



LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 21

TUESDAY 8 SEPTEMBER 2015

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1 MEETING OF THE HOUSE

The House met at 2.30 pm according to adjournment. The President took the Chair and read the prayers.

The President acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

2 ASSENT TO BILLS

The President reported receipt of messages from His Excellency the Governor intimating assent to the following bills:

28 August 2015	Act No. 2015
Rural Fires Amendment (Bush Fire Prevention) Bill 2015	20
31 August 2015	
Health Services Amendment (Paramedics) Bill 2015	21

3 STATEMENT BY PRESIDENT—CENTENARY OF THE FIRST WORLD WAR

The President made a statement acknowledging the role of the Sea Transport Service during the First World War.

4 MINISTERIAL STATEMENT—PARLIAMENTARY SECRETARIES

Mr Gay informed the House that on Wednesday 26 August 2015, the following appointments were made:

Mr Daryl Maguire MP ceased to be Parliamentary Secretary for Veterans and the Centenary of ANZAC and was appointed as Parliamentary Secretary for Corrections, Emergency Services, Veterans and the Centenary of ANZAC,

Mr John Sidoti MP ceased to be Parliamentary Secretary for Transport and Roads and was appointed as Parliamentary Secretary for Transport, Roads, Industry, Resources and Energy, and

Dr Geoffery Lee MP ceased to be Parliamentary Secretary for Communities and was appointed as Parliamentary Secretary for Multiculturalism.

5 GRAFTON REGIONAL ART GALLERY (Formal Business)

Mrs Houssos moved, according to notice:

1. That this House notes:
 - (a) that the Grafton Regional Art Gallery was opened in March 1988 and now holds the largest collection of artworks on the North Coast of New South Wales,
 - (b) the important role the Grafton Regional Art Gallery plays in its local community, fostering arts and cultural connections in a major regional centre of New South Wales, and

- (c) that the Grafton Regional Art Gallery’s biennial Jacaranda Acquisitive Drawing Award was first established in 1988 and has become a nationally recognised award for high-calibre artists residing in Australia.
2. That this House notes that the Grafton Regional Art Gallery currently has seven exhibitions on display.
 3. That this House notes:
 - (a) the exhibition ‘Bunarm Bologaman Wahl Bundjalung’, or ‘Brothers Coming Together of the Bundjalung Nation’, a celebration of Bundjalung culture by twelve leading Bundjalung artists, and
 - (b) the Gallery’s custodianship of the internationally renowned Lindt collection of photographs from the early 1870s, largely considered to be the most truthful and artistic depictions of traditional Aboriginal Australians to exist.
 4. That this House notes the visit of the Leader of the Opposition Mr Luke Foley MP and the Honourable Courtney Houssos MLC to the Grafton Regional Art Gallery on Wednesday 8 July 2015.
 5. That this House commends and encourages the Grafton Regional Art Gallery for its work, and further acknowledges and congratulates Director Jude McBean for her successful leadership of the gallery.

Question put and passed.

6 ROYAL SAMOAN POLICE BAND (Formal Business)

Mr Clarke moved, according to notice:

1. That this House notes that:
 - (a) on Wednesday 15 July 2015, a function was held at Carriageworks, Redfern to welcome to Australia for its first visit the Royal Samoan Police Band to perform a series of band performances in New South Wales as part of a program titled ‘Siamani Samoa’ and hosted by Carriageworks,
 - (b) the Royal Samoan Police Band has a long and distinguished history and in collaboration with Mr Michel Tuffery, internationally renowned Samoan artist, will perform a series of concerts exploring the German Colonial administration of Samoa in the early part of the 20th Century, and its ongoing impact on contemporary Samoa,
 - (c) Carriageworks is widely regarded as Australia’s foremost contemporary multi-arts centre and works with diverse communities throughout New South Wales, and is a not for profit organisation, financially supported by the New South Wales Ministry for the Arts, and
 - (d) those who attended as guests at the welcoming function included:
 - (i) Mr Fonoti Manogiamanu Etuale Ioane, Samoan Consul-General in Sydney,
 - (ii) the Honourable David Clarke MLC, Parliamentary Secretary for Justice, representing the Honourable Troy Grant MP, Deputy Premier and Minister for Justice and Police, Minister for the Arts and Minister for Racing,
 - (iii) Muagututia Vailolo, Chair of the Samoa Council,
 - (iv) Malaemie Fruean, Chair of the New South Wales Council for Pacific Communities,
 - (v) Superintendent Nafotoa Alesana Laki, Royal Samoan Police Band,
 - (vi) Inspector Sala Opetiaia Lauina, Royal Samoan Police Band,
 - (vii) Michel Tuffery, artist,

