



LEGISLATIVE ASSEMBLY

2011

FIRST SESSION OF THE FIFTY-FIFTH PARLIAMENT

VOTES AND PROCEEDINGS

No. 52

THURSDAY 20 OCTOBER 2011

1 **MEETING OF THE HOUSE**

The House met at 10.00 am pursuant to adjournment. The Speaker took the Chair, read the prayer and acknowledged the traditional owners, thanking them for their custodianship of country.

2 **DISTINGUISHED VISITORS**

The Speaker drew the attention of the House to the presence in the Speaker's Gallery of Mrs Frances Grove and Ms Sarah-Jane Grove who were guests of the Clerk of the Legislative Assembly.

The Speaker also drew the attention of the House to the presence behind the Chair of the President of the Legislative Council and the Clerk of the Parliaments.

3 **RETIREMENT OF RUSSELL DAVID GROVE FROM THE POSITION OF CLERK OF THE LEGISLATIVE ASSEMBLY**

(1) The Speaker informed the House that she had received the following letter, dated 20 October 2011, from Mr Russell David Grove, Clerk of the Legislative Assembly:

The Hon. Shelley Hancock MP
Speaker of the Legislative Assembly
Member for South Coast
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Madam Speaker

As you are aware it is my intention to take my “leave” from my post as Clerk of the Legislative Assembly in November having completed over forty years of service, thirty of which have been at the Table-of-the-House.

It has been both an honour and privilege to serve Australia’s oldest Parliament. Over this long period there have been great challenges and many changes. Throughout these times I have come to the view that only by having confidence in itself, and an ability to adapt to the new challenges while respecting the value of past practices, can the House survive as the sovereign body of our State. Unwarranted and unfounded criticism from whatever quarter should not deflect Members from their important duties and responsibility as representatives of the people of New South Wales.

Can I also express my great debt of gratitude to members of the staff of the House, at all levels, who have given me loyalty as a very diligent and efficient team. Especially can I mention Manuela Sudic in my office without whose invaluable help and support in recent years I would have not been able to fulfil my role as Clerk of the House. I would also like to thank my colleagues in the Legislative Council and Department of Parliamentary Services for their collegiate support. Most importantly can I say that my career with the Legislative Assembly would have not been possible without the love, support and encouragement of my wife Frances and daughter Sarah-Jane.

Friendships with Members and colleagues in the scattered Commonwealth parliaments, which together form an important parliamentary community, has given me both much pleasure and many valuable experiences. Here in New South Wales I have enjoyed working, across party divides, with Members of the House, past and present and with Members and colleagues in “the other place.”

Madam Speaker may I thank you and former Speakers, with whom I have worked closely over many years, for the trust and candid exchanges we have enjoyed which have at times assisted in dealing with serious and sometimes difficult situations.

Finally, may I offer my very best wishes to all Members and Officers of the Legislative Assembly for every success in their future endeavours.

Yours faithfully

Russell D. Grove
Clerk of the Legislative Assembly

(2) The Speaker made the following remarks:

“On 4 November 2011 Russell David Grove is to retire as the 17th Clerk of the Legislative Assembly. Mr Grove joined the staff of the Legislative Assembly on 15 February 1971 via Kyogle High School and the University of Sydney. He held a variety of positions in the Legislative Assembly Office when on 1 February 1974 he was promoted to Parliamentary Officer – Table, the most senior non-chamber position on staff. His experience in that position provided him with a solid grounding in the practice of the Legislative Assembly and invaluable experience in preparation for service at the Table which commenced on 19 February 1981 when he was appointed Second Clerk-Assistant. On 15 October 1984 he was appointed Clerk-Assistant, a position that in March 1989 was re-designated Deputy Clerk. Consequent on the resignation of his predecessor Grahame Cooksley, Mr Grove was appointed Clerk of the Legislative Assembly on 8 September 1990. He will have been Clerk of the Legislative Assembly for 21 years, one month and 26 days and as such is the longest serving Clerk of the Legislative Assembly, having already achieved that milestone on 18 November 2008.

Since 1971 Mr Grove has witnessed much redevelopment of the parliamentary precinct, including the completion in the early 1980s of the office block that now accommodates members, the Parliamentary Library and dining rooms and the administrative offices that link the office block with the historic façade of Parliament House as well as the renovation of this Chamber. Mr Grove has also been an enthusiastic

and supportive participant in the exponential growth and evolution of the role and functions of the Clerk of the Legislative Assembly into significant management and administrative responsibilities as well as the expansion of services provided to members. For instance, the provision to members of electorate offices and staff and the rise of the multitude of technologies now adapted for use in all aspects of parliamentary work. Perhaps none so profound as information and communications technology for the instantaneous dissemination of massive volumes of information and for the desktop publishing of the various House papers following the closure of the Government Printing Office.

