



# Focus On PARLIAMENT

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## New Bill Raises the Bar on Provocation

The revised partial defence of “extreme provocation”, introduced into Parliament Wednesday 5 March 2014], will better reflect community attitudes towards cases in which an accused kills an intimate partner only to escape a murder conviction by claiming they had been provoked, Attorney General Greg Smith SC said today.

“This more limited partial defence of “extreme provocation” raises the bar on the circumstances when this defence can be used, so that it is only available in the most extreme cases,” Mr Smith said.

“Importantly, an accused can no longer use this excuse because their partner was unfaithful or wishes to end the relationship,” he said.

“Nor will provocation be available as a partial defence to someone who kills a person who merely made a non-violent sexual advance - whether heterosexual or homosexual - towards them.”

The bill meets the policy intent of the legislative recommendations of the Select Committee on Provocation

which examined this complex issue.

“In recognition of work done by the Committee it will be introduced in the Upper House by its chairman, Christian Democratic Party MLC the Rev Fred Nile. I thank the committee and the Rev Nile for their commitment to resolving the issue and reflecting community expectations in this complex area of the law.”

Under the bill ‘extreme provocation’ is only available as a partial defence if the provocative conduct of the deceased:

- was a serious indictable offence, and
- caused the accused to lose self-control, and
- could have caused an ordinary person to lose self-control to the extent of intending to kill or inflict grievous bodily harm

It enacts a Draft Exposure Bill which was released for public consultation in October.

“This bill ensures that provocation can no longer be used inappropriately to have a murder charged reduced to manslaughter, while ensuring the defence remains available to

people who have suffered long standing domestic abuse and violence at the hands of their partners.”

“It does away with a law that was seen by many as being biased against women, and blaming the victim’s behaviour for the offender’s loss of self-control.”

“The new text will focus the jury on ordinary community standards by requiring them to consider what an ordinary person’s reaction could have been.”

“The bill also ensures provocation will also no longer be available as a defence to people who are intoxicated, unless the intoxication was not self-induced.”

Currently, people can use provocation as a defence if:

- The words or conduct of the deceased caused the accused to lose self-control, and
- The conduct of the deceased could have induced an ordinary person, in the position of the accused, to have so far lost self-control as to have formed an intent to kill, or inflict grievous bodily harm on the deceased.

Greg Smith SC MP Attorney General Minister for Justice

### COMMONWEALTH DAY MESSAGE FROM HER MAJESTY THE QUEEN, HEAD OF THE COMMONWEALTH

10 March 2014

In July this year, the opening of the 20th Commonwealth Games will be marked by the arrival in Glasgow of the baton that started its journey from Buckingham Palace five months ago.

Many of us are following closely the news of the baton relay as it passes through the 70 countries and territories whose teams will gather for the Games. The images bring vividly to life what we mean by the Commonwealth family: it is wonderful to see the warmth, shared endeavour and goodwill as the baton is passed

through the hands of many thousands of people.

Affinities of history and inheritance from the past are strong, yet we are bound together by a sense that the Commonwealth is a powerful influence of good for the future. People of all ages from different cultures are weaving an ever-growing network of links which connect us in our diversity and our common purpose. It is this unity that is expressed in this year’s theme: ‘Team Commonwealth’.

While national teams will be concentrating on the competition in August, Team Commonwealth will have a

longer focus, working together to achieve a more enduring success.

Experiences of life differ widely throughout the Commonwealth, and we each make contributions from sometimes very different viewpoints. But we are committed to the same goals. Together we offer each other encouragement and draw strength from this mutual support.

The understanding that we belong together, and are able, through teamwork, to achieve far more than we could do alone, has always been at the heart of our approach. For all of us this is now captured in the Commonwealth Charter

which sets out the values and principles which guide and motivate us.

This year, more children and young people are participating in Commonwealth Day celebrations. Advances in technology enable us to reach a greater number of young people in schools, on-line using the ‘Commonwealth Class’ initiative, and through events in local communities where the Commonwealth flag is being raised.

I am delighted that in this, the year of ‘Team Commonwealth’, we will be working to build a brighter, united future in which every one of us can play a part and share in its rewards.

