

NEW SOUTH WALES LEGISLATIVE COUNCIL

HOUSE IN REVIEW



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25 to 27 August 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 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

This sitting week the House finalised consideration of two Government bills, both of which were returned to the Assembly without amendment. The House also concluded, apart from the Minister's reply, the second reading stage of the Biosecurity Bill. Ultimately, when debate resumes and concludes the first question to be put will be the Opposition's amendment to refer the bill to General Purpose Standing Committee No 5 for inquiry and report. If the second reading of the bill is agreed to, there are currently 80 proposed amendments circulated and awaiting consideration during what will likely be a complex committee of the whole stage.

Also of note this week was the presentation on Tuesday of three petitions that contained more than 500 signatures (including one that contained over 12,000 signatures) that under sessional order requires the relevant Minister to table a response within 35 days.

On Thursday, amongst other matters, the House agreed to a motion recognising the contribution of recently retired former Deputy President, the Hon Jenny Gardiner. Members of the Government, Opposition, The Greens and the Christian Democratic Party all spoke in support of the motion.

Finally, the adjournment debate at the conclusion of the sitting on Thursday unusually saw three members all from different political parties address the same issue in consecutive speeches.

The House now stands adjourned until Tuesday 8 September 2015. Next week the Council begins the annual inquiry into the budget estimates. Details of the hearings are available [here](#).

Government business

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

Biosecurity Bill 2015

The bill originated in the Legislative Council.

Summary: The bill provides a new framework for the prevention, elimination and minimisation of biosecurity

risks, promotes biosecurity as a shared responsibility across government, the community and industry, and gives effect to intergovernmental biosecurity agreements to which the State is a party.

Proceedings: Debate on the second reading of the bill resumed on 25 August 2015 date from 12 August 2015 (see previous edition of *House in Review* for earlier debate). The Opposition while supporting the biosecurity framework provided for in the bill, held strong concerns over the lack of practical detail in the bill on how the framework would be applied. The Opposition said the bill was a significant piece of complex and technical legislation and argued that the Government had failed to consult with key stakeholders prior to introducing the bill into the House. In order to provide more time for public consultation and to identify the practical implications of the bill, the Opposition moved that the bill be referred to General Purpose Standing Committee No 5 for inquiry and report. The Opposition indicated that if the bill was not referred to the Committee for inquiry, it would nevertheless then support the bill's passage through the second reading and into the committee stage, where, it foreshadowed it would move a number of amendments aimed at improving the application of the bill.

The Shooters and Fishers Party held a similar position to that of the Opposition. While generally supporting the objective of the bill it also held a number of concerns, including a lack of detail on how the notion of shared responsibility would be applied equitably, and how the Government planned to ensure that the public was adequately educated about the obligations imposed upon them by the bill. The Shooters and Fishers Party also held concerns about where the onus for the burden of proof with respect to offences was placed, the powers given to authorised officers under the bill, and the broad scope for ministerial delegation of authority. The Shooters and Fishers indicated that they would reserve their position with respect to referring the bill to a committee until the conclusion of the debate.

Similarly, the Greens also indicated that their support for referring the bill to a committee would be informed by the remaining debate and the Minister's reply. The Greens also supported the general framework of the bill,

but argued that there were a number of missed opportunities as well as unintended consequences that would arise from its application. The Greens foreshadowed a range of amendments in the committee stage aimed at strengthening the bill.

Debate was interrupted for Question Time, and resumed the following evening. On resumption of the debate, The Greens reiterated their position that the bill fell short in the areas of independence, transparency, scientific rigour, accountability and adequate funding.

The Animal Justice Party stated that it could not support the bill in its current form for a number of reasons, primary of which was that provisions in the bill would be used as a means to prevent animal rights activists from documenting animal cruelty in intensive food farming industries. The Animal Justice Party foreshadowed that in the committee stage it would seek to negate the bill's punitive focus on animal rights activists.

