



PARLIAMENT OF NEW SOUTH WALES  
LEGISLATIVE ASSEMBLY

2007-08-09-10

FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT

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**VOTES  
AND  
PROCEEDINGS**

**No. 224**

WEDNESDAY 10 NOVEMBER 2010

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**1 MEETING OF THE HOUSE**

The House met at 10.00 am pursuant to adjournment.

The Speaker took the Chair and read the prayer and the acknowledgement of Country.

**2 MESSAGES FROM THE LEGISLATIVE COUNCIL**

The Speaker reported messages from the Legislative Council returning the following bills without amendment:

9 November 2010

Health Legislation Further Amendment Bill  
Health Services Amendment (Local Health Networks) Bill.

**3 AUDITOR-GENERAL**

The Clerk, in accordance with section 63C of the Public Finance and Audit Act 1983, announced receipt of the Auditor-General's Report for 2010, Volume Five (received 10 November 2010).

**4 NOTICE OF MOTION (GENERAL NOTICE)****5 SHOP TRADING AMENDMENT BILL  
PUBLIC HOLIDAYS BILL**

Mr Lynch moved, pursuant to notice, That the following cognate bills be now introduced:

- (i) A bill for an Act to amend the Shop Trading Act 2008 with respect to restricted trading days, bank and financial institution trading days and exemptions; and for other purposes.
- (ii) A bill for an Act to provide for the public holidays to be observed in the State; and for other purposes.

Question put and passed.

Bills introduced.

Mr Lynch moved, That these bills be now agreed to in principle.

Debate adjourned (Mr Baumann) and the resumption of the debate made an order of the day for a future day.

**6 FOOD AMENDMENT BILL**

Mr Whan moved, pursuant to notice, That a bill be now introduced for an Act to amend the Food Act 2003 with respect to the display of nutritional information by certain food businesses; and for other purposes.

Question put and passed.

Bill introduced.

Mr Whan moved, That this bill be now agreed to in principle.

Debate adjourned (Mr George) and the resumption of the debate made an order of the day for a future day.

**7 ELECTION FUNDING AND DISCLOSURES AMENDMENT BILL**

The order of the day was read for the resumption of the adjourned debate, on the motion of Ms Keneally, That this bill be now agreed to in principle.

Question again proposed and debate resumed.

Question put and passed.

Bill agreed to in principle.

Mr O'Farrell having requested the bill be considered in detail—

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The Assistant Speaker (Mr McBride), by leave, proposed the bill in groups of clauses and schedules.

*Clauses 1 and 2*

Question—That the clauses be agreed to—put and passed.

*Proposed clause 3*

Mr O'Farrell moved:

Page 2. Insert after line 5:

**3        Amendment of donation and expenditure caps by Auditor-General**

- (1)        The Auditor-General may, before 1 January 2011, amend this Act (and the *Election Funding and Disclosures Act 1981*) to make any changes the Auditor-General considers appropriate to the caps prescribed by this Act on political donations and electoral communication expenditure.
- (2)        The amendments are to be made by order of the Auditor-General published on the NSW legislation website.
- (3)        This section commences on the date of assent to this Act, despite section 2.

Question proposed—That the amendment be agreed to.

Debate ensued.

Question put.

The House divided.

AYES 32

Mr Aplin, Mr Ayres, Mr Besseling, Mr Cansdell, Mr Constance, Mr Debnam, Mr Dominello, Mr Draper, Mr Fraser, Ms Goward, Mrs Hancock, Mr Hartcher, Mr Hazzard, Mrs Hopwood, Mr Humphries, Mr Kerr, Ms Moore, Mr O'Dea, Mr O'Farrell, Mr Page, Mr Piper, Mr Provest, Mr Richardson, Mr Roberts, Mrs Skinner, Mr Smith, Mr Stokes, Mr J.H. Turner, Mr R.W. Turner and Mr R.C. Williams.

Tellers: Mr Baumann and Mr George.

## NOES 45

Mr Amery, Ms Andrews, Mr Aquilina, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Coombs, Mr Corrigan, Mr Costa, Ms D'Amore, Ms Firth, Mr Furolo, Mr Gibson, Mr Greene, Mr Harris, Ms Hay, Mr Hickey, Ms Hornery, Ms Judge, Ms Keneally, Mr Lalich, Mr Lynch, Mr McBride, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Mr Morris, Mr Pearce, Mrs Perry, Mr Rees, Mr Sartor, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr West and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

In the Chair: Mr Torbay.