## SAME-SEX MARRIAGE BILL 2013

**The Hon. DAVID CLARKE** (Parliamentary Secretary) [11.11 a.m.]: I oppose the Same-Sex Marriage Bill 2013 for two basic reasons. First, I oppose same-sex marriage for a host of reasons, and I will not now or ever vote for it to be legalised. Secondly, I oppose this bill because the Commonwealth Marriage Act defines “marriage” as:

The union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

This makes clear beyond all doubt that what this bill proposes would be rendered inoperative under existing Commonwealth law, which takes precedence over State law pursuant to section 109 of the Commonwealth Constitution, which provides:

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Consequently, this bill, if passed by this Parliament, would, I believe—and so does the overwhelming weight of serious legal opinion—be struck down in the High Court. The law is crystal clear and despite whatever way promoters of this bill try to pitch their arguments and whatever fanciful and exotic legal scenarios they piece together, they cannot get around that basic and pivotal fact. If the promoters of this bill want same sex marriage legalised, they will have to get the Federal Parliament to change the Commonwealth law. I hope they never succeed in doing that. Only a few weeks ago this House received the report of the Standing Committee on Social Issues entitled “Inquiry into Same-Sex Marriage Law in NSW.” That inquiry did not consider whether same-sex marriage should be legalised because it was not part of its

terms of reference.

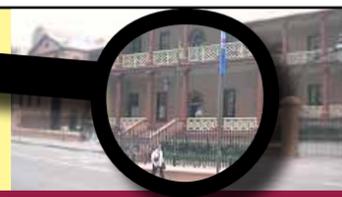
In essence, the committee considered whether this Parliament had the power to legislate for same-sex marriage and if so, whether such a law, if passed, would be constitutionally valid in view of existing Commonwealth law, which bans same-sex marriage. Whilst the Standing Committee on Social Issues found that New South Wales had the constitutional power to legislate for same-sex marriage, the committee majority found also that its validity could be subject to challenge in the High Court of Australia and the outcome of the case would be uncertain. I believe the committee’s findings put forward the best possible spin from same-sex marriage supporters.

The truth is that a High Court challenge to this bill would be highly likely to be successful, according to the overwhelming weight of serious legal opinion. I have confidence in the opinion of legal experts such as Mr David Jackson, QC, Professor Anne Twomey and Professor Patrick Parkinson as they represent the majority of expert legal opinion on this issue in this nation. However, regardless of the constitutional validity of this bill, I remain opposed to same-sex marriage. I find the framing of the issue by same-sex marriage advocates as one of marriage equality to be deceptive. The term “marriage equality” does not accurately—certainly not legally—reflect the true issue; it obfuscates it. That term implies that some Australians have marriage rights that others do not. That simply is not true.

Australian marriage laws apply equally and without distinction to all Australians. This bill’s title is Same-Sex Marriage Bill rather than “marriage equality bill” because

the title accurately and legally reflects the issue. The term “marriage equality” does not reflect the issue and simply is a deceptive promotional slogan. Nowhere does this bill mention marriage equality; it does not make one reference to that term. If the definition of marriage in Australia can be changed from meaning a man and a woman to include a woman and a woman or a man and a man, why should it not extend to include a man and two women or a woman and two men? Why should it not logically extend to polygamous marriage, which includes a man and more than one woman? After all, those marriages are accepted in a significant part of the world. Why should the law change to accept same-sex relationships and not polygamous ones? Who is to say that most polygamous relationships also are not loving?

How would supporters of same-sex marriage vote on a bill in this House to legalise polygamous marriage? I support marriage as it always has been understood and defined throughout recorded history: a relationship between a male and a female. That is the way marriage has been understood and practised within all civilisations, cultures and societies, and by all religious faith traditions in all parts of the world throughout the ages. Even in this present day whenever the issue is put to a free vote of citizens in unambiguous, clear and specific terms it is defeated in the overwhelming majority of cases. Invariably the issue is defeated whenever it has been left to a free, grassroots vote of citizens and not to activist judges reinterpreting laws to their liking or to legislators who purport to act in the name of those by whom they were elected. I will not be supporting the legalisation of same-sex marriage—not today or ever.



## Rev Fred Nile Supports Stronger Laws to Protect Children

In his speech to the NSW Parliament on Tuesday 22 October 2013, Mr Nile stated the following:

### CHILD PROTECTION LEGISLATION AMENDMENT (OFFENDERS REGISTRATION AND PROHIBITION) BILL 2013

**Reverend the Hon FRED NILE:** On behalf of the Christian Democratic Party, I am pleased to support the Child Protection Legislation Amendment (Offenders Registration and Prohibition) Bill 2013. The bill implements the findings of the statutory review of the Child Protection (Offenders Prohibition Orders) Act 2004 and introduces additional measures to the Child Protection (Offenders Registration) Act 2000. It is very important for the Parliament and the Government to constantly review legislation that deals with child protection. Attacks on children are becoming more sophisticated and we must ensure that our legislation is adequate. The amendments in this bill will help in this regard and will give the police the powers they need.

