



LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 16

TUESDAY 11 NOVEMBER 2014

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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 STATEMENT BY PRESIDENT—CENTENARY OF THE FIRST WORLD WAR

The President made a statement that marked the centenary of an address by His Majesty King George V to the British Parliament.

The President then announced that the New South Wales Parliament will hold a centenary of ANZAC exhibition entitled “Politics and Sacrifice: NSW Parliament and the ANZACs”, from January 2015, to be opened by His Excellency the Governor.

3 PARLIAMENTARY BUDGET OFFICE—REPORT

The President, according to the Parliamentary Budget Officer Act 2010, tabled the Parliamentary Budget Office Operational Plan for 2014-15, dated 5 November 2014.

4 INTERSEX AWARENESS DAY (Formal Business)

Dr Faruqi moved, according to notice:

1. That this House notes that:
 - (a) Intersex Awareness Day is recognised on 26 October every year,
 - (b) people with intersex variations face lifelong discrimination and stigmatisation for their sex differences,
 - (c) intersex people, particularly children, are often subject to disturbing and invasive medical interventions to “correct” their sex differences,
 - (d) there are serious human rights concerns with the way that intersex people are currently considered and treated by the medical community and in general, and
 - (e) broader social awareness of intersex variations remains drastically underdeveloped, and this must change.
2. That this House calls on the Government to:
 - (a) acknowledge the human rights of people with intersex variations, and
 - (b) work with the Australian Government to implement the recommendations of the 2013 Australian Senate Community Affairs Committee report on the ‘Involuntary or coerced sterilisation of intersex people in Australia’.

Question put and passed.

5 PAPERS—TABLED BY MINISTER

Mr Mason-Cox tabled the following papers:

- (1) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2014:
 - Department of Family and Community Services—volumes 1, 2 and 3
 - Department of Police and Justice
 - Fire and Rescue NSW
 - Judicial Commission
 - Ministry for Police and Emergency Services
 - New South Wales Crime Commission
 - New South Wales State Emergency Service
 - NSW Police Force
 - NSW Rural Fire Service
 - Office of the Director of Public Prosecutions.
- (2) Annual Reports (Statutory Bodies) Act 1984—
 - (a) Report of Technical Education Trust Funds for year ended 30 June 2012.
 - (b) Report of Technical Education Trust Funds for year ended 30 June 2013.
 - (c) Reports for year ended 30 June 2014:
 - Board of Studies, Teaching and Educational Standards
 - Community Relations Commission
 - Legal Aid Commission of New South Wales
 - Mental Health Commission
 - New South Wales Aboriginal Land Council
 - New South Wales Institute of Psychiatry
 - New South Wales Institute of Sport
 - NSW Skills Board
 - NSW Trustee and Guardian
 - State Sporting Venues Authority
 - Sydney Olympic Park Authority
 - Venues NSW.
- (3) Annual Reports (Statutory Bodies) Act 1984 and Legal Professions Act 2004—Report of Legal Profession Admission Board for year ended 30 June 2014.
- (4) Law Reform Commission Act 1967—Report of Law Reform Commission for year ended 30 June 2014.
- (5) Legal Profession Act 2004—Report of the Office of the Legal Services Commissioner for year ended 30 June 2014.
- (6) Mental Health Act 2007—Report of Mental Health Review Tribunal for year ended 30 June 2014.
- (7) Professional Standards Act 1994—Report of Professional Standards Council for year ended 30 June 2014.
- (8) Report of NSW BusinessLink NSW Pty Ltd for year ended 30 June 2014.
- (9) Surveillance Devices Act 2007—Report of Attorney General according to section 45 of the Surveillance Devices Act 2007 for period ended 30 June 2014.

Ordered: That the reports be printed.

6 PAPER—TABLED BY MINISTER

Mr Gay tabled a notification under section 15 of the Forestry Act 2012 of a proposed part revocation of Bingara State Forest No. 859, Extension No. 2, defined as part of Lot 118 in DP 754851.

7 LEGISLATION REVIEW COMMITTEE—REPORT

Dr Phelps tabled a report of the Legislation Review Committee entitled “Legislation Review Digest No. 65/55”, dated 11 November 2014.

Ordered: That the report be printed.

8 PRIVILEGES COMMITTEE—REPORT

The Chair (Mr Khan) tabled Report No. 71 of the Privileges Committee entitled “A revised memorandum of understanding with the ICAC relating to the execution of search warrants on members’ premises”, dated November 2014, together with correspondence.

Ordered: That the report be printed.

Mr Khan moved, according to standing order: That the House take note of the report.

Debate ensued.

Motion made (Mr Khan speaking) and question: That this debate be now adjourned until a later hour of the sitting—put and passed.

9 PRIVILEGES COMMITTEE—REPORT

The Chair (Mr Khan) tabled Report No. 72 of the Privileges Committee entitled “The Crown Casino VIP Gaming Management Agreement”, dated November 2014, together with correspondence and submissions.

Ordered: That the report be printed.

Mr Khan moved, according to standing order: That the House take note of the report.

Debate ensued.

Motion made (Mr Khan speaking) and question: That this debate be now adjourned until a later hour of the sitting—put and passed.

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 7 November 2014:

- (1) Child Protection (Offenders Registration) Act 2000—Child Protection (Offenders Registration) Amendment (Scheduled Agencies) Regulation 2014 (LW 7/11/2014)
- (2) Civil Procedure Act 2005—Uniform Civil Procedure Rules (Amendment No 69) 2014 (LW 7/11/2014)

- (3) Rural Fires Act 1997—Rural Fires Amendment (Penalty Notices and Other Matters) Regulation 2014 (LW 7/11/2014)
- (4) Supreme Court Act 1970—Supreme Court (Corporations) Amendment (No 12) Rules 2014 (LW 7/11/2014).

11 RETURNS TO ORDERS

(1) Newcastle East End development project

The Clerk, according to the resolution of the House of Thursday 16 October 2014, tabled:

- (a) Documents relating to an order for papers regarding Newcastle East End development project, received on Thursday 6 November 2014 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.
- (b) A return identifying documents received on Thursday 6 November 2014 which are considered to be privileged and should not be made public or tabled. According to the standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

(2) Byron Central Hospital and Maitland Hospital

The Clerk, according to the resolution of the House of Thursday 16 October 2014, tabled:

- (a) Documents relating to an order for papers regarding Byron Central Hospital and Maitland Hospital, received on Thursday 6 November 2014 from the Acting General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.
- (b) A return identifying documents received on Thursday 6 November 2014 which are considered to be privileged and should not be made public or tabled. According to the standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

(3) Planning in Newcastle and the Hunter

The Clerk, according to the resolution of the House of Thursday 23 October 2014, tabled documents relating to an order for papers regarding planning in Newcastle and the Hunter, received on Thursday 6 November 2014 from the Acting General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

(4) Martins Creek and Wollombi Public Schools

The Clerk, according to the resolution of the House of Wednesday 15 October 2014, tabled:

- (a) Additional documents relating to an order for papers regarding Martins Creek and Wollombi Public Schools, received this day from the Acting General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.
- (b) A return identifying additional documents received this day which are considered to be privileged and should not be made public or tabled. According to the standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

12 PETITION**Taxi transport subsidy cap for people with disability**

Ms Barham presented a petition from 137 citizens of New South Wales stating that the taxi transport subsidy scheme's maximum level of \$30 has been in place since 1999 and has gone without an increase for 15 years during which time taxi fares have increased over 60 per cent, that the current subsidy is inadequate and has not kept pace with the rising cost of living in New South Wales and does not meet the needs of people with a disability, many of whom have no other transport options, calling on the New South Wales Government to recognise that suitable and affordable transport availability for people with a disability is a human right and for many people taxi transport is the only mode available, noting that Victoria doubled its equivalent scheme to \$60 in 2008 and requesting that the taxi transport subsidy scheme's maximum cap be doubled to \$60.

Petition received.

13 AUDITOR-GENERAL—REPORT

The Clerk, according to the Public Finance and Audit Act 1983, announced receipt of a Financial Audit report of the Auditor-General, Volume Five 2014, focusing on Electricity and Water, dated November 2014, received out of session and authorised to be printed this day.

14 NOTICES OF MOTIONS**15 BUSINESS POSTPONED**

- (1) Orders of the day nos 7 and 8 on the Notice Paper of committee reports postponed, on motion of Mr Borsak, until next sitting day.
- (2) Order of the day no. 12 on the Notice Paper of committee reports postponed, on motion of Mr Brown, until next sitting day.

16 SELECT COMMITTEE ON THE SUPPLY AND COST OF GAS AND LIQUID FUELS IN NEW SOUTH WALES—MEMBERSHIP

The President informed the House that on Friday 7 November 2014 the Clerk had received advice from the Leader of the Opposition nominating Mr Searle and Mr Veitch as the Opposition members of the Select Committee on the supply and cost of gas and liquid fuels in New South Wales.

17 BUSINESS POSTPONED

Notice of motion no. 1 on the Notice Paper of business of the House postponed, on motion of Dr Faruqi (on behalf of Mr Shoebridge), until next sitting day.

18 SUSPENSION OF STANDING AND SESSIONAL ORDERS—NATIVE VEGETATION AMENDMENT BILL 2014

On the President calling on the Clerk to read the order of the day, Mr Brown 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. 1752 outside the order of precedence relating to the Native Vegetation Amendment Bill 2014 be called on forthwith.

Debate ensued.

Question put.

The House divided.

Ayes 22

Mr Ajaka	Mr Gallacher	Mr Mason-Cox
Mr Blair	Miss Gardiner	Mrs Mitchell
Mr Borsak	Mr Gay	Revd Mr Nile
Mr Brown	Mr Green	Mrs Pavey
Mr Clarke	Mr Khan	Mr Pearce
Mr Colless *	Mr Lynn	Dr Phelps *
Ms Cusack	Mr MacDonald	
Ms Ficarra	Mrs Maclaren-Jones	* Tellers

Noes 19

Ms Barham	Dr Kaye	Mr Veitch
Mr Buckingham	Mr Moselmane	Ms Voltz *
Ms Cotsis	Mr Primrose	Ms Westwood
Mr Donnelly	Mr Searle	Mr Whan
Dr Faruqi	Mr Secord	Mr Wong
Ms Fazio *	Ms Sharpe	
Mr Foley	Mr Shoebridge	* Tellers

Question resolved in the affirmative.

Mr Brown then moved: That private members' business item no. 1752 outside the order of precedence be called on forthwith.

Question put and passed.

19 NATIVE VEGETATION AMENDMENT BILL 2014

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

Debate resumed.

According to sessional order, proceedings interrupted at 4.00 pm for Questions.

20 QUESTIONS

21 PRESENTATION OF ADDRESS-IN-REPLY

The President left the Chair at 5.05 pm until the ringing of a long bell to allow for the presentation of the Address-in-Reply to His Excellency the Governor at Government House.

The House returned.

The Deputy President reported that, at 5.30 pm on Tuesday 11 November 2014, the House had presented its Address-in-Reply to His Excellency the Governor congratulating him on assumption of the administration of the Government of the State, and that His Excellency had been pleased to give the following answer:

GOVERNMENT HOUSE
SYDNEY

Tuesday, 11 November 2014

The Honourable the President
and Honourable Members of the
Legislative Council of New South Wales

It gives me much pleasure to receive your Address and your kind comments upon my appointment by Her Majesty The Queen as Her representative in the State of New South Wales.

It will be my endeavour always to strengthen the links between the Crown and the Parliament and the people of New South Wales. My wife and I will expend our energies fully and willingly in the interests of this State, and trust that we shall be able to fulfil our part in the years ahead.

I welcome this opportunity of meeting Members of the Legislative Council today, and assure you of my close co-operation with you and of my earnest consideration of all matters which you may bring forward.

General The Honourable David Hurley AC DSC (Ret'd)
Governor of New South Wales

22 SUSPENSION OF STANDING AND SESSIONAL ORDERS—NATIVE VEGETATION AMENDMENT BILL 2014

On the Deputy President calling on the Clerk to read the order of the day, Mr Brown 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. 1752 outside the order of precedence relating to the Native Vegetation Amendment Bill 2014 be called on forthwith.

Question put and passed.

Mr Brown then moved: That private members' business item no. 1752 outside the order of precedence be called on forthwith.

Question put and passed.

23 NATIVE VEGETATION AMENDMENT BILL 2014

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

Debate resumed.

Question put.

The House divided.

Ayes 20

Mr Ajaka	Ms Ficarra	Mrs Maclaren-Jones
Mr Blair	Mr Gallacher	Mrs Mitchell
Mr Borsak	Miss Gardiner	Revd Mr Nile
Mr Brown	Mr Gay	Mrs Pavey
Mr Clarke	Mr Khan	Mr Pearce
Mr Colless *	Mr Lynn	Dr Phelps *
Ms Cusack	Mr MacDonald	

* Tellers

Noes 18

Ms Barham	Mr Foley	Ms Sharpe
Mr Buckingham	Dr Kaye	Mr Shoebridge
Ms Cotsis	Mr Moselmane	Mr Veitch
Mr Donnelly	Mr Primrose	Ms Voltz *
Dr Faruqi	Mr Searle	Mr Whan
Ms Fazio *	Mr Secord	Mr Wong

* Tellers

Pairs

Mr Mason-Cox

Ms Westwood

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 without amendment.

The House adopted the report.

(With concurrence) Mr Brown moved: That this bill be now read a third time.

Question put.

The House divided.

Ayes 3

Mr Borsak *	Mr Brown	Revd Mr Nile *
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* Tellers

Noes 35

Mr Ajaka	Mr Foley	Mr Pearce
Ms Barham	Miss Gardiner	Dr Phelps *
Mr Blair	Mr Gay	Mr Primrose
Mr Buckingham	Dr Kaye	Mr Searle
Mr Clarke	Mr Khan	Mr Secord
Mr Colless	Mr Lynn	Ms Sharpe
Ms Cotsis	Mr MacDonald	Mr Shoebridge
Ms Cusack	Mrs Maclaren-Jones	Mr Veitch
Mr Donnelly	Mr Mason-Cox	Ms Voltz
Dr Faruqi	Mrs Mitchell	Mr Whan
Ms Fazio *	Mr Moselmane	Mr Wong
Ms Ficarra	Mrs Pavey	

* Tellers

Question resolved in the negative.

24 SELECT COMMITTEE ON THE SUPPLY AND COST OF GAS AND LIQUID FUELS IN NEW SOUTH WALES—MEMBERSHIP

The President informed the House that this day, the Clerk had received advice from the Leader of the Government nominating Mr Blair, Mr MacDonald and Dr Phelps as the Government members of the Select Committee on the supply and cost of gas and liquid fuels in New South Wales.

25 ADJOURNMENT

Mr Gay moved: That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 11.28 pm until Wednesday 12 November 2014 at 11.00 am.

26 ATTENDANCE

All members present.

David Blunt
Clerk of the Parliaments