Pairs: Mr Maguire—Ms Beamer and Mr Merton—Mr Koperberg.

Question negatived—amendment not agreed to.

*Schedule 1*

Question proposed—That the schedule be agreed to.

Mr Aquilina moved, by leave together:

No. 1 Page 7, Schedule 1. Insert after line 12:

**[13] Section 88 Disclosures required to be made**

Insert “or made” after “received” in section 88 (1).

No. 2 Page 8, Schedule 1. Insert after line 11:

**[19] Section 92 (2) (f)**

Omit “the Australian Business Number of the entity”. Insert instead “the relevant business number of the entity referred to in section 96D”.

No. 3 Page 9, Schedule 1 [21] (proposed section 95A (2) and (3)), lines 17 and 27. Omit “donation of less than” wherever occurring. Insert instead “donation of or less than”.

No. 4 Pages 15 and 16, Schedule 1 [21] (proposed section 95G (4) and (5)), line 35 on page 15 and line 5 on page 16. Omit “is less than” wherever occurring. Insert instead “is of or less than”.

Question proposed—That the amendments be agreed to.

Debate ensued.

Question put and passed—amendments agreed to.

Question proposed—That the schedule, as amended, be agreed to.

Mr O'Farrell moved:

No. 2 Page 16, Schedule 1 [21]. Insert after line 10:

(6) **Aggregation of expenditure of parties and affiliated organisations**

Electoral communication expenditure incurred by a party that is less than the amount specified in section 96F for the party is to be treated as expenditure that exceeds the applicable cap if that expenditure and any other electoral communication expenditure by an affiliated organisation of that party exceed the applicable cap so specified for the party.

(7) In subsection (6), an *affiliated organisation* of a party means a body or other organisation, whether incorporated or unincorporated, that is authorised under the rules of that party to appoint delegates to the governing body of that party or to participate in pre-selection of candidates for that party (or both).

Question proposed—That the amendment be agreed to.

Debate ensued.

Question put.

The House divided.

AYES 36

Mr Aplin, Mr Ayres, Mr Baird, Ms Berejiklian, Mr Besseling, Mr Cansdell, Mr Constance, Mr Dominello, Mr Draper, Mr Fraser, Ms Goward, Mrs Hancock, Mr Hartcher, Mr Hazzard, Mrs Hopwood, Mr Humphries, Mr Kerr, Ms Moore, Mr O'Dea, Mr O'Farrell, Mr Page, Mr Piccoli, Mr Piper, Mr Provest, Mr Richardson, Mr Roberts, Mrs Skinner, Mr Smith, Mr Stokes, Mr Stoner, Mr J.H. Turner, Mr R.W. Turner, Mr J.D. Williams and Mr R.C. Williams.

Tellers: Mr Baumann and Mr George.

NOES 45

Mr Amery, Ms Andrews, Mr Aquilina, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Coombs, Mr Corrigan, Mr Costa, Ms D'Amore, Mr Daley, Ms Firth, Mr Furolo, Mr Greene, Mr Harris, Ms Hay, Mr Hickey, Ms Hornery, Ms Judge, Ms Keneally, Mr Lalich, Mr Lynch, Mr McBride, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Mr Morris, Mr Pearce, Mrs Perry, Mr Rees, Mr Sartor, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr West and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

In the Chair: Mr Torbay.

Pairs: Mr Merton—Ms Beamer and Mr Souris—Mr Koperberg.

Question negatived—amendment not agreed to.

Question proposed—That the schedule, as amended, be agreed to.

Mr Aquilina moved:

No. 5 Page 17, Schedule 1 [22]. Insert after line 31:

(d) a bequest to the party,

Question proposed—That the amendment be agreed to.

Debate ensued.

Question put and passed—amendment agreed to.

Question proposed—That the schedule, as amended, be agreed to.

