

# NEW SOUTH WALES LEGISLATIVE COUNCIL

## *HOUSE IN REVIEW*



*Volume 55/22*

*Sitting period  
27 to 29 March 2012*

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

### Overview

This week was characterised by comprehensive debate and examination of four Government bills, of which the Mining Legislation (Uranium Exploration) Amendment Bill and the Local Government Amendment Bill dominated proceedings. Debate on the first carried over the first two sitting days, while the House sat late into the night on Wednesday to finalise the latter, which was passed after having been on the Notice Paper for more than five months.

### Conduct of business

In consideration of the upcoming Easter period, next week, instead of the standard sitting pattern of Tuesday to Thursday, the House will sit from Monday 2 April to Wednesday 4 April. To accommodate this change the House varied the sessional orders relating to the despatch and conduct of business for the period 2 to 4 April 2012 only.

The House will meet for the despatch of business next week as follows:

Monday 2 April 2012      2.30 pm

Tuesday 3 April 2012      11.00 am

Wednesday 4 April 2012      9.30 am

Question Time is to commence at 4.00 pm on Monday and 2.30 pm on Tuesday and Wednesday.

### Condolence motion – Death of King of Tonga

The President informed the House that, on behalf of the members of the Legislative Council and the people of New South Wales, he had sent a message of condolence to His Majesty King Tupou VI on the sad loss of King George Tupou V, King of Tonga, on 18 March 2012.

Members and officers stood as a mark of respect.

### Government business

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

### Mining Legislation Amendment (Uranium Exploration) Bill 2012

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Mining Act 1992*, the *Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986* and other Acts and instruments to remove the general prohibition on prospecting for uranium in New South Wales, to enable exploration licences and associated permits to prospect for uranium, to apply environmental planning policy applicable to other mineral exploration to uranium prospecting, to vest all uranium to the Crown and to exclude compensation for that vesting.

*Proceedings:* The bill was received from the Legislative Assembly on 7 March 2012 and read a first time. Debate on the second reading of the bill commenced on 27 March 2012 and, after being interrupted for questions on that day, resumed on 28 March 2012.

The second reading speech of the Minister (Mr Gay) was incorporated into Hansard. In that speech the Minister stated that the bill reflects a significant change in government policy following a request from the Federal Government for New South Wales and Victoria to review their prohibition on uranium exploration and mining. The Minister emphasised that the bill does not provide for the granting of a mining title for uranium, and that the regulatory framework that will apply to uranium exploration will meet the nationally agreed standards applied by all States and Territories for protecting health and safety.

The Opposition and the Greens both strongly opposed the bill on the grounds that the prohibition on the exploration and mining of uranium had been a bipartisan policy for 26 years and that the Government had no electoral mandate for such a significant reversal of long-standing public policy. Both parties argued that passage of the bill would ultimately lead to the mining of uranium in the State. Both parties were also of the view that the bill should be referred to a committee for examination, with the Opposition moving an amendment to this effect.

Members of the Government countered that the move to determine the extent of the uranium resource in the State did reflect a bipartisan approach as it was in direct

response to the Federal Government's decision to lift the boycott on the export of uranium to India, and reiterated that the bill leaves the prohibition on the mining of uranium in place.

The Shooters and Fishers Party strongly supported the bill. The Christian Democratic Party did not oppose the bill. While acknowledging community concerns regarding potential environmental effects, it was satisfied with the safeguards provided by the regulatory framework that will apply to uranium exploration. The CDP were of the view that any referral to a committee should not occur at this stage, but in relation to any subsequent bill that may provide for the lifting of the ban on the mining of uranium.

The move to have the bill referred to a select committee for inquiry and report by 16 August 2012 was negatived (Division 18:20). The second reading was then agreed to (Division 20:18). The bill was read a third time and returned to the Assembly without amendment.

### **Local Government Amendment Bill 2011**

The bill originated in the Legislative Assembly.

*Summary:* The bill, as introduced, amended the *Local Government Act 1993* by: reducing the period of employment protections for council staff following amalgamations; returning to councils their body corporate status; introducing caretaker provisions to regulate council decision making before elections; extending the maximum term of the lease or licence of community land from 21 years to 30 years; clarifying provisions relating to pecuniary interest and simplifying pecuniary interest exemptions in relation to the adoption of standard local environmental plans.

