



LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 180

WEDNESDAY 24 NOVEMBER 2010

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1 MEETING OF THE HOUSE

The House met at 11.00 am according to adjournment. The President took the Chair and read the prayers.

2 MESSAGES FROM THE LEGISLATIVE ASSEMBLY

The President reported the following message from the Legislative Assembly:

(1) Planning Appeals Legislation Amendment Bill 2010

Madam PRESIDENT

The Legislative Assembly having this day agreed to the Bill with the long title “An Act to amend the Environmental Planning and Assessment Act 1979, the Land and Environment Court Act 1979 and other legislation with respect to appeals and reviews relating to development applications; and for other purposes” returns the bill to the Legislative Council without amendment.

Legislative Assembly
23 November 2010

RICHARD TORBAY
Speaker

The President further reported the following message from the Legislative Assembly:

(2) Food Amendment Bill 2010

Madam PRESIDENT

The Legislative Assembly has this day agreed to the amendment made by the Legislative Council in the Bill with the long title “An Act to amend the Food Act 2003 with respect to the display of nutritional information by certain food businesses; and for other purposes”.

Legislative Assembly
23 November 2010

RICHARD TORBAY
Speaker

3 MASSACRE OF JOURNALISTS IN THE PHILIPPINES (Formal Business)

Ms Sharpe moved, according to notice:

1. That this House notes that:
 - (a) Tuesday 23 November 2010 marks one year since the murder of 58 people, 32 of them journalists and media workers, in the southern Philippines,
 - (b) the Ampatuan Town massacre in Maguindanao province is the world’s single biggest atrocity against journalists, marking the lowest point in the Philippines’ decades-long culture of impunity for the killings of media personnel,
 - (c) according to the National Union of Journalists of the Philippines (NUJP), an affiliate of the International Federation of Journalists (IFJ), the massacre brought the toll of media killings in the Philippines to 136 since 1986,
 - (d) four more media workers have been murdered in the Philippines this year and many other journalists across the Philippines continue to endure serious threats because of the content of their reporting, and

- (e) of 196 suspects in the massacre, 19 are now on trial while 130 remain at large, and most of those still free are police and members of private militias.
2. That this House acknowledges that:
 - (a) journalists play a vital role in upholding democratic values in Australia and overseas, and
 - (b) it is critical that governments ensure this role is respected and protected.
 3. That this House remembers those journalists killed in horrific and violent circumstances, and their families, and urges Philippines President Benigno Aquino III to take all reasonable steps to charge and detain the accused and ensure justice is served on those who committed these killings.

Question put and passed.

4 SELECT COMMITTEE ON RECREATIONAL FISHING—EXTENSION OF REPORTING DATE (Formal Business)

Mr Brown moved, according to notice: That the reporting date for the Select Committee on Recreational Fishing be extended until Friday 10 December 2010.

Question put and passed.

5 POLITICAL PRISONERS IN BURMA (Formal Business)

Dr Kaye moved, according to notice:

1. That this House:
 - (a) welcomes the release of Burmese democracy leader Daw Aung San Suu Kyi from house arrest, and
 - (b) congratulates the Burmese pro-democracy movement for its steadfast resistance to military rule and ongoing campaign for democracy.
2. That this House expresses grave concern for the human rights and welfare of the approximately 2,100 political prisoners held by the Burmese regime under appalling conditions which include:
 - (a) 12 members of parliament elected in the last free and fair elections held in Burma in 1990, including:
 - (i) Khin Maung Win, sentenced to 20 years imprisonment in March 2006,
 - (ii) Khun Tun Oo, sentenced to 93 years imprisonment in November 2005,
 - (ii) Kyaw Min, sentenced to 47 years imprisonment in July 2005,
 - (b) 256 Buddhist monks, including:
 - (i) U Gambira, sentenced to 63 years imprisonment in November 2007,
 - (ii) U Vinaya, sentenced to 20 years imprisonment in July 2005,
 - (iii) U Vayponla, sentenced to 22 years imprisonment in May 2001,
 - (iv) U Thumana, sentenced to 29 years imprisonment in November 2003,
 - (c) 177 women, including:
 - (i) Thin Thin Aye, sentenced to 65 years or more imprisonment in October 2007,
 - (ii) Thet Thet Aung, sentenced to 65 years or more imprisonment in October 2007,

