

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## *HOUSE IN REVIEW*



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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 saw the introduction of the first bill originating from the Council for this parliament. Following the second reading speech of the Minister, debate was adjourned for five calendar days, as required by standing order. The House also considered two bills received from the Assembly, both of which were returned without amendment.

Tuesday and Wednesday saw large crowds in the public galleries to witness newly elected members give their inaugural speeches in the House. All eight new members have now given their first speech in Parliament.



Membership of the Council's standing committees was determined on 14 May 2015. As there were more crossbench member nominations than positions available on four committees, ballots were conducted in the House to determine the crossbench members for the Law and Justice Committee, Social Issues Committee, State Development Committee and General Purpose Standing Committee No 5.

The House also appointed its Privileges Committee and Procedure Committee.

The House now stands adjourned until Tuesday 26 May 2015.

### New members sworn

As reported in the previous edition of *House in Review*, on 6 May 2015 at a joint sitting, Ms Penny Sharpe and Mr Daniel Mookhey were elected to fill two vacant seats in the Council.

On 12 May 2015, Ms Sharpe and Mr Mookhey were sworn in as members of the House.

### Statement by the President – Question Time

On 12 May 2015, the President made a statement concerning the conduct of members during Question Time, particularly in regard to interjections, points of order and supplementary questions and advised members how he intended to address such matters during this Parliament.

### New members' first speech

On 12 May 2015, during the resumed debate on the motion to adopt the Address-in-Reply, Mr Amato and Mrs Houssos gave their inaugural speeches in the House.

The following day, Mr Franklin, Mr Mookhey and Mr Mallard gave their inaugural speeches.

### Government business

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

### Independent Pricing and Regulatory Tribunal Amendment (Accredited State Water Regulator) Bill 2015

The bill originated in the Legislative Council.

*Summary:* Currently Water NSW, the agency responsible for managing the storage, release and supply of bulk water resources across the State, deals with two regulators for the pricing of water: the Australian Competition and Consumer Commission (ACCC) for the Murray-Darling Basin and the Independent Pricing and Regulatory Tribunal (IPART) for three other coastal valleys.

The bill enables IPART to apply provisions of the Commonwealth Water Charge (Infrastructure) Rules 2010 for the accreditation of arrangements between itself and the ACCC. During the period of accreditation, IPART is conferred all the functions of a regulator, including the power to approve or determine charges for

the provision of water infrastructure relating to part of the Murray-Darling Basin water resources.

*Proceedings:* The bill was introduced, read a first time and printed on 12 May 2015. In his second reading speech, the Minister (Mr Blair) indicated that the bill will deliver greater efficiencies and regulatory outcomes by providing for IPART to be the single price regulator across the State. The Minister further stated that the proposed amendments in the bill will enable a consistent approach to Water NSW's pricing in areas such as methodology, price review processes and regional consultations.

Debate was adjourned for five calendar days.

### **Courts and Crimes Legislation Amendment Bill 2015**

The bill originated in the Legislative Assembly.

*Summary:* The bill makes miscellaneous amendments to certain legislation affecting the operation of the courts and tribunals of New South Wales and other legislation administered by the Attorney General and Minister for Justice. In particular, the bill amends certain Acts to enable acting judicial officers to be appointed for a period not exceeding 5 years, instead of the current 12 months, and up to the age of 77 years, instead of the current 75 years.

*Proceedings:* Debate on the second reading of the bill commenced on 12 May 2015. In his second reading speech, the Parliamentary Secretary (Mr Clarke) said that while the bill's amendments were relatively minor and technical in nature they would help to improve the administration of justice in the State. The Parliamentary Secretary referred to concerns raised in the Legislative Assembly that the amendments to increase the term of acting judicial appointments could lead to an increase in the occurrence of perceived conflicts of interest due to the appointment of younger legal practitioners to the judicial bench. The Parliamentary Secretary dismissed these concerns and stated that the 2010 guidelines for these appointments remained in place, and that the bill would in no way affect judicial independence.

The Opposition did not oppose the bill, acknowledging that it represented the outcome of the regular legislative review and monitoring process that all Governments undertake. The Opposition stated that the most significant amendments in the bill were those relating to the allowable maximum term for acting judicial appointments. The Opposition said that the major argument against acting judicial appointments, particularly when short-term, is they can threaten judicial independence, and said that while the bill mitigated, it did not remove, this concern. The Opposition called on the Government to provide figures on the total number of permanent and acting judicial appointments made over recent years to ascertain whether acting appointments were becoming more prevalent.

Debate was interrupted for Question Time, and resumed on 13 May 2015.