Mr O'Farrell moved:

No. 3 Page 19, Schedule 1 [24] (proposed section 96D), lines 22-34. Omit all words on those lines. Insert instead:

**96D Prohibition on political donations other than by individuals on the electoral roll**

It is unlawful for a political donation to a party, elected member, group, candidate or third-party campaigner to be accepted unless the donor is an individual who is enrolled on the roll of electors for State elections, the roll of electors for federal elections or the roll of electors for local government elections.

Question proposed—That the amendment be agreed to.

Debate ensued.

Question put.

The House divided.

AYES 37

Mr Aplin, Mr Ayres, Mr Baird, Ms Berejiklian, Mr Besseling, Mr Cansdell, Mr Constance, Mr Dominello, Mr Draper, Mrs Fardell, Mr Fraser, Ms Goward, Mrs Hancock, Mr Hartcher, Mr Hazzard, Mrs Hopwood, Mr Humphries, Mr Kerr, Mr Merton, Ms Moore, Mr O'Dea, Mr O'Farrell, Mr Page, Mr Piccoli, Mr Piper, Mr Provest, Mr Richardson, Mr Roberts, Mrs Skinner, Mr Smith, Mr Stokes, Mr J.H. Turner, Mr R.W. Turner, Mr J.D. Williams and Mr R.C. Williams.

Tellers: Mr Baumann and Mr George.

## NOES 46

Mr Amery, Ms Andrews, Mr Aquilina, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Coombs, Mr Corrigan, Mr Costa, Ms D'Amore, Mr Daley, Mr Furolo, Ms Gadiel, Mr Gibson, Mr Greene, Mr Harris, Ms Hay, Mr Hickey, Ms Hornery, Ms Judge, Ms Keneally, Mr Lalich, Mr Lynch, Mr McBride, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Mr Morris, Mr Pearce, Mrs Perry, Mr Rees, Mr Sartor, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr West and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

In the Chair: Mr Torbay.

Pairs: Mr Maguire—Ms Beamer and Mr Stoner—Mr Koperberg.

Question negatived—amendment not agreed to.

Question proposed—That the schedule, as amended, be agreed to.

Mr O'Farrell moved:

No. 4 Page 19, Schedule 1 [24]. Insert after line 34:

**96DA Prohibition on political donations to parties by affiliated organisations without approval of members**

- (1) It is unlawful for an affiliated organisation to make a political donation to a party unless the donation has been approved by at least 50% of the members of the organisation at a secret ballot that is conducted in accordance with procedures approved by the Electoral Commissioner of New South Wales.
- (2) In this section, an *affiliated organisation* means a body or other organisation, whether incorporated or unincorporated, that is authorised under the rules of a party to appoint delegates to the governing body of that party or to participate in pre-selection of candidates for that party (or both).

Question proposed—That the amendment be agreed to.

Debate ensued.

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**SUSPENSION OF STANDING ORDERS—GOVERNMENT BUSINESS**

Mr Aquilina moved, That standing orders be suspended to permit government business to continue beyond 1.30 pm to conclude consideration of the Election Funding and Disclosures Amendment Bill.

Question put and passed.

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Debate continued.

Question put.

The House divided.

AYES 39

Mr Aplin, Mr Ayres, Mr Baird, Mr Baumann, Ms Berejiklian, Mr Besseling, Mr Cansdell, Mr Constance, Mr Debnam, Mr Dominello, Mr Draper, Mrs Fardell, Mr Fraser, Ms Goward, Mrs Hancock, Mr Hartcher, Mr Hazzard, Mrs Hopwood, Mr Humphries, Mr Kerr, Mr Merton, Ms Moore, Mr O'Dea, Mr O'Farrell, Mr Page, Mr Piccoli, Mr Piper, Mr Provest, Mr Richardson, Mr Roberts, Mrs Skinner, Mr Smith, Mr Stokes, Mr J.H. Turner, Mr R.W. Turner, Mr J.D. Williams and Mr R.C. Williams.

Tellers: Mr George and Mr Maguire.

NOES 47

Mr Amery, Ms Andrews, Mr Aquilina, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Coombs, Mr Corrigan, Mr Costa, Ms D'Amore, Mr Daley, Ms Firth, Mr Furolo, Ms Gadiel, Mr Gibson, Mr Greene, Mr Harris, Ms Hay, Mr Hickey, Ms Hornery, Ms Judge, Ms Keneally, Mr Lalich, Mr Lynch, Mr McBride, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Mr Morris, Mr Pearce, Mrs Perry, Mr Rees, Mr Sartor, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr West and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

In the Chair: Mr Torbay.

