

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## HOUSE IN REVIEW



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20 to 22 October 2015



The *House in Review* provides regular updates of the activities of the New South Wales Legislative Council. Clicking on a hyperlink will take you to the relevant webpage. For further information refer to the NSW Parliament website [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au) or contact the Procedure Office on (02) 9230 2431. To be placed on the email distribution list of the *House in Review*, please contact us on [council@parliament.nsw.gov.au](mailto:council@parliament.nsw.gov.au).

### Overview

The House considered several important bills this week, including the Mining and Petroleum Legislation Amendment (Grant of Coal and Petroleum Prospecting Titles) Bill 2014 and its four cognate bills. These bills, which were finalised by the House on Wednesday, fundamentally reform the allocation and management of fossil fuel resources in the State. While the House considered 39 amendments to the bills, in the end they were returned to the Legislative Assembly without amendment.

The House also began consideration this week of the Strata Schemes Development Bill 2015 and cognate Strata Schemes Management Bill 2015. These bills will have significant implications for the 25 per cent of the population in the Greater Sydney area who live in a residence in a strata scheme. Debate on the second read of the bill is expected to continue next week.

A further three government bills were introduced in the Council and read a first time during the week, along with three government bills from the Legislative Assembly, guaranteeing a busy sitting period next week.

Two cross bench private members' bills were also introduced this week: one on climate change and the other on prevention of cruelty to stock animals.

### Government business

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

#### Mining and Petroleum Legislation Amendment (Grant Of Coal And Petroleum Prospecting Titles) Bill 2015 and cognates:

- **Mining And Petroleum Legislation Amendment (Harmonisation) Bill 2015,**
- **Mining And Petroleum Legislation Amendment (Land Access Arbitration) Bill 2015**
- **Work Health And Safety (Mines And Petroleum) Legislation Amendment (Harmonisation) Bill 2015**

- **Protection Of The Environment Operations Amendment (Enforcement Of Gas and Other Petroleum Legislation) Bill 2105**

*Summary:* The parent bill amends the Mining Act 1992 and the Petroleum (Onshore) Act 1991 to establish a new system for granting prospecting titles for coal and petroleum. The new system will feature a competitive selection process for the granting of an exploration licence or assessment lease in relation to certain areas under the Mining Act or an exploration licence, assessment lease or special prospecting authority under the Petroleum Act.

The parent bill makes the entire State a controlled release area for coal and petroleum, which means that companies will not be able to apply for an exploration title without the Government having first decided where and when it wishes to release areas for exploration. Coal and petroleum prospecting titles will be allocated competitively, and to ensure transparency, the bill requires the gazettal of a notice inviting applications for a released exploration area.

The Mining and Petroleum Legislation Amendment (Land Access Arbitration) Bill 2015 is aimed at improving the balance between landholders and titleholders for access to land for exploration and production activities. The bill clarifies the rights of landholders, provides a framework for the resolution of land access disputes, and modernises provisions relating to title boundaries. For the first time, access arrangements must be in place between titleholders and landholders prior to commencement of petroleum production, and landholders will have a right to compensation for production activities.

The Mining and Petroleum Legislation Amendment (Harmonisation) Bill 2015 amends the administration of titles and provides for the harmonisation of compliance and enforcement mechanisms between the Mining Act and the Petroleum (Onshore) Act.

The Work Health and Safety (Mines and Petroleum) Legislation Amendment (Harmonisation) Bill 2015 aligns the regulation of safety for the petroleum industry with

the work health and safety framework that already applies across the rest of the resources sector.

The Protection of the Environment Operations Amendment (Enforcement of Gas and other Petroleum Legislation) Bill 2105 amends legislative provisions so that the Environment Protection Authority has the power to be the lead regulator of gas activities without having to rely on authorisations from other legislation.

*Proceedings:* The bills were received from the Legislative Assembly on 21 October 2015 and read a first time. Debate on the second reading of the bills commenced immediately. In his second reading speech, which was partly incorporated into Hansard, the Parliamentary Secretary (Mr MacDonald) noted that in 2013, the Chief Scientist and Engineer, Professor O'Kane, undertook a review of coal seam gas and concluded that while risks from the coal seam gas industry can be managed, a new legislative framework needs to be introduced. These bills are the government response to this recommendation.