- (iii) Thandar, sentenced to 29 years imprisonment in April 2008,
 - (iv) Sandar Min, sentenced to 65 years or more imprisonment in August 2007,
 - (v) Su Su Nway, sentenced to 8 and a half years imprisonment in November 2007,
- (d) 285 students, including:
- (i) Aye Aung, sentenced to 59 years imprisonment in September 1998,
 - (ii) Min Ko Naing, sentenced to 65 and a half years or more imprisonment in August 2007,
 - (iii) Naing Aung, sentenced to life plus 14 years imprisonment in April 1988,
 - (iv) Aung Thu, sentenced to 65 and a half or more years imprisonment in October 2007, and
- (e) 41 journalists and other media workers, including:
- (i) Win Maw, sentenced to 17 years imprisonment in November 2007,
 - (ii) Zarganar, sentenced to 35 years imprisonment in June 2008,
 - (iii) Hla Hla Win, sentenced to 27 years imprisonment in September 2009,
 - (iv) young activist Bo Min Yu, sentenced to 104 years imprisonment in September 2008.
3. That this House calls for the immediate and unconditional release of all political prisoners detained in Burma.
4. That this House calls on:
- (a) Burmese authorities to embark on a genuine process of national reconciliation and engage in dialogue with all of Burma's ethnic groups, and
 - (b) the Australian Government to:
 - (i) make the most of the release of Daw Aung San Suu Kyi to bring about lasting reform for Burma and its people,
 - (ii) investigate all options for progressing a United Nations commission of inquiry into human rights abuses and war crimes in Burma,
 - (iii) reinforce the campaign for political reform in Burma with increased pressure through government and diplomatic channels,
 - (iv) maintain efforts to enforce a universal arms embargo against Burma, and
 - (v) support at the highest levels of government the efforts of Daw Aung San Suu Kyi and her colleagues to restore democracy, human rights and peace in Burma.

Question put and passed.

6 PAPERS—TABLED BY MINISTER

Mr Robertson tabled the following papers:

- (1) State Owned Corporations Act 1989—Statements of Corporate Intent for year ending 30 June 2011:
 - Hunter Water Corporation
 - State Water Corporation
 - Sydney Water Corporation
 - Waste Recycling and Processing Corporation (trading as WSN Environmental Solutions).
- (2) Wool, Hide and Skin Dealers Act 2004—Report on review of Act, dated June 2010.

7 STANDING COMMITTEE ON LAW AND JUSTICE—REPORT

The Chair (Ms Robertson) tabled Report No. 46 of the Standing Committee on Law and Justice entitled “Inquiry into the eligibility of members of Parliament to serve on juries”, dated November 2010, together with submissions and correspondence.

Ordered: That the report be printed.

Ms Robertson moved, according to standing order: That the House take note of the report.

Debate ensued.

Motion made (Ms Robertson speaking) and question: That this debate be now adjourned until next sitting day—put and passed.

8 AUDITOR-GENERAL—REPORT

The Clerk, according to the Public Finance and Audit Act 1983, announced receipt of the Financial Audits report of the Auditor-General, Volume Seven 2010, focusing on Environment, Climate Change & Water, dated November 2010, received and authorised to be printed this day.

9 PETITIONS**Byrrill Creek area**

Mr Cohen presented a petition from 375 citizens of New South Wales stating that all reports and assessments of the Byrrill Creek area show that it is the area of highest riparian conservation in the Tweed, has high biodiversity values, adjoins World Heritage Areas, and is a major wildlife corridor linking Mebbin, Mt Warning and the Border Ranges National Parks, and praying that the House will ensure that any dam is prohibited within Byrrill Creek in the forthcoming Tweed River Area Unregulated and Alluvial Water Sharing Plan 2010.

Petition received.

Access to the foreshore trail

Mr Harwin presented a petition from 4 citizens of New South Wales stating their opposition to the Government's decision to close parts of the Foreshore Trail between Brays Bay and Yaralla Bay, and requesting that the House call on the Government to work with the community to develop arrangements to reopen the Trail and allow public access while appropriately safeguarding the need of patients at the Rivendell Adolescent Unit and the Concord Hospital precinct.