The Christian Democratic Party supported what it termed a high-level enabling bill, but also advised that it would closely monitor the ensuing regulations to ensure that they are workable, detailed and fair.

Debate was adjourned, with the Minister to speak in reply on resumption of the debate.

Health Services Amendment (Paramedics) Bill 2015

The bill originated in the Legislative Assembly.

Summary: The bill amends the *Health Services Act 1997* to restrict the use of the title 'paramedic' and to make it an offence for any person to use the title 'paramedic' if he or she does not hold recognised qualifications, training or experience, which are to be set out in regulations under the legislation.

Proceedings: Debate on the second reading of the bill commenced on 26 August 2015. The second reading speech of the Parliamentary Secretary (Mrs Mitchell) was incorporated into Hansard. In that speech, the Parliamentary Secretary indicated that it can be difficult for the public to distinguish between highly trained and skilled paramedics and other important, but more routine, first aider and first responder roles, and that the bill recognises the high degree of education, training and/or experience required of paramedics. The Parliamentary Secretary's speech noted that the bill acknowledges that there may be a number of persons who have been working as a paramedic for many years but who will not hold the necessary qualifications set out in the regulations, and therefore provides for the Health Secretary to authorise a person to call him or herself a paramedic if appropriate. The speech also noted that the bill had strong support among key stakeholders and that it brought New South Wales in line with Tasmania and South Australia which had also moved to protect the use of the title paramedic.

The Opposition supported the bill, joining the Government in expressing its gratitude for the work that paramedics do for the community. However, the Opposition also took the opportunity to criticise the Government with respect to Ambulance Service funding and emergency response times performance and

categorisation. The Christian Democratic Party and the Greens also spoke in support of the bill and of the service provided by paramedics.

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

Rural Fires Amendment (Bush Fire Prevention) Bill 2015

The bill originated in the Legislative Assembly.

Summary: In August 2014 the Government established the 10/50 Vegetation Clearing Scheme (see Vol 55/71 of *House in Review* for debate on the relevant bill). The philosophy behind the scheme was to ensure that people living in bushfire prone areas had a greater ability to protect their homes by removing the requirement to obtain approvals before surrounding trees or vegetation could be cleared. In October 2014 the NSW Rural Fire Service undertook a review of the scheme in response to community concerns that in certain areas the scheme was being used for purposes other than bushfire protection, such as to improve views.

The bill gives effect to those recommendations of the review to improve the 10/50 Vegetation Clearing Scheme that require legislative amendment.

Proceedings: The bill was received from the Legislative Assembly on 25 August 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 Colless) was incorporated into Hansard. The Parliamentary Secretary's speech stated that the results of the review conducted by the NSW Rural Fire Service will result in a stronger, more integrated framework for bushfire prevention with greater protection for environmentally sensitive areas. The Parliamentary Secretary's speech noted that the vast majority of changes to the way the 10/50 Scheme works will occur through an update to the 10/50 Vegetation Clearing Code of Practice maintained by the NSW Rural Fire Service, and that the bill makes some machinery amendments to improve the legislative framework for the Scheme, including clarifying that people who do not comply with the Code of Practice or a bushfire hazard reduction certificate may be liable for offences, and extending the 10/50 Scheme to include farm sheds.

The Opposition supported the 10/50 scheme but acknowledged that the 2014 enabling legislation had not received adequate scrutiny and that this bill rectified some of those omissions. The Opposition foreshadowed that it would move amendments in the committee stage that would seek to remove the scheme's self-assessment basis, exclude land identified as containing an endangered ecological community from the scheme, and establish a register of clearing work carried out under the scheme.

The Greens pointed out that they had been strongly opposed to the original bill that gave rise to the 10/50 Scheme and argued that the concerns that they had expressed then had been borne out by what they described as the appalling abuse of the scheme which had commenced almost immediately after it came into effect. The Greens foreshadowed that in the committee stage they would seek to repeal the Scheme entirely, or failing

that establish a requirement for an authorising certificate from the relevant local authority before clearing can proceed.