*Proceedings:* The bill was received from the Legislative Assembly on 14 October 2011 and read a first time. Debate on the second reading of the bill commenced on 28 March 2012. During that time both the Opposition and the Greens circulated amendments they intended to make to the bill.

After introduction, the balance of the Parliamentary Secretary's speech was incorporated into Hansard. In that speech, the Parliamentary Secretary (Mr Mason-Cox) said that both the Government and the local government sector agreed that there is a need to reshape the capacity, functions, structure, governance and financing arrangements of councils so that they can better serve their communities, and that the bill fulfils the Government's ongoing commitment to improve efficiency and effectiveness in local government.

The Parliamentary Secretary stated that, among other things, the bill sought to address concerns expressed by councils that the current system was a disincentive for them to engage in structural reform through voluntary amalgamations. Similarly, the proposal to return councils their legal status as bodies corporate was made at the request of the Local Government and Shires Association of New South Wales.

Members of both the Government and the Christian Democratic Party spoke in support of the bill, referring to the broad consultation that had taken place and the

support in particular of the Local Government and Shires Association.

The response to the bill from other members of the House was mixed. Some provisions of the bill, such as extending the maximum term for the leasing of community land and introducing caretaker provisions, received unanimous support. Other provisions were strongly opposed by both the Opposition and the Greens. Both parties foreshadowed they would move amendments in the committee stage to address what they viewed as the shortcomings in the bill. The Shooters and Fishers Party supported the bill overall but also indicated its support for some of the amendments foreshadowed during the debate.

The second reading was agreed to.

The House, on the motion of Mr Shoebridge, agreed that the committee of the whole be instructed that they have the power to consider an amendment relating to the number of councillors a council must have in each ward if the area of a council is divided into wards.

In the committee stage the Opposition and the Greens both moved a number of amendments, many of which sought to remove those elements of the bill to which they objected. The support of the Shooters and Fishers Party proved to be the deciding factor in the success or otherwise of these amendments.

An Opposition amendment to omit the section of the bill relating to pecuniary interest disclosures was negatived, as was a later Greens amendment to the same clause (Division 16:18). The Greens were unsuccessful in inserting an amendment to clarify that caravan parks and residential parks are among the types of land over which councils can grant leases or licences. The Opposition was successful in omitting from the bill those provisions for changing the status of councils from body politic to body corporate (Division 18:16).

The Greens then moved the amendment concerning councillors in wards, which the committee of the whole had been instructed it could consider, even though it did not fall within the scope of the bill. However, the motion did not attract support from the other parties, and was negatived. The Greens did garner support for removing those provisions in the bill that reduced the existing employment protection provisions relating to council amalgamations.

There was unanimous support for a Government amendment to increase from three to four weeks the caretaker period applicable in the lead up to an ordinary election.

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

### **Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Births, Deaths and Marriages Registration Act 1995* to provide that certain restricted persons may not apply for or have a change of name registered without the approval of the supervising

authority. Similarly, during a specified period, a person who was a serious offender may not have a change of name registered without the approval of the Commissioner of Corrective Services and the Commissioner of Police. The bill also provides a right of appeal in relation to decisions made under the new provisions.

*Proceedings:* The bill was received from the Legislative Assembly on 7 March 2012 and read a first time. Debate on the second reading of the bill commenced on 27 March 2012.

The second reading speech of the Parliamentary Secretary (Mr Clarke) was incorporated into Hansard. In that speech, the Parliamentary Secretary said that the bill would prevent improper name changes in relation to 'restricted persons' such as inmates, parolees, remandees, forensic patients, and serious sex offenders. This approach is consistent with the practices currently adopted in respect of registered persons under the *Child Protection (Offenders Registration) Act 2000*. The Parliamentary Secretary noted that as well as introducing these restrictions the bill also allows for a supervising authority to approve a change of name application, but only if it is satisfied that the change of name is necessary or reasonable, such as in assisting with rehabilitation.