The Opposition stated that it would not oppose the bills, but would put forward amendments to improve them. The Opposition also made reference to the recommendations made by the Chief Scientist and Engineer, and argued that the package of bills makes no progress on ten of those recommendations. The Opposition observed that its proposed amendments would help remedy this.

The Greens opposed the bills, and argued that the mining of fossil fuels should be phased out. The Greens argued that while some of the changes contained in the package of bills are an improvement to the governance of resource exploration and exploitation, the provisions do not deal comprehensively with land use conflict.

The second reading was agreed to (division 29:6).

In the committee stage the Opposition moved four amendments to the parent bill, and The Greens two. For the four cognate bills, a total of 33 amendments were moved, all either by the Opposition or The Greens.

The Opposition moved amendments to the parent bill which sought to establish a framework for a moratorium on unconventional gas prospecting or mining, and establish no go zones for coal seam or unconventional gas extraction. The Greens supported the Opposition amendments, and argued that no compensation should be payable to companies affected by such a moratorium. The amendments were lost on division (15:19).

The Greens also moved amendments to the parent bill to ensure that in the strategic release of lands for coal seam gas prospecting, the decision maker must take into account the environment, social and economic factors relevant to the area, and ensure that the community is consulted. These amendments were supported by the Opposition, but could not garner support from any other parties and were negated.

In regard to the Mining and Petroleum Legislation Amendment (Harmonisation) Bill 2015, The Greens moved 14 amendments and the Opposition one. The Greens amendments sought to prohibit the prospecting for or mining of coal, or grant of an application for a petroleum title. These amendments garnered no support

in the Chamber and were negated. The Greens also moved amendments to introduce a public interest test in regards to approving mining, which while supported by the Opposition were negated.

The Greens moved amendments to ensure that mining is banned within an area adjacent to protected land, which amongst other areas was defined to include national parks and strategic agricultural land. The Greens also sought to introduce changes to the development assessment process to introduce a new Mining and Petroleum Gateway Panel, which would be empowered to reject inappropriate applications. The amendments were not supported by any other party and negated.

The Greens moved 16 amendments to the Mining and Petroleum Legislation Amendment (Land Access Arbitration) Bill 2015, and argued that landholders should have the right to refuse access to mining companies wanting to mine on their land. Again, these amendments were not supported by any other party and were negated (division 31:5).

The Opposition amendment authorised any person to bring proceedings in the Land and Environment Court for an order to remedy or restrain a contravention of the Act, whether or not any right of that person has been or may be infringed by that contravention. However, while supported by The Greens, this amendment was negated.

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

### **Strata Schemes Development Bill 2015 and cognate Strata Schemes Management Bill 2015**

The bills originated in the Legislative Assembly.

*Summary:* The bills re-enact, with changes, provisions of the Strata Schemes (Freehold Development) Act 1973, Strata Schemes (Leasehold Development) Act 1986, and the Strata Schemes Management Act 1996, to provide for subdivision of land, including buildings, into cubic spaces, to introduce certain provisions concerning how lots and common property in strata schemes may be dealt with, the management of strata schemes, and the resolution of disputes in connection with strata schemes. The most significant change in the Strata Schemes Development Bill 2015 concerns collective decisions regarding building sales, capital works and scheme renewal, which provide that only 75 per cent of lot owners will need to agree to make a decision in these areas, for example redeveloping a site. The aim of the Strata Schemes Management Bill 2015 is to balance the capacity of schemes to make decisions with safeguards against unfair practices.

*Proceedings:* The bills were received from the Legislative Assembly on 20 October 2015. Debate on the second reading of the bill commenced the following day. The second reading speech of the Minister (Mr Blair) was incorporated into Hansard. In that speech the Minister stated that the bills were the culmination of the consultation and reform process which commenced in 2011. He argued that the provisions of the Strata Schemes Management Bill 2015 provide improved

management of issues of concern to residents including companion animals, by-law enforcement, building work, managing agent appointments, parking, overcrowding and strata administration.

