

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## *HOUSE IN REVIEW*



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4 to 6 November 2014*



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

This week was notable for the take note debate on the Standing Committee on Law and Justice report entitled “The family response to the murders in Bowraville”, that was tabled and debated on Thursday. A detailed entry is below.

On Tuesday and Wednesday, the House dealt with Government legislation in the usual way, passing five bills.

### Presentation of Address-in-Reply to the Governor

On Wednesday 5 November, the President announced that the Legislative Council will attend Government House on Tuesday 11 November 2014 at 5.30 pm to present the Address-in-Reply to His Excellency’s message communicating his appointment as Governor.

### Statement by the President

On Tuesday 4 November 2014, the President made a statement that marked the centenary of the departure of the first contingent of the Australian Imperial Force from the port of Albany, Western Australia.

### Conduct of business

On Tuesday 4 November 2014, Government business took precedence of committee reports and the Budget Estimates take note debates.

Also on Tuesday 4 November 2014, a motion was passed for debate on committee reports and valedictory speeches to take precedence on 18 and 19 November 2014, respectively.

On Wednesday 5 November 2014, Mr Clarke, the Chair of the Standing Committee on Law and Justice, moved that the take note debate for the committee’s report entitled “The family response to the murders in Bowraville” take precedence until adjourned or concluded.

### Standing Committee on Law and Justice report entitled “The family response to the murders in Bowraville”—Take note debate

*Summary:* In September 1990 and January 1991 three Aboriginal children, Colleen Walker-Craig, Evelyn Greenup and Clinton Speedy-Duroux, were murdered. A person of interest, was tried separately in respect of two of the murders, however no one has been convicted. This inquiry was referred to the committee to provide an opportunity for the families of the murdered children to appear before the committee and detail the impact the murders have had on them and their community.

*Proceedings:* Mr Clarke (Chair) tabled the report on Thursday 6 November 2014 and proceeded to move and speak to the motion to take note of the report. To honour the memory of the deceased, their families and community members of Bowraville, were present in the President’s and public gallery during the debate.



Mr Clarke noted that it has been clear to the committee that the families sought only justice for their children. He argued that one of the reasons that justice has so far been elusive is because certain legislative provisions had prevented the evidence of all three murders from being considered at the same time and in the same court.

Members of the committee who participated in the inquiry and other members of the House all spoke in support of the motion and the committee’s formal acknowledgement of the pain and suffering experienced by the families over the past 23 years, which significantly

and unnecessarily contributed to the failings identified in the report.

The motion was unanimously agreed to. Members and officers then stood as a mark of respect in memory of Colleen Walker-Craig, Evelyn Greenup and Clinton Speedy-Duroux and in memory of Elaine Walker, who made an important contribution to the work of the committee during the inquiry process.

Following the debate, family members met with the committee to discuss the recommendations made in the report. This was a very moving event that marked the end of a unique inquiry.

## Government business

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

### Marine Estate Management Bill 2014

The bill originated in the Legislative Assembly.

*Summary:* The bill provides for the strategic exercise of government functions in the management of the marine estate that will apply across all the marine parks and aquatic reserves and sets out principles for ecologically sustainable development. The bill also establishes the Marine Estate Management Authority and provides for the establishment of a Marine Estate Expert Knowledge Panel.

*Proceedings:* Debate on the second reading of the bill commenced on 4 November 2014. The second reading speech of the Minister (Mr Mason-Cox) was incorporated into Hansard. In that speech, the Minister indicated that the bill provides for a whole-of-government strategic, balanced and coordinated management of the marine estate and is the product of a 2011 Independent Scientific Audit of Marine Parks that was commissioned by the Government and undertaken by an expert panel.

The Opposition did not oppose the bill but argued that it mostly maintains the status quo, particularly noting that under the previous Labor Government the Minister for Primary Industries and the Minister for the Environment worked closely together to review marine parks.

The Shooters and Fishers Party supported the bill and applauded the Government for implementing recommendations from two separate panels and from the Council's Select Committee on Recreational Fishing.

The Christian Democratic Party also supported the bill noting that it is well-balanced and introduces a new approach to managing the marine estate to counter the concerns raised by the audit that found the current system is fragmented and non-strategic.

The Greens opposed the bill, arguing that it compromises conservation outcomes and was introduced with minimal consultation with environment groups. Further, The Greens argued that the bill frames the marine estate management strategy, but leaves a lot of the detail to regulation.