Petition received.

Bondi Road summer clearway

Mr Harwin presented a petition from 129 citizens of New South Wales opposed to the Government's decision to reintroduce a summer clearway on Bondi Road from 1 December 2010, and requesting that the House call on the Government to scrap the clearway and work with the community to find alternative solutions to local traffic congestion.

Petition received.

10 NOTICES OF MOTIONS**11 BUSINESS POSTPONED**

Notices of motions nos 1 and 2 on the Notice Paper of government business postponed, on motion of Mr Kelly, until a later hour of the sitting.

12 SUSPENSION OF STANDING AND SESSIONAL ORDERS—NURSE TO PATIENT RATIOS

On the President calling on the Clerk to read the order of the day, Dr Kaye moved, according to contingent notice: That standing and sessional orders be suspended to allow a motion to be moved forthwith that private members' business item no. 252 outside the order of precedence relating to nurse to patient ratios be called on forthwith.

Debate ensued.

Question put.

The House divided.

Ayes 23

Mr Ajaka	Ms Ficarra	Mr Mason-Cox
Mr Borsak	Mr Gallacher	Revd Dr Moyes
Mr Brown	Miss Gardiner	Revd Mr Nile
Mr Clarke	Mr Gay	Ms Parker
Mr Cohen	Mr Harwin *	Mrs Pavey
Mr Colless *	Dr Kaye	Mr Pearce
Ms Cusack	Mr Khan	Mr Shoebridge
Ms Faehrmann	Mr Lynn	

* Tellers

Noes 18

Mr Catanzariti	Mr Kelly	Mr Roozendaal
Ms Cotsis	Mr Moselmane	Ms Sharpe
Mr Donnelly *	Mr Obeid	Mr Veitch
Mr Foley	Mr Primrose	Ms Voltz *
Ms Griffin	Ms Robertson	Mr West
Mr Hatzistergos	Mr Robertson	Ms Westwood

* Tellers

Question resolved in the affirmative.

Dr Kaye then moved: That private members' business item no. 252 outside the order of precedence be called on forthwith.

Question put and passed.

13 NURSE TO PATIENT RATIOS

Dr Kaye moved, according to notice:

1. That this House notes that:

- (a) comprehensive rigorous empirical studies of the relationship between nurse staffing and patient outcomes conducted by Professor Christine Duffield at the University of Technology, Sydney Centre for Health Services Management found that:
- (i) understaffing can lead to a 'failure to rescue' and decreased patient satisfaction,
 - (ii) patients cared for under one to eight nurse-to-patient ratio experience a 30 per cent greater chance of dying than those under a one to four ratio, and
 - (iii) adverse patient outcomes increase with increased overtime, fewer permanent staff, fewer nursing hours per patient day, inadequate clinical nurse educator support and more patients per bed,
- (b) mandated nurse-to-patient ratios in Victoria were introduced ten years ago and resulted in:
- (i) a safer environment for patients,
 - (ii) improved morale for the nursing workforce,
 - (iii) a greater number of nurses attracted back into the practising the profession,
 - (iv) reduced complaints about the health hospital system, and
- (c) increased pressure on nurses resulting from inadequate staffing has resulted in poor job satisfaction and declining morale, a reduction in the number of nurses staying in the profession and a mounting shortage of nurses.
2. That this House supports the NSW Nurses Association for a guaranteed mandated minimum nurse to patient ratios as defined in their 'Safety in Numbers – staffing and skill mix for safe patient care' campaign.
3. That this House calls on the Government to:
- (a) immediately employ the 1,000 registered nurses who will graduate from New South Wales universities this month but will not be offered transition to practise employment,
 - (b) lift restrictions on recruitment of nurses and midwives,
 - (c) give in-principle support to the Safety in Numbers claims by the NSW Nurses Association for guaranteed mandated minimum nurse to patient ratios for each clinical environment, averaging one nurse to four patients plus a registered nurse in charge in medical and surgical wards across the public health care system, and
 - (d) enter in good faith into urgent negotiations with nurses and their union to determine the details of implementing the one to four nurse to patient staffing and skills mix package.

Debate ensued.

Question put.

The House divided.