Pairs: Ms Hodgkinson—Ms Beamer and Mr Stoner—Mr Koperberg.

Question negatived—amendment not agreed to.

Question proposed—That the schedule, as amended, be agreed to.

Mr Aquilina moved:

No. 6 Page 20, Schedule 1. Insert after line 28:

**[29] Section 96J Recovery of unlawful donations etc**

Insert at the end of the section:

- (2) This section extends to a political donation that would be unlawful under this Part but for section 95B (5) or 95C (3).

Question proposed—That the amendment be agreed to.

Debate ensued.

Question put and passed—amendment agreed to.

Question—That the schedule, as amended, be agreed to—put and passed.



*Schedules 2 and 3*

Question proposed—That the schedules be agreed to.

Mr Aquilina moved, by leave together:

No. 7 Page 24, Schedule 2 [3] (proposed definition of *eligible Council party* in section 58 (1)), line 19. Omit “and”. Insert instead “or”.

No. 8 Page 44, Schedule 3. Insert after line 27:

**[7] Section 23**

Insert at the end of the section:

- (2) For the purpose of ensuring compliance with this Act, the Authority is authorised to make an application to the Supreme Court for an injunction, declaration or other order that is within the jurisdiction of the Court.

No. 9 Page 44, Schedule 3. Insert after line 29:

**[8] Section 26**

Insert “, third-party campaigners” after “groups”.

No. 10 Page 51, Schedule 3 [13], lines 15 to 20. Omit all words on those lines. Insert instead:

Omit section 51 (1) and (4). Insert instead respectively:

- (1) The Authority is to keep 3 registers, to be called the Register of Candidates, the Register of Third-party Campaigners and the Register of Official Agents respectively, for the by-election.
- (4) The provisions of Divisions 2, 2A and 4 apply to and in respect of the Register of Candidates, the Register of Third-party Campaigners and the Register of Official Agents for the by-election in the same way as they apply to and in respect of the Register of Candidates, the Register of Third-party Campaigners and the Register of Official Agents under those Divisions, and so apply as if:

Question proposed—That the amendments be agreed to.

Debate ensued.

Question put and passed—amendments agreed to.

Question—That the schedules, as amended, be agreed to—put and passed.

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Mr Aquilina, on behalf of Ms Keneally, moved, That this bill be now passed.

Question put and passed.

**8 INDEPENDENT COMMISSION AGAINST CORRUPTION**

The Speaker, in accordance with section 78 of the Independent Commission Against Corruption Act 1988, tabled the report of the Independent Commission Against Corruption entitled “Investigation into corruption risks involved in lobbying”, dated November 2010.

Ordered to be printed.

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The Speaker left the Chair at 1.53 pm.

The Speaker resumed the Chair at 2.15 pm.

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**9 NOTICES OF MOTIONS**

**10 NOTICES OF MOTIONS SOUGHT TO BE ACCORDED PRIORITY**

Ms Hay—Interest Rates.

Mr Piccoli—Government Performance.

**11 QUESTION TIME**

**12 PAPERS**

(1) Ms Tebbutt tabled:

Reports for the year ended 30 June 2010 of: Judicial Commission of New South Wales; Legal Profession Admission Board; Anti-Discrimination Board of New South Wales; New South Wales Law Reform Commission; Community Relations Commission; and the NSW Trustee and Guardian.

(2) Mr Sartor tabled:

Reports for the year ended 30 June 2010 of the following Catchment Management Authorities: Border Rivers-Gwydir; Central West; Hawkesbury-Nepean; Hunter-Central Rivers; Lachlan; Lower Murray Darling; Murray; Murrumbidgee; Namoi; Northern Rivers; Southern Rivers; Sydney Metropolitan; and Western.

(3) Mr Lynch tabled a Direction under section 20N of the State Owned Corporations Act 1989 to Delta Electricity to perform the activity of disclosing Delta Electricity’s current contracts with Hydro Aluminium Kurri Kurri Pty Ltd to bidders for the Delta West gentrader bundle.

