

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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Sitting period
23 to 25 February 2016

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 first sitting week of 2016 saw the House pass two Government bills, agree to an order for papers and pass several resolutions to vary times of meeting, the time for the adjournment and the precedence of business. The sitting day on Tuesday was unexpectedly interrupted by a power outage which required the President to leave the Chair and adjourn proceedings. The House resumed at 10.20 am the following day and, following several brief formalities, adjourned at 10.56 am. The House then commenced the scheduled Wednesday sitting at 11.00 am.

This edition signals the commencement of some changes to the format of the *House in Review*, including a more concise discussion on items of business and a move to a full screen format for the bulk of commentary. In the coming months, we will move to a format that is more readily accessible for online readers together with the inclusion of more hyperlinks to information on the activities of the House. These changes are designed to enhance readability and ensure that the *House in Review* is compatible with new digital reading platforms. We welcome your feedback on the new format over the coming weeks and months.

Committee of the whole proceedings now captured in the Minutes

This week the President informed the House that from Tuesday 25 February 2016, proceedings in committee of the whole will be published in the Minutes of Proceedings, in keeping with the practice of the Senate and the NSW Legislative Assembly.

Variation to sessional orders

On Wednesday 24 February 2016, the House agreed to a series of resolutions that varied the sessional orders for the days and times of meeting of the House, the time for the adjournment and the precedence of business. The effect is:

- The House will meet at 10.00 am Thursdays, instead of 9.30 am.
- Business will be interrupted to allow a minister to move the adjournment, if desired, at 10.00 pm on Tuesday, 7.00 pm on Wednesdays and at the conclusion of Questions, approximately 4.00 pm, on Thursdays.
- General business will take precedence until half an hour after the conclusion of Questions on Thursdays.

Retirement of Manager, Parliamentary Research Service

On Tuesday 23 February 2016, the President made a statement concerning the retirement of Dr Gareth Griffith, Manager, Parliamentary Research Service, Parliamentary Library after 23 years of service, including five as the Manager of the Research Service. Dr Griffith is well known for his authoritative briefing papers, particularly those on areas of law and government, and as the co-author of the book *Decision and Deliberation: The Parliament of New South Wales 1856-2003*.

Government business

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

Associations Incorporation Amendment (Review) Bill 2016

House of origin: Legislative Assembly

The bill gives effect to recommendations arising from the statutory review of the Associations Incorporation Act 2009. The bill seeks to clarify the rights, liabilities and obligations of members of an association, the grounds for refusing registration applications, and the effect of amendments to model constitutions. The bill also makes provision for electronic voting, new processes for the winding up of associations and various administrative provisions. The bill was supported by the Opposition, The Greens and the Christian Democratic Party (CDP), however the CDP flagged that they would move amendments to further clarify the rules in response to feedback from community organisations.

During consideration in committee of the whole, the committee agreed to two Christian Democratic Party amendments requiring that where a Secretary intends to wind up an association, they must first give notice to the association stating the grounds that exist under new section 61A (1). The association must also be provided 28 days in which to make submissions.

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

Government Sector Employment Legislation Amendment Bill 2016

House of origin: Legislative Assembly

The bill seeks to apply the provisions of the Government Sector Employment Act 2013 (the GSE Act) to employment arrangements for senior executive officers in the NSW Health Service, the NSW Police Force and the Transport Service of NSW. The bill also extends the misconduct provisions of the GSE Act, and makes amendments of a minor or consequential nature to certain other legislation. The Opposition did not oppose the bill but noted that it remained committed to a rewrite of the GSE Act, arguing that the framework and concepts underpinning it are flawed. The CDP supported the bill, stating that the amendments would bring greater efficiency to the public sector. However, both the Opposition and CDP flagged that they would move amendments in committee to address areas of particular concern. The Greens opposed the bill, in keeping with their previous opposition to the new GSE Act, which they argued has led to a less independent public service. The second reading was agreed to on the voices.