The Christian Democratic Party supported the bill, arguing it restored the balance between protecting the environment, removing unnecessary and costly regulation for homeowners and allowing sensible bushfire prevention action.

In the committee stage, both the Greens and Opposition amendments were defeated, on the voices and on division.

The bill was reported to the House without amendment, read a third time and returned to the 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) Impounding Amendment (Unattended Boat Trailers) Bill 2015.
- (2) Real Property Amendment (Electronic Conveyancing) Bill 2015.

Disallowance of delegated legislation

Note: The Legislative Council may disallow pieces of delegated legislation such as statutory rules and instruments under Part 6 of the *Interpretation Act 1987* or under the provisions of the primary act.

Disallowance motion – Racing Administration Amendment (Race Field Information Fees) Regulation 2015 (Dr Kaye, The Greens):

Summary: The regulation amends the Racing Administration Regulation 2012 to modify the fees payable by bookmakers, online wagering operators, the TAB and the like to racing control bodies such as Greyhound Racing NSW, Racing New South Wales, and Harness Racing New South Wales for the use of race field information such as animal names and race results.

Proceedings: The House agreed to the disallowance motion being considered forthwith on Wednesday 26 August 2015.

In speaking to the disallowance motion, Dr Kaye argued that the fees payable to racing industry control bodies have increased dramatically in recent years, with the regulation further increasing fees payable to racing control bodies by \$91 million per annum. Dr Kaye argued that fees in the industry are ultimately paid by gamblers, and that the industry is potentially being supercharged at the expense of problem gamblers, in turn creating more problem gambling opportunities. Dr Kaye also argued that promoting the racing industry has significant animal welfare impacts.

The Government opposed the disallowance motion, noting that as a group, recreational punters lose 20 per cent of the money that is bet. In New South Wales on the TAB alone the punters losses were about \$1 billion for the last financial year. The punters losses are then shared by various parties: the Government through fees, wagering operator, professional punters and the racing

industry. The Government argued that increasing the race field administration fee will not be passed on to recreational gamblers. The Government also argued that the regulation will allow additional investment in the industry, and cited the jobs and economic activity generated by the racing industry.

The Opposition also opposed the disallowance motion, citing in part the reasons advanced by the Government, but also noting that the changes in the regulation are in line with a recommendation contained within Michael Lambert's review of the New South Wales racing industry, and that they will bring the fees charged in New South Wales broadly into line with the fees charged in Victoria.

The Christian Democratic Party noted the size of the racing industry in New South Wales, but expressed concern about the issue of problem gamblers. They indicated their support for initiatives to help families that are dealing with the effects of problem gambling.

The Animal Justice Party supported the disallowance motion, arguing that a government of either persuasion should not support an industry that relies on problem gamblers who cause suffering and a great deal of hardship for their families, friends and the community. The Party also expressed concerns for animals in the racing industry, arguing that the industry is driven to maximise profits at the expense of animals.

In reply, Dr Kaye contested the jobs and economic benefits of the industry, and also the Government's argument that the additional fees will not be passed on by bookmakers to gamblers.

The motion was negated on division (7:32), the Christian Democratic Party and the Animal Justice Party voting with The Greens in support of the disallowance, the Government, Opposition and Shooters and Fishers Party opposing the disallowance. The regulation remains in force.

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

Drug and Alcohol Treatment Amendment (Rehabilitation of Persons with Severe Substance Dependence) Bill 2015 (Revd Nile, Christian Democratic Party)

Summary: The bill seeks to amend the *Drug and Alcohol Treatment Act 2007* to further provide for the involuntary rehabilitative care of persons with severe substance dependence. Provisions in the bill include providing a rehabilitation option where persons can agree to undergo out-patient treatment which includes having naltrexone implanted under their skin and receiving counselling for relapse prevention; and increasing the maximum time for which a person may be involuntarily detained from 28 to 90 days.