(4) Mr Borger tabled:

Report of the Roads and Traffic Authority for the year ended 30 June 2010.

Report of the Sydney Olympic Park Authority for the year ended 30 June 2010.

**13 PETITIONS**

(1) The Clerk announced that the following members had each lodged petitions for presentation:

Ms Moore—from certain citizens requesting an inquiry into the Barangaroo site development processes and the creation of a Bays Renewal Committee for Sydney Harbour.

Ms Moore—from certain citizens requesting an increased and subsequently maintained level of funding for mental health services.

(2) The Clerk also announced that the following members had each lodged petitions for presentation signed by 500 or more persons:

Mr Maguire—from certain citizens requesting funding and the nomination of a start date in the current Parliamentary term for the construction of a new Wagga Wagga Base Hospital.

Mr Stokes—from certain citizens opposing the conception plan and stage 1 project application under Part 3A of the Environmental Planning and Assessment Act 1979 for redevelopment of a site at Boondah Road, Warriewood Road and Macpherson Street, Warriewood.

Mr Stokes—from certain citizens opposing development of residential flat buildings in areas not provided for under the relevant Local Environment Plan, particularly the proposed development at 9-11 Beaconsfield Street, Newport.

Ms Moore—from certain citizens opposing the sale of animals in pet shops.

**14 RE-ORDERING OF GENERAL BUSINESS**

Mr Stoner moved, That the general business notice of motion (general notice) given by him this day (Medich Donation) have precedence on Thursday 11 November 2010.

Debate ensued.

Question put.

The House divided.

AYES 40

Mr Aplin, Mr Ayres, Mr Baird, Mr Baumann, Ms Berejiklian, Mr Besseling, Mr Cansdell, Mr Constance, Mr Dominello, Mr Draper, Mrs Fardell, Mr Fraser, Ms Goward, Mrs Hancock, Mr Hartcher, Mr Hazzard, Ms Hodgkinson, Mrs Hopwood, Mr Humphries, Mr Kerr, Mr Merton, Ms Moore, Mr O'Dea, Mr O'Farrell, Mr Page, Mr Piccoli, Mr Piper, Mr Provest, Mr Richardson, Mr Roberts, Mrs Skinner, Mr Smith, Mr Stokes, Mr Stoner, Mr J.H. Turner, Mr R.W. Turner, Mr J.D. Williams and Mr R.C. Williams.

Tellers: Mr George and Mr Maguire.

## NOES 47

Mr Amery, Ms Andrews, Mr Aquilina, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Coombs, Mr Corrigan, Mr Costa, Ms D'Amore, Mr Daley, Ms Firth, Mr Furolo, Ms Gadiel, Mr Gibson, Mr Greene, Mr Harris, Ms Hay, Mr Hickey, Ms Hornery, Ms Judge, Mr Khoshaba, Mr Lalach, Mr Lynch, Mr McBride, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Mr Morris, Mr Pearce, Mrs Perry, Mr Rees, Mr Sartor, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr West and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

In the Chair: Mr Torbay.

Pairs: Mr Debnam—Ms Beamer and Mr Souris—Mr Koperberg.

Question negatived.

**15 PERSONAL EXPLANATION**

Ms Hay, by leave, made a personal explanation in relation to comments made by the member for Oxley earlier during the sitting.

**16 SUSPENSION OF STANDING ORDERS—ROUTINE OF BUSINESS**

Mr Aquilina moved, That standing orders be suspended at this sitting to permit:

- (1) The passage through all stages of the Food Amendment Bill.
- (2) The following routine of business after the consideration of the motion accorded priority:
  - (a) Government business;
  - (b) The Speaker to leave the Chair at 6.30 pm;
  - (c) The Speaker to resume the Chair at 7.30 pm for the consideration of government business;
  - (d) Private members' statements at the conclusion of government business; and
  - (e) The matter of public importance at the conclusion of private members' statements.
- (3) The House to adjourn without motion moved at the conclusion of the matter of public importance.

Debate ensued.

Question put.

The House divided.

