definition of manufacturer to include distributors who supply vehicles to motor dealers.

The second reading was agreed to.

In the committee stage, which commenced the following day, 40 amendments were considered, the Government moving three and the Opposition moving 37. The Government amendments were agreed to. The Opposition amendments sought to redefine the bill's definition of repair work; create a register of offences for severe breaches of the act and regulations; require motor repairers, who in carrying out repair work suspect that previous work was defective, to report such concerns to Fair Trading; provide consumers access to pursue compensation in the event of poor quality work; and extend access to the Small Business Commissioner for motor vehicle repairers to raise grievances regarding unfair contracts. All of the amendments were negated, either on division or on the voices.

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

Rural Fires Amendment Bill 2013

The bill originated in the Legislative Assembly.

Summary: The bill seeks to amend the *Rural Fires Act 1997* to make further provision for bush fire hazard reduction; amend the *National Parks and Wildlife Act 1974* to provide immunity from committing certain offences under that Act in the course of carrying out bush fire hazard reduction work; and amend the *State Emergency and Rescue Management Act 1989* to create an offence for

impersonating an emergency services organisation officer.

Proceedings: Debate on the second reading of the bill commenced on 21 November 2013. The second reading speech of the Minister (Mr Gallacher) was incorporated into Hansard. That speech indicated that as an election commitment, the Government established the Independent Hazard Reduction Audit Panel to conduct a review of the State's hazard reduction program. The panel made 18 recommendations, eight of which require legislative amendments, all of which are included in the bill.

The Opposition, Christian Democratic Party and the Greens supported the bill, all noting that it contained sensible provisions that were drawn from the recommendations of the report of the Audit Panel. The bill was described as a measured legislative response that was the product of a sound consultation process.

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

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.

Building and Construction Industry Security of Payment Amendment Bill 2013: On 14 November 2013 the Assembly advised that it had agreed to the Council's amendment.

Residential (Land Lease) Communities Bill 2013: On 14 November 2013 the Assembly advised that it had agreed to the Council's amendments.

Combat Sports Bill 2013: On 14 November 2013 the Assembly advised that it had agreed to the Council's amendment.

Civil and Administrative Tribunal Amendment Bill 2013: On 14 November 2013 the Assembly advised that it had agreed to the Council's amendment.

Skills Board Bill 2013: On 19 November 2013 the Assembly advised that it had agreed to the Council's amendment.

National Disability Insurance Scheme (NSW Enabling) Bill 2013: On 20 November 2013 the Assembly advised that it had agreed to the Council's 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 taken as formal business

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

- (1) Samskrutotsavam 2013 (Mr Clarke)

- (2) International Colloquy 'Parthenon, An Icon of Global Citizenship' (Mr Clarke)
- (3) The Citizens Foundation (Dr Faruqi)
- (4) Order for papers – Governance review of the Game Council (Mr Brown)
- (5) Young people in residential aged care (Ms Barham).

Orders for papers

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

Orders made

- (1) **Governance Review of the Game Council (Mr Brown):** The order relates to IC Independent Consulting and the awarding to it of the contract for the governance review of the Game Council. The motion was agreed to as formal business. Due Date: 12 December 2013.

Returns to order

- (1) **Report on actions of former WorkCover NSW Employee:** received 20 November 2013; 2 public boxes, 1 privileged box.

Change to terms of order

- (1) **Former Officer of the Department of Planning and Infrastructure:** The House agreed to amend its resolution of 31 October 2013 to exclude any emails which relate only to communications of a family, marital or medical nature.

Petitions received

- (1) Blue Mountains Septic Pump Out Scheme – 322 signatures (presented Ms Westwood).

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 reference

General Purpose Standing Committee No 5: The Chair Hon Robert Brown informed the House that on 14 November 2013, the Committee resolved to inquire into the Wambelong fire.

Committee membership

Select committee on social, public and affordable housing:

Mr Primrose was nominated as the Opposition member on the committee (in addition to Ms Cotsis).