During consideration of the bill in committee of the whole, the committee agreed to 19 CDP amendments. The amendments sought to maintain current provisions in the Police Act that allow the Governor declare a Commissioner of Police who has been removed from office to be an unattached officer, clarify superannuation arrangements for the Commissioner of Police and Police Force senior executives on termination of employment and while unattached, and provide for current executive eligibility lists to continue. The CDP amendments also provided that model contracts of employment prescribed under the amended Act would not have retrospective effect, and made provisions regarding the compensation to apply on the termination of employment.

The Opposition moved five amendments regarding disallowance provisions for Government Sector Employment Rules, protections for employees terminated in reprisal for making a public interest disclosure

and the removal of above band remuneration of police senior executives. The amendments were supported by The Greens but disagreed to.

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

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

Hemp food products (Mr Buckingham, The Greens)

Debate on the motion commenced on Thursday 25 February 2016. The motion noted that Australia and New Zealand are the only countries in the world where the sale of hemp food is illegal, impacting negatively on farmers who would otherwise stand to benefit from participation in the billion dollar hemp food industry, and called on the Government to lift the ban. During debate Mr Buckingham identified the many benefits of hemp food products, including their environmental sustainability and the significant health benefits produced by cannabinoids. Mr Buckingham also noted that the consumption of hemp food products will not produce a positive result in a drug test, as hemp contains no, or very low levels of THC (delta 9-tetrahydrocannabinol), the chemical associated with the psychoactive properties of marijuana.

The Government opposed the motion on the basis that the Government is already working proactively with the Federal and other State and Territory Governments to lift the ban on hemp food products. The Opposition supported the motion, stating that other jurisdictions had already done the work to ensure that hemp food products are safe for human consumption and that adequate controls are in place.

The motion was agreed to (Division 17:16).

Health and hospital system (Mr Secord, Australian Labor Party)

The motion calls on the House to express concern over the Government's failure to properly resource and fund the health and hospital system, that this is having a detrimental impact on emergency departments and increasing patient waiting times, and notes the impact this has on the community and health workers.

Debate on the motion resumed on 25 February 2016 from 29 October 2015 (see the previous editions of *House in Review* for earlier debates). A member from the Opposition spoke in support of the motion, citing the need to improve outcomes for sick and suffering people in NSW. A member of the Government spoke against the motion, arguing that the Coalition Government's management of the health system has led to better outcomes and more innovation in health and hospitals.

The motion was negated (Division 16:19).

Motions taken as formal business

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

- (1) World Teachers' Day (Mrs Houssos).
- (2) St. Andrew's Greek Orthodox Theological College (Mrs Houssos).
- (3) National Family Drug Support Day (Mr Moselmane, on behalf of Ms Sharpe).
- (4) Mr Toby Price (Mr MacDonald).
- (5) Great Lakes Women's Shelter (Mrs Houssos).

- (6) Councillor Peter Blackmore OAM (Mr MacDonald).
- (7) 78ers apology (Mr Khan).
- (8) Variation to Sessional Order – Precedence of Business (Mr Searle).
- (9) Cancer treatment at St Vincent’s Hospital (Mr Buckingham).
- (10) Alstonville Community Pre–School (Mr Buckingham).
- (11) Climate change (Ms Barham).
- (12) Australia Day Honours in the Ballina Electorate (Mr Franklin).
- (13) Order for Papers – Under-dosing of chemotherapy patients (Mr Buckingham).
- (14) Elder abuse in nursing homes (Ms Barham).
- (15) Australia Day Award winners in the Ballina and Byron Council areas (Mr Franklin).

Orders for papers

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

Order made

- (1) **Under-dosing of chemotherapy patients (Mr Buckingham):** The order requires all documents and emails relating to the under-dosing of patients undergoing chemotherapy in NSW. The motion was agreed to as formal business. Due: 17 March 2016.

Return to order

- (1) **Learning Management and Business Reform:** received 9 December 2015, 2 boxes public.