Ayes 8

Mr Borsak
Mr Brown
Mr Cohen *

Ms Faehrmann
Dr Kaye *
Revd Dr Moyes

Revd Mr Nile
Mr Shoebridge

* Tellers

Noes 28

Mr Ajaka	Miss Gardiner	Mr Pearce
Mr Catanzariti	Mr Gay	Mr Primrose
Mr Clarke	Ms Griffin	Ms Robertson
Mr Colless	Mr Harwin *	Ms Sharpe
Ms Cotsis	Mr Khan	Mr Veitch
Ms Cusack	Mr Lynn	Ms Voltz
Mr Donnelly *	Mr Mason-Cox	Mr West
Ms Ficarra	Mr Moselmane	Ms Westwood
Mr Foley	Ms Parker	
Mr Gallacher	Mrs Pavey	* Tellers

Question resolved in the negative.

14 NATIONAL PARK ESTATE (SOUTH-WESTERN CYPRESS RESERVATIONS) BILL 2010

On the order of the day being read, Ms Sharpe (on behalf of Mr Robertson) moved: That this bill be now read a second time.

Debate ensued.

According to sessional order, proceedings interrupted at 12.00 noon for Questions.

15 QUESTIONS

16 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—STATE EMERGENCY AND RESCUE MANAGEMENT AMENDMENT BILL 2010

The Deputy President reported the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to amend the State Emergency and Rescue Management Act 1989 to make further provision with respect to the management of State emergencies and rescues; and for other purposes” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 November 2010

RICHARD TORBAY
Speaker

Bill, on motion of Mr Veitch (on behalf of Mr Kelly), read a first time and ordered to be printed.

Mr Veitch moved, according to contingent notice: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

Ordered: That the second reading of the bill stand an order of the day for a later hour of the sitting.

17 CONDUCT OF BUSINESS—PRECEDENCE OF GOVERNMENT BUSINESS

Ms Sharpe moved, according to contingent notice: That standing and sessional orders be suspended to allow a motion to be moved forthwith relating to the conduct of business of the House.

Question put and passed.

Ms Sharpe then moved: That government business take precedence of committee reports and budget estimates this day.

Question put and passed.

18 NATIONAL PARK ESTATE (SOUTH-WESTERN CYPRESS RESERVATIONS) BILL 2010

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

Debate resumed.

Question put.

The House divided.

Ayes 31

Mr Ajaka	Miss Gardiner	Mrs Pavey
Mr Catanzariti	Mr Gay	Mr Pearce
Mr Clarke	Ms Griffin	Mr Primrose
Mr Cohen	Mr Harwin *	Ms Robertson
Mr Colless	Dr Kaye	Ms Sharpe
Ms Cotsis	Mr Khan	Mr Shoebridge
Ms Cusack	Mr Lynn	Mr Veitch
Mr Donnelly *	Mr Mason-Cox	Ms Voltz
Ms Faehrmann	Mr Moselmann	Mr West
Ms Ficarra	Mr Obeid	
Mr Foley	Ms Parker	* Tellers

Noes 4

Mr Borsak	Revd Dr Moyes	Revd Mr Nile *
Mr Brown *		* Tellers

Question resolved in the affirmative.

Bill read a second time.

The Deputy President (Ms Westwood) left the Chair and the House sat as a committee of the whole for consideration of this bill.

The committee reported the bill without amendment.

The House adopted the report.

Standing orders having been suspended Tuesday 23 November 2010—

Bill, on motion of Ms Sharpe (on behalf of Mr Robertson), read a third time.

Bill returned to the Legislative Assembly without amendment.

19 BUSINESS POSTPONED

Order of the day no. 2 on the Notice Paper of government business postponed, on motion of Mr Veitch, until a later hour of sitting.

20 LOCAL GOVERNMENT AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2010

On the order of the day being read, Mr Veitch (on behalf of Mr Robertson) moved: That this bill be now read a second time.

Leave granted for the mover's second reading speech to be incorporated in Hansard.

Debate ensued.

Question put and passed.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Standing orders having been suspended Tuesday 23 November 2010—

Bill, on motion of Mr Veitch, read a third time.

Bill returned to the Legislative Assembly without amendment.

21 PAPERS—TABLED BY MINISTER

Mr Veitch tabled the following paper:

- (1) Privacy and Personal Information Protection Act 1998—Report of Privacy NSW for year ended 30 June 2010.