The bill will improve the operation of both Acts and will strengthen the framework for monitoring and managing child sex offenders and certain other individuals who are living in the community. The Child Protection (Offenders Prohibition Orders) Act 2004 enables prohibition orders to be made against offenders who have committed sexual or other serious offences against children, such as child murder, sexual intercourse with a child, acts of indecency against a child and possession of child abuse materials. These offenders are known under the Child Protection (Offenders Registration) Act 2000 as “registrable persons”. We are pleased to support the bill, especially as the Federal royal commission into the issue of the sexual abuse of children has heard further startling revelations about the seriousness of this activity and its widespread nature.

Already we have seen a report concerning an organised ring of paedophiles, believed to include Anglican and Catholic clergy, who used a Sunday afternoon children’s Christian program in the 1970s to sexually abuse boys at a church-run Wallsend boys’ home. A Hunter woman said that these men just came, got the boys, used them and then put them back. Her husband had told the Royal Commission into Institutional Responses to Child Sexual Abuse that he was sexually assaulted by multiple offenders at the Woodlands Boys Home. Obviously the United Protestant Association was unaware of these activities and has issued an unreserved apology for what has occurred to the victims. Some of the smallest and youngest boys were targeted by the Sunday group. From what the victims told us, these men changed from week to week. This suggests an even larger organised ring. In other words, a group of men would arrive and abuse the boys; and then in another week or so another group of men would come and abuse the boys. So there was obviously a paedophile network operating around Wallsend in that Newcastle region.

In providing evidence before the royal commission

witnesses said that they were aware of a group of men who came to the home in the 1970s for a number of years on Sunday afternoons—apparently to conduct a Christian program. They routinely took smaller boys downstairs into rooms in the building and abused them. Anglican priest and volunteer carer Peter Rushton, acknowledged by the church in 2010 as a sexual abuser of children, and another person—convicted child sex offender Robert Holland—are believed to have taken boys from the home and to have had links with Woodlands. I could go on with the alarming evidence given before the royal commission which just shows the necessity for this legislation.

Even today there was a media report about a worker from the Young Men’s Christian Association. One would assume that if they had been employed by the Young Men’s Christian Association they would be trustworthy persons. In this case, a single mother working every Saturday to support herself and her son paid this man, Jonathon Lord, \$100 to babysit her son from 9.00 a.m. until 4.00 p.m. and trusted him completely—after all, he worked for the Young Men’s Christian Association. The sexual abuse started on the very first Saturday and continued every Saturday for more than a year until October 2011. So this is a very current case. The grief-stricken mother told the Royal Commission into Institutional Responses to Child Sexual Abuse about this tragic situation of what had occurred to her child. She said that her trust in the babysitter was such that when he and his mother called around in late 2011 to tell her of sexual abuse allegations against him, and asked her to give him a character reference, she agreed. She offered to recommend him a lawyer. Later that night the mother became suspicious and started questioning her son. As she questioned him it became obvious that Jonathon Lord had been sexually abusing her son. She said, “At that time, my whole world fell apart.”

Last Monday the royal commission heard from several mothers whose children were groomed and abused by Jonathon Lord. He worked at Young Men’s Christian Association centres at St Patrick’s Catholic Primary School at Sutherland, at Caringbah Young Men’s Christian Association in Jacaranda Road, at Caringbah Public School, at Lilli Pilli Public School and at Laguna Street Public School. So this affects both religious schools and State schools. I have no mercy for people who sexually abuse children, especially when they are in a position of trust and where the mother or parents trust that person. Often parents trust religious workers or priests and allow them access to their children, not realising the grooming that goes on. These paedophiles are experts at grooming children, until eventually the children are vulnerable to their sexual abuse.

This bill recognises that certain registrable persons can still pose a risk to children even after they have completed their sentence and despite being subject to the registration and reporting requirements of the Child Protection (Offenders Registration) Act 2000. Under the Child Protection (Offenders Prohibition Orders) Act 2004 two types of prohibition orders

may be made: child protection prohibition orders and contact prohibition orders. Child protection prohibition orders are intended as a means of managing registrable persons of the highest risk to children. A child protection prohibition order works to prevent high-risk offenders from engaging in certain kinds of conduct that may be a precursor to them offending. While the kind of conduct that may be prohibited is not limited, examples of specific conduct that may be prohibited under a child protection prohibition order include: being in specified locations or kinds of locations, engaging in specified behaviour or being in specified employment or employment of a specified kind.