The Opposition and the Greens did not oppose the bill while the Christian Democratic Party expressed their support. Members agreed on the importance of having a national approach to changes of names, noting the bill is consistent with the recommendations in the Best Practice Change of Name paper which was presented at the meeting of the Standing Council on Law and Justice in November 2011. Members highlighted the timeliness of the bill by reference to several recent high-profile cases where people convicted of serious offences had attempted to change their name.

While supporting the bill, the Greens expressed concern over the potential for persons being penalised for innocent mistakes when unaware of the requirement to apply to their supervising authority directly for a change of name.

The second and third readings of the bill were agreed to and the bill was returned to the Assembly without amendment. The bill was assented to on 28 March 2012.

### **Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012**

The bill originated in the Legislative Council.

*Summary:* The bill amends the *Road Transport (General) Act 2005* by including in the vehicle sanctions scheme certain high range speeding and police pursuit offences and by enabling the confiscation of number plates from motor vehicles as an additional sanction to impounding. The bill also repeals the provisions in the Act relating to the wheel clamping of vehicles.

*Proceedings:* Debate on the second reading of the bill resumed on 28 March 2012 from 13 March 2012 (see the previous edition of *House in Review* for earlier debate).

Members of the Government, the Opposition, and the Greens all strongly supported the bill stating that the

measures in the bill were a positive step to reduce 'hoon' driver related offences by targeting a wider variety of inappropriate and dangerous driving practices. There was unanimous support for the new penalty to remove number plates a simple yet effective way to get offending drivers off the road.

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

### **Police Integrity Commission Amendment Bill 2012**

The bill originated in the Legislative Assembly.

*Summary:* The bill amends the *Police Integrity Commission Act 1996* by implementing recommendations arising from the statutory review of the Act. The bill focuses on providing a more consistent approach to the different types of law enforcement officers covered by the Act. The bill also provides guidance on conducting private hearings, ensures that senior officers report all types of misconduct, clarifies the way the Inspector of the Police Integrity Commission carries out certain functions and ensures that a person has the opportunity to respond to adverse comments made about them before they are included in a report.

*Proceedings:* The bill was received from the Legislative Assembly on 28 March 2012 and read a first time. The second reading was set down for a later hour of the sitting.

### **Private members' business**

**Note:** Private members' business is business moved by members of the House other than Government ministers. There are two types of private members' business: private members' bills and private members' motions.

#### *Bill*

### **National Park Estate (South-Western Cypress Reservations) Amendment Bill 2012 (Mr Brown, Shooter and Fishers Party)**

*Summary:* The bill amends the *National Park Estate (South-Western Cypress Reservations) Act 2010* by revoking the reservation of certain land as part of the Meroo National Park.

*Proceedings:* Debate on the motion seeking leave to bring in the bill commenced according to precedence. The bill was introduced, read a first time and printed on 29 March 2012.

In his second reading speech Mr Brown said that the Act, which was passed in the second last sitting week of the previous Parliament, included the reservation of the bed of the Meroo Lake recreational fishing haven and that this had resulted in the virtual alienation of the haven from recreational fishers. Mr Brown said the bill simply aims to restore effective access to the haven for recreational fishers. Debate was adjourned for five calendar days.

### *Motions*

#### **His Holiness Pope Shenouda III (Mr Moselmane, Australian Labor Party)**

*Summary:* On 17 March 2012, His Holiness Pope Shenouda III, the 117<sup>th</sup> Pope of Alexandria, and patriarch of the See of Saint Mark, passed away, aged 88. The motion detailed the milestones and achievements of Pope Shenouda's life and called on the House to offer its condolences to Coptic communities worldwide.

*Proceedings:* Standing orders were suspended to bring on the item of business. In opening debate on the motion, Mr Moselmane noted that other members had also wanted to move a similar motion and expressed his gratitude to them and to the House for allowing him to bring on the debate.

A number of members spoke in support of the motion, variously describing Pope Shenouda as a truly historic figure who lived an illustrious life of heroic virtue, and a man of perseverance, courage and faith.

The motion was agreed to unanimously.