## AYES 47

Mr Amery, Ms Andrews, Mr Aquilina, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Coombs, Mr Corrigan, Mr Costa, Ms D'Amore, Mr Daley, Ms Firth, Mr Furolo, Ms Gadiel, Mr Gibson, Mr Greene, Mr Harris, Ms Hay, Mr Hickey, Ms Hornery,

Ms Judge, Mr Khoshaba, Mr Lalich, Mr Lynch, Mr McBride, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Mr Morris, Mr Pearce, Mrs Perry, Mr Rees, Mr Sartor, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr West and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

#### NOES 40

Mr Aplin, Mr Ayres, Mr Baird, Mr Baumann, Ms Berejiklian, Mr Besseling, Mr Cansdell, Mr Constance, Mr Dominello, Mr Draper, Mrs Fardell, Mr Fraser, Ms Goward, Mrs Hancock, Mr Hartcher, Mr Hazzard, Ms Hodgkinson, Mrs Hopwood, Mr Humphries, Mr Kerr, Mr Merton, Ms Moore, Mr O'Dea, Mr O'Farrell, Mr Page, Mr Piccoli, Mr Piper, Mr Provest, Mr Richardson, Mr Roberts, Mrs Skinner, Mr Smith, Mr Stokes, Mr Stoner, Mr J.H. Turner, Mr R.W. Turner, Mr J.D. Williams and Mr R.C. Williams.

Tellers: Mr George and Mr Maguire.

In the Chair: Mr Torbay.

Pairs: Ms Beamer—Mr Debnam and Mr Koperberg—Mr Souris.

Question passed.

#### 17 **PLACING OR DISPOSAL OF BUSINESS—LAPSING OF GENERAL BUSINESS**

The Speaker advised the House that in accordance with standing order 105 (3), general business notices of motions (general notices) nos 1087 to 1095, either not having commenced or not been completed, would lapse tomorrow.

#### 18 **NOTICES OF MOTIONS SOUGHT TO BE ACCORDED PRIORITY**

(1) Ms Hay made a statement in support of her notice being accorded priority over the other business of the House.

The Speaker, pursuant to standing order 137 (1), advised the House that he had directed that the notice of motion of the member for Murrumbidgee be amended in one part to avoid being argumentative and in another part because the proposed wording was in the spirit of mockery.

(2) Mr Piccoli also made a statement in support of his notice, as amended, being accorded priority—

That this House notes:

- (1) Greg Combet has suggested internal party polling is dominating Labor decision making.
- (2) Karl Bitar said Labor has been taking its base for granted.
- (3) John Della Bosca said Labor is getting carried away with focus groups and opinion polls.
- (4) The Premier told her Labor caucus that she leads a good administration but the media just isn't focused on the good news.

Question—That the motion of the member for Wollongong be accorded priority—put and passed.

19 **MOTION ACCORDED PRIORITY—INTEREST RATES**

Ms Hay moved, pursuant to notice, That this House:

- (1) Expresses its concern about recent comments made by the Commonwealth Bank Chief Executive Officer, Sir Ralph Norris, about the impact of mortgages of family homes.
- (2) Notes that the average mortgage in New South Wales is around \$60,000 higher than the national average leaving New South Wales families more exposed to interest rate movements than any other State.

Upon which Mr R.C. Williams moved, That the motion be amended by adding the following new paragraph:

- “(3) Applauds Joe Hockey and his strong stance against the Commonwealth Bank increasing interest rates beyond that of the Reserve Bank.”

Question proposed—That the amendment be agreed to.

Debate continued.

Question put.

The House divided.

AYES 38

Mr Aplin, Mr Ayres, Mr Baird, Mr Baumann, Ms Berejiklian, Mr Besseling, Mr Cansdell, Mr Constance, Mr Debnam, Mr Dominello, Mr Draper, Mrs Fardell, Mr Fraser, Ms Goward, Mrs Hancock, Mr Hartcher, Mr Hazzard, Ms Hodgkinson, Mrs Hopwood, Mr Humphries, Mr Kerr, Mr Merton, Mr O’Dea, Mr Page, Mr Piccoli, Mr Piper, Mr Provost, Mr Richardson, Mr Roberts, Mrs Skinner, Mr Smith, Mr Stokes, Mr J.H. Turner, Mr R.W. Turner, Mr J.D. Williams and Mr R.C. Williams.

Tellers: Mr George and Mr Maguire.