A bill of the same title had been introduced into the previous Parliament by Revd Nile in October 2012, that bill was still in the second reading stage when it lapsed on the prorogation of the 55th Parliament in March 2015.

Proceedings: Leave was granted to bring in the bill on 27 August 2015, upon which it was read a first time and printed. In his second reading speech, Revd Nile said that now was a crucial time in the State and the nation's history given the effects on society of the current illicit drug ice epidemic, that recent public incidents had been the catalyst for his decision to again introduce this bill to the Parliament, and that he bill would complement the Government's recent action of providing \$7 million funding for the opening of dedicated ice clinics across the State. Revd Nile noted that the bill is based on Swedish legislation which supports coercive drug rehabilitation programs in that country which he had inspected.

Debate was adjourned for five calendar days.

Motions

Lemnos1915 Commemorative Program (Mr Farlow, Liberal Party)

Summary: The motion called on the House to note the importance of the role that the Greek island of Lemnos played in the Gallipoli ANZAC campaign, the recent commemoration program organised by the Lemnos Association of NSW, and the strong relationship that exists between the Greek and Australian people.

Proceedings: Debate on the motion resumed on 27 August 2015 from 13 August 2015 (see previous edition of *House in Review* for earlier debate). Members from the Government, the Opposition and the Christian Democratic Party spoke in support of the motion. In speaking to the motion, members variously reflected on their personal participation in the commemoration events, the significant contribution made by the island of Lemnos to the ANZAC legend and the role played by nurses at Lemnos and during military conflicts generally, and the strong historical and cultural bond between Australia and Greece.

The motion was agreed to.

The Honourable Jenny Gardiner (Mrs Taylor, the Nationals)

Summary: The motion called on the House to note the retirement of the Honourable Jenny Gardiner from the Legislative Council after nearly 24 years of service and to congratulate Miss Gardiner on her contribution as a Nationals member of the Legislative Council.

Proceedings: Debate on the motion commenced on 27 August 2015. In speaking to the motion, Mrs Taylor paid tribute to Miss Gardiner's extensive and exemplary parliamentary career and to her unstinting commitment and service to the Nationals.

Members from the Government, the Opposition, The Greens and the Christian Democratic Party all spoke in support of the motion. Members variously commented on highlights from Miss Gardiner's political and parliamentary career, in particular her becoming the first

woman to be appointed State Director of a major political party and the learned, impartial and calm manner in which she performed the role of Deputy President and Chair of Committees during the 55th Parliament. Members spoke of the respect in which Miss Gardiner was held by those from all sides of the Chamber.

Not long after the motion being agreed to, Miss Gardiner tweeted that she was still alive and kicking.

National Child Protection Week (Mr Green, Christian Democratic Party)

Summary: The motion calls on the House to note that National Child Protection Week will run from 6 to 12 September 2015, with this year marking its 25th anniversary, and that it supports and encourages the safety and wellbeing of children and families through awards, events, programs and resources. The motion also called on the House to note that the key purpose of Bravehearts is to educate, empower and protect Australian children from sexual assault and that Bravehearts' 19th annual White Balloon Day will be held during National Child Protection Week on Friday 11 September.

Proceedings: Debate on the motion commenced on 27 August 2015. In speaking to the motion, Mr Green stated that child sexual abuse spans all races, economic classes and ethnic groups and that the consequences for those subjected to child sexual abuse are often on-going and tragic. Mr Green noted that Child Protection Week is an initiative of the National Association for Prevention of Child Abuse and Neglect (NAPCAN). Mr Green argued that preventing child abuse is everyone's responsibility, and encouraged everyone to inspect the NAPCAN website under the tab 'How Can I Play My Part' where there is a wealth of information about what people from different walks of life can do to prevent child abuse. Mr Green further noted that in the past twelve months Bravehearts had educated 83,500 children about personal safety skills and had delivered more than 5,000 counselling services, and that White Balloon Day is Bravehearts' annual signature event held to raise awareness and much needed funds.