The Opposition did not support the Strata Schemes Development Bill 2015, arguing that the strata renewal process for the termination of schemes was unjust as it retrospectively undermined the inviolability of contracts and would reduce the security of strata titles. The Opposition stated that the provisions requiring only 75 per cent of lot owners to agree to a sale would detrimentally affect the elderly and families, despite financial fairness protections, and reduce availability of affordable housing.

In contrast, the Opposition did not oppose the Strata Schemes Management Bill 2015, noting that it updated provisions for strata management. The Opposition acknowledged community concern regarding the dispute resolution provisions of the bill, and expressed its own concern over the uncertain operation of the management provisions of the bill, arguing that given the length of time dedicated to consultation the content of subsequent regulations should be known. The Opposition requested that the questions on the two related bills be put separately at the end of the second reading debate.

The Christian Democratic Party also raised concerns over the collective sale provisions of the Strata Schemes Development Bill 2015, stating that there may be merit in staggered thresholds depending on the age of the building, as provided for in other jurisdictions. The Christian Democratic Party argued that the bill could have negative impacts on vulnerable members of the community, and for schemes in rural and regional areas. The Christian Democratic Party foreshadowed a number of amendments to the bills and indicated that they would consider amendments proposed by other parties.

Debate on the second reading was interrupted by Questions.

### **Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015**

The bill originated in the Legislative Assembly.

*Summary:* The bill reforms the legislative scheme for addressing councillor misconduct and poor performance and council maladministration by streamlining processes, improving the effectiveness of performance improvement orders, and providing additional relevant powers to the Minister for Local Government and the Chief Executive of the Office of Local Government.

*Proceedings:* The bill was received from the Legislative Assembly on 14 October 2015 and read a first time. Debate on the second reading of the bill commenced on 20 October 2015. The second reading speech of the Parliamentary Secretary (Mr Clarke) was incorporated into Hansard. In that speech, the Parliamentary Secretary indicated that the bill proposes a range of measures to build on earlier reforms to the regulatory framework for local councils, including provisions which: disqualify a councillor who has been suspended on three occasions, expand the definition of 'misconduct', streamline the process for dealing with councillor misconduct, close

loopholes which allow councillors to resign to avoid dismissal and disqualification, reform procedures relating to performance improvement orders and reduce the time for councils to respond to recommendations arising from investigations. The bill also restricts a current provision which allows a councillor to participate in the consideration of a planning instrument which affects an area in which the councillor has a pecuniary interest which has been disclosed, by limiting the provision to interests the councillor has in his or her principal place of residence or that of a related person.

The Opposition did not oppose the bill but argued that the current provision allowing councillors to consider planning instruments where they have a pecuniary interest should be deleted altogether rather than limited. The Opposition also expressed concerns about other aspects of the bill such as the breadth of the new definition of 'misconduct' and the extent of the chief executive's information gathering powers.

The Greens expressed a range of concerns about the bill and foreshadowed amendments they would move in committee. The Christian Democratic Party expressed support for the bill.

The second reading was agreed to.

In the committee stage, a Greens amendment providing for the proposed restriction of the pecuniary interests provision to commence as soon as the bill is assented to was negated on division (16:21) as was an amendment requiring an audit of cases where councils have considered planning instruments and a councillor had disclosed a pecuniary interest (15:20). Other Greens amendments concerning the operation of the proposed disqualification provision, the time frame for councils to respond to recommendations and the notice period for performance improvement orders were also negated.

Opposition amendments concerning the definition of 'misconduct', the chief executive's power to compel the production of information and right to appeal against disciplinary action were also negated. A further Opposition amendment to delete the current provisions allowing councillors with an interest to vote on planning instruments was negated on division (8:24).

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

### **Health Legislation Amendment Bill 2015**

The bills originated in the Legislative Assembly.