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

The next day, in committee, the Greens moved 10 amendments, including to reinstate the three month public consultation period for draft management rules and plans, to insert the maintenance of ecosystem integrity and conservation into the objects of the Act and to amend the makeup of the Marine Estate Expert Knowledge Panel. All of the amendments were negatived, with only the two amendments regarding the three month public consultation period gaining support from the Opposition. These two amendments were negatived on Division (19:22), with the other eight negatived on the voices.

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

### Water NSW Bill 2014

The bill originated in the Legislative Assembly.

*Summary:* The bill provides for the State Water Corporation to become Water NSW and abolishes the Sydney Catchment Authority and transfers its functions to Water NSW. The bill also repeals the *Sydney Water Catchment Management Act 1998* and *State Water Corporation Act 2004* and, with some modifications, re-enacts their provisions in a consolidated form.

*Proceedings:* Debate on the second reading of the bill commenced on Wednesday 5 November 2014. The second reading speech of the Parliamentary Secretary (Mr Blair) was incorporated into Hansard. In that speech the Parliamentary Secretary argued that merging the Sydney Catchment Authority and State Water Authority into one state-owned corporation, Water NSW, will create a financially stable modern service provider, benefit the management of the State's water resources, improve customer service outcomes, enable investment in water infrastructure and allow for the sharing of knowledge and expertise.

The Opposition strongly opposed the bill raising a number of criticisms and concerns about the proposal, including that the amalgamation was effectively the commercialisation of State Water, which would negatively impact rural water users and appeared to be leading to privatisation in the future. The Opposition noted that the original purpose of the Sydney Catchment Authority was to fulfill the recommendations of the McClellan report following the cryptosporidium outbreak which affected Sydney's water supplies. Further, the Opposition stated that the bill would have a negative effect on water prices, significantly impact the health of the State's water supply, and that the structure and composition of the board and regulatory agencies indicated the removal of ministerial oversight and accountability.

The Greens also opposed the bill stating that it contained major flaws, proposed to create an agency with differing functions, threatening the security of Sydney's drinking water and alienating rural water users and undermined the independence of the Sydney Catchment Authority.

The Christian Democratic Party cautiously supported the bill, but raised concerns about future privatisation, the ramifications of the bill for local water utilities and any

detrimental impact on the objectives of the Sydney Catchment Authority.

The second reading was agreed to (Division 21:18).

In committee, The Greens moved an amendment to prohibit mining and prospecting in special areas of the catchment. The Government opposed the amendment stating that there is an existing moratorium in place, while the Opposition supported the amendment. The amendment was negated on division (18:21).

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

### **Electricity Supply Amendment (Bush Fire Hazard Reduction) Bill 2014**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Electricity Supply Act 1995* to provide electricity network operators additional powers to direct the owners of private land that is bush fire prone to perform bush fire risk mitigation, to authorise network operators to enter this land and carry out the work if the owner fails to do so and to provide that in most cases the landowner is responsible for the cost of bush fire risk mitigation.

*Proceedings:* Debate on the second reading of the bill commenced on Tuesday 4 November 2014. The second reading speech of the Parliamentary Secretary (Mr Blair) was incorporated into Hansard. In that speech the Parliamentary Secretary reaffirmed the Government's commitment to minimise the risk of bushfires to the community and noted that this bill was a continuation of the various legislative measures regarding bushfire mitigation which the House had already considered. In addition, the 2013 bushfire season identified that the provisions of the *Electricity Supply Act 1995* required strengthening, particularly in regards to the maintenance of and hazard reduction surrounding private electricity infrastructure.

The Opposition did not oppose the bill, stating that it contained sensible measures which strengthened and clarified the existing legislation. The Opposition did raise concerns over the extension of the financial responsibility of private owners to meet any work costs incurred by network operators over privately owned infrastructure and advised it would seek to move amendments in committee to clarify that the Energy and Water Ombudsman NSW could consider disputes about reasonable costs.

The Christian Democratic Party supported the bill, stating that it was a proactive step towards keeping New South Wales safe from fires. It did however raise concerns regarding community awareness about easement hazard reduction and the need to provide education on the issue, and the possibility that vulnerable members of the community could receive unreasonable bills for vegetation removal.