In determining whether to apply for a child protection prohibition order, police conduct a risk assessment of the registrable person to establish whether his or her conduct in connection with his or her previous convictions is likely to pose a risk to children. This is based on the principle that often these individuals cannot stop their behaviour of abusing children. There is strong evidence that their attraction to children to sexually abuse them is incurable. That is why our society is forced to maintain this constant observation of these individuals in various ways through these orders. It sounds harsh, because we think that when people have made a mistake, been convicted, been punished and finished their penalty we can release those persons and wash our hands of them. But in this area we cannot. Those persons are most likely to offend. There is something in these individuals that means they cannot control that desire and attraction to children.

So the responsibility rests on our shoulders as legislators to ensure that children are protected. It may sound like we are invading the privacy of the individuals concerned. One aspect of the bill is that it allows police officers to enter and inspect residential premises of a registrable person without prior notice or a warrant to verify information reported by that registrable person. This may raise questions about his or her right to privacy. But I believe we have to weigh up the public interest of securing the safety of children. That must be the priority of this Parliament.

Finally, as members know, because of my concern in this area I introduced the Child Protection (Nicole’s Law) Bill 2011. I am still hoping that bill may be passed eventually. It recognises the right of New South Wales families, concerned about the safety of their young children, to be made publicly aware of the presence of convicted paedophiles living within their neighbourhood. In light of the fact that these paedophiles do not change, legislators have an implicit responsibility to do all they can to ensure the safety and wellbeing of children. That is why I believe there should be stronger legislation to provide that information to parents. I called that bill “Nicole’s law” because five-year old Nicole Hanns was brutally stabbed 17 times by John Lewthwaite, a paedophile, when he was on parole. I am pleased to support the bill before the House.

### REV FRED NILE SUPPORTS SUCCESSFUL WORKCOVER PROSECUTIONS

In his speech to the NSW Parliament on Wednesday 30 October 2013, Mr Nile stated the following:

### WORK HEALTH AND SAFETY AMENDMENT BILL 2013

**Reverend the Hon FRED NILE:** On behalf of the Christian Democratic Party, I am pleased to support the Work Health and Safety Amendment Bill 2013. The purpose of the bill is to overcome two technical challenges to WorkCover prosecutions for serious Occupational Health and Safety Act offences. It is very important that WorkCover undertake such prosecutions successfully when its inspectors establish that a particular company or factory is putting workers’ health at risk because the company or factory has not been meeting its requirements under work health and safety legislation. This is a very important bill because it will, in effect, restore the powers of WorkCover to do the job for which it was established.

The Work Health and Safety Act 2011 replaced the Occupational Health and Safety Act 2000 from 1 January 2012. A number of challenges have been made to the actions of WorkCover. The first issue is the power of the District Court to deal with occupational health and safety prosecutions. Until 1 January 2012, these matters were heard in the Industrial Court. When the Work Health and Safety Act commenced in 2012 the Government adopted a policy that work health and safety prosecutions would be dealt with by the District Court and not by the Industrial Court. Consistent with this policy, the Government decided that any occupational health and safety prosecution that had not yet been filed should also be filed in the District Court. The Governor made a transitional regulation to achieve this.

Various companies have challenged WorkCover prosecutions. Empire Waste, Baldwin and Australian Native Landscapes, which were prosecuted for Occupational Health and Safety

Act offences, challenged WorkCover’s right to prosecute, arguing the transitional regulation is invalid. That happens in some cases; lawyers hired by a company to avoid prosecution look for technical arguments to try to prevent the prosecution proceeding, even claiming that a transitional regulation was invalid. In those three cases the lawyers argued that only an Act, not a regulation, could provide for occupational health and safety prosecutions to be heard by the District Court, rather than by the Industrial Court. The dispute was heard by the Court of Appeal, which has not yet handed down its decision.