Debate was adjourned.

Motions taken as formal business

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

- (1) Rohingya refugees (Mr Moselmane)
- (2) Democracy in Burma (Dr Kaye)
- (3) Anniversary of deaths of NSW Police Officers (Mrs Houssos)
- (4) 2015 NSW Youth Parliament (Mrs Houssos)
- (5) Pakistan Independence Day 2015 (Mr Moselmane)
- (6) International Netball Federation Congress 2015 (Mr Moselmane)
- (7) Children's Book Week 2015 (Mr Buckingham on behalf of Ms Barham)

- (8) Central Coast Rugby Sevens (Mr MacDonald)
- (9) Ms Connie Hedegaard (Dr Kaye)
- (10) Robotic evolution (Dr Kaye)
- (11) Croatian Archive Association of Australia 10th anniversary (Mrs Maclaren-Jones)
- (12) India-Australia Friendship Fair (Mr Farlow)
- (13) Change the Record campaign (Mr Moselmane)
- (14) Indian Independence Day festival at Parramatta (Mr Clarke)
- (15) Liverpool City Council Mayoral Charity Ball (Mr Mallard)
- (16) Australian-Egyptian Council Forum awards dinner (Mr Clarke)
- (17) ANZAC Centenary Service at The Great Synagogue, Sydney (Mr Clarke)
- (18) India Support Centre Inc. at Pendle Hill (Mr Clarke)
- (19) NAIDOC Week on the Central Coast (Mr MacDonald)
- (20) National Day of the Arab Republic of Egypt (Mr Clarke)
- (21) Mass deportation from the Baltic States (Mr Clarke)
- (22) 6,765th Assyrian New Year (Mr Clarke)
- (23) Ahmadiya Muslim Community interfaith dinner (Mr Clarke)
- (24) Holocaust Remembrance Day 2015 (Mr Clarke)
- (25) Maronite Catholic Community solemn mass (Mr Clarke)
- (26) India Club Inc dinner and variety show (Mr Clarke)
- (27) Independence Day of the Republic of India dinner (Mr Clarke)
- (28) Centennial Parklands school access fees (Dr Kaye).

Petitions

Petition received

- (1) Plaza car park at Kooloonbung Creek – 12,662 signatures (presented Mr Veitch).
- (2) Biosecurity Bill 2015 – 2,187 signatures (presented Mr Pearson).
- (3) Transforming electricity generation in New South Wales to 100 per cent renewables – 533 signatures (presented Dr Kaye).

Reports tabled

Office of the Children’s Guardian: Report into review of Child-Related Conduct Declarations by members elected at the 2015 General Election and Periodic Legislative Council election.

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 references

Standing Committee on State Development:

- (1) The Chair informed the House that on 13 August 2015, the committee resolved to inquire into economic development in Aboriginal communities.
- (2) The Chair informed the House that on 13 August 2015, the committee resolved to inquire into regional planning processes in NSW.

Committee reports tabled

Legislation Review Committee: ‘Legislation Review Digest No. 4 of 2015’, dated 25 August 2015.

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

Joint Select Committee on companion breeding practices in New South Wales: Report No. 1/56 entitled “Inquiry into companion breeding practices in New South Wales”, dated August 2015.

Committee reports debated

General Purpose Standing Committee No. 5:

- (1) The House concluded the take-note debate on Report No. 40 entitled ‘The performance of the NSW Environment Protection Authority’, dated February 2015.
- (2) The House concluded the take-note debate on Report No. 41 entitled ‘Wambelong fire’, dated February 2015.

Select Committee on Ministerial Propriety in New South Wales

The House continued the take-note debate on the Report entitled ‘Ministerial Propriety in New South Wales’, dated February 2015.