*Summary:* The bill amends the *Health Care Complaints Act 1993*, *Mental Health Act 2007*, *Private Health Facilities Act 2007*, *Public Health Act 2010*, and the *Public Health (Tobacco) Act 2008* to make various provisions relating to health and associated matters. The bill introduces a regulatory regime for non-registered health practitioners which recognises prohibition orders made in other Australian jurisdictions, ensure contractors installing, operating or maintaining regulated systems which can spread legionella are appropriately qualified, provides protection from personal liability for police officers and certain health staff who assist in the care of mental health patients, improves regulation of 'illegal tobacco', and amends the grounds on which private health facility

licences can be refused. Currently an application for a private health facility can be refused if it is considered that there is more than an adequate number of health services in an area. A statutory review of the Act recommended that this provision be removed as it had the potential to be anti-competitive, and that there were other ways to ensure the provision of viable and comprehensive health services.

*Proceedings:* The bill was received from the Legislative Assembly on 21 October 2015 and read a first time. Debate on the second reading of the bill commenced later that day. The Parliamentary Secretary (Mrs Mitchell) incorporated her second reading speech into Hansard. In that speech the Parliamentary Secretary stated that the various provisions of the bill were part of the regular review of health legislation design to ensure the relevancy of health Acts.

The Opposition did not oppose the bill, and offered bipartisan support for the provisions of the bill concerning non-registered health practitioners and illegal tobacco. The Opposition noted that it had briefly consulted with a range of stakeholders who supported the various provisions of the bill.

The Greens did not support the provision in the bill relating to licensing approvals for private health facilities. The Greens argued that removing the current grounds for refusal for a health facility allowed for a free market approach to the provision of health services, and undermined the high standards in health planning and the prevention of predatory practices by private health operators. The Greens indicated they would only support the bill if the relevant Schedule 3 was removed.

The Christian Democratic Party supported the provisions of the bill highlighting how each of the proposed amendments will benefit the State's health care system, and arguing that more could be done concerning the supervision of private health providers and continually improving the capacity of the Health Care Complaints Commission.

The second reading of the bill was agreed to on Division (32:5).

In committee the question whether Schedule 3 should remain a schedule of the bill was put and resolved in the affirmative (division 32:5) with the Greens voting against the proposition.

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

### **Crimes Amendment (Off-Road Fatal Accidents) Bill 2015**

The bill originated in the Legislative Council.

*Summary:* The bill amends the Crimes Act 1900 and the Road Transport Act 2013 to extend to off-road motor vehicle accidents the existing powers of police to arrest and test any participant in a fatal road accident for alcohol and drug use, and to make related amendments to the procedural provisions dealing with evidence of intoxication in proceedings for dangerous driving offences under the Crimes Act 1900.

*Proceedings:* Debate on the second reading of the bill resumed on 20 October 2015 from 14 October 2015 (see the previous edition of *House in Review* for earlier debate).

The Opposition supported the bill, and noted that it will always support initiatives that work towards getting drivers who are under the influence of alcohol or drugs off the road. The bill was supported by The Greens, who noted that it will fix procedural defects in the law. The Christian Democratic Party also supported the bill, but argued that the provisions of the bill should be extended and not just apply to circumstances involving a fatality or where there is likely to be a fatality.

The second and third readings of the bill were agreed to and the bill was forwarded to the Assembly for concurrence.

### **Electricity Supply Amendment (Energy Savings Scheme) Bill 2015**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the energy savings scheme in the *Electricity Supply Act 1995* which requires electricity network operators and retailers to meet energy savings targets by purchasing and surrendering energy savings certificates. The bill includes measures to enable energy savings certificates to be created for activities that involve the consumption of gas, to extend the scheme to 2025, to increase energy savings targets, harmonise the scheme with similar schemes in other States and Territories, allow the scheme to better respond to changing market conditions and enhance the administrator's enforcement powers.

*Proceedings:* Debate on the second reading of the bill commenced on 20 October 2015. The second reading speech of the Parliamentary Secretary (Mrs Mitchell) was incorporated into Hansard. In that speech the Parliamentary Secretary indicated that the bill implements recommendations of a recent statutory review.