- (viii) Sam Mostyn, Acting Chair of the Carriageworks Board,
- (ix) Lisa Havilah, Director, Carriageworks,
- (x) Ms Donna Ingram who provided a Welcome to Country,
- (xi) approximately 300 members of South Pacific Islander communities in New South Wales.

2. That this House:

- (a) welcomes the Royal Samoan Police Band on the occasion of its first visit to New South Wales and congratulates it for its successful performance tour of the state, and
- (b) commends Carriageworks for its part in the organisation of the Royal Samoan Police Band's tour of New South Wales and for its ongoing work as a contemporary multi-arts centre for the people of New South Wales.

Question put and passed.

7 PRINTING OF TABLED PAPERS

According to standing order, Mr Blair tabled a list of papers tabled and not ordered to be printed in the previous month.

8 LEGISLATION REVIEW COMMITTEE—REPORT

Mr Pearce tabled a report of the Legislation Review Committee entitled "Legislation Review Digest No. 5/56", dated 8 September 2015.

Ordered: That the report be printed.

9 PAPERS—PRESENTED TO PARLIAMENT OUT OF SESSION

The Clerk announced receipt of the following reports presented since the last sitting of the House:

- (1) Annual Reports (Statutory Bodies) Act 1984—
 - (a) Report of Audit Office of New South Wales for the year ended 30 June 2015
 - (b) Report of Sydney Cricket and Sports Ground Trust for the year ended 28 February 2015.
- (2) Annual Reports (Statutory Bodies) Act 1984 and State Owned Corporations Act 1989—Report of Macquarie Generation for the period 1 July 2014 to 27 February 2015.

10 STATUTORY RULES AND INSTRUMENTS—TABLED BY THE CLERK

The Clerk tabled the following statutory rules and instruments, published on the NSW Legislation website or in the Government Gazette to Friday 4 September 2015:

- (1) Adoption Act 2000—Adoption Regulation 2015 (LW 28/08/2015)
- (2) Agricultural Industry Services Act 1998—Agricultural Industry Services Regulation 2015 (LW 28/08/2015)
- (3) Annual Reports (Departments) Act 1985—Annual Reports (Departments) Regulation 2015 (LW 28/08/2015)