Government responses

General Purpose Standing Committee No. 4: The House received a response to Report No. 30 entitled ‘Fair Trading Amendment (Ticket Reselling) Bill 2014’, tabled February 2015.

Select Committee on the Supply and Cost of Gas and Liquid Fuels in New South Wales: The House received a response to the Report entitled ‘Supply and cost of gas and liquid fuels in New South Wales’, tabled February 2015.

General Purpose Standing Committee No. 5: Correspondence was received advising that the response to Report 41 entitled ‘Wambelong Fire’, which was due

on 20 August 2015, would be delayed due to the ongoing coronial inquiry.

Select Committee on Ministerial Propriety in New South Wales: Correspondence was received regarding the response to the Report entitled 'Ministerial Propriety in New South Wales', which was due on 24 August 2015.

Select Committee on the conduct and progress of the Ombudsman's inquiry "Operation Prospect": Correspondence was received regarding the response to the Report entitled 'The conduct and progress of the Ombudsman's inquiry "Operation Prospect"', which was due on 25 August 2015.

Inquiry activities

Select Committee on the Closure of Public Schools in New South Wales

The committee has received 39 submissions and held its only hearing on Thursday 20 August. The report is due to be tabled on 22 October 2015.

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. 3

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

The closing date for submissions is 27 September 2015.

Inquiry into registered nurses in New South Wales nursing homes.

The committee has received over 160 submissions and has conducted three public hearings. The committee is currently in the process of preparing its report, which is due to be tabled on 30 October 2015.

General Purpose Standing Committee No. 6

Inquiry into local government in New South Wales.

The committee held public hearings in Cobar and Wagga Wagga on 17 August and in Armidale on 18 August. The committee also held its final public hearing in Sydney on 24 August.

Inquiry into vocational education and training.

The committee will be conducting a number of public hearings and site visits throughout September and October. These will take place in Wollongbar and Lismore on 11 September, in Belmont and Newcastle on 18 September, in Sydney on 22 and 23 September, and in Nowra and Wollongong on 12 October 2015.

Budget Estimates

The initial hearings will be held next week 31 August-4 September 2015. The week 6-9 October 2015 has been set aside for supplementary hearings.

Law and Justice Committee

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

The closing date for submissions is 4 September 2015.

Social Issues Committee

Inquiry into service coordination in communities with high social needs.

The committee has received 43 submissions. The committee held its first hearing on 28 August, with further hearings to be held in October and November.

State Development Committee

Inquiry into economic development in Aboriginal communities.

The committee commenced its inquiry into strategies to support economic development in Aboriginal communities. The closing date for submissions is 11 October.

Regional planning processes in NSW.

The closing date for submissions is 11 December. The committee will begin conducting hearings in March 2016.

Adjournment debate

Tuesday 25 September 2015

Fitted for Work (Mrs Maclaren-Jones); Port Macquarie Plaza car park (Mrs Houssos); Rural health services (Mr Brown); Equal opportunity (Ms Cusack); Indigenous Human Rights Awards (Mr Moselmane); Canterbury planning approvals (Mr Shoebridge).

Wednesday 26 September 2015

Lesbian, gay, bisexual, transgender and intersex community (Ms Sharpe); Government performance (Dr Faruqi); NSW Motor Accidents Scheme (Mr Pearce); Euthanasia and physician-assisted suicide (Mr Donnelly); Ambulance services (Mr Green); NAIDOC Inner City Family and Sports Day (Mr Franklin).

Thursday 27 September 2015

Senate inquiry into third party food certification (Revd Nile); Remote village pre-schooling trial (Mrs Taylor); Schools sexuality education (Ms Voltz); Schools sexuality education (Dr Kaye); Schools sexuality education (Mr Mallard); National Disability Insurance Scheme (Ms Cotsis); Mr Ben Emms, world champion marksman (Dr Phelps).

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.

All responses will be kept strictly confidential.



David Blunt
Clerk of the Parliaments