The Opposition supported the bill but argued that increasing energy efficiency is not sufficient to address the impact of climate change and that the government is not doing enough in this regard.

The Greens did not oppose the bill but argued that electricity is becoming more efficient than gas as a result of developments in technology, questioned whether the new targets will be sufficient to meet the government's energy savings target for the State and queried the proposed change from a qualitative to a quantitative approach for setting targets and penalties.

The Christian Democratic Party supported the bill noting that it would be of benefit to households by reducing the pressure on energy bills and assist the State meet its energy saving target.

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

### **Energy Legislation Amendment (Retail Electricity and Gas Pricing) Bill 2015**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Electricity Supply Act 1995* and *Gas Supply Act 1996* to provide arrangements for the deregulation of the retail gas market and final administrative provisions following the deregulation of the electricity market in 2014.

*Proceedings:* The bill was received from the Legislative Assembly on 14 October 2015 and read a first time. Debate on the second reading of the bill commenced on 20 October. The second reading speech of the Parliamentary Secretary (Mr Colless) was incorporated into Hansard. In that speech the Parliamentary Secretary highlighted the positive effects of the 2014 deregulation of the electricity market, arguing that it had led to reduced pricing, greater options for consumers and new operators entering the market. The administrative provisions in the bill are to ensure market security and continued consumer protection and monitoring by the Independent Pricing and Regulatory Tribunal. The bill also provided a strategy for the deregulation of the gas market over the next two years which, the Parliamentary Secretary argued, would see similar benefits to those experienced following the changes to electricity market deregulation.

The Opposition did not oppose the bill, supporting the provisions of the bill aimed at increasing competition in the gas and electricity markets. However the Opposition expressed concern over the maturity of the gas market, citing evidence provided to inquiries of the Australian Competition and Consumer Commission and the Select Committee into the supply and cost of gas and liquid fuels in New South Wales which indicated that the gas market is not in the same position as the electricity market to sufficiently respond to deregulation. The Opposition argued that, in order to ensure that the timing of gas market deregulation coincided with the right market conditions, Parliament should have a role in overseeing when deregulation occurred and foreshadowed amendments limiting ministerial initiation of deregulation.

The Greens did not support the bill, arguing that not all consumers benefited from deregulation and that the bill committed New South Wales to a plan which did not benefit households, the environment or the economy.

The Christian Democratic Party supported the bill's objectives to place downward pressure on energy prices, and the provisions protecting consumers from market excess.

The second reading of the bill was agreed to.

In the committee stage, the Opposition moved two amendments concerning the commencement provisions for gas market deregulation, inserting a provision requiring a resolution of each House before deregulation could commence. The Government opposed the amendments stating that the Independent Pricing and Regulatory Tribunal was the appropriate body to determine commencement not Parliament. The Greens supported the amendments and the proposed role of Parliament. The amendments were negated on division (16/21) and the bill reported without amendment.

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

*Council bills introduced and read a first time*

### **Retail Trading Amendment Bill 2015**

The bill originated in the Legislative Council.

*Summary:* The *Retail Trading Act* currently requires shops and banks to close on Good Friday, Easter Sunday, Anzac Day until 1.00 pm, Christmas Day and Boxing Day (with certain exceptions). Banks also have to close on weekends and on all public holidays.

The bill deregulates shopping hours so that a shop or bank may open on Boxing Day, a shop may receive, unpack and prepare goods for sale on any restricted trading day, and a bank may open on the Bank holiday and other public holidays, provided in all cases that staff have freely elected to work on those days.

*Proceedings:* The bill was introduced, read a first time and printed on 20 October 2015. In his second reading speech, the Minister (Mr Gay) argued that current retail laws are outdated and increasingly out of step with contemporary patterns of work, leisure and shopping. For example, on Boxing Day, shops in the CBD are allowed to open, but others are not, disadvantaging retailers in other areas. The bill addresses such issues. However, the bill does not remove restrictions on retail trading around Christmas Day, Easter Sunday, Good Friday or Anzac Day morning.