Sir Kevin Ellis, the Speaker in 1971, would not recognise the precinct nor much parliamentary practice of today. The physical transformation from some of the rambling physical surrounds mirror the procedural changes that have taken place in the Legislative Assembly in the past 40 years. This period saw many procedural innovations. The Standing Orders have been revised on a regular basis with the notable feature the tradition breaking change that now provides for the contemporary stages in regard to the passage of legislation as: "introduction", "agreement in principle", "consideration in detail"; and "passing". They have replaced the original terms of "first, second and third readings" and "committee of the whole". In 1994 the Standing Orders were rewritten in plain English, a massive undertaking. The commanding reference book *New South Wales Legislative Assembly Practice, Procedure and Privilege* was also produced under Mr Grove's editorship and published in 2007.

In the traditional areas of the work of the Clerk, Mr Grove's procedural knowledge is authoritative, unsurpassed and is respected by all members and officers. He has always reacted to unfolding events in the House instantaneously under pressure and acted decisively in supporting the Speaker and members. This was especially highlighted as the Clerk during the tumult and procedural pragmatism of the hung parliament from 1991 to 1995.

From 1984 Mr Grove has also held the position of Honorary Secretary, Commonwealth Parliamentary Association (New South Wales). In that capacity many members and staff past and present of other jurisdictions would have made acquaintances with him. From 1986 Mr Grove has also been a regular attendee at annual CPA Commonwealth Parliamentary Conferences and the annual general meetings of the Society of Clerks-at-the-Table. Mr Grove was last week made an honorary life member of the CPA (NSW Branch).

In 2001 Mr Grove was elected to the inaugural executive of the Australia and New Zealand Association of Clerks-at-the-Table [ANZACATT], holding the office of Secretary-Treasurer until 2004 and more lately has been the returning officer for the association. He is also a member of the Australasian Study of Parliament Group and has been the Chair of the NSW Chapter. Mr Grove has also been a prolific contributor to a wide range of local, national and international conferences and seminars: presenting papers; being a panellist; chairing sessions; and offering considered comments and views from the floor. Mr Grove has also had extensive involvement in training and development activities to enhance the capacity of a number of legislatures, including in 1996 when invited as an expert advisor on the establishment of the Palestinian Legislative Council.

Mr Grove has built up an extensive network of relationships in all areas of his work and around the world. As Clerk he made it policy to provide prompt responses to queries and requests from other parliaments and in doing so he has enhanced the profile and reputation of the Legislative Assembly around Australia and the world.

In acknowledgement of Mr Grove's career he will be nominated for honorary life membership of ANZACATT at its annual meeting in January 2012. He has already been awarded life membership of the Society of Clerks-at-the-Table in Commonwealth Parliaments as well as both the Association of Clerks at the Table in Canada and the American Society of Legislative Clerks and Secretaries. Also in recognition of his service he received the New South Wales Public Service Medal in 2000 and was made a Fellow of the Institute of Public Administration Australia in 2011. He will shortly be awarded the long service medal for 40 years service in the NSW public sector.

Despite Mr Grove's solid work schedule, he has found time to be an active member of Rotary International. For his services to Rotary he was made a Paul Harris Fellow in 1997.

The Legislative Assembly has been very ably served by Mr Grove. It is all the more a better place with senior officers of the calibre of Russell David Grove. His over 40 years service, more than 30 of which has been as a Table Officer and with the last 21 years being the longest serving Clerk of the House, places Mr Grove as *primus inter pares* (first among equals) of all those senior officers who have served the Legislative Assembly and entitles him to tribute by this House.

Behind Russell, his wife Frances has been a constant and staunch supporter of his career. Mrs Grove has frequently and freely given of her time to accompany official visitors, being involved in their programs and making them feel welcome. Mrs Grove has also been an attendee at many official functions. Through these she has become known and liked by many members. While it is a sad occasion that Mr Grove's long official association with the Legislative Assembly must come to a close, on behalf of the House I wish him and Mrs Grove many happy and healthy years in retirement."

Upon which Mr Barry O'Farrell moved, That:

- (1) The Speaker's remarks with reference to Mr Russell David Grove, on his retirement from the position of Clerk of the Legislative Assembly, be entered in the *Votes and Proceedings*.
- (2) Mr Grove's 40 years distinguished service to the Legislative Assembly, including a record 21 years as Clerk of the House, be noted.
- (3) In recognition of his meritorious service and on the occasion of the retirement of Mr Russell David Grove, this House extends him the honorary title Clerk Emeritus.

The motion was seconded by Mr John Robertson and supported by Mr Andrew Stoner, Mr Richard Torbay, Mr Brad Hazzard, Mr Richard Amery, Mr George Souris and Ms Linda Burney.

The Speaker left the Chair at 11.15 am.

The Speaker resumed the Chair at 12.30 pm.