Petitions received

- (1) TAFE funding – 935 signatures (presented Ms Voltz).
- (2) Breeding and exhibiting dolphins – 897 signatures (presented Mr Pearson).
- (3) Crown and public land management – 246 signatures (presented Mr Shoebridge).

Committee activities

Committee references

Procedure Committee: The President referred to the Committee an inquiry into young children accompanying members into the House.

Committee reports tabled

Legislation Review Committee: ‘Legislation Review Digest No. 13/56’, dated 23 February 2016.

Legislation Review Committee: ‘Legislation Review Digest No. 12/56’, dated 16 February 2016.

Standing Committee on Social Issues: Report No. 50 entitled ‘Service coordination in communities with high social needs’, dated December 2015.

General Purpose Standing Committee No. 6: Report No. 3 entitled ‘Vocational education and training in New South Wales’, dated December 2015.

Committee reports debated

Standing Committee on Social Issues: The House concluded debate on Report No. 56 entitled ‘Legacy Report: 55th Parliament’, dated November 2014.

General Purpose Standing Committee No. 4: The House continued debate on Report No. 31 entitled ‘Progress of the Ombudsman’s investigation “Operation Prospect”’, dated August 2015.

General Purpose Standing Committee No. 6: The House continued debate on Report No. 1 entitled ‘Local Government in New South Wales’, dated October 2015.

General Purpose Standing Committee No. 1: The House concluded debate on Report No. 43 entitled ‘Budget Estimates 2015-2016’, dated November 2015.

General Purpose Standing Committee No. 2: The House concluded debate on Report No. 43 entitled ‘Budget Estimates 2015-2016’, dated November 2015.

General Purpose Standing Committee No. 3: The House concluded debate on Report No. 33 entitled ‘Budget Estimates 2015-2016’, dated November 2015.

General Purpose Standing Committee No. 6: The House concluded debate on Report No. 2 entitled ‘Budget Estimates 2015-2016’, dated November 2015.

Joint Standing Committee on Road Safety (Staysafe): The House concluded debate on Report No. 1/56 entitled 'Inquiry into motorcycle safety in NSW', dated November 2015.

General Purpose Standing Committee No. 6: The House concluded debate on Report No. 3 entitled 'Vocational education and training in New South Wales', dated December 2015.

Government responses

Select Committee on the Leasing of Electricity Infrastructure: The House received a response to the report entitled 'Leasing of electricity infrastructure', tabled 2 June 2015.

Standing Committee on Law and Justice: The House received a further response to the report entitled 'The family response to the murders in Bowraville', tabled 6 November 2014.

General Purpose Standing Committee No. 4 and Select Committee on the Conduct and Progress of the Ombudsman's Inquiry "Operation Prospect": The House received a response to the report of General Purpose Standing Committee No. 4 entitled 'Progress of the Ombudsman's investigation "Operation Prospect"', tabled 25 August 2015, and the report of the Select Committee on the Conduct and Progress of the Ombudsman's Inquiry "Operation Prospect" entitled 'The conduct and progress of the Ombudsman's inquiry "Operation Prospect"', tabled 25 February 2015.

Inquiry activities

General Purpose Standing Committee No. 2

Inquiry into elder abuse in New South Wales

The committee received over 110 submissions by the closing date. The committee held its second public hearing in Sydney on 22 February 2016. Additional hearings will be held on 7 and 18 March 2016.

General Purpose Standing Committee No. 3

Inquiry into reparations for the stolen generations in New South Wales

The committee conducted site visits to Broken Hill and Walgett in February 2016. A further public hearing and site visit will be held in Nowra on 2 March 2016. The closing date for submissions has been extended until 31 March 2016.

Select Committee on the Legislative Council committee system

The committee is currently accepting submissions and published a discussion paper in November 2015 to assist stakeholders in this process.

Law and Justice Committee

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

The committee is in the process of drafting its report and is due to report on 3 March 2016.