The Minister also emphasised that the bill does not affect employee entitlements to time off work, including on public holidays, which are the province of the Commonwealth's Fair Work laws and industrial awards. However, the Minister indicated that the Government will provide additional resources within NSW Industrial Relations so that any complaint made in regard to an employee being forced to work or a shop being forced to open this Boxing Day is investigated.

Debate was adjourned for five calendar days.

### **Fisheries Management Amendment Bill 2015**

The bill originated in the Legislative Council.

*Summary:* The bill contains a range of amendments to the *Fisheries Management Act 1994* designed to benefit the commercial, recreational, charter boat and Aboriginal fishing sectors, as well as improving aquatic habitat and threatened species protection and strengthen biosecurity measures.

*Proceedings:* The bill was introduced, read a first time and printed on 21 October 2015. In his second reading speech, the Minister (Mr Blair) argued that the bill delivers on the Government's commitment to secure sustainable, viable and healthy fisheries. Some of the initiatives in the bill include the full implementation of FishOnline, an online self-service system for commercial fishers, a structural adjustment reform program for the commercial fishing industry, more flexible and streamlined mechanisms for the making of fishing determinations, changes to commercial fishing boat licensing requirements, changes to recreational fishing and Aboriginal cultural fishing provisions, and new measures to improve the management of biosecurity risks.

Debate was adjourned for five calendar days.

### **Statute Law (Miscellaneous Provisions) Bill (No 2) 2015**

The bill originated in the Legislative Council.

*Summary:* The bill makes minor amendments to various Acts, amends certain other Acts and instruments for the purpose of effecting statute law revision, makes minor amendments to various Acts and instruments consequent on the enactment of the *Government Sector Employment Act 2013*, and makes other provisions of a consequential or ancillary nature.

*Proceedings:* The bill was introduced, read a first time and printed on 21 October 2015. In his second reading speech, the Parliamentary Secretary (Mr Clarke) indicated that the bill continues the statute law revision program that has been in place for more than 30 years. Bills of this kind are routinely introduced to keep the statute book current. On this occasion, the bill proposes amendments to 15 Acts in total.

Debate was adjourned for five calendar days.

*Legislative Assembly bills introduced and read a first time*

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

- (1) Bail Amendment Bill 2015 and cognate Terrorism (Police Powers) Amendment Bill 2015
- (2) Courts and Other Justice Portfolio Legislation Amendment Bill 2015
- (3) Treasury Corporation Amendment Bill 2015 and cognates: Superannuation Administration Amendment (Investment Management and Other Matters) Bill 2015 and State Insurance and Care Governance Amendment (Investment Management) Bill 2015.

### **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*

### **Climate Change Bill 2015 (Ms Barham, The Greens)**

*Summary:* The bill provides a framework for action on climate change mitigation and adaptation in the State; sets targets for the reduction of greenhouse gas emissions; and provides for the monitoring and reporting of the impacts of climate change on people, communities and ecosystems in the State.

*Proceedings:* Leave was granted to bring in the bill on 22 October 2015. The bill was presented, read a first time and printed.

In her second reading speech, Ms Barham noted the research of the Climate Change Research Centre at the University of New South Wales, which has found that

without significant reductions in global greenhouse gas emissions NSW is expected to experience an increase in average maximum and minimum temperature. By 2070 NSW average temperatures will be 2.1 degrees higher than now, and the north-west areas of the State may see over 40 additional hot days a year. Ms Barham further argued that the impacts of climate change on the agricultural and tourism sectors, alpine regions, regional and coastal communities, human health and emergency services would be very significant.

The bill imposes a target for the State of net zero greenhouse gas emissions by 2040, with interim targets of 25 per cent less than 2000 levels by 2020, 40-50 per cent less by 2025 and 60-80 per cent less by 2030. The bill also provides that at four-year intervals the Minister is to prepare a Greenhouse Gas Emissions Plan and a Climate Change Adaptation Plan.

The second reading was adjourned for five calendar days.

### **Prevention of Cruelty to Animals Amendment (Stock Animals) Bill 2015 (Mr Pearson, Animal Justice Party)**

The bill originated in the Legislative Council.