- (4) Annual Reports (Statutory Bodies) Act 1984—Annual Reports (Statutory Bodies) Regulation 2015 (LW 28/08/2015)
- (5) Charitable Fundraising Act 1991—Charitable Fundraising Regulation 2015 (LW 28/08/2015)
- (6) Civil Procedure Act 2005—Civil Procedure Amendment (Hearing Fees) Regulation 2015 (LW 28/08/2015)
- (7) Confiscation of Proceeds of Crime Act 1989—Confiscation of Proceeds of Crime Regulation 2015 (LW 28/08/2015)
- (8) Conveyancers Licensing Act 2003—Conveyancers Licensing Regulation 2015 (LW 28/08/2015)
- (9) Co-operative Housing and Starr-Bowkett Societies Act 1998—Co-operative Housing and Starr-Bowkett Societies Regulation 2015 (LW 28/08/2015)
- (10) Crimes Act 1900—Crimes Regulation 2015 (LW 28/08/2015)
- (11) Director of Public Prosecutions Act 1986—Director of Public Prosecutions Regulation 2015 (LW 28/08/2015)
- (12) Drug Court Act 1998—Drug Court Regulation 2015 (LW 28/08/2015)
- (13) Drug Misuse and Trafficking Act 1985—Drug Misuse and Trafficking Amendment (Methylamphetamine) Regulation 2015 (LW 1/09/2015)
- (14) Electricity (Consumer Safety) Act 2004—Electricity (Consumer Safety) Regulation 2015 (LW 28/08/2015)
- (15) Evidence Act 1995—Evidence Regulation 2015 (LW 28/08/2015)
- (16) Fines Act 1996—Fines Regulation 2015 (LW 28/08/2015)
- (17) Hunter Water Act 1991—Hunter Water Regulation 2015 (LW 28/08/2015)
- (18) Jury Act 1977—Jury Regulation 2015 (LW 28/08/2015)
- (19) Mental Health Act 2007—Mental Health Amendment (Consequential Amendments) Regulation 2015 (LW 28/08/2015)
- (20) National Parks and Wildlife Act 1974—
 - (a) Erratum (Gazette 72, 28/08/2015, p2697)
 - (b) Notice of Reservation of a National Park—reserve lands as part of Blue Mountains National Park (Gazette 72, 28/08/2015, p2696)
 - (c) Notice of Reservation of a Regional Park—reserve lands as part of Coffs Coast Regional Park (Gazette 75, 4/09/2015, p2760)
- (21) Pawnbrokers and Second-hand Dealers Act 1996—Pawnbrokers and Second-hand Dealers Regulation 2015 (LW 28/08/2015)
- (22) Police Regulation (Superannuation) Act 1906—Police Superannuation Regulation 2015 (LW 28/08/2015)
- (23) Professional Standards Act 1994—Notification Pursuant to Section 13 (Gazette 72, 28/08/2015, p2731)
- (24) Property (Relationships) Act 1984—Property (Relationships) Regulation 2015 (LW 28/08/2015)
- (25) Protection of the Environment Operations Act 1997—Protection of the Environment Operations (Clean Air) Amendment (Cruise Ships) Regulation 2015 (LW 4/09/2015)

- (26) Public Finance and Audit Act 1983—Public Finance and Audit Regulation 2015 (LW 28/08/2015)
- (27) Relationships Register Act 2010—Relationships Register Regulation 2015 (LW 28/08/2015)
- (28) State Authorities Non-contributory Superannuation Act 1987—State Authorities Non-contributory Superannuation Regulation 2015 (LW 28/08/2015)
- (29) State Authorities Superannuation Act 1987—State Authorities Superannuation Regulation 2015 (LW 28/08/2015)
- (30) State Insurance and Care Governance Act 2015—State Insurance and Care Governance Regulation 2015 (LW 2/09/2015)
- (31) State Records Act 1998—State Records Regulation 2015 (LW 28/08/2015)
- (32) Succession Act 2006—Succession Regulation 2015 (LW 28/08/2015)
- (33) Summary Offences Act 1988—Summary Offences Regulation 2015 (LW 28/08/2015)
- (34) Sydney Opera House Trust Act 1961—Sydney Opera House Trust By-law 2015 (LW 28/08/2015)
- (35) Water Industry Competition Act 2006—Water Industry Competition (General) Amendment (Licensing Exemption) Regulation 2015 (LW 28/08/2015)
- (36) Workers Compensation Act 1987—Workers Compensation Amendment (Weekly Payments) Regulation 2015 (LW 28/08/2015).

11 AUDITOR-GENERAL—REPORT

The Clerk, according to the Public Finance and Audit Act 1983, announced receipt of a Performance Audit report of the Acting Auditor-General entitled “Transferring out-of-home care to non-government organisations: Department of Family and Community Services”, dated September 2015, received out of session and authorised to be printed on Wednesday 2 September 2015.

12 NOTICES OF MOTIONS

13 GENERAL PURPOSE STANDING COMMITTEE NO. 2—REFERENCE

The Chair (Mr Donnelly), according to paragraph 2 of the resolution establishing the general purpose standing committees, informed the House that on Tuesday 1 September 2015, General Purpose Standing Committee No. 2 resolved to adopt the following terms of reference:

That the General Purpose Standing Committee No. 2 inquire into and report on matters relating to elder abuse in New South Wales including:

- (a) the prevalence of abuse (including but not limited to financial abuse, physical abuse, sexual abuse, psychological abuse and neglect) experienced by persons aged 50 years or older in New South Wales,
- (b) the most common forms of abuse experienced by older persons and the most common relationships or settings in which abuse occurs,
- (c) the types of government and/or community support services sought by, or on behalf of, victims of elder abuse and the nature of service received from those agencies and organisations,
- (d) the adequacy of the powers of the NSW Police Force to respond to allegations of elder abuse,