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

The committee conducted a site visit to the Long Bay Correctional Complex in February 2016. The committee expects to report in late March.

State Development Committee

Inquiry into economic development in Aboriginal communities

The committee has received 27 submissions and will hold its first hearing in Sydney on 26 February 2016. The committee anticipates holding further hearings and site visits throughout March, April and May.

Regional planning processes in NSW

The committee has received 46 submissions and will be conducting its first hearing in Sydney on 11 March 2016. Regional hearings will be held throughout 2016, on dates and locations to be announced shortly.

Reports tabled

Inspector of Independent Commission Against Corruption: Report pursuant to Section 77A Independent Commission Against Corruption Act 1988: Operation 'Hale': ICAC re Margaret Cunneen SC & Ors, December 2015.

Independent Commission Against Corruption: Investigation into the conduct of officers of the NSW Rural Fire Service and others, December 2015.

Ombudsman:

- (1) Law Enforcement (Controlled Operations) Act 1997 Annual Report 2014-2015, February 2016.
- (2) Special report entitled 'Strengthening the oversight of workplace child abuse allegations', February 2016.

Auditor General:

- (1) Financial Audit, Volume Seven 2015, focusing on Law and Order, Emergency Services, November 2015.

- (2) Financial Audit, Volume Eight 2015, focusing on Family and Community Services, November 2015.
- (3) Financial Audit, Volume Nine 2015, focusing on Planning and Environment, December 2015.
- (4) Financial Audit, Volume Ten 2015, focusing on Health, December 2015.
- (5) Financial Audit, Volume Eleven 2015, focusing on Education and Communities, December 2015.
- (6) Financial Audit report, Volume Twelve 2015, focusing on Trade and Investment, Water, December 2015.
- (7) Financial Audit report, Volume Thirteen 2015, focusing on Electricity, December 2015.
- (8) Performance Audit entitled “Mental health post-discharge care: NSW Health”, December 2015.
- (9) Performance Audit entitled “Government Assistance to Industry: Department of Trade and Investment, Regional Infrastructure and Services”, December 2015.
- (10) Performance Audit entitled “Public Sector Management Reforms: Public Service Commission”, January 2016.
- (11) Performance Audit entitled “Franchising of Sydney Ferries Network services: Transport for NSW”, February 2016.
- (12) Performance Audit entitled “Realising the benefits of the Service NSW initiative: Service NSW, Customer Service Commissioner”, February 2016.
- (13) Financial Audit report, Volume One 2016, Areas of focus from 2015, February 2016.

Mental Health Commission: ‘One year on’ – Progress report on the implementation of Living Well: A Strategic Plan for Mental Health in NSW 2014-2024, December 2015.

Information Commissioner: Report on the operation of the Government Information (Public Access) Act 2009: 2014-2015.

Adjournment debate

Tuesday 23 February 2016

Safe Schools Coalition (Rev'd Mr Nile); Fiji Cyclone (Mr Searle); Commonwealth Electoral Amendment Bill 2016 (Mr Buckingham); Premier's ANZAC Ambassadors Essay Competition (Mrs Maclaren-Jones); Sri Lanka Study Tour (Mr Secord); Alstonville Community Preschool (Mr Franklin).

Wednesday 24 February 2016

Safe Schools Program (Mr Mookhey); Barbed Wire Impact (Mr Pearson); Ovarian Cancer Awareness Month (Ms Taylor); National Disability Services Conference (Ms Cotsis); Local Government Amalgamations (Mr Shoebridge); University of Sydney (Dr Phelps).

Thursday 25 February 2016

Presumption of Innocence (Mr Borsak); Asylum Seekers (Mr Clarke); Wellington Council Amalgamation (Mr Primrose); Social and Affordable Housing (Ms Barham); Carers (Mrs Mitchell); Rockdale and Botany Bay Council Amalgamation (Mr Moselmane).

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.



David Blunt
Clerk of the Parliaments