*Summary:* The bill amends the *Prevention of Cruelty to Animals Act 1979* to introduce certain operational requirements in abattoirs and intensive livestock keeping facilities for the purposes of ensuring the humane treatment of stock animals.

*Proceedings:* The bill was introduced, read a first time and printed, and the second reading debate commenced on 22 October. In his second reading speech, Mr Pearson stated that the *Prevention of Cruelty to Animals Act 1979* is a proactive Act which imposes a positive duty on carers of animals to ensure and promote animal welfare and prevent harm and suffering. Mr Pearson indicated that the provisions of the bill propose to extend this principle to the welfare of stock animals (poultry, pigs and cattle) in abattoirs, intensive farms and temporary holding areas on free-range farms. Mr Pearson stated that following recent incidents where animals have died in farm fires or been inhumanely treated, the provisions of the bill requiring mandatory fire sprinkler systems, emergency alarms and mandatory video and audio surveillance would extend the positive duty for the prevention of cruelty to animals to stock farm and abattoir owners and managers and ensure the best regard for animals and farm workers.

Debate was adjourned for five calendar days.

*Motions*

### **Activities in the East Hills electorate during the 2015 State Election (Ms Voltz, Australian Labor Party)**

*Summary:* The motion notes that there were a number of alleged breaches of the *Parliamentary Electorates and Election Act 1912* in the East Hills electorate during the 2015 general election, and that the Labor candidate, who was not successfully elected, was the victim of a smear campaign in the lead up to the election.

*Proceedings:* Debate on the motion resumed on 22 October from 17 September 2015 (see the previous editions of *House in Review* for earlier debate).

Members of the Opposition and The Greens supported the motion, arguing that the events which occurred during the 2015 election campaign in the East Hills electorate undermined democratic principles, processes and standards expected by the community and required by law. Members were critical of the response of the Government and the limited capacity of the NSW Electoral Commission to investigate activities which occur during elections to ensure that law and democracy are upheld in New South Wales.

A motion to adjourn debate was negated on Division (16:23).

Speaking in reply, Ms Voltz argued that debate should have been adjourned until a government information public access application on the matter could be processed.

The motion was negated on division (16:23), the Opposition and The Greens voting for the motion, the Government, Shooters and Fishers Party and Christian Democratic Party voting against the motion.

#### **Flexible working arrangements (Mrs Houssos, Australian Labor Party)**

*Summary:* The motion calls on the House to note the changing nature of work in many industries and workplaces and the manner in which the trade union movement has championed the concept of a work-life balance. The motion also calls on the House to recognise the importance of flexible working arrangements in allowing workers to attain a work-life balance and to encourage the public and private sectors to make increasing use of these arrangements.

*Proceedings:* Debate on the motion resumed on 22 October from 15 October 2015 (see the previous editions of *House in Review* for earlier debate). The members of the Christian Democratic Party and the Government spoke on the importance of flexible working arrangements, and in particular the technological requirements to support flexibility in rural and regional areas.

Debate on the motion was interrupted for Questions.

Following Questions, members of the Opposition discussed the management of a work-life balance and the move away from an eight-hour work day towards 'completing the job' and the consequential rise in unpaid work outside employment hours. A Government member discussed the wider issues of employment regulation and the role of the government, business and individuals.

Debate was interrupted by the motion for adjournment.

#### *Motions taken as formal business*

- (1) Guangdong community events (Mr Wong).
- (2) "Yearbook of Chinese in Australia 2014" (Mr Wong).
- (3) Mr James Cruikshank (Mr Franklin).

