



PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE ASSEMBLY

2006

SECOND SESSION OF THE FIFTY-THIRD PARLIAMENT

VOTES AND PROCEEDINGS

No. 4

THURSDAY 25 MAY 2006

1 **ABSENCE OF THE SPEAKER**

The Clerk informed the House of the absence of the Speaker and, pursuant to Standing Order 16, the Deputy Speaker took the Chair.

2 **YOUNG OFFENDERS AMENDMENT (REFORM OF CAUTIONING AND WARNING) BILL**

Mr Stoner moved, pursuant to notice, That leave be given to bring in a bill for an Act to amend the Young Offenders Act 1997 to reform the cautioning and warning system under that Act; and for other purposes.

Question put and passed.

Bill presented and read a first time.

Mr Stoner moved, That this bill be now read a second time.

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

3 UNIVERSITY OF TECHNOLOGY (KURING-GAI CAMPUS) BILL

Mr O'Farrell moved, pursuant to notice, That leave be given to bring in a bill for an Act to ensure that the Kuring-gai Campus of the University of Technology is retained for educational purposes.

Question put and passed.

Bill presented and read a first time.

Mr O'Farrell moved, That this bill be now read a second time.

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

4 SUSPENSION OF STANDING AND SESSIONAL ORDERS—GOVERNMENT BUSINESS

Mr Campbell moved, That standing and sessional orders be suspended to provide for:

- (1) The moving of a motion concerning the attendance of the Treasurer in the Legislative Assembly on Tuesday 6 June 2006 for the purpose of giving a speech in relation to the New South Wales Budget 2006/2007;
- (2) Government Business to have precedence of General Business on Thursday 25 May 2006; and
- (3) The resumption of the adjourned debate and progress through all remaining stages at this sitting of the following bills:

Children (Detention Centres) Amendment Bill
Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill
Correctional Services Legislation Amendment Bill
Courts Legislation Further Amendment Bill
Fair Trading Amendment Bill
Interpretation Amendment Bill
Liquor Amendment (2006 FIFA World Cup Hotel Trading) Bill
Local Government Amendment (Waste Removal Orders) Bill
State Revenue Legislation Amendment Bill
Statute Law (Miscellaneous Provisions) Bill.

Question put.

Debate ensued.

The House divided.

AYES 44

Mr Amery, Ms Andrews, Ms Beamer, Mr Black, Mr Brown, Miss Burton, Mr Campbell, Mr Chaytor, Mr Collier, Mr Corrigan, Mr Crittenden, Ms D'Amore, Mr Daley, Ms Gadiel, Mr Gaudry, Mr Gibson, Mr Greene, Ms Hay, Mr Hickey, Mr Hunter, Ms Judge, Ms Keneally, Mr Lynch, Mr McBride, Mr McLeay, Ms Meagher, Ms Megarrity, Mr Mills, Mr Morris, Mr Newell, Mr Orkopoulos, Mrs Paluzzano, Mr Pearce, Mrs Perry, Ms Saliba, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Tripodi, Mr West, Mr Whan and Mr Yeadon.

Tellers: Mr Ashton and Mr Martin.

NOES 33

Mr Aplin, Mr Armstrong, Mr Barr, Ms Berejikian, Mr Cansdell, Mr Constance, Mr Draper, Mrs Fardell, Mr Fraser, Mrs Hancock, Mr Hazzard, Ms Hodgkinson, Mrs Hopwood, Mr Humpherson, Mr Kerr, Mr McTaggart, Mr Merton, Ms Moore, Mr O'Farrell, Mr Oakeshott, Mr Page, Mr Piccoli, Mr Richardson, Ms Seaton, Mrs Skinner, Mr Souris, Mr Stoner, Mr Tink, Mr Torbay, Mr J.H. Turner and Mr R.W. Turner.

Tellers: Mr George and Mr Maguire.

Pair: Ms Burney—Mr Hartcher.

Question passed.