The Greens indicated they had serious concerns over the long term effect of the policy, particularly if network operators are privatised. Further, The Greens sought clarification with regards to the ability of disputes to be

taken to the Energy and Water Ombudsman NSW given the timeframes within which work must be undertaken.

In reply, the Parliamentary Secretary stated that the bill allows for the disputes to be examined by the Energy and Water Ombudsman NSW but does not allow for any extension in timeframes. However, should a notice be determined to be unreasonable the network operator may be liable to pay compensation to the landowner. The Parliamentary Secretary also addressed the awareness concerns of the Christian Democratic Party stating that education programs would follow the passage of the bill.

The second reading was agreed to.

In committee, the Opposition's foreshadowed amendment concerning the ability of the Energy and Water Ombudsman NSW to consider disputes about reasonable costs was agreed to.

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

### **Regional Relocation Grants Amendment Bill 2014**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Regional Relocation Grants Act 2011* to confirm the closure of the regional relocation home buyers grant and ensure a period of continued operation of the skilled regional relocation incentive.

*Proceedings:* Debate on the second reading of the bill commenced on Wednesday 5 November 2014. The second reading speech of the Parliamentary Secretary (Mr Blair) was incorporated into Hansard. In that speech the Parliamentary Secretary stated that the bill would provide for the closure of the unsuccessful part of the Regional Relocation scheme relating to the Home Buyers Grant but enable the continuation of the Skilled Regional Relocation Incentive. The incentive is part of the Government's Decade of Decentralisation policy aimed at stimulating regional economic development.

The Opposition supported the bill and stated that it closed a flawed scheme which was poorly administered and implemented. The Opposition questioned what would happen to the scheme's unspent funding and argued that it should not be reallocated to other programs, but used to stimulate regional economies.

The Christian Democratic Party supported the bill, stating that it was unfortunate that the scheme did not meet its target, encouraged the Government to look at all obstacles to relocation, including affordable housing, and noted that decentralisation is also a key policy of the Christian Democratic Party.

The Greens supported the bill, noting that it should overcome the initial problems of the scheme, but also argued that initiatives cannot work in isolation without consideration of other regional issues.

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

## Work Health and Safety (Mines) Amendment Bill 2014

The bill originated in the Legislative Assembly.

*Summary:* The bill makes minor amendments to the *Work Health and Safety (Mines) Act 2013* to ensure that the meaning of the Act is clear by rectifying ambiguities and wording as well as closing possible loopholes in the work health and safety legislative framework.

*Proceedings:* Debate on the second reading of the bill commenced on 4 November 2014. The second reading speech of the Minister (Mr Mason-Cox) was incorporated into Hansard. In that speech, the Minister indicated that the *Work Health and Safety (Mines) Act 2013* is due to commence shortly and that this bill will ensure the provisions of the Act are clear, will be implemented as intended and will enable the industry and the regulator to operate under the regulatory framework with certainty. The speech indicated that the minor amendments include clarifying that provisions in the *Work Health and Safety (Mines) Act* should be read as if they are a part of the *Work Health and Safety Act* and to include operators of tourist mines in the definition of a 'mine holder'.

The Opposition, the Christian Democratic Party and The Greens all supported the bill, noting that it will fix a number of issues in the principal Act before it is fully enacted.

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

### *Bills introduced and read a first time*

The following bills from the Assembly were introduced, read a first time, and their second reading set down for a later hour:

- (1) Liquor Legislation Amendment (Statutory Review) Bill 2014
- (2) Aboriginal Land Rights Amendment Bill 2014
- (3) Surveillance Devices Amendment (Police Body-Worn Video) Bill 2014
- (4) Environmental Planning and Assessment Amendment Bill 2014
- (5) Motor Accidents (Lifetime Care and Support) Amendment Bill 2014
- (6) Biosecurity Bill 2014
- (7) Local Government Amendment (Elections) Bill 2014.

## 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.

### *Motion*

## Health and hospital funding cuts (Mr Secord, Australian Labor Party)

*Summary:* The motion calls on the House to oppose the Federal Government health and hospital funding cuts and the \$7 GP Medicare co-payment, calls on the NSW Government to voice its opposition to this co-payment and expresses alarm that the NSW Government is privatising services in a number of hospitals.

*Proceedings:* Standing orders were suspended on Thursday 6 November to bring on the item of business. In moving the motion, Mr Secord stated that the Government is downgrading the hospital system through privatisation and that hospitals should be treating patients not customers. He argued that the Government had cut \$3 billion in funding to the health system and challenged it to stand up to the Federal Government in opposition to the GP Medicare co-payment.