NOES 47

Mr Amery, Ms Andrews, Mr Aquilina, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Coombs, Mr Corrigan, Mr Costa, Ms D’Amore, Mr Daley, Ms Firth, Mr Furolo, Ms Gadiel, Mr Gibson, Mr Greene, Mr Harris, Ms Hay, Mr Hickey, Ms Hornery, Ms Judge, Mr Khoshaba, Mr Lulich, Mr Lynch, Mr McBride, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Mr Morris, Mr Pearce, Mrs Perry, Mr Rees, Mr Sartor, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr West and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

In the Chair: Mr Torbay.

Pairs: Mr Souris—Ms Beamer and Mr Stoner—Mr Koperberg.

Question negatived.

Question—That the original motion be agreed to—put and passed.

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It being after 4.30 pm, government business proceeded with.

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20 **SURROGACY BILL**

The order of the day was read for the resumption of the adjourned debate, on the motion of Ms Tebbutt, That this bill be now agreed to in principle.

Question again proposed and debate resumed.

Mr Dominello obtained an extension of time.

Question put.

The House divided.

AYES 54

Mr Ayres, Mr Baird, Ms Berejiklian, Mr Besseling, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Constance, Mr Coombs, Mr Corrigan, Mr Costa, Ms D'Amore, Mr Daley, Mr Debnam, Ms Firth, Mr Furolo, Ms Gadiel, Ms Goward, Mr Greene, Mrs Hancock, Ms Hay, Mr Hazzard, Mr Hickey, Mrs Hopwood, Ms Hornery, Ms Keneally, Mr Lalich, Mr Lynch, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Ms Moore, Mr Morris, Mr O'Farrell, Mr Pearce, Mr Piccoli, Mr Piper, Mr Provest, Mr Rees, Mr Sartor, Mrs Skinner, Mr Stokes, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr R.W. Turner and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

NOES 31

Mr Amery, Ms Andrews, Mr Aplin, Mr Aquilina, Mr Cansdell, Mr Dominello, Mr Draper, Mrs Fardell, Mr Fraser, Mr Harris, Mr Hartcher, Ms Hodgkinson, Mr Humphries, Ms Judge, Mr Kerr, Mr Khoshaba, Mr McBride, Mr Merton, Mr O'Dea, Mr Page, Mrs Perry, Mr Richardson, Mr Roberts, Mr Shearan, Mr Smith, Mr Stewart, Mr J.H. Turner, Mr West and Mr R.C. Williams.

Tellers: Mr George and Mr Maguire.

In the Chair: Mr Torbay.

Question passed.

Bill agreed to in principle.

Ms Burney having requested the bill be considered in detail—

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The Speaker, by leave, proposed the bill in groups of clauses and schedules.

*Clauses 1 to 10*

Question—That the clauses be agreed to—put and passed.

*Proposed new clause 11*

Ms Burney moved:

Page 7. Insert after line 34:

**11      Geographical nexus for offences**

- (1)      This section applies for the purposes of, and without limiting, Part 1A of the *Crimes Act 1900*.
- (2)      The necessary geographical nexus exists between the State and an offence against this Division if the offence is committed by a person ordinarily resident or domiciled in the State.  
**Note.** Section 10C of the *Crimes Act 1900* also provides that a geographical nexus exists between the State and an offence if the offence is committed wholly or partly in the State or has an effect in the State.

Question proposed—That the amendment be agreed to.

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Mr Aquilina obtained the leave of the House to permit government business to continue beyond 6.30 pm to conclude consideration of the Surrogacy Bill.

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Debate ensued.

Question put and passed—amendment agreed to.

*Clauses 11 to 27*

Question—That the clauses be agreed to—put and passed.

*Proposed new clause 28*

Mr Sartor moved:

Page 13. Insert after line 8:

**28      Maturity of younger intended parent must be demonstrated**

- (1)      If an intended parent was under 25 years of age when the surrogacy arrangement was entered into, the Court must be satisfied that the



intended parent is of sufficient maturity to understand the social and psychological implications of the making of a parentage order.