Ordered: That the report be printed.

Mr Veitch further tabled the following paper:

- (2) Court Security Act 2005 and Sheriff Act 2005—Report on review of Acts, dated September 2010.

22 STATE EMERGENCY AND RESCUE MANAGEMENT AMENDMENT BILL 2010

On the order of the day being read, Mr Veitch (on behalf of Mr Kelly) moved: That this bill be now read a second time.

Leave granted for the mover's second reading speech to be incorporated in Hansard.

Debate ensued.

Question put and passed.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Standing orders having been suspended this day—

Bill, on motion of Mr Veitch, read a third time.

Bill returned to the Legislative Assembly without amendment.

23 CRIMES (SERIOUS SEX OFFENDERS) AMENDMENT BILL 2010

Mr Hatzistergos moved, according to notice: That leave be given to bring in a bill for an Act to amend the Crimes (Serious Sex Offenders) Act 2006 to make further provision with respect to extended supervision orders and continuing detention orders; and for other purposes.

Question put and passed.

Bill presented.

Bill read a first time and ordered to be printed.

Mr Hatzistergos then moved: That this bill be now read a second time.

Debate ensued.

Motion made (Mr Colless) and question: That this debate be now adjourned until five calendar days ahead—put and passed.

24 SHOP TRADING AMENDMENT BILL 2010 PUBLIC HOLIDAYS BILL 2010

On the order of the day being read, Mr Veitch (on behalf of Mr Robertson) moved: That these bills be now read a second time.

Debate ensued.

Leave granted for the remainder of the mover's second reading speech to be incorporated in Hansard.

Debate continued.

Question put and passed.

Bills read a second time.

Leave granted to proceed to the third reading of the bills forthwith.

Standing orders having been suspended Tuesday 23 November 2010—

Bills, on motion of Ms Sharpe (on behalf of Mr Robertson), read a third time.

Bills returned to the Legislative Assembly without amendment.

25 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2010

The Deputy President reported the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to repeal certain Acts and instruments and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 November 2010

RICHARD TORBAY
Speaker

Bill, on motion of Ms Sharpe (on behalf of Mr Hatzistergos), read a first time and ordered to be printed.

Ms Sharpe moved, according to contingent notice: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

Ordered: That the second reading of the bill stand an order of the day for a later hour of the sitting.

26 PAPERS—TABLED BY MINISTER

Ms Sharpe tabled the following papers:

- (1) Annual Reports (Statutory Bodies) Act 1984—Report of Building and Construction Industry Long Service Payments Corporation for year ended 30 June 2010.
- (2) Independent Pricing and Regulatory Tribunal Act 1992—Report of the Independent Pricing and Regulatory Tribunal entitled “Energy distribution and retail licences: Compliance Report for 2009/10 - Report to the Minister for Energy”, dated October 2010.

Ordered: That the reports be printed.

Ms Sharpe further tabled the following papers:

- (3) Statutory and Other Offices Remuneration Act 1975—
 - (a) Report and determination of the Statutory and Other Offices Remuneration Tribunal in respect to the Chief Executive and Senior Executive Services, dated 29 October 2010
 - (b) Report and determination of the Statutory and Other Offices Remuneration Tribunal in respect to the Judges, Magistrates and Related Group, dated 29 October 2010
 - (c) Report and determination of the Statutory and Other Offices Remuneration Tribunal in respect to the Public Office Holder Group, dated 29 October 2010.

27 SUSPENSION OF STANDING AND SESSIONAL ORDERS—THREATENED SPECIES CONSERVATION AMENDMENT (ECOLOGICAL CONSULTANTS ACCREDITATION SCHEME) BILL

On the President calling on the Clerk to read the order of the day, Mr Cohen moved, according to contingent notice: That standing and sessional orders be suspended to allow a motion to be moved

forthwith that private members' business item no. 6 in the order of precedence relating to the Threatened Species Conservation Amendment (Ecological Consultants Accreditation Scheme) Bill be called on forthwith.

Debate ensued.

Question put and passed.

Mr Cohen then moved: That private members' business item no. 6 in the order of precedence be called on forthwith.

Question put and passed.