The Minister (Mr Ajaka) opposed the motion, arguing that it is merely political grandstanding and a scaremongering tactic as the GP Medicare co-payment currently does not exist. The Minister refuted that there has been a \$3 billion cut to funding and highlighted the areas where the Government has invested money into the healthcare system during this term in government.

The 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) Royal Far West 90th anniversary (Mrs Maclaren-Jones)
- (2) Marrickville Fire Station 100th anniversary (Mrs Maclaren-Jones)
- (3) Former Prime Minister, the Honourable Edward Gough Whitlam AC QC (Mr Moselmane)
- (4) Mr Peter Greste (Mr Moselmane)
- (5) Kokoda Day (Mr Lynn)
- (6) 75th anniversary of the Library Act 1939 (Dr Kaye on behalf of Ms Barham)
- (7) Westpac 100 Women of Influence Awards (Ms Ficarra)
- (8) DefenceCare (Mr Lynn)
- (9) Dr Eman Sharobeem (Ms Ficarra)
- (10) Mr Sam Burgess (Ms Ficarra)
- (11) Democracy in Hong Kong (Dr Kaye)
- (12) Mr Matthew Smith (Mr Clarke on behalf of Ms Ficarra)
- (13) 1917 Australian Light Horse Charge at Beersheba (Revd Mr Nile)
- (14) Cardiac Arrest Survival Foundation (Mr Clarke on behalf of Ms Ficarra).

## Orders for papers

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

### *Orders made*

- (1) **Northern Beaches Health Service Redevelopment:** The order relates to the public-private partnership concerning the Northern Beaches Health Service redevelopment. Due Wednesday 26 November 2014.
- (2) **Aboriginal land claims regarding beaches and coastal lands:** The order relates to documents concerning the policy on Aboriginal land claims regarding beaches and coastal lands and the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill 2014. Due Monday 17 November 2014.
- (3) **Crown Lands Act White Paper consultations and Crown Lands Review:** The order relates to submissions received as part of the Crown Lands Act White Paper consultations and Crown Lands Review. Due: Thursday 27 November 2014.

### *Returns to order*

- (1) **Martins Creek and Wollombi Public Schools:** received 15 October 2014, two boxes public, two boxes privileged.

*Returns were also received on Thursday 6 November 2014 to the following orders, receipt of which will be reported to the House on Tuesday 11 November 2014:*

- (1) **Newcastle East End Development Project:** five boxes public, one boxes privileged.
- (2) **Byron Central Hospital and Maitland Hospital:** eight boxes public, three boxes privileged.
- (3) **Planning in Newcastle and the Hunter:** six boxes public.

## Petitions

### *Petitions received*

- (1) **Blue Mountains septic pump out scheme:** 1,376 signatures (presented Ms Westwood).
- (2) **Coal seam gas mining on the North Coast:** 125 signatures (presented Mr Secord).
- (3) **10/50 Clearing code of practice:** 104 signatures (presented Mr Shoebridge).

## Reports tabled

**Children's Guardian:** Annual report for year ended 30 June 2014.

**Commission for Children and Young People:** Annual report for year ended 30 June 2014.

**Ombudsman:** Annual report for year ended 30 June 2014.

**Inspector of the New South Wales Crime Commission:** Annual report for year ended 30 June 2014.

**Inspector of the Police Integrity Commission:** Annual report for year ended 30 June 2014.

**Inspector of the Independent Commission Against Corruption:** Annual report for year ended 30 June 2014.

**Independent Commission Against Corruption:** "Investigation into the conduct of John Cassidy, then Chancellor of the University of New England, in relation to the sale of the Tattersalls Hotel", dated October 2014.

**NSW Child Death Review Team:** Erratum to annual report for year ended 31 December 2013.

**Auditor-General:** Financial Audit report, Volume Four 2014, focusing on New South Wales State Finances, dated October 2014.

## 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*

**Select Committee on the supply and cost of gas and liquid fuels in New South Wales:** On 6 November 2014, the House agreed to a motion, as formal business, of Mr Brown that a select committee be established to inquire into and report on the cost and supply of gas and liquid fuels in New South Wales.