A second issue concerns who is eligible to sign the document commencing the prosecution in the District Court under the Occupational Health and Safety Act. Normally, the inspector commences a prosecution. This was challenged on a technicality that the Criminal Procedure Act provides for a prosecutor, not an inspector, to commence a prosecution. This



## Rev Fred Nile urges Government to deter homosexual young men from high risk homosexual activity

In answer to my question on 30 October 2013:

**Reverend the Hon. FRED NILE:** I wish to ask the Hon. Michael Gallacher, representing the Hon. Jillian Skinner, the Minister for Health, a question without notice. Is the Government aware that the Kirby Institute of the University of New South Wales has said that more than 1,250 people were newly diagnosed with HIV last year and that New South Wales led the way with a 24 per cent increase while Victoria was stable? Is the Government aware that a 10 per cent increase nationwide in new HIV cases last year has hit young people particularly hard, with hundreds of people in their twenties diagnosed? What is the Government's health initiative to combat this increase by deterring homosexual young men from high-risk sexual activity?

The Government has responded.

### HIV PREVENTION

On 30 October 2013 Reverend the Hon. Fred Nile asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice about the increase in New South Wales in the number of people newly

diagnosed with HIV. The Minister for Health provided the following response:

The Minister for Health and Medical Research has advised:

The New South Wales Government actively monitors HIV surveillance data in New South Wales. The number of new infections in men aged 20-29 years in 2012 was 120 in New South Wales and 315 nationally. This represents an increase of 30 notifications in New South Wales and 52 notifications nationally compared to 2011.

The New South Wales Government is the first government in Australia to adopt an HIV strategy with clear targets for HIV prevention. The strategy prioritises prevention efforts to reach populations at greatest risk whilst refocusing efforts to drive down the number of new infections by increasing testing, treatment and safe sex practices. This includes a focus on young gay men to promote condom use and make it easier to have an HIV test.

Making testing for HIV easier will improve the frequency and regularity of HIV testing as well as increasing opportunities for risk reduction discussions.

Recent initiatives include a "pop-up" rapid HIV testing site in Taylor Square, Sydney and the launch of a large "TEST MORE" campaign for World AIDS Day 2013.

The New South Wales Government funds the AIDS Council of NSW [ACON] as the leading community organisation which works to prevent HIV transmission in gay men and other men who have sex with men. ACON in partnership with the Sydney Sexual Health Centre has recently established a community-based rapid HIV testing site called a[TEST] which has successfully attracted younger gay men and men who have never tested for HIV or not tested in the last 12 months. A major HIV prevention initiative for gay men in 2013 is the Ending HIV campaign. Ending HIV aims to increase HIV testing and treatment, while strengthening condom use. More than 60 per cent of the men visiting the campaign website are aged 18 to 34 years. Additionally, the ACON Young Gay Men's Project has delivered a peer-led HIV prevention and sexual health program in New South Wales since 1989. During this time over 10,000 young men have participated in this program.

### REV FRED NILE CALLS FOR CLOSED CIRCUIT TV IN KINGS CROSS

In answer to my question on 26 November 2013:

**Reverend the Hon. FRED NILE:** I ask the Hon. Michael Gallacher, Minister for Police and Emergency Services, a question without notice. Given the recent rape of a young female Belgian backpacker in the Potts Point-King Cross area, can the Minister inform the House whether the NSW Police Force has any initiatives to continue the installation of closed-circuit television

cameras to assist in resolving crime in known hotspots such as 90 Victoria Street and other initiatives such as providing improved street lighting by Ausgrid in this dark and dangerous area?

The Government has responded.

### KINGS CROSS CRIME PREVENTION

On 26 November 2013 Reverend the Hon. Fred Nile asked the Minister for Police and Emergency Services a question

without notice about the use of closed-circuit television cameras in known crime hotspots. The Minister for Police and Emergency Services provided the following response:

The NSW Police Force has advised me:

The NSW Police Force is not responsible for the introduction, operation or monitoring of closed-circuit television cameras. Closed-circuit television facilities are generally installed and maintained by local government authorities.

The NSW Police Force has confirmed the installation of closed-circuit television in the Potts Point/Kings Cross area is the responsibility of the City of Sydney Council. The City of Sydney Council has installed closed-circuit television cameras at the corner of Darlinghurst Road and Victoria Street in Kings Cross, providing coverage of that part of the street.

City of Sydney Council is best placed to provide further detail on these issues.