- (4) Coolah Showground and Recreation Reserve (Mr Colless).
- (5) International White Cane Day (Ms Cotsis).
- (6) New South Wales Parliamentary Library dodransbicentennial (Mr Veitch).
- (7) Wind energy industry in New South Wales (Dr Kaye).
- (8) United Nations International Day for Rural Women (Mr Veitch).
- (9) NSW Rural Fire Service Chifley Zone long service awards (Mrs Maclaren-Jones).
- (10) Fire & Rescue NSW graduates (Mrs Maclaren-Jones).
- (11) Breast Cancer Awareness Month (Mrs Taylor).
- (12) Italian Chamber of Commerce gala dinner (Ms Cotsis).
- (13) Greek Welfare Centre (Ms Cotsis).
- (14) Citizen's Jury Scorecard Project (Ms Barham).
- (15) Mr Ronald Wakem (Mr Brown).

#### **Reports tabled**

**Inspector of Custodial Services:** Annual Report for year ended 30 June 2015.

#### **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. 8/56', dated 20 October 2015.

**Select Committee on the Closure of Public Schools in New South Wales:** Report entitled 'The closure of public schools in New South Wales', dated October 2015.

#### **Inquiry activities**

##### **Select Committee on the Legislative Council committee system**

An issues paper is being prepared before the committee calls for submissions in November.

##### **General Purpose Standing Committee No. 2**

###### *Inquiry into elder abuse in New South Wales*

The closing date for submissions is 15 November 2015. The committee will hold its first public hearing in Sydney on 20 November 2015.

##### **General Purpose Standing Committee No. 3**

###### *Inquiry into registered nurses in New South Wales nursing homes*

The committee's report is due to be tabled by 30 October 2015.

*Inquiry into reparations for the stolen generations in New South Wales*

The closing date for submissions is 18 October 2015. The committee will hold its first public hearing in Sydney on 5 November followed by a site visit to Cootamundra and Wagga Wagga on 6 November 2015. Committee members attended Aboriginal cultural awareness and inter-cultural communication training on 16 October 2015.

**General Purpose Standing Committee No. 6**

*Inquiry into local government in New South Wales*

The committee's report is due to be tabled by 30 October 2015.

*Inquiry into vocational education and training*

The committee will visit Dubbo on 3 November and hold its final public hearing in Sydney on 9 November 2015. The committee's report is due to be tabled by 15 December 2015.

**Law and Justice Committee**

*Inquiry into the security classification and management of inmates sentenced to life imprisonment*

The closing date for submissions is 25 October 2015. The committee will conduct public hearings on 23 and 27 November 2015.

*Inquiry into remedies for the serious invasion of privacy in New South Wales*

The committee has received 32 submissions and will hold two public hearings in Sydney on 30 October and 16 November 2015.

**Social Issues Committee**

*Inquiry into service coordination in communities with high social needs*

The committee will visit Bourke on 5 November 2015 followed by a public hearing in Sydney on 6 November 2015.

**State Development Committee**

*Inquiry into economic development in Aboriginal communities*

The committee has received 11 submissions and anticipates holding hearings and site visits in the first half of 2016. Committee members attended Aboriginal cultural awareness and inter-cultural communication training on 16 October 2015.

*Regional planning processes in NSW*

The closing date for submissions is 11 December 2015. The committee anticipates holding hearings from March 2016.

**Adjournment debate**

**Tuesday 20 October 2015**

Sunday penalty rates (Mr Donnelly); NSW Rural Women's Gathering 2015 (Mrs Taylor); Hands off TAFE (Dr Kaye); Israel and Palestinian territories study tour (Mr Farlow); Dechristianisation of Europe (Rev'd Mr Nile); Mr Patrick Francis "Scoop" Sullivan, OAM (Mr Veitch); Mr Patrick Francis "Scoop" Sullivan, OAM (Mr Gay).

**Wednesday 21 October 2015**

Housing forum (Mr Wong); Suicide prevention (Mrs Maclaren-Jones); Sydney Nuero-Oncology Group (Mr Secord); Coolah (Mr Colless); Local government amalgamations (Mr Shoebridge).

**Thursday 22 October 2015**

Decriminalisation of brothels (Ms Sharpe); Tribute to the Hon. Joe Hockey (Mr Mallard); Hate speech (Mr Borsak); Central Coast Higher Education Summit (Mr MacDonald); National Indigenous Human Rights Awards (Mr Moselmane); Far North Coast biodiversity (Ms Barham).

**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