### *Extension of reporting date*

**Privileges Committee:** Inquiry into a revised memorandum of understanding with the ICAC relating to the execution of search warrants on members' premises, reporting date extended to Tuesday 11 November 2014.

### *Committee reports tabled*

**Legislation Review Committee:** "Legislation Review Digest No. 64/55 of 2013", 4 November 2014.

**Joint Standing Committee on Road Safety (Staysafe):** "Speed zoning and its impact on the demerit points scheme", dated November 2014.

**Joint Standing Committee on the Office of the Valuer General:** "Report on the Ninth General Meeting with the Valuer General", dated November 2014.

**Standing Committee on Law and Justice:** "The family response to the murders in Bowraville", dated November 2014.

### *Committee report debated*

**Standing Committee on Law and Justice:** "The family response to the murders in Bowraville", dated November 2014.

## **Inquiry activities**

### **Standing Committee on Law and Justice**

*Inquiry into the family response to the murders in Bowraville*

The committee tabled its final report on Thursday 6 November 2014. Please see the entry on page one for more detail.

### **General Purpose Standing Committee No. 1**

*Review of the inquiry into allegations of bullying in WorkCover NSW*

The committee intends to table its report by 11 December 2014.

### **General Purpose Standing Committee No. 5**

*Inquiry into the Wambelong fire*

The committee concluded its evidence gathering in mid-September. It is now preparing its report, which it expects to table mid-February 2015.

*Inquiry into the performance of the NSW Environment Protection Authority*

The committee has published 247 submissions and held two public hearings in Sydney and Lismore. The committee will hold two further hearings on 10 November (Hunter), and 24 November (Sydney).

### **General Purpose Standing Committee No. 4**

*Inquiry into the Fair Trading Amendment (Ticket Reselling) Bill*

The committee has published 9 submissions and held a public hearing in Sydney on Monday 3 November 2014. The committee intends to report by mid-February 2015.

### **Inquiry into Budget Estimates**

General Purpose Standing Committee No 3 will hold a supplementary hearing into the portfolio of Trade and Investment on 20 November 2014.

### **Select Committee on home schooling**

The committee is in the process of finalising its report, with a view to it being tabled during the second sitting week in November 2014.

### **Select Committee on the planning process in Newcastle and the broader Hunter Region**

The committee has received 350 submissions and conducted a site visit and public hearing in Newcastle on 7 November. A second public hearing and a public forum will be held in Newcastle on 21 November, with a final public hearing scheduled for Sydney on 24 November 2014.

### **Joint Select Committee on loose fill insulation**

The committee has received 34 submissions. The committee will hold a public hearing in Sydney on Friday 14 November, followed by a second hearing in Queanbeyan on Monday 17 November.

The final reporting date for the inquiry is 16 February 2015.

## **Select Committee on ministerial propriety in New South Wales**

The select committee has received seven submissions. The reporting date for the inquiry has been extended until 2 March 2015.

### **Privileges Committee**

*Inquiry into a revised memorandum of understanding with the ICAC relating to the execution of search warrants on members' premises*

The committee is in the process of finalising its report and is due to table on Tuesday 11 November 2014.

*VIP Gaming Management Agreement*

The committee received three confidential submissions and is now in the process of finalising its report and is due to table on Tuesday 11 November 2014.

## **Adjournment debate**

### **Tuesday 4 November 2014**

Islamic community (Mr Moselmane); The Greens policy (Mr Brown); Yaralla Estate agistment (Dr Phelps); Yaralla Estate agistment (Mr Foley); Groundswell Gloucester (Mr Buckingham); Organ donation (Mr Blair).

### **Wednesday 5 November 2014**

Kings Highway (Mr Whan); Violence against women (Dr Faruqi); Illicit drugs (Mrs Maclaren-Jones); The Honourable Edward Gough Whitlam, QC, AC, former Prime Minister (Mr Wong); Shine Program (Mr Green); Tribute to Annette Chappell and to Jeremy and Sue Challacombe (Miss Gardiner); Melbourne Cup (Ms Fazio).

### **Thursday 6 November 2014**

Renewable energy (Dr Kaye); Electricity symposium (Mr Pearce); WestConnex Motorway (Ms Sharpe); Australian Christian community (Revd Mr Nile); Commemorative trails (Mr Lynn); Parliamentary committees (Ms Westwood); Parliamentary committees (Ms Pavey).

## **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.



David Blunt  
Clerk of the Parliaments