The Greens did not oppose the bill on the grounds that it largely consisted of uncontroversial changes to various pieces of legislation. However, the Greens did oppose the change to the maximum term of temporary acting

judicial appointments. The Greens foreshadowed that they would seek to amend the bill to ensure that any such appointments would be restricted to persons that were sitting or judicial members. The Christian Democratic Party supported the bill, agreeing that it sought to make sensible and practical changes in a number of areas.

In reply, the Parliamentary Secretary provided figures on the number of acting and permanent judicial officers in the Supreme, District and Local Courts and argued they demonstrated that the use of acting appointments was having no detrimental effect on permanent appointments.

The second reading was agreed to.

In the committee stage, the Greens amendments were not supported, on the grounds that there was no need to embody the current appointment policy in legislation.

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

### **Pesticides Amendment Bill 2015**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Pesticides Act 1999* to transfer the system for licensing pest controllers and aerial pesticide applicators to the Environment Protection Authority (EPA); to implement national harmonisation reforms, in particular with the Agvet Code; and to improve protection for landholders from pesticide misuse by clarifying the application of certain offences and extending certain control orders to a wider range of circumstances.

*Proceedings:* The bill was received from the Legislative Assembly on 12 May 2015 and read a first time. Debate on the second reading of the bill commenced the following day. The second reading speech of the Parliamentary Secretary (Mr Clarke), which was incorporated into Hansard, indicated that the bill is the first part of a series of reforms to update and strengthen the legislation relating to the management and prevention of adverse impacts on human health and the environment from use of pesticides.

The Opposition and the Christian Democratic Party supported the bill, on the grounds that it is part of a wider review of the regulatory framework to ensure the proper usage, storage and disposal of pesticides in New South Wales. The Greens did not oppose the bill, but were concerned that the protection provisions in the bill did not appear to cover organic farming and agricultural operations.

In reply, the Minister (Mr Gay) confirmed that organic farming and agricultural operations were included in the scope of the bill.

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

#### Nepal Earthquake Children's Appeal Dinner (Mr Moselmane, Australian Labor Party)

*Summary:* The motion called on the House to note the Nepal Earthquake Children's Appeal Dinner held at Rockdale City Council which raised \$16,000 for the United Nations Children's Fund. The motion also called on the House to note that over 2,000 residents of Rockdale are of Nepali descent and to express its condolences to the people of Nepal for the suffering and loss of lives caused by the recent earthquake.

*Proceedings:* Standing orders were suspended to bring on the item of business. In speaking to the motion, Mr Moselmane said that the United Nations had raised only 13 per cent of the funds required to provide necessary aid to Nepal, and that the event held at Rockdale City Council was typical of the way the Australian community took action to offer assistance to those in need.

Members from the Government, Opposition, Christian Democratic Party and The Greens spoke to the motion. Members from all sides supported the opportunity the motion provided for the House to express its solidarity with the people of Nepal, also noting the significant increase in recent years of the Nepalese community in Australia. Members noted the various community and electorate-based fundraising activities that have taken place across the State in support of those affected by the earthquake.

The motion was agreed to.

#### Retirement of the Honourable Don Page (Mr Franklin, The Nationals)

*Summary:* The motion called on the House to recognise the contribution of the Hon Don Page in his 27 years of service to the electorate of Ballina, and the integrity and distinction that Mr Page brought to his role as a minister. The motion also called on the House to congratulate Mr Page on his retirement and to acknowledge his legacy as a New South Wales parliamentarian.

*Proceedings:* Debate on the motion commenced according to precedence. In speaking to the motion, Mr Franklin paid tribute to Mr Page's record of being elected to represent the seat of Ballina on seven consecutive occasions, a fact that Mr Franklin put down to Mr Page being a strong advocate for his community and to his willingness to listen to all of his constituents. Mr Franklin said that Mr Page would leave a strong policy legacy, particularly with respect to coastal protection.

Members from the Government, the Greens and the Christian Democratic Party spoke to the motion, taking the opportunity to express their admiration for Mr Page as a parliamentarian and for the respectful approach he brought to negotiation and consultation.

The motion was agreed to.

### Motions taken as formal business

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

- (1) International Composting Awareness Week (Mr Buckingham)
- (2) UN Youth Australia (Dr Faruqi)
- (3) National Volunteer Week (Ms Barham)
- (4) Emergency Services in the Hunter and Central Coast (Mr Clarke on behalf of Mr MacDonald)
- (5) Volunteering Central Coast Inc. (Mr Clarke on behalf of Mr MacDonald)
- (6) Dungog Shire Community Centre (Mr Clarke on behalf of Mr MacDonald).

## Petitions

### Petition received

- (1) Taxi transport subsidy cap for people with disability – 222 signatures (presented Ms Barham).