#### **Forests NSW research staff (Mr Whan, Australian Labor Party)**

*Summary:* The motion called on the House to note that the Government has removed 11 out of 33 research staff positions at the Forest NSW research facility at West Pennant Hills resulting in the loss of important specialised skills; and condemned the Government for its action.

*Proceedings:* Debate resumed, according to precedence, on 29 March 2012 from 15 March 2012 (see the previous edition of *House in Review* and Vol 55/11 for earlier debate).

In reply, Mr Whan reiterated his support for the research staff at the research facility at West Pennant Hills and argued that the benchmarking review undertaken by the Government was not a good enough reason to dismiss these researchers.

The motion was negatived on division (18:20).

#### **Country and Regional Living Expo (Mrs Mitchell, The Nationals)**

*Summary:* The motion called on the House to note the annual Country and Regional Living Expo and its role in informing Sydney residents about regional New South Wales. The motion also called on the House to recognise the organisers of the expo and to congratulate the Government on its work regarding regional New South Wales.

*Proceedings:* Debate on the motion commenced according to precedence. In moving the motion, Mrs Mitchell noted that the Country and Regional Living Expo promotes the virtues of living or investing in a regional community.

Although there was unanimous support for the motion, the Opposition moved an amendment to omit the paragraph congratulating the Government and insert instead a paragraph welcoming the establishment of the independent think tank, the Federal Regional Australia

Institute. The Government sought to amend this amendment by excluding the original paragraph altogether in order for the motion to gain bipartisan support.

The Opposition amendment, as amended by the Government, was agreed to, and the motion passed.

### *Motions taken as formal business*

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

- (1) Harmony Day (Ms Fazio)
- (2) National Playgroup Week (Ms Fazio)
- (3) Mr Joseph George Khoury (Mr Moselmane)
- (4) Australian Chinese Daily newspaper (Mr Moselmane)
- (5) Ms Anne Field (Mr Moselmane)
- (6) Vaisakhi Festival (Mr Moselmane)
- (7) Global Organisation of People of Indian Origin (Ms Fazio)
- (8) Rockdale City Council General Manager (Mr Moselmane)
- (9) Bay City Church and Bay City Care (Mr Moselmane)
- (10) Editor in Chief of Sing Tao Daily newspaper (Mr Moselmane)
- (11) Purple Day for epilepsy awareness (Ms Fazio)
- (12) World Diabetes Day (Mrs Maclaren-Jones)
- (13) Casino Public Primary School (Mrs Maclaren-Jones)
- (14) Assyrian community leader (Ms Ficarra)
- (15) Doltone House (Ms Ficarra)
- (16) Prostate Cancer Institute (Ms Ficarra)
- (17) NSW Surf Life Saving Championships (Ms Ficarra)
- (18) Special Olympics Australia (Ms Ficarra)
- (19) Assyrian New Year Festival (Ms Ficarra)
- (20) Japanese earthquake recovery efforts (Ms Ficarra)
- (21) Youth Week (Ms Ficarra)
- (22) Chief Executive Officer of Sing Tao Daily newspaper (Mr Moselmane)
- (23) Mr Les Edgar (Mr Moselmane)
- (24) Editor in Chief of the Australian Chinese Daily (Mr Moselmane)
- (25) His Majesty King George Tupou V (Ms Ficarra)
- (26) His Holiness Pope Shenouda III (Mr Clarke)
- (27) National Disability Insurance Scheme (Mr Mason-Cox)
- (28) World Down Syndrome Day (Mr Mason-Cox)

- (29) Mr Don Feltis (Ms Ficarra)
- (30) NSW Seniors Week Ambassador (Mr Ajaka)
- (31) Greek National Independence Day (Ms Ficarra)
- (32) Order of Malta (Mr Ajaka)
- (33) NSW Seniors Week award recipients (Ms Ficarra)
- (34) Books Bonus Project (Ms Ficarra).

## Orders for papers

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

### *Return to order*

- (1) **Workcover prosecutions:** Further to the return to order received on 14 March 2012, two additional privileged documents, inadvertently omitted from the original return, were received on 27 March 2012.