5 **ATTENDANCE OF THE HONOURABLE MICHAEL COSTA, MLC IN THE LEGISLATIVE ASSEMBLY**

Mr Campbell moved, That on Tuesday 6 June 2006 standing and sessional orders be suspended to allow for the following routine of business:

- (1) At 12 noon, the introduction of the Appropriation Bill and cognate bills;
- (2) The Premier to adjourn the debate on the bills immediately after moving, "That these bills be now read a second time";
- (3) The Honourable Michael Costa, MLC, Treasurer, Minister for Infrastructure and Minister for the Hunter, being immediately admitted to the House for the purpose of giving a speech of unlimited duration in relation to the New South Wales Budget 2006/2007 after which proceedings shall be suspended until 2.15 pm;
- (4) The Premier to give the second reading speech at a later time upon the order of the day being read for the resumption of the adjourned debate on the Appropriation Bill and cognate bills; and
- (5) A message be sent to the Legislative Council inviting the Treasurer to attend the Legislative Assembly on Tuesday 6 June 2006.

Upon which Mr O'Farrell moved, That the motion be amended by leaving out "after which proceedings shall be suspended until 2.15 pm" with a view to inserting instead:

“to be immediately followed by the Leader of the Opposition who will be given equal time to reply.

- (4) Upon conclusion of Question Time on the first sitting day after his address, the Honourable Michael Costa MLC be again admitted to the House for two hours to answer questions on the Appropriation Bill and cognate bills put to him by members in accordance with the standing orders.”

Debate ensued.

Question—That the words proposed to be left out stand—put.

The House divided.

AYES 45

Ms Allan, Mr Amery, Ms Andrews, Ms Beamer, Mr Black, Mr Brown, Miss Burton, Mr Campbell, Mr Chaytor, Mr Collier, Mr Corrigan, Mr Crittenden, Ms D'Amore, Mr Daley, Ms Gadiel, Mr Gaudry, Mr Gibson, Mr Greene, Ms Hay, Mr Hickey, Mr Hunter, Ms Judge, Ms Keneally, Mr Lynch, Mr McBride, Mr McLeay, Ms Meagher, Ms Megarrity, Mr Morris, Mr Newell, Mr Orkopoulos, Mrs Paluzzano, Mr Pearce, Mrs Perry, Mr Price, Ms Saliba, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Tripodi, Mr West, Mr Whan and Mr Yeadon.

Tellers: Mr Ashton and Mr Martin.

NOES 34

Mr Aplin, Mr Barr, Ms Berejikian, Mr Cansdell, Mr Constance, Mr Debnam, Mr Draper, Mrs Fardell, Mr Fraser, Mrs Hancock, Mr Hazzard, Ms Hodgkinson, Mrs Hopwood, Mr Humpherson, Mr Kerr, Mr McTaggart, Mr Merton, Ms Moore, Mr O'Farrell, Mr Oakeshott, Mr Page, Mr Piccoli, Mr Richardson, Ms Seaton, Mrs Skinner, Mr Slack-Smith, Mr Souris, Mr Stoner, Mr Tink, Mr Torbay, Mr J.H. Turner and Mr R.W. Turner.

Tellers: Mr George and Mr Maguire.

Pair: Ms Burney—Mr Hartcher.

Question passed.

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

6 LIQUOR AMENDMENT (2006 FIFA WORLD CUP HOTEL TRADING) BILL

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr McBride, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Leave granted for the third reading forthwith.

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

7 STATE REVENUE LEGISLATION AMENDMENT BILL

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Iemma, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Leave granted for the third reading forthwith.

Bill, on motion of Ms Beamer, on behalf of Mr Iemma, read a third time.

8 COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Watkins, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Leave granted for the third reading forthwith.

Bill, on motion of Ms Beamer, on behalf of Mr Watkins, read a third time.

9 STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Iemma, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Leave granted for the third reading forthwith.

Bill, on motion of Ms Beamer, on behalf of Mr Iemma, read a third time.

10 INTERPRETATION AMENDMENT BILL

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Iemma, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Leave granted for the third reading forthwith.

Bill, on motion of Mr McLeay, on behalf of Mr Iemma, read a third time.

11 CORRECTIONAL SERVICES LEGISLATION AMENDMENT BILL

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Debus, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Leave granted for the third reading forthwith.

Bill, on motion of Ms Beamer, on behalf of Mr Debus, read a third time.

12 LOCAL GOVERNMENT AMENDMENT (WASTE REMOVAL ORDERS) BILL

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Hickey, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Leave granted for the third reading forthwith.

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

13 NOTICES OF MOTIONS**14 PAPER**

Mr Sartor, by leave, tabled the “Annual review of private gaming room exemptions”, pursuant to section 11(c)(i) of the Smoke-free Environment Act 2000.

15 **PETITIONS**

The Clerk announced that petitions had been received as follows:

Mrs Hancock—from certain citizens requesting the removal of the \$10 booking fee imposed on pensioner travel vouchers.

Mrs Hancock—from certain citizens opposing any reduction in rail services on the South Coast line.

Mrs Hopwood—from certain citizens requesting adequate commuter parking at Hornsby and Berowra railway stations.

Ms Moore—from certain citizens requesting that companion animals be allowed to travel on all public transport.

Ms Moore—from certain citizens requesting improved services for the 311 bus route.

Mr Stoner—from certain citizens opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales.

Mr Constance—from certain citizens requesting community consultation with all industry and community groups affected by the creation of any new marine parks.

Mrs Hancock—from certain citizens requesting amendments to the Uniting Church in Australia Act 1977.

Mrs Hancock—from certain citizens requesting a prohibition on extraction of water from the Shoalhaven River for the purpose of supporting Sydney's water supply.

Mrs Hancock—from certain citizens requesting the prohibition of fishing competitions in the Jervis Bay Marine Park.

Ms Berejiklian—from certain citizens requesting capital works funding for Chatswood Public School.

Mr Maguire—from certain citizens requesting funding for the provision of a school assembly hall facility at the Mount Austin Public School.

Mr Maguire—from certain citizens requesting air conditioning in all learning spaces at Holbrook Public School.

Mr Tink—from certain citizens opposing the privatization of the Snowy Hydro Electric Authority.

Mr Cansdell—from certain citizens opposing the closure of inpatient beds and the reduction in emergency department hours at the Campbell Hospital, Coraki.

Mr Cansdell—from certain citizens requesting the continued funding of BreastScreen NSW.

Mrs Hancock—from certain citizens requesting a dedicated mental health hospital in the Shoalhaven.

Mr Kerr—from certain citizens requesting the re-establishment of a local community based hospital board of management at Sutherland Hospital.

Ms Moore—from certain citizens requesting funding to increase and maintain mental health services and support.

Ms Gadiel—from certain citizens requesting heritage status for the HMAS Parramatta II Memorial in Queens Park Reserve, Parramatta.

Mrs Hancock—from certain citizens opposing the proposal by Kylor for their land in Manyana to be rezoned.

Ms Moore—from certain citizens requesting design changes to the planned East Darling Harbour project to minimise the negative aspects of high rise adjacent to the waterfront.

Mr Aplin and Mrs Hancock—from certain citizens requesting funding for community based preschools to the same level as those administered by the Department of Education.

Mr Stoner and Mr J.H. Turner—from certain citizens opposing any restrictions on recreational fishing in Mid North Coast waters.

Ms Moore—from certain citizens requesting that Sydney Harbour remain a working harbour.

Mr Constance—from certain citizens requesting funding for the Bega Valley Shire Council to enable the council to recycle waste.

Mrs Hancock—from certain citizens opposing an increase in rates in the Shoalhaven City Council area.

Mrs Hopwood—from certain citizens requesting an inquiry into Hornsby Shire Council's acquisition of CSR Quarry.

Mr Cansdell—from certain citizens requesting the construction of a new bridge over the Clarence River at Grafton.

Mr Maguire—from certain citizens requesting funding for the upgrade of The Rock/Bullenbong Road.

16 **NOTICE OF MOTION FOR URGENT CONSIDERATION**

Mr Debnam—Infrastructure.

17 **QUESTIONS**

18 **STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS**

Mr Price, Chairman, by leave, tabled the Report of the Standing Committee on Parliamentary Privilege and Ethics entitled "Parliamentary Commissioners, Advisers and Auditors—Ethics

Education, Information and Assistance to Members: New South Wales and other jurisdictions”, dated May 2006.

Ordered to be printed.

19 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—GOVERNMENT BUSINESS**

Mr Scully moved, That:

- (1) Standing and sessional orders be suspended at this sitting to:
 - (a) Provide that the routine of business be varied to not call on motions for urgent consideration and matters of public importance;
 - (b) Permit the postponement of the taking of notices of motions (general notices) and private members statements until the conclusion of Government Business;
 - (c) Permit the introduction, up to and including the minister’s second reading speech, of the following bills, notice of which was given this day for tomorrow:

Drug Misuse and Trafficking Amendment (Hydroponic Cultivation) Bill
Sydney Cricket and Sports Ground Amendment Bill;
 - (d) Permit consideration of motions related to the Parliamentary Ethics Adviser, the Code of Conduct for Members and the Committee on Parliamentary Privilege and Ethics;
 - (e) From the commencement of private members’ statements until the rising of the House, no divisions or quorums be called; and
- (2) The House at its rising this day do adjourn until Tuesday 6 June 2006, at 12 noon.

Debate ensued.

Question put.

The House divided.

AYES 49

Ms Allan, Mr Amery, Ms Andrews, Ms Beamer, Mr Black, Mr Brown, Miss Burton, Mr Campbell, Mr Chaytor, Mr Collier, Mr Corrigan, Mr Crittenden, Ms D’Amore, Mr Daley, Mr Debus, Ms Gadiel, Mr Gibson, Mr Greene, Ms Hay, Mr Hickey, Mr Hunter, Ms Judge, Ms Keneally, Mr Lynch, Mr McBride, Mr McLeay, Ms Meagher, Ms Megarrity, Mr Mills, Mr Morris, Mr Newell, Ms Nori, Mr Orkopoulos, Mrs Paluzzano, Mr Pearce, Mrs Perry, Mr Price, Mr Sartor, Mr Scully, Mr Shearan, Mr Stewart, Ms Tebbutt, Mr Tripodi, Mr Watkins, Mr West, Mr Whan and Mr Yeadon.

Tellers: Mr Ashton and Mr Martin.

NOES 36

Mr Aplin, Mr Armstrong, Mr Barr, Ms Berejiklian, Mr Cansdell, Mr Constance, Mr Debnam, Mr Draper, Mrs Fardell, Mr Fraser, Mrs Hancock, Mr Hazzard, Ms Hodgkinson, Mrs Hopwood, Mr Humpherson, Mr Kerr, Mr McTaggart, Mr Merton, Ms Moore, Mr O'Farrell, Mr Oakeshott, Mr Page, Mr Piccoli, Mr Pringle, Mr Richardson, Ms Seaton, Mrs Skinner, Mr Slack-Smith, Mr Souris, Mr Stoner, Mr Tink, Mr Torbay, Mr J.H. Turner and Mr R.W. Turner.

Tellers: Mr George and Mr Maguire.

Pair: Ms Burney—Mr Hartcher.

Question passed.

20 PARLIAMENTARY ETHICS ADVISER

Mr Scully moved, That:

- (1) The appointment of Mr Ian Dickson as Parliamentary Ethics Adviser, as resolved by the House on 23 February 2005, be extended until 30 June 2007; and
- (2) A message be sent requesting the Legislative Council pass a similar resolution.

Question put and passed.

21 NOTICE OF MOTION

Mr Scully—Given after time prescribed by standing and sessional orders.

22 CODE OF CONDUCT FOR MEMBERS

Mr Scully moved, That clause 2 of the Code of Conduct for Members be amended as follows:

Members must not knowingly or improperly promote any matter, vote on any bill or resolution, or ask any question in the parliament or its committees, for the private benefit of themselves or others.

Question put and passed.

23 COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

Mr Scully moved:

- (1) That the Committee on Parliamentary Privilege and Ethics inquire into and report on:
 - (i) The draft Constitution (Disclosures by Members) Regulation 2006, in accordance with section 14A (5) of the Constitution Act 1902; and
 - (ii) Amendments to the Code of Conduct for Members of the New South Wales Parliament;

- (2) That the Committee in conducting their review, in addition to considering supplementary returns, give consideration to the feasibility of reporting changes to pecuniary interests by “exception reporting”;
- (3) That the Committee consult with the Clerk of the House to ensure a streamlined process is introduced for updating the Pecuniary Interests Register;
- (4) That the Committee report to the House by 1 September 2006;
- (5) That the Committee have leave and power to confer with the Legislative Council Privileges Committee for the purposes of this inquiry;
- (6) That a message be sent informing the Legislative Council of this resolution and requesting that leave be granted to the Committee on Privileges to confer with the Committee on Parliamentary Privilege and Ethics.

Question put and passed.

24 **JOINT SELECT COMMITTEE ON THE CROSS CITY TUNNEL**

Mr Scully moved, That:

- (1) This House agrees with the Legislative Council’s resolution relating to the appointment of a Joint Select Committee on the Cross City Tunnel and fixes Wednesday 14 June 2006 at 12 noon in room 1108 as the time and place for the first meeting.
- (2) The following members of the Legislative Assembly be appointed to serve on the committee:

Matthew James Brown
Andrew James Constance
Michael John Daley
John Harcourt Turner.
- (3) A message be sent to the Legislative Council accordingly.

Question put and passed.

25 **JOINT SELECT COMMITTEE ON TOBACCO SMOKING**

Mr Scully moved, That:

- (1) This House agrees with the Legislative Council’s Resolution relating to the appointment of a Joint Select Committee on Tobacco Smoking and fixes Wednesday 21 June 2006 at 10.00 a.m. in room 1108 as the time and place for the first meeting;
- (2) The following members of the Legislative Assembly be appointed to serve on the committee:
Angela D’Amore
Thomas George
Shelley Elizabeth Hancock

Dianne Virginia Judge
Matthew Allan Morris
Paul Edward McLeay
George Richard Torbay; and

(3) A message be sent to the Legislative Council accordingly.

Question put and passed.

26 **CHILDREN (DETENTION CENTRES) AMENDMENT BILL**

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Debus, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Leave granted for the third reading forthwith.

Bill, on motion of Ms Nori, on behalf of Mr Debus, read a third time.

27 **MESSAGE FROM THE LEGISLATIVE COUNCIL—ATTENDANCE OF
TREASURER IN LEGISLATIVE ASSEMBLY CHAMBER**

The Deputy Speaker reported the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it agrees to the request of the Legislative Assembly in its Message dated 25 May 2006 for the Honourable Michael Costa MLC, Treasurer, Minister for Infrastructure and Minister for the Hunter, to attend the Legislative Assembly on Tuesday 6 June 2006 at 12 noon to give a speech of unlimited duration in relation to the New South Wales Budget 2006/2007.

Legislative Council
25 May 2006

MEREDITH BURGMANN
President

28 **DRUG MISUSE AND TRAFFICKING AMENDMENT BILL**

The order of the day was read, the Deputy Speaker left the Chair and the House resolved itself into a committee of the whole for the consideration of the amendment made by the Legislative Council in the bill.

The Deputy Speaker resumed the Chair and the Temporary Chairman (Mr Lynch) reported that the committee had agreed to the Council amendment.

Report adopted.

29 SYDNEY CRICKET AND SPORTS GROUND AMENDMENT BILL

Ms Nori moved, pursuant to notice, That leave be given to bring in a bill for an Act to amend the Sydney Cricket and Sports Ground Act 1978 in relation to the purposes for which the scheduled lands under the Act may be used; and for other purposes.

Question put and passed.

Bill presented and read a first time.

Ms Nori moved, That this bill be now read a second time.

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

30 DRUG MISUSE AND TRAFFICKING AMENDMENT (HYDROPONIC CULTIVATION) BILL

Ms Tebbutt, on behalf of Mr Debus, moved, pursuant to notice, That leave be given to bring in a bill for an Act to amend the Drug Misuse and Trafficking Act 1985 to make provision with respect to prohibiting the indoor cultivation of certain prohibited plants by enhanced means (such as the hydroponic cultivation of cannabis); and for other purposes.

Question put and passed.

Bill presented and read a first time.

Ms Tebbutt moved, That this bill be now read a second time.

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

31 PAPERS

Ms Tebbutt, by leave, tabled:

Draft Constitution (Disclosures by Members) Regulation 2006.

Proposed Amendments to the Code of Conduct for Members of the New South Wales Parliament.

32 NOTICES OF MOTIONS (GENERAL NOTICES)**33 PRIVATE MEMBERS' STATEMENTS**

Question proposed—That private members' statements be noted.

Debate ensued.

Question put and passed.

34 **MESSAGE FROM THE LEGISLATIVE COUNCIL**

Mr Mills, Acting Speaker, reported a message from the Legislative Council dated 25 May 2006, returning the State Property Authority Bill, without amendment.

35 **ADJOURNMENT**

The House adjourned, pursuant to sessional orders, at 6.25 pm, until Tuesday 6 June 2006, at 12 noon.

RUSSELL D. GROVE PSM
Clerk of the Legislative Assembly

JOHN AQUILINA
Speaker