Mr Colless, Mr Mason-Cox and Mr Pearce were nominated as the Government members on the committee.

The crossbench members are Mr Green (Chair) and Ms Barham.

Committee report tabled

Legislation Review Committee: 'Legislation Review Digest No. 49/55', dated 19 November 2013.

Government responses

General Purpose Standing Committee No 5: The House received a response to Report No. 37 entitled 'Management of public land in New South Wales'.

General Purpose Standing Committee No 4: The House received a response to Report No. 27 entitled 'The use of cannabis for medical purposes'.

Inquiry activities

Social, public and affordable housing

A Select Committee on Social, Public and Affordable Housing was established by the House on 13 November 2013.

Wambelong fire

General Purpose Standing Committee No. 5 adopted terms of reference to inquire into and report on the causes and management of the Wambelong fire within and adjacent to the Warrumbungle National Park in January 2013. A call for submissions has been advertised and submissions close 31 January 2014.

Racial vilification law in NSW

The Standing Committee on Law and Justice is finalising its report.

Ministerial propriety in NSW

The Select Committee has received seven submissions. The first public hearing was held on Monday 14 October 2013 with representatives from the Department of Family and Community Services.

Removing or reducing station access fees at Sydney Airport

General Purpose Standing Committee No. 3 has received 29 submissions and will be holding hearings 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 MAA and LTCSA. The Committee has received nine submissions to the MAA and seven submissions to the LTCSA. Hearings will be held in March 2014.

Tourism in local communities

General Purpose Standing Committee No. 3 has received 86 submissions. It has held three public hearings in Sydney, one public hearing in Queanbeyan and roundtable discussions in Ballina and Dubbo. The Committee expects to report in early 2014.

Greyhound racing in NSW

Submissions to the Select Committee closed on 6th November and over 700 submissions have been received. The Committee held its first public hearing and public forum at Penrith on 15 November 2013. The Committee

resolved to defer its second hearing at Wallsend until February 2014, and will hold a third public hearing in Sydney in February 2014.

Reviews into the WorkCover Authority and Workers' Compensation (Dust Diseases) Board

The Standing Committee on Law and Justice is conducting its first reviews into the exercise and functions of the WorkCover Authority and Dust Diseases Board. The closing date for submissions for both reviews is 17 January 2014.

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. The Committee is finalising its report and anticipates tabling in December 2013.

Allegations of bullying in WorkCover NSW

General Purpose Standing Committee No. 1 has received 90 submissions and held two hearings. The Chairman last week moved a motion in the House to order the production of papers relating to alleged bullying by a former WorkCover officer. The return to order was provided on Wednesday 20 November 2013.

Adjournment debate

Tuesday 19 November 2013

Philippines typhoon disaster (Mr Green); Terminally ill cannabis use (Dr Kaye); Winston Churchill Memorial Trust fellowship recipients (Mrs Pavey); Medical use of cannabis (Mr Foley); Queanbeyan aged care, disability and respite services (Mr Whan); Tribute to Ovoru Indiki (Mr Lynn).

Wednesday 20 November 2013

Wild dog attacks (Mr Whan); Transgender Day of Remembrance (Dr Faruqi); NSW Australian of the Year recipient, Adam Goodes (Miss Gardiner); O'Farrell Government promises (Ms Cotsis); Global warming (Dr Phelps); Welcome to Bondi Beach, Australia (Mr Secord).

Thursday 21 November 2013

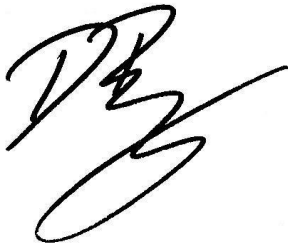
Hunting in State Forests (Mr Brown); New England Excellence in Education awards (Mrs Mitchell); Asylum seekers (Ms Westwood); Roma victimisation (Ms Voltz); Construction industry (Mr Borsak); Tribute to Mr Trevor McDonald, Subeditor, Parliamentary Reporting Staff (Mr Colless).

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.

A stylized, handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

David Blunt
Clerk of the Parliaments