## Reports tabled

**Auditor-General:** Performance Audit report, "Large construction projects: Independent assurance: The Treasury, Infrastructure NSW, Transport for NSW, NSW Health, Roads and Maritime Services, Sydney Trains, Venues NSW, Department of Primary Industries", May 2015.

**Ombudsman:** 'Oversight of the Public Interest Disclosures Act 1994 Annual Report 2013-2014', May 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 membership, Chairs and Deputy Chairs

The following membership and appointments of Chairs and Deputy Chairs of committees were reported to the House, including four members elected during ballots involving crossbench members.

The Chair and Deputy Chair of the General Purpose Standing Committees will be elected by each committee at their first meeting.

### Standing Committee on Law and Justice:

Government: Mr Farlow (Chair), Mr Clarke, Mrs Taylor  
Opposition: Ms Voltz (Deputy Chair), Mr Mookhey  
Crossbench: Mr Shoebridge.

**Standing Committee on State Development:**

Government: Mr Pearce (Chair), Mr Colless, Mrs Maclaren-Jones  
Opposition: Mr Veitch (Deputy Chair), Ms Cotsis  
Crossbench: Mr Green.

**Standing Committee on Social Issues:**

Government: Mrs Taylor (Chair), Mr Mallard, Dr Phelps  
Opposition: Mr Donnelly (Deputy Chair), Ms Sharpe  
Crossbench: Revd Mr Nile.

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

Government: Mr Farlow, Mr Franklin, Mr Khan  
Opposition: Mr Primrose, Mr Searle  
Crossbench: Dr Kaye, Revd Mr Nile.

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

Government: Mr Mason-Cox, Dr Phelps, Mrs Taylor  
Opposition: Ms Cotsis, Mr Donnelly  
Crossbench: Dr Faruqi, Mr Green.

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

Government: Mrs Maclaren-Jones, Mr Franklin, Mrs Mitchell  
Opposition: Mrs Houssos, Mr Secord  
Crossbench: Ms Barham, Revd Mr Nile.

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

Government: Mr Mallard, Mr Clarke, Mrs Taylor  
Opposition: Mr Moselmane, Ms Voltz  
Crossbench: Mr Borsak, Mr Shoebridge.

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

Government: Mr Colless, Mr MacDonald, Mr Pearce  
Opposition: Ms Sharpe, Mr Veitch  
Crossbench: Mr Brown, Mr Buckingham.

**General Purpose Standing Committee No. 6:**

Government: Mr Amato, Ms Cusack, Mr Farlow  
Opposition: Mr Mookhey, Mr Wong  
Crossbench: Mr Green, Mr Shoebridge.

**Joint Select Committee on Companion Animal Breeding Practices in New South Wales:***Legislative Council members*

Government: Mr MacDonald, Mrs Taylor  
Opposition: Mr Veitch (Deputy Chair)  
Crossbench: Mr Pearson.

*Committee reports debated*

**Select Committee on Home Schooling:** The House continued the take-note debate on the report entitled 'Home Schooling in NSW', dated December 2014.

**General Purpose Standing Committee No. 1:** The House continued the take-note debate on Report No. 41 entitled 'Review of the inquiry into allegations of bullying in WorkCover NSW', dated December 2014.

**Inquiry activities****Select Committee on the Leasing of Electricity Infrastructure**

The committee has received nine submissions to the inquiry and conducted one public hearing on 11 May 2015. A further public hearing is being held today, with the final public hearing to be held on 18 May 2015. The committee is to report by 2 June 2015.

**Adjournment debate****Tuesday 12 May 2015**

Rural and regional health services (Mrs Mitchell); Landcare (Mr Veitch); Water management (Mr Brown); Israel Independence Day (Mr Farlow); Capital punishment (Mr Moselmane); Coal fuel industry (Mr Buckingham).

**Wednesday 13 May 2015**

ANZAC Centenary Jewish commemorations (Mr Secord); Domestic violence (Dr Faruqi); Tribute to Geoffrey Lewis Hargrave (Mr Colless); Domestic violence (Mr Searle); Death of Reverend Dr Gordon Keith Mackenzie Moyes AC (Mr Green); New members of Parliament (Ms Cusack).

**Thursday 14 May 2015**

Electricity grid transformation (Dr Kaye); Australia and Egypt alliance (Mr Clarke); East Hills electorate election campaign (Ms Voltz); Assyrian Genocide Memorial (Revd Nile); Liberal-Nationals Government (Mr Pearce); IDAHOT Day (Ms Sharpe).

**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 [susan.want@parliament.nsw.gov.au](mailto:susan.want@parliament.nsw.gov.au).

All responses will be kept strictly confidential.



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