## Letter from Bishop Fisher regarding Zoe Law Bill

13 March 2014

The Hon. Fred Nile  
Member of the Legislative Council of NSW  
Email: F.Nile@parliament.nsw.gov.au

The Hon. Fred Nile

I write in respect of the *Crimes Amendment (Zoe's Law) Bill (No.2) 2013* (NSW) which Mr Chris Spence, Member for the Entrance, introduced into Parliament last year and which will be before the Legislative Council in the near future. Named for Zoe, the child of Brodie Donegan and Nick Ball, who was tragically killed at 32 weeks' age when a driver allegedly affected by drugs hit the pregnant Brodie, the Bill aims to fill a

gap in the law that Brodie and Zoe's tragic accident revealed. As you would know, last November, by an overwhelming majority of 63 to 26, the NSW Legislative Assembly passed the Bill.

If passed, the Bill will amend *the Crimes Act 1900* (NSW) to recognise that an unborn child will be a "living person" for the purposes of certain offences that relate to grievous bodily harm. The child must be of at least 20 weeks' gestation or, if that cannot be established, must be at least 400 grams' mass. Offences to which the new law would apply include intentionally causing grievous bodily harm, recklessly causing grievous bodily harm, predatory driving, and dangerous driving occasioning grievous bodily harm. Currently, the law does not recognise the unborn child as a separate person; destruction of an unborn child is deemed to be grievous bodily harm to the mother only even when the attack is intended to harm the baby. What this new law will do is enable charges to be brought against defendants for committing grievous bodily harm to the unborn child. Reasonable people will surely agree that a man who deliberately beats a heavily pregnant woman in the belly to kill her child or someone who behaves with criminal negligence towards mother and child has done more than hurt the woman. Our present laws ignore the parents' grief in these circumstances and seem to be telling them their child's death is unimportant.

The fear that Zoe's Law will restrict abortion, as is argued by some advocacy groups, is nonsense. The Bill and its proponents, including Mr Spence and Brodie (self-described as "pro-choice"), make clear that this new law is very specifically directed and is not designed to reduce a woman's legal capacity to terminate her child. The unborn child must be of at least 20 weeks' gestation or 400 grams in mass. If passed, the new section 8A(4) provides that the

new law does not apply to anything done during a medical procedure, or by or with the consent of the mother. The new law would not catch abortion procedures, as carried out in New South Wales.

As Mr Spence pointed out in his Second Reading Speech supporting this Bill, it is worth noting that, in other contexts, babies like Zoe are recognised as having legal status. If a baby over 20 weeks' or 400 grams gestation is stillborn, the child is required to be registered under the *Births, Deaths and Marriages Act 1995* (NSW) (see ss 4, 36(6)), a process giving the parents the opportunity to name their child. The baby must be buried or cremated. Further, a mother suffering a stillbirth with a child at the same stage of development has been able to receive a Commonwealth "bereavement payment". Brodie received six weeks' paid parental leave. Zoe's Law is consistent with these seemingly unobjectionable statutory provisions, which recognise a child at precisely the same stage of development as Zoe's Law. Opposition to the legal recognition of these children under Zoe's Law, to be consistent, would require opposition to these other statutory provisions.

Contrary to those who say that Zoe's Law is an unnecessary law, it will fill a gap in the law. It will provide parents like Brodie and Nick legal recognition for their loss and ensure that perpetrators of grievous bodily harm will be charged with harming a separate person. I encourage Members of the NSW Legislative Council to support the Bill.

With my prayers and respectful best wishes for all your important work.

Yours sincerely in Christ  
Most Reverend Anthony Fisher OP, DD BA LIB BTheol DPhil  
Bishop of Parramatta

was really an attempt to evade the law. When occupational health and safety prosecutions began to be filed in the District Court, after 1 January 2012, WorkCover Legal Services lawyers signed pleadings as a prosecutor to commence prosecutions in order to avoid delays caused by the need for inspectors to personally sign legal documents.

Another company prosecuted by WorkCover argued that the prosecution was invalid. That matter also is before the Court of Criminal Appeal. It affects 18 WorkCover matters. This bill makes it clear that Occupational Health and Safety Act prosecutions can be filed in the District Court and that it applies to all prosecutions filed since 1 January 2012. The bill also makes it clear that a lawyer acting for a WorkCover inspector can commence an Occupational Health and Safety Act prosecution. So it is important that this bill be passed by the House, and we fully support it.



# Focus On PARLIAMENT

APRIL 2014



## Citizens' Legislation Action

Rev Hon Fred Nile and the Hon Paul Green are seeking the Lord's guidance and your support in dealing with the challenges and opportunities facing NSW.

### 1. FIVE NEW CDP PROLIFE BILLS

In February 2013 the Christian Democratic Party Leader Rev Fred Nile launched a major prolife campaign to save the lives of unborn children in the womb, in addition to seeking the enforcement of the NSW Crime Act that prohibits abortions and seeking the abolition of Medicare funding for abortions.

The five CDP Prolife Bills are listed below:

1. That leave be given to bring in a bill for an Act to require women who are considering terminating a viable pregnancy to undergo counselling and to view an ultrasound of their unborn child. – Pregnancy Termination (Mandatory Counselling) Bill
2. That leave be given to bring in a bill for an Act to amend the Crimes Act 1900 to prohibit conduct that causes serious harm to or the destruction of a child in utero; and for other purposes. – Crimes Amendment (Zoe's Law) Bill
3. That leave be given to bring in a bill for an Act to require women seeking an abortion to be informed that the procedure may cause pain to the child in utero. – Pregnancy Termination (Information About Pain to Child in Utero) Bill
4. That leave be given to bring in a bill for an Act to require

the reporting of pregnancy termination and prohibit the termination of any pregnancy on grounds of sex or racial makeup of an embryo or foetus; and for other purpose. – Pregnancy Termination (Reporting and Reasons for Termination) Bill

5. That leave be given to bring in a bill for an Act to amend the Crimes Act 1900 to prohibit the destruction of any child in utero with a detectable heartbeat. - Crimes Amendment (Prenatal Termination) Bill

**ACTION: Write to the Premier Barry O'Farrell with copy to your local state MP and upper house members urging support for these five CDP Prolife bills.**

### 2. CRIMES AMENDMENT (ZOE'S LAW) BILL 2013 (NO. 2)

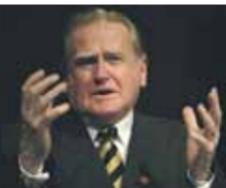
On Thursday 29 August 2013 Mr Chris Spence introduced Crimes Amendment (Zoe's Law) Bill 2013 (No. 2) with changes to Rev Nile's original Bill. This Bill was passed by the Lower House on 21 November 2013 by 63 - 26 votes and will be debated in the Upper House in the near future.

**ACTION: Write to Members of the Upper House to support this important Bill (visit <https://www.parliament.nsw.gov.au/prod/parlament/members.nsf/V3ListCurrentLCMembers> for Member's details)**

*The following is a sample of some of the legislation CDP plans to introduce in the 55th Parliament of the New South Wales Legislative Council:*

1. Alcoholic Beverages Advertising Prohibition Bill
2. Liquor Amendment (Drinking Age) Bill
3. Liquor Amendment (Health Warning for Pregnant Women) Bill
4. Gambling Advertising Prohibition Bill
5. Drug and Alcohol Treatment Amendment (Rehabilitation of Persons with Severe Substance Dependence) Bill
6. State Senate Bill
7. Sex Services Advertising Prohibition Bill
8. Family Impact Commission Bill
9. Summary Offences Amendment (Full-face Coverings Prohibition) Bill
10. Adoption Amendment (Same Sex Couples Repeal) Bill
11. Crimes Amendment (Soliciting Sex for Payment) Bill
12. Crimes Amendment (Incitement or Promotion of Terrorism and Violence) Bill
13. Child Protection (Nicole's Law) Bill
14. Classification (Publications, Films and Computer Games) Enforcement Amendment (Banning Restricted X Rated Films) Bill
15. Pregnancy Termination (Mandatory Counselling) Bill
16. Crimes Amendment (Pre-natal Termination) Bill
17. Crimes Amendment (Zoe's Law) Bill
18. Drug Misuse and Trafficking Amendment (Injecting Centre Repeal) Bill
19. Constitution Amendment (Restoration of Oaths of Allegiance) Bill
20. St Shenouda Coptic Orthodox Monastery (NSW) Property Trust Bill

## FRED NILE'S PARLIAMENTARY UPDATE



### Media Releases:

- Rev Fred Nile opposes 457 visa for foreign prostitutes
- Rev Fred Nile calls for action to stop illegal tobacco importation
- Rev Fred Nile supports strong Christian counselling provisions at Barangaroo Crown Resort
- Crown Resort Passes NSW Parliament
- Zoe's Bill Passes Legislative Assembly
- Rev Fred Nile questions influence of alleged producer of child pornography in NSW education policies
- Rev Fred Nile successfully moved amendments to Crown Resort Bill to prohibit poker machines
- Rev Fred Nile urges retention of DNA review panel
- Rev Fred Nile supports the rights of the Bowraville families to have their say at a Parliament House Inquiry
- Rev Fred Nile expresses concern over future care at Summer Hill Group home
- Rev Fred Nile supports stronger Government powers to cancel mining licences obtained by corruption
- Rev Fred Nile calls for total ban on smoking in cars to prevent bush fires and accidents
- Rev Fred Nile condemns modern sex slavery
- Rev Nile applauds the NSW Council of Church for gambling initiative
- Rev Fred Nile Condemns ACT Government High Court Invalidates ACT Same Sex Marriage Law
- The Rev Fred Nile endorses the USA's Intercrossors for America's Call for 19 January 2014 to be recognised as "National Sanctity of Life Sunday".
- Rev Fred Nile commends O'Farrell's new Anti Alcohol-Fuelled Coward Punch Crimes
- Rev Fred Nile commends the O'Farrell Government's decision to tear up three Coal Licences issued by corrupt former ALP Minister Ian Macdonald.
- Rev Fred Nile strongly supports the cancellation of corrupt mining leases
- Rev Fred Nile fully supports new assault and intoxication Bills
- "A time to Remember" - 226 years later of Christian Heritage Parliament begins with MPs' 'high honour from God'

- Rev Fred Nile introduced new Provocation Bill
- Rev Fred Nile sounds alarm bells concerning the long-term effects of abortion
- Rev Fred Nile calls for closed circuit TV in Kings Cross
- Rev Fred Nile urges Government to deter homosexual young men from high risk homosexual activity
- Rev Fred Nile warns Government concerning Professor Levin

### Questions Without Notice:

- Rev Fred Nile calls for action to stop illegal tobacco importation
- Rev Fred Nile urged Government to implement ICAC recommendations
- Rev Fred Nile urges replacement of manual mechanical beds in NSW Hospitals
- Rev Fred Nile calls for action to stop illegal tobacco importation
- Rev Fred Nile questions influence of alleged producer of child pornography in NSW education policies
- Rev Fred Nile expresses concern over future care at Summer Hill Group home
- Rev Fred Nile concerned about impact of alcohol in Redfern
- Rev Fred Nile sounds alarm bells concerning the long-term effects of abortion

### Speeches:

- Rev Fred Nile supports the Cancer Council's Relay for Life on the second anniversary of the death of his late wife, Elaine Nile, to cancer
- Rev Fred Nile opposes harsh native vegetation legislation
- Rev Fred Nile supports Police Promotions Bills
- Rev Fred Nile supports Police Promotions Bills
- Rev Fred Nile supports new NSW Civil and Administrative Tribunal
- Rev Fred Nile supports improved funding for Non-Government Schools
- Rev Fred Nile strongly defends reparative therapy for homosexuals
- Rev Fred Nile supports improved Home Buyers Grants

- Rev Fred Nile supports strong Christian counselling provisions at Barangaroo Crown Resort
- Rev Fred Nile successfully moved amendments to Crown Resort Bill to prohibit poker machines
- Rev Fred Nile urges retention of DNA review panel
- Rev Fred Nile supports the rights of the Bowraville families to have their say at a Parliament House Inquiry
- Rev Fred Nile supports stronger Government powers to cancel mining licences obtained by corruption
- Rev Fred Nile calls for total ban on smoking in cars to prevent bush fires and accidents
- Rev Fred Nile condemns modern sex-slavery
- Rev Fred Nile strongly supports the cancellation of corrupt mining leases
- Rev Fred Nile fully supports new assault and intoxication Bills
- Rev Fred Nile introduced new Provocation Bill

### 2014 Committees:

- General Purpose Standing Committee No. 1 – Chairman Fred Nile
- Privileges & Ethics Committee – Fred Nile
- Procedure Committee – Fred Nile
- ICAC Committee - Fred Nile
- Bullying Inquiry – Chairman Fred Nile
- Gambling Inquiry – Chairman Fred Nile
- Child Sexual Offences Committee – Fred Nile
- Staysafe (Road Safety Committee) – Fred Nile
- Standing Committee on State Development – Paul Green
- General Purpose Standing Committee No. 2 – Paul Green
- General Purpose Standing Committee No. 3 – Paul Green
- Committee on the Health Care Complaints Commission – Paul Green

[Note: All Questions and Speeches are accessible and downloadable from Hansard [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au)].

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