### *Disputed claims of privilege*

- (1) **Workcover prosecutions:** On 27 March 2012, the Clerk received written correspondence from Mr Searle disputing the validity of a claim of privilege relating to documents concerning Workcover prosecutions. On 28 March 2012, the Clerk received further written correspondence from Mr Searle disputing the validity of a claim of privilege relating to the two additional documents concerning Workcover prosecutions that were lodged with the Clerk on 28 March 2012.

According to standing order, the disputed documents were released to an Independent Legal Arbitrator, Sir Laurence Street, for evaluation and report.

## Petitions received

- (1) Religious discrimination – 112 signatures (presented Mr Moselmane)
- (2) NSW Forests Nurseries and Plant Growing Centres – 52 signatures (irregular, presented Mr Whan)
- (3) Dying with dignity – 19 signatures (presented Ms Faehrmann)
- (4) Battery cage egg production – 70 signatures (presented Ms Faehrmann)
- (5) Sow stalls – 176 signatures (irregular, presented Ms Faehrmann).

## Committee activities

### *Committee resolution*

**Standing Committee on Law and Justice:** The House amended its resolution of 14 June 2011, that designated the Committee to supervise the exercise of the functions of the Lifetime Care Support Authority of New South Wales and the Lifetime Care and Support Advisory Council of New South Wales, to now report to the House at least once every two years instead of at least once each year.

### *Extension of reporting date*

**Joint Standing Committee on Electoral Matters:** On 28 March 2012 the House agreed to a message received from the Legislative Assembly to amend the reporting date on the 26 March 2011 State Election from 12 months to 18 months.

### *Committee reports tabled*

**Legislation Review Committee:** 'Legislation Review Digest No. 13/55', 27 March 2012.

**Joint Standing Committee on Road Safety (STAYSAFE):** Report No. 1/55 entitled 'Inquiry into school zone safety', March 2012.

**Standing Committee on Law and Justice:** Report No. 49 entitled 'Opportunities to consolidate tribunals in NSW', March 2012.

### *Committee reports debated*

**General Purpose Standing Committee No. 3:** The House continued the take-note debate on Report No. 25 entitled 'Budget Estimates 2011-2012', December 2011.

**Standing Committee on Law and Justice:** The House continued the take-note debate on Report No. 48, entitled 'Eleventh Review of the exercise of the functions of the Motor Accidents Authority and Motor Accidents Council', December 2011.

**General Purpose Standing Committee No. 4:** The House continued the take-note debate on Report No. 25 entitled 'Budget Estimates 2011-2012', February 2012.

## Report tabled

**Inspector of the Independent Commission Against Corruption:** Report entitled 'Report of an audit into the exercise by the Independent Commission Against Corruption of its powers under sections 21, 22, 23 and 35 of the Independent Commission Against Corruption Act 1988', March 2012.

## Adjournment debate

### **Tuesday 27 March 2012**

Prostitution (Mr Green); Pakistan Association of Australia (Mr Primrose); Delungra Opera in the Paddock/ Inverell Arts Society fiftieth anniversary (Mrs Mitchell); Methane emissions from unconventional gas industries (Mr Buckingham); Former Ashfield Councillor Julie Passas (Ms Fazio); Trade union movement anti-feminism (Dr Phelps); Australia-Papua New Guinea Parliamentary Friendship Group (Mr Lynn).

### **Wednesday 28 March 2012**

Language studies (Ms Voltz); Autism (Ms Barham); Strategic regional land use plans (Mr Khan); Recreational fishing development plans (Mr Brown); Greek financial crisis (Ms Cotsis); Fluoridation (Ms Cusack).

**Thursday 29 March 2012**

Global warming (Mr Borsak); Biaggio Signoreli Foundation (Ms Ficarra); Sydney public transport (Ms Sharpe); Animal cruelty (Ms Faehrmann); Rural community volunteers (Mr Veitch); Syraic Orthodox Church (Mr Clarke), Tribute to Michael Peterson (Ms Voltz); Climate change (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 [stephen.frappell@parliament.nsw.gov.au](mailto:stephen.frappell@parliament.nsw.gov.au).

All responses will be kept strictly confidential.

A handwritten signature in black ink, appearing to be 'DB', written in a cursive style.

David Blunt  
Clerk of the Parliaments