28 THREATENED SPECIES CONSERVATION AMENDMENT (ECOLOGICAL CONSULTANTS ACCREDITATION SCHEME) BILL 2010

Mr Cohen moved, according to notice: That leave be given to bring in a bill for an Act to amend the Threatened Species Conservation Act 1995 to provide for an accreditation scheme in respect of persons who prepare or carry out species impact statements and other ecological assessments and surveys.

Question put and passed.

Bill presented.

Bill read a first time and ordered to be printed.

Mr Cohen then moved: That this bill be now read a second time.

Debate ensued.

Motion made (Mr Donnelly) and question: That this debate be now adjourned until five calendar days ahead—put and passed.

29 MESSAGES FROM THE LEGISLATIVE ASSEMBLY

The Deputy President reported the following messages from the Legislative Assembly:

(1) Building and Construction Industry Security of Payment Amendment Bill 2010

Madam PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title "An Act to amend the Building and Construction Industry Security of Payment Act 1999 to make further provision for securing the payment of progress payments under contracts for construction work" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 November 2010

RICHARD TORBAY
Speaker

(2) State Revenue Legislation Further Amendment Bill 2010

Madam PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to make miscellaneous amendments to certain State revenue legislation” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 November 2010RICHARD TORBAY
Speaker

Leave granted for procedural motions for the first reading, printing, suspension of standing orders and fixing of sitting day for second reading to be dealt with on one motion without formalities.

Bills, on motion of Ms Sharpe, read a first time, printed, standing orders suspended on contingent notice for remaining stages and second reading of the bills set down as orders of the day for a later hour of the sitting.

30 COURTS AND CRIMES LEGISLATION FURTHER AMENDMENT BILL 2010

Mr Hatzistergos moved, according to notice: That leave be given to bring in a bill for an Act to amend various Acts with respect to courts, crimes, evidence, criminal and civil procedure, victims compensation and other matters.

Question put and passed.

Bill presented.

Bill read a first time and ordered to be printed.

Mr Hatzistergos then moved: That this bill be now read a second time.

Debate ensued.

Motion made (Mr Colless) and question: That this debate be now adjourned until five calendar days ahead—put and passed.

31 MESSAGES FROM THE LEGISLATIVE ASSEMBLY

The Deputy President reported the following messages from the Legislative Assembly:

(1) Children and Young Persons (Care and Protection) Amendment Bill 2010

Madam PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to amend the Children and Young Persons (Care and Protection) Act 1998 to make further provision in respect of the care and protection of, and the provision of services to, children and young persons; and for other purposes” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 November 2010RICHARD TORBAY
Speaker

(2) National Broadband Network Co-ordinator Bill 2010

Madam PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to facilitate and accelerate the rollout of the National Broadband Network in New South Wales by establishing a NSW NBN Co-ordinator; and for other purposes” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 November 2010

RICHARD TORBAY
Speaker

Leave granted for procedural motions for the first reading, printing, suspension of standing orders and fixing of sitting day for second reading to be dealt with on one motion without formalities.

Bills, on motion of Mr Veitch, read a first time, printed, standing orders suspended on contingent notice for remaining stages and second reading of the bills set down as orders of the day for a later hour of the sitting.

32 BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT BILL 2010

On the order of the day being read, Mr Veitch (on behalf of Mr Robertson) moved: That this bill be now read a second time.

Leave granted for the mover’s second reading speech to be incorporated in Hansard.

Debate ensued.

Question put and passed.

Bill read a second time.

Ordered: That consideration of the bill in committee of the whole stand an order of the day for a later hour of the sitting.

33 STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL 2010

On the order of the day being read, Mr Veitch (on behalf of Mr Roozendaal) moved: That this bill be now read a second time.

Leave granted for the mover’s second reading speech to be incorporated in Hansard.

Debate ensued.

Question put and passed.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Standing orders having been suspended this day—

Bill, on motion of Mr Veitch, read a third time.

Bill returned to the Legislative Assembly without amendment.

34 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010

The President reported the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to apply the Australian Consumer Law as a law of New South Wales and to amend the Fair Trading Act 1987 and other legislation consequentially; and for other purposes” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 November 2010

RICHARD TORBAY
Speaker

Bill, on motion of Mr Veitch (on behalf of Mr Primrose), read a first time and ordered to be printed.