The motion was further supported by Ms Clover Moore, Mr Chris Hartcher, Mr Michael Daley, Mr Andrew Fraser, Ms Carmel Tebbutt, Ms Gladys Berejiklian, Mr Nathan Rees, Mr Daryl Maguire, Ms Kristina Keneally, Mr Thomas George, Mrs Barbara Perry, Mr Jonathan O'Dea, Mr Jai Rowell and Mr Andrew Gee.

Question put and carried unanimously.

The Speaker left the Chair at 1.30 pm.

The Speaker resumed the Chair at 2.15 pm.

4 MESSAGE FROM THE LEGISLATIVE COUNCIL

The Speaker reported a message from the Legislative Council dated 20 October 2011, returning the Payroll Tax Rebate Scheme (Disability Employment) Bill, without amendment.

5 MESSAGE FROM THE LEGISLATIVE COUNCIL—CLUBS, LIQUOR AND GAMING MACHINES LEGISLATION AMENDMENT BILL

The Speaker reported the following message from the Legislative Council:

Madam SPEAKER

VOTES AND PROCEEDINGS OF THE NEW SOUTH WALES LEGISLATIVE ASSEMBLY
Thursday 20 October 2011

The Legislative Council has this day agreed to the “Clubs, Liquor and Gaming Machines Legislation Amendment Bill 2011” with the amendment indicated by the accompanying schedule, in which amendment the Council requests the concurrence of the Legislative Assembly.

Legislative Council
19 October 2011

JENNY GARDINER
Deputy President

CLUBS, LIQUOR AND GAMING MACHINES LEGISLATION AMENDMENT BILL 2011

Schedule of the amendment referred to in the message of 19 October 2011.

DAVID BLUNT
Clerk of the Parliaments

No. 1 Page 26, Schedule 3 [31], line 11. Omit “not required”. Insert instead “required unless the transferring premises and the other set of premises are situated in the same local government area”.

Examined
SARAH MITCHELL
Chair of Committees

Ordered by the Speaker, That the amendment made by the Legislative Council in the bill be taken into consideration at a later time.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL—HERITAGE AMENDMENT BILL**

The Speaker reported the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council has this day agreed to the “Heritage Amendment Bill 2011” with the amendments indicated by the accompanying schedule, in which amendments the Council requests the concurrence of the Legislative Assembly.

Legislative Council
19 October 2011

CATE FAEHRMANN
Deputy President

HERITAGE AMENDMENT BILL 2011

Schedule of the amendments referred to in the message of 19 October 2011.

DAVID BLUNT
Clerk of the Parliaments

No. 1 Page 3, Schedule 1. Insert after line 12:

[5] **Section 8 (3)**

Omit “Six”. Insert instead “Five”.

[6] **Section 8 (3) (a)**

Omit the paragraph.

[7] **Section 8 (3A)**

Insert after section 8 (3):

- (3A) One of the other appointed members is to be a person who, in the opinion of the Minister, possesses qualifications, knowledge and skills relating to Aboriginal heritage.

[8] **Section 8 (6)**

Insert “, (3A)” after “subsection (3)”.

No. 2 Page 4, Schedule 1 [7]. Insert after line 12:

- (1A) On receiving a request to review a matter, the Planning Assessment Commission is to conduct its review and provide a report to the Minister within the time period specified in the regulations.

Examined
SARAH MITCHELL
Chair of Committees

Ordered by the Speaker, That the amendments made by the Legislative Council in the bill be taken into consideration at a later time.

7 **MINISTERIAL ARRANGEMENT**

Mr Barry O’Farrell informed the House that the Minister for Family and Community Services, and Minister for Women would answer questions today in the absence of the Minister for Ageing, and Minister for Disability Services.

8 **QUESTION TIME**

Following a request from Mrs Leslie Williams pursuant to standing order 131 (3), the Minister for Education provided additional information.

9 **PETITIONS**

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

Ms Clover Moore—from certain citizens requesting the provision of bus services to the Walsh Bay precinct and the provision of ferry services to the new wharf at Pier 2/3.

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

Ms Clover Moore—from certain citizens requesting a ban on exotic animals performing in circuses.

10 **NOTICES OF MOTIONS (GENERAL NOTICES)**

11 **PRIVATE MEMBERS' STATEMENTS**

By concurrence, the House continued to sit past 4.30 pm to permit the conclusion of private members' statements.

12 **ADJOURNMENT**

The House adjourned, pursuant to standing and sessional orders, at 4.50 pm, until Tuesday 8 November 2011, at 1.00 pm.

Attendance: All members present except Mr Stephen Bromhead, Ms Sonia Hornery, Mr Greg Piper, Mr Geoff Provest and Mr Gareth Ward.

RUSSELL D. GROVE PSM
Clerk of the Legislative Assembly

SHELLEY HANCOCK
Speaker