- (e) identifying any constraints to elder abuse being reported and best practice strategies to address such constraints,
- (f) identifying any strength based initiatives which empower older persons to better protect themselves from risks of abuse as they age,
- (g) the effectiveness of New South Wales laws, policies, services and strategies, including the 2014 Interagency Policy ‘Preventing and Responding to Abuse of Older People’, in safeguarding older persons from abuse,
- (h) the possible development of long-term systems and proactive measures to respond to the increasing numbers of older persons, including consideration of cultural diversity among older persons, so as to prevent abuse,
- (i) the consideration of new proposals or initiatives which may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse, and
- (j) any other related matter.

14 CONDUCT OF BUSINESS—PRECEDENCE OF GOVERNMENT BUSINESS

Mr Gay moved, according to sessional order: That government business take precedence of debate on committee reports this day.

Question put and passed.

15 BIOSECURITY BILL 2015

Order of the day read for resumption of the adjourned debate of the question on the motion of Mr Blair: That this bill be now read a second time.

Upon which Mr Veitch has moved: That the question be amended by omitting “be now read a second time” and inserting instead “be referred to General Purpose Standing Committee No. 5 for inquiry and report”.

Debate resumed.

Question put: That the amendment of Mr Veitch be agreed to.

The House divided.

Ayes 18

Ms Barham	Dr Kaye	Mr Secord
Mr Buckingham	Mr Mookhey	Ms Sharpe
Ms Cotsis	Mr Moselmane *	Mr Shoebridge
Mr Donnelly *	Mr Pearson	Mr Veitch
Dr Faruqi	Mr Primrose	Ms Voltz
Mrs Houssos	Mr Searle	Mr Wong

* Tellers

Noes 23

Mr Ajaka	Mr Farlow	Mr Mallard
Mr Amato	Mr Franklin *	Mr Mason-Cox
Mr Blair	Mr Gallacher	Mrs Mitchell
Mr Borsak	Mr Gay	Revd Mr Nile
Mr Brown	Mr Green	Mr Pearce
Mr Clarke	Mr Khan	Dr Phelps *
Mr Colless	Mr MacDonald	Mrs Taylor
Ms Cusack	Mrs Maclaren-Jones	
		* Tellers

Question resolved in the negative.

Original question put.

The House divided.

Ayes 35

Mr Ajaka	Mr Gallacher	Revd Mr Nile
Mr Amato	Mr Gay	Mr Pearce
Mr Blair	Mr Green	Dr Phelps *
Mr Borsak	Mrs Houssos	Mr Primrose
Mr Brown	Mr Khan	Mr Searle
Mr Clarke	Mr MacDonald	Mr Secord
Mr Colless	Mrs Maclaren-Jones	Ms Sharpe
Ms Cotsis	Mr Mallard	Mrs Taylor
Ms Cusack	Mr Mason-Cox	Mr Veitch
Mr Donnelly	Mrs Mitchell	Ms Voltz
Mr Farlow	Mr Mookhey	Mr Wong
Mr Franklin	Mr Moselmane *	
		* Tellers

Noes 6

Ms Barham *	Dr Faruqi *	Mr Pearson
Mr Buckingham	Dr Kaye	Mr Shoebridge
		* Tellers

Question resolved in the affirmative.

Bill read a second time.

The President left the Chair and the House sat as a committee of the whole for consideration of this bill.

According to sessional order, it being after 4.00 pm, proceedings interrupted for Questions. The committee reported progress.

According to resolution of the House this day, government business given precedence.

17 BIOSECURITY BILL 2015

On the order of the day being read, the President left the Chair and the House sat as a committee of the whole for the further consideration of this bill.

The committee reported the bill with amendments.

The House adopted the report.

(With concurrence) Bill, on motion of Mr Blair, read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

Bill forwarded to the Legislative Assembly for concurrence.

18 ADJOURNMENT

Mr Gay moved: That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 9.31 pm until Wednesday 9 September 2015 at 11.00 am.

19 ATTENDANCE

All members present.

Steven Reynolds
Deputy Clerk