Mr Veitch moved, according to contingent notice: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

Ordered: That the second reading of the bill stand an order of the day for a later hour of the sitting.

35 NATIONAL BROADBAND NETWORK CO-ORDINATOR BILL 2010

On the order of the day being read, Mr Veitch (on behalf of Mr Robertson) moved: That this bill be now read a second time.

Leave granted for the mover’s second reading speech to be incorporated in Hansard.

Debate ensued.

Question put.

The House divided.

Ayes 21

Mr Catanzariti	Mr Hatzistergos	Mr Roozendaal
Mr Cohen	Dr Kaye	Ms Sharpe
Ms Cotsis	Mr Moselmane	Mr Shoebridge
Mr Donnelly *	Mr Obeid	Mr Veitch
Ms Faehrmann	Mr Primrose	Ms Voltz *
Mr Foley	Ms Robertson	Mr West
Ms Griffin	Mr Robertson	Ms Westwood

* Tellers

Noes 16

Mr Ajaka *	Miss Gardiner	Revd Mr Nile
Mr Clarke	Mr Gay	Ms Parker
Mr Colless *	Mr Khan	Mrs Pavey
Ms Cusack	Mr Lynn	Mr Pearce
Ms Ficarra	Mr Mason-Cox	
Mr Gallacher	Revd Dr Moyes	* Tellers

Pairs

Mr Kelly

Mr Harwin

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.

The committee reported the bill with an amendment.

The House adopted the report.

Standing orders having been suspended this day—

Bill, on motion of Ms Sharpe (on behalf of Mr Robertson), read a third time.

Bill returned to the Legislative Assembly with the following amendment in which the concurrence of the Legislative Assembly was requested:

NATIONAL BROADBAND NETWORK CO-ORDINATOR BILL 2010

Schedule of the amendment referred to in the Legislative Council's message of 24 November 2010

Page 4, clause 5 (2) (a), line 7. Insert “, being a person who has been employed in the Government Service of New South Wales for at least 12 months immediately before being appointed to that office” after “2002”.

36 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—WATER MANAGEMENT AMENDMENT BILL 2010

The Deputy President (Ms Westwood) reported the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to amend the Water Management Act 2000 with respect to specific purpose access licences and other access licences, environmental water, offences relating to taking water and water meters and private irrigation and drainage bodies; and for other purposes” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 November 2010

RICHARD TORBAY
Speaker

Bill, on motion of Ms Sharpe (on behalf of Mr Kelly), read a first time and ordered to be printed.

Ms Sharpe moved, according to contingent notice: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

Ordered: That the second reading of the bill stand an order of the day for a later hour of the sitting.

37 BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT BILL 2010

On the order of the day being read, the Deputy President (Ms Westwood) left the Chair and the House sat as a committee of the whole for consideration of this bill.

The committee reported the bill with an amendment.

The House adopted the report.

Standing orders having been suspended this day—

Bill, on motion of Ms Sharpe (on behalf of Mr Robertson), read a third time.

Bill returned to the Legislative Assembly with the following amendment in which the concurrence of the Legislative Assembly was requested:

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT
BILL 2010

Schedule of the amendment referred to in the Legislative Council's message of 24 November 2010.

Page 3, Schedule 1 [1] (proposed clause 26A). Insert after line 17:

- (3) A payment withholding request must include a statement in writing by the claimant in the form of a statutory declaration declaring that the claimant genuinely believes that the amount of money claimed is owed by the respondent to the claimant.

38 FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010

On the order of the day being read, Ms Sharpe (on behalf of Mr Primrose) moved: That this bill be now read a second time.

Leave granted for the mover's second reading speech to be incorporated in Hansard.

Debate ensued.

The House continued to sit after midnight.

THURSDAY 25 NOVEMBER 2010 AM

Debate continued.

Question put and passed.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Standing orders having been suspended this day—

Bill, on motion of Ms Sharpe, read a third time.

Bill returned to the Legislative Assembly without amendment.

39 ADJOURNMENT

Ms Sharpe moved: That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 12.37 am until Thursday 25 November 2010 at 11.00 am.

40 ATTENDANCE

All members present.

Lynn Lovelock
Clerk of the Parliaments