- (2) An intended parent who was under 25 years of age when the surrogacy arrangement was entered into must provide evidence to the satisfaction of the Court:
  - (a) that he or she received counselling from a qualified counsellor about the surrogacy arrangement and its social and psychological implications before entering into the surrogacy arrangement, and
  - (b) that the counsellor was satisfied that he or she was of sufficient maturity to understand the surrogacy arrangement and its social and psychological implications.
- (3) This precondition is a mandatory precondition to the making of a parentage order.
- (4) This precondition does not apply to a pre-commencement surrogacy arrangement.
- (5) If the Court grants leave to an intended parent to make a sole application in respect of a surrogacy arrangement that involves 2 intended parents, it is not necessary to establish that the intended parent who is not a party to the application meets this precondition.

Question proposed—That the amendment be agreed to.

Debate ensued.

Question put and passed—amendment agreed to.

*Clauses 28 to 58*

Question—That the clauses be agreed to—put and passed.

*Schedules 1 and 2*

Question—That the schedules be agreed to—put and passed.

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Dr McDonald, on behalf of Ms Tebbutt, moved, That this bill be now passed.

Question put.

The House divided.

AYES 53

Mr Ayres, Mr Baird, Ms Berejiklian, Mr Besseling, Mr Borger, Mr Brown, Ms Burney, Ms Burton, Mr Campbell, Mr Collier, Mr Constance, Mr Coombs, Mr Corrigan, Mr Costa, Ms D'Amore, Mr Daley, Mr Debnam, Ms Firth, Mr Furolo, Ms Gadiel, Ms Goward, Mr Greene,

Mrs Hancock, Ms Hay, Mr Hazzard, Mr Hickey, Ms Hodgkinson, Mrs Hopwood, Ms Hornery, Ms Keneally, Mr Lalich, Mr Lynch, Dr McDonald, Ms McKay, Mr McLeay, Ms McMahon, Ms Megarrity, Ms Moore, Mr Morris, Mr O'Farrell, Mr Pearce, Mr Piper, Mr Provest, Mr Rees, Mr Sartor, Mr Stokes, Ms Tebbutt, Mr Terenzini, Mr Tripodi, Mr R.W. Turner and Mr Whan.

Tellers: Mr Ashton and Mr Martin.

NOES 27

Mr Amery, Ms Andrews, Mr Aplin, Mr Aquilina, Mr Baumann, Mr Cansdell, Mr Dominello, Mr Draper, Mrs Fardell, Mr Fraser, Mr Harris, Mr Hartcher, Ms Judge, Mr Kerr, Mr Khoshaba, Mr McBride, Mr Merton, Mr O'Dea, Mrs Perry, Mr Richardson, Mr Roberts, Mr Shearan, Mr Smith, Mr West and Mr R.C. Williams.

Tellers: Mr George and Mr Maguire.

In the Chair: Mr Torbay.

Question passed.

**21 MESSAGES FROM THE LEGISLATIVE COUNCIL**

The Speaker reported messages from the Legislative Council returning the following bills without amendment:

10 November 2010

Australian Jockey and Sydney Turf Clubs Merger Bill  
Totalizator Amendment Bill.

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The Speaker left the Chair at 6.47 pm.

The Acting Speaker (Mr George) resumed the Chair at 7.30 pm.

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**22 FOOD AMENDMENT BILL**

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Whan, That this bill be now agreed to in principle.

Question again proposed and debate resumed.

Question put and passed.

Bill agreed to in principle.

The Acting Speaker (Mr Merton) declared the bill to have passed the House.

**23 POLICE REGULATION (SUPERANNUATION) AMENDMENT BILL**

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Daley, That this bill be now agreed to in principle.

Question again proposed and debate resumed.

Question put and passed.

Bill agreed to in principle.

The Acting Speaker (Mr Merton) declared the bill to have passed the House.

24 **PRIVATE MEMBERS' STATEMENTS**

25 **MATTER OF PUBLIC IMPORTANCE—SES WEEK**

The Speaker having previously informed the House of receipt from Mr Harris of a notice of a matter of public importance, namely:

SES Week.

Discussion ensued and concluded.

26 **ADJOURNMENT**

The House adjourned, pursuant to the resolution of the House, at 10.32 pm, until tomorrow, at 10.00 am.

Attendance: All members present except Ms Beamer, Mr Koperberg and Mr Souris.

RUSSELL D. GROVE PSM  
Clerk of the Legislative Assembly

RICHARD TORBAY  
Speaker