



## LEGISLATIVE COUNCIL

# MINUTES OF PROCEEDINGS

No. 181

WEDNESDAY 14 NOVEMBER 2018

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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 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—WORKERS COMPENSATION LEGISLATION AMENDMENT (FIREFIGHTERS) BILL 2018**

The President reported receipt of the following message from the Legislative Assembly:

Mr PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to amend workers compensation legislation to establish presumptive rights to compensation for firefighters in respect of certain cancers” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly  
13 November 2018

SHELLEY HANCOCK  
Speaker

Bill, on motion of Mr Harwin, read a first time and ordered to be printed.

According to sessional order, Mr Harwin declared the bill to be an urgent bill.

Question: That the bill be considered an urgent bill—put and passed.

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

**3 MESSAGES FROM THE LEGISLATIVE ASSEMBLY**

The President reported receipt of the following messages from the Legislative Assembly:

**(1) Justice Legislation Amendment Bill (No 3) 2018**

Mr PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to amend various Acts and Regulations relating to courts, crimes and other Justice portfolio matters; and for other purposes” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly  
13 November 2018

SHELLEY HANCOCK  
Speaker

**(2) Crimes Legislation Amendment (Victims) Bill 2018**

Mr PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to make miscellaneous amendments to various Acts with respect to criminal proceedings involving children, victim involvement in sentencing and the rights of victims of crime and witnesses in court procedure; and for other purposes” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly  
13 November 2018

SHELLEY HANCOCK  
Speaker

**(3) Government Information (Public Access) Amendment Bill 2018**

Mr PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to make miscellaneous amendments to the Government Information (Public Access) Act 2009 following a statutory review of that Act” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly  
13 November 2018

SHELLEY HANCOCK  
Speaker

Bills, on motion of Mr Harwin, read a first time and printed.

According to sessional order, Mr Harwin declared these bills to be urgent bills.

Question: That these bills be considered urgent bills—put and passed.

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

**4 RUSSIA DAY 2018 (Formal Business)**

Mr Clarke moved, according to notice:

1. That this House notes that:
  - (a) on Thursday 14 June 2018 a celebration of Russia Day hosted by Mr Sergey Shipilov, Consul-General of the Russian Federation in Sydney, was held at the Consulate of the Russian Federation, Woollahra and attended by over 250 guests,
  - (b) Russia Day celebrates the formal adoption on 12 June 1990 of the Declaration of the Russian Federation’s Sovereignty and Independence as a result of the dissolution of the Soviet Union and its proclamation of a new national flag, national anthem and national symbol, and
  - (c) those who attended as guests included:
    - (i) His Excellency Mr Grigory Logvinov, Ambassador of the Russian Federation to Australia,
    - (ii) Reverend Father Samuel Vishnevsky, Russian Orthodox Church,
    - (iii) Reverend Father Nikita Chemodakov, Russian Orthodox Church,
    - (iv) members of the Diplomatic and Consular Corps,
    - (v) Cr John Wakefield, Mayor of Waverley Council,
    - (vi) the Honourable David Clarke MLC, Parliamentary Secretary for Justice and Mrs Marisa Clarke,
    - (vii) Cr Will Nemesh, Waverley Council,
    - (viii) Dr Frank Alafaci, Associate Professor at UBSC Sydney and President of the Asian Australian Business Council,
    - (ix) Mr Albert Vella OAM, President, New South Wales Federation of Community Language Schools,
    - (x) Mr Nicholas Maksymow, Director, Russian Resurrection Film Festival, Sydney,
    - (xi) Mr Vladimir Kuzmin representing “Unification” (Russian language community newspaper in Australia),
    - (xii) representatives of various Russian-Australian cultural, social and religious organisations.

2. That this House:
  - (a) extends greetings and best wishes to the people of the Russian Federation and the Russian-Australian community on the occasion of Russia Day 2018, and
  - (b) commends the Russian-Australian community for its ongoing positive contribution to the cultural, social and economic life of our state.

Question put and passed.

## **5 MAJOR GENERAL GORDON LINDSAY MAITLAND (Formal Business)**

Ms Voltz moved, according to notice:

1. That this House notes:
  - (a) the passing of Major General Gordon Lindsay Maitland on 18 October 2018,
  - (b) that Major General Gordon Lindsay Maitland AO OBE RFD ED (1926 – 2018) was born in Rockdale on 25 August 1926,
  - (c) he was aged just 17 when he enlisted in the 2nd Australian Imperial Force during the Second World War,
  - (d) Major General Maitland was a member of the Allied Translator and Interpreter Service within Timor Force, supervising compliance with surrender terms, and locating and questioning possible war criminals across the Netherlands East Indies islands of Soemba, Soembawa and Flores,
  - (e) in the immediate post-war period, he was principal interpreter at the Darwin War Crimes Trials and later saw overseas service in Papua New Guinea and Vietnam; later in his Army career he served as Chief of Reserves at Army Headquarters and as a member of the Chief of Army's Advisory Council,
  - (f) General Maitland holds the distinction to be the only Private to have attained the rank of Major General and to be appointed to the Chief of Army's Advisory Council,
  - (g) he also had a distinguished civilian career as CEO of The Royal Agricultural Society; member of Government committees; and Chief Manager of the Commonwealth Bank,
  - (h) for the last 30 odd years of his life he was devoted to commemorative and community activities, particularly assisting veterans and their organisations, a number of which he has led; he also had a lifelong dedication to military history, publishing six books on the topic, and
  - (i) that his appreciable influence on organisations such as Sydney's Dawn Service, Defence Reserves Association, Sydney Legacy, the Army Museum, and the Royal United Services Institute will be enduring, and he was a long time champion and supporter of the Battle for Australia Association.
2. This House passes its condolences to the family and friends of Major General Gordon Lindsay Maitland AO OBE RFD ED.

Question put and passed.

**6 NATIONAL POLICE REMEMBRANCE DAY 2018 (Formal Business)**

Mrs Ward moved, according to notice:

1. That this House notes that:
  - (a) on 29 September 2018, the NSW Police Force and the New South Wales community acknowledged National Police Remembrance Day, an annual event that commemorates the service and sacrifice of members of the NSW Police Force who have lost their lives in the line of duty,
  - (b) this day is of great importance to so many and is also a time to remember police officers who have lost their lives through illness or other circumstances, and
  - (c) each year, 29 September holds significance for police throughout Australia, New Zealand, Papua New Guinea, Samoa and the Solomon Islands to honour officers whose lives have been lost while performing their duty as police officers.
2. That this House acknowledges:
  - (a) the great service of all members of the NSW Police Force in supporting and protecting our community,
  - (b) all police officers whose lives have been lost in the line of duty, as well as those whose devotion and dedication to the service of others and their duty has left them with injuries to body or mind, and
  - (c) the great support provided by family and friends of all of those serving in our police force.

Question put and passed.

**7 2018 NSW VOLUNTEER OF THE YEAR AWARDS, NORTHERN BEACHES REGION (Formal Business)**

Mrs Ward moved, according to notice:

1. That this House notes that:
  - (a) the 2018 NSW Volunteer of the Year Awards, Northern Beaches Region, was held on Friday 24 August 2018, in recognition of the outstanding contribution to volunteering in New South Wales of volunteers from across the Northern Beaches,
  - (b) the NSW Volunteer of the Year Awards is an annual event launched in 2007 by The Centre for Volunteering to recognise the 2 million plus volunteers in New South Wales, and to promote the importance of volunteering to the community,
  - (c) these awards are the biggest celebration of volunteering across the country, and together with many other volunteers from across the state, the Northern Beaches community was acknowledged for their enormous contribution to the local community, and
  - (d) Northern Beaches community volunteers were acknowledged for their support across a broad range of areas including: hospitals, sporting clubs, helping in schools, the environment and with many community based organisations.

2. That this House congratulates:
- (a) the following recipients of NSW Volunteer of the Year Awards for the Northern Beaches region,
    - (i) Young Volunteer of the Year – Sophie Rothery, Whale Beach Surf life Saving Club from Whale Beach,
    - (ii) Adult Volunteer of the Year and Overall Regional Winner – Rebecca Fitzpatrick, Lou’s Place from Manly,
    - (iii) Senior Volunteer of the Year – Robyn Wynen, Cerebral Palsy Alliance from Collaroy,
    - (iv) Volunteer Team of the Year – Northern Beaches Palliative Care Volunteers from Mona Vale,
  - (b) all volunteers across New South Wales who contribute to the wider community, adding billions of dollars to the New South Wales economy each year,
  - (c) Dee Why RSL for their support and hospitality at this year’s event, and
  - (d) the principal partner supporters of the NSW Volunteer Awards, the Department of Family and Community Services and ClubsNSW, as well as Etchcraft and Thrifty Car and Truck Rentals.

Question put and passed.

## **8 TOGETHER FOR HUMANITY FOUNDATION YOUTH SUMMIT (Formal Business)**

Mrs Ward moved, according to notice:

1. That this House notes that:
- (a) on Wednesday, 17 October 2018, the Together for Humanity Foundation held a Youth Summit in the Theatre at New South Wales Parliament House,
  - (b) the Youth Summit brought together students from a number of schools across New South Wales to explore the issue of creating a sense of belonging and connectedness for all groups within Australian society,
  - (c) the theme for this year’s Summit was values, narratives and action, and
  - (d) schools attending this year’s Summit included:
    - (i) Australian International Academy-Kellyville,
    - (ii) Arkana College,
    - (iii) Burwood Girls High School,
    - (iv) Gawura School,
    - (v) Illawarra Sports High School,
    - (vi) JJ Cahill Memorial High School,
    - (vii) Lewisham Public School,
    - (viii) Neutral Bay Public School,
    - (ix) Revesby Public School,
    - (x) Waverley College,
    - (xi) Wiley Park Girls High School.
2. That this House acknowledges:
- (a) Together for Humanity Foundation representatives:
    - (i) President, Madenia Abdurahma,
    - (ii) Chairperson, Chris McDiven AM,
    - (iii) Board member Valerie Hoogstad,

- (b) Keynote Speaker, the Honourable Rob Stokes MP, Education Minister,
  - (c) also in attendance:
    - (i) the Honourable Ray Williams MP, Minister for Multiculturalism,
    - (ii) the Honourable Jihad Dib MP, Shadow Minister for Education,
    - (iii) the Honourable Natalie Ward MLC,
  - (d) religious representatives:
    - (i) Father Shenouda Mansour,
    - (ii) Rabbi Jacquie Ninio,
    - (iii) Rev Ken Day, St Stephen's Uniting Church,
    - (iv) Father Patrick McNerney, and
  - (e) sporting representatives:
    - (i) Billy Dib, retired boxer,
    - (ii) Angela Priftis, Auburn Giants Football Club.
3. That this House congratulates:
- (a) the ongoing commitment of the Together for Humanity Foundation working with schools to foster tolerance and promote intercultural understanding, and
  - (b) the following schools for their insightful and informative presentations at the Youth Summit:
    - (i) Burwood Girls High School,
    - (ii) JJ Cahill Memorial High School,
    - (iii) Revesby Public School,
    - (iv) Waverley College.

Question put and passed.

## **9 BOURKE STREET TERROR ATTACK (Formal Business)**

Mr Green moved, according to notice: That the House:

- (a) condemns the Melbourne terror attack that occurred on Bourke Street, Melbourne on 9 November 2018,
- (b) acknowledges:
  - (i) our thoughts and prayers go to those who were harmed in the attack, including one victim that was fatally wounded and two more victims who were wounded,
  - (ii) the role of the Victorian Police and brave bystanders who risked their lives to stop the attacker,
  - (iii) the words of our Prime Minister: "I condemn the act of terrorism in Melbourne today that has tragically taken the life of a fellow Australian who has died as a result of this evil and cowardly attack. Australian will never be intimidated by these appalling attacks and we will continue to go about our lives and enjoy the freedoms that the terrorist detest", and
- (c) reaffirms its commitment to free speech, but its opposition to acts of terrorism, hate speech and inciting violence.

Question put and passed.



**10 THOMAS HARDY POEM “THE MAN HE KILLED” (Formal Business)**

Mr Pearson moved, according to notice:

1. That this House commends the works of Thomas Hardy, poet and author who:
  - (a) was born near Dorchester in 1840 into a stonemason’s family, and
  - (b) became renowned for his poetry and novels critiquing the social mores of Victorian and Edwardian England.
2. That this House notes that Thomas Hardy’s poem “The Man He Killed”:
  - (a) reflects upon the senselessness of two strangers engaging in mortal combat on a battlefield, and
  - (b) for reasons unexplored, and in acknowledgement that had they met outside the arena of war, they would likely have shared a drink together in friendship.
3. That this House, in honour of the centenary of the World War One armistice:
  - (a) contemplates the folly and tragedy of sending humans and animals to war, and
  - (b) considers the words of Hardy’s poem:
 

“Had he and I but met  
By some old ancient inn,  
We should have sat us down to wet  
Right many a nipperkin!  
But ranged as infantry,  
And staring face to face,  
I shot at him as he at me,  
And killed him in his place.  
I shot him dead because —  
Because he was my foe,  
Just so: my foe of course he was;  
That’s clear enough; although  
He thought he’d ‘list, perhaps,  
Off-hand like — just as I —  
Was out of work — had sold his traps —  
No other reason why.  
Yes; quaint and curious war is!  
You shoot a fellow down  
You’d treat if met where any bar is,  
Or help to half-a-crown.”

Question put and passed.

**11 DR ANNE FAIRBAIRN AM (Formal Business)**

Mr Moselmane moved, according to notice:

1. That this House notes that:
  - (a) Dr Anne Fairbairn AM, passed away at the age of 90 on Monday 22 October 2018,
  - (b) Dr Fairbairn was an iconic Australian poet, artist, journalist and a long time bridge builder between Australia and the Arab world,

- (c) Dr Fairbairn championed the rights of Palestinians and Indigenous Australians and was a great supporter of the Arab Australian community,
  - (d) Dr Fairbairn was the granddaughter of Australia's fourth Prime Minister, George Reid,
  - (e) Dr Fairbairn's poetry has been translated and published in Arabic, Persian and Turkish and she has lectured extensively at universities in the Arab world and Asia on Australian poetry, and
  - (f) in September 2005 Dr Fairbairn received the award, "Living for Others – Promoting Peace through Media, Arts and Culture" from the International and Inter-Religious Federation for World Peace presented in Sydney by Professor Marie Bashir AO, Governor of New South Wales.
2. That this House notes the contribution of Dr Fairbairn to the New South Wales community, and extend its condolences to her family.

Question put and passed.

## **12 PROFESSOR ASHRAF SABRI LECTURE (Formal Business)**

Mr Moselmane moved, according to notice:

1. That this House notes that:
- (a) on Monday 5 November, the School of Languages and Cultures in the Faculty of Arts and Social Sciences, University of Sydney and the Australian Egyptian Forum Council co-presented a lecture by Professor Ashraf Sabri on Egypt and the ANZACs in the Middle East Campaign of World War One,
  - (b) Professor Sabri's lecture focussed on the important role Egypt played during the First World War, especially on its contribution to the deployments of Australian troops and other allied armies that camped and trained on Egyptian soil during the Middle East campaign, and
  - (c) the lecture shed light on the comradeship between the ANZACs and the Egyptian troops, who fought together alongside the Allies of 18 countries against the invading German-led Ottoman Army for the liberation of Syria, Palestine, Lebanon and Iraq and the defence of the Suez Canal in 1915.
2. That this House further notes that:
- (a) this is Professor Sabri's second trip to Australia, following his first visit in 2015 attending the 100 year commemoration of World War One on ANZAC Day, and
  - (b) Professor Sabri is a highly respected Professor of Military History at the Nasser Military Academy in Cairo, Egypt and has dedicated the last 18 years of his life to researching the history of World War One, with particular focus on Egypt's role during this war.
3. That this House notes the work of Professor Sabri in bringing attention to the significant relationship between the ANZACs and Egyptian troops and congratulates the University of Sydney and the Australian Egyptian Forum Council for highlighting that relationship.

Question put and passed.

**13 2018 WHITE RIBBON EVENT (Formal Business)**

Mr Moselmane moved, according to notice:

1. That this House notes that:
  - (a) on Tuesday 20 November 2018 the annual White Ribbon event will be held in the New South Wales Parliament, organised by White Ribbon Foundation Ambassador, Vincent De Luca OAM and hosted by the Honourable Shaoquett Moselmane MLC,
  - (b) this year's event will raise funds for the White Ribbon Foundation, the Redfern Womens' and Girls' Emergency Centre as well as the Brewarrina Safe House, all of which do outstanding work and are committed to supporting and caring for victims of violence,
  - (c) the White Ribbon campaign has been remarkably successful in making violence against women part of the national conversation,
  - (d) White Ribbon continues to inspire men to understand and to embrace the incredible potential they have to be a part of positive change,
  - (e) in 2017, White Ribbon raised over \$5.5 million to fund primary prevention initiatives including public information and awareness raising campaigns, partnerships and political advocacy, and educational resources programs in schools and workplaces, and
  - (f) last year's parliamentary event raised \$60,000 and over the last ten years the event has helped raise over \$600,000.
2. That this House notes the work of White Ribbon Foundation, the Redfern Womens' and Girls' Emergency Centre, the Brewarrina Safe House as well as White Ribbon Ambassadors in ensuring that all women can live in safety, free from violence and abuse.

Question put and passed.

**14 FATEN EL DANA OAM AND 2MFM ISLAMIC RADIO STATION (Formal Business)**

Mr Moselmane moved, according to notice:

1. That this House notes that:
  - (a) at the 2018 Community Broadcasting Association of Australia (CBAA) Gala Dinner on Queensland's Gold Coast, the prestigious Tony Staley award was presented to Faten El Dana OAM and 2MFM, and
  - (b) the prestigious Tony Staley award recognises the following achievements:
    - (i) the station or initiative is able to demonstrate a clear vision and strategy,
    - (ii) management uses best governance practices to contribute to the station or initiative's sustainability,
    - (iii) the station or initiative provides compelling and creative programming that serves its community of interest,
    - (iv) the station or initiative's activities have clear benefits for the community and the community broadcasting sector as a whole,
    - (v) the station or initiative demonstrates a considered approach to its technical and online operations.
2. That this House congratulates Faten El Dana OAM and 2MFM Islamic Radio Station for winning the Tony Staley 2018 award at the Community Broadcasting Association of Australia.

Question put and passed.

**15 BANKSIA TIGERS FOOTBALL CLUB INC. (Formal Business)**

Mr Moselmane moved, according to notice:

1. That this House notes that:
  - (a) the Banksia Tigers Football Club Inc. was founded in 2005 by a group of local business people and professionals with a common goal to deliver sporting and recreational services to the wider community,
  - (b) since its inception, the club has grown from 70 players in 2005 to more than 600 players and volunteers in 2018, making Gardiner Park, Banksia their home ground,
  - (c) the Banksia Tigers has emerged as a most successful club within the St George district with several successes stories including:
    - (i) the Premier League Men's Champions in 2010, 2012 and the current 2018 Champions,
    - (ii) the Women's Premier League Minor Premiers in 2015, 2017, 2018, and Club Champions for 2017 and 2018,
    - (iii) President Hassan Chebli was awarded Gold Medal Winner for 2018 by the St George Football Association, and
  - (d) the Banksia Tigers were the 2013 St George Association Club Champions.
2. That this House notes the successes of Banksia Tigers and congratulate club executives, mums and dads for their ongoing commitment to sport and young people in the St George region and to wish them every success with their 2019 competition year.

Question put and passed.

**16 MACEDONIAN LITERARY ASSOCIATION 40TH ANNIVERSARY (Formal Business)**

Mr Moselmane moved, according to notice:

1. That this House notes that:
  - (a) the Macedonian Literary Association "Grigor Prlichev" was formed on 31 March 1978, with the purpose of uniting Macedonian emigrants in Australia who actively participate in the field of literature to preserve Macedonian literary language and literature,
  - (b) the Association celebrated its 40th anniversary on Friday 19 October 2018 at Hurstville City Theatre,
  - (c) the event featured the best poem and short story of the year awards, short drama performances by the Macedonian Theatre of Sydney and traditional music performance by "Ilinden" Ensemble,
  - (d) the event also saw the launch of the following books:
    - (i) "Rainbow", an Anthology of Macedonian Poetry in Australia,
    - (ii) "Going Abroad for a Little Luck" by Grozdan Jovanovski,
    - (iii) "The Stone of Robi" by Dushan Ristevski,
  - (e) over the last four decades, the Association has held annual poetry and short story award-winning competitions for adults and children, and

- (f) a certificate of appreciation was presented to the Honourable Shaoquett Moselmane MLC, Opposition Whip, for his valuable contribution in promoting the Macedonian language and community.
2. That this House congratulates the President of the Macedonian Literary Association, Dushan Ristevski, and his entire team for their ongoing contribution towards preserving the Macedonian identity, language, culture and historical achievements.

Question put and passed.

## **17 MR KURT FEARNLEY AO (Formal Business)**

Mrs Maclaren-Jones (on behalf of Mr MacDonald) moved, according to notice:

1. That this House notes that:
- (a) three-time Hunter based Paralympic gold medallist, Mr Kurt Fearnley AO, has been named by Premier Berejiklian the 2019 NSW Australian of the Year,
  - (b) Mr Fearnley was born without the lower portion of his spine, having a congenital disorder called sacral agenesis which prevented fetal development of certain parts of his lower spine and all of his sacrum,
  - (c) as a child, Mr Fearnley focused on long and middle-distance wheelchair races, and has also won medals in sprint relays,
  - (d) at the age of 14 Mr Fearnley took up wheelchair racing and has since become an elite international athlete,
  - (e) he participated in the 2000, 2004, 2008 and 2012 Games, finished his Paralympic Games career with silver and bronze medals at the 2016 Rio Paralympics, won a gold and silver medal at the 2018 Commonwealth Games and was the Australian flag bearer at the closing ceremony,
  - (f) competing in the marathon at the Athens Paralympics, he pushed his chair for the last five kilometres on a flat tyre to win gold,
  - (g) Mr Fearnley during the New York marathon in 2006 hit a pot hole at full speed and crashed face first, but still went on to set a course record,
  - (h) in 2007, Mr Fearnley won 10 out of the 11 international marathons he competed in, breaking six course records in the process,
  - (i) in 2009, Mr Fearnley was NSW Young Australian of the Year, and
  - (j) in 2004 he was awarded the Medal of the Order of Australia and in 2018 was elevated in the Order of Australia and appointed an Officer of the Order for distinguished service to people with a disability, as a supporter of, and fundraiser for indigenous athletics and charitable organisations, and as a Paralympic athlete.
2. That this House commends and congratulates Mr Kurt Fearnley on being named NSW Australian of the Year in honour of his outstanding achievements as an elite athlete and extraordinary service to the community.

Question put and passed.

**18 PORT STEPHENS EXAMINER 2018 BUSINESS AWARDS (Formal Business)**

Mrs Maclaren-Jones (on behalf of Mr MacDonald) moved, according to notice:

1. That this House notes that:
  - (a) on Wednesday 31 October 2018, at the new Shoal Bay Country Club Convention Centre, over 400 people attended the Port Stephens Examiner's Annual Business Awards,
  - (b) special guests at the event included:
    - (i) Mr Scot MacDonald MLC, Parliamentary Secretary for Planning, the Central Coast, and the Hunter,
    - (ii) Ms Kate Washington MP, Member for Port Stephens,
    - (iii) Ms Meryl Swanson MP, Member for Paterson,
    - (iv) Cr Sarah Smith, Deputy Mayor, Port Stephens Council,
    - (v) Ms Anna Wolf, Editor, Port Stephens Examiner,
    - (vi) Ms Sharon Fitter - Local Sales Director, Fairfax Media,
    - (vii) Ms Sue Prescott - Local Sales Director, Newcastle/Hunter,
    - (viii) Mr Chad Watson - Managing Editor at Fairfax Media/ACM,
  - (c) this year the Overall Business of the Year Award went to Kathy Rimmer and her team at Yin Yang Consultancy and Yin Yang Consultancy also won the Learning, Training/Recruitment award, and
  - (d) winners of the other award categories were:
    - (i) Category 1: Accommodation: The Bay Holidays - Raine & Horne Nelson Bay,
    - (ii) Category 2: Accountant - Addison Partners, Nelson Bay,
    - (iii) Category 3: Animal Services - Raymond Terrace Veterinary Clinic,
    - (iv) Category 4: Automotive Services - Bartlett Automotive, Raymond Terrace,
    - (v) Category 5: Bakery - Bakers La Vie, Salamander Bay,
    - (vi) Category 6: Beauty Therapy - Fresh Salon, Nelson Bay,
    - (vii) Category 7: Boating, Fishing or Camping - Cove Marine, Oyster Cove,
    - (viii) Category 8: Building, Construction and Renovation - Greeny's Garage Doors, Heatherbrae,
    - (ix) Category 9: Butcher - Hodges Butchery, Salamander Bay,
    - (x) Category 10: Café - Heather's Place, Lemon Tree Passage,
    - (xi) Category 11: Childrens Services - Tilli Tadpoles Early Learning Centre, Tanilba Bay,
    - (xii) Category 12: Club - Nelson Bay Golf Club,
    - (xiii) Category 13: Dance Studio - Ultimate Dance & Performing Arts, Tanilba Bay,
    - (xiv) Category 14: Fashion or Footwear - Ladies - Privvy Salamander Bay,
    - (xv) Category 15: Fashion or Footwear - Mens - Totally Workwear Salamander Bay,
    - (xvi) Category 16: Financial Services - Greater Bank Raymond Terrace,
    - (xvii) Category 17: Fitness - Imugi Martial Arts, Williamtown,
    - (xviii) Category 18: Florist/Nursery - Salamander Village Florist, Salamander Bay,
    - (xix) Category 19: Fresh Produce or Markets - Real Food Culture, Bobs Farm,
    - (xx) Category 20: Furniture/Home Décor - FAB Furniture & Bedding, Taylors Beach,
    - (xxi) Category 21: Gift Store - Boho Luxe Trader, Nelson Bay,
    - (xxii) Category 22: Hair Salon - Hair Art by Ashlie, Fingal Bay,
    - (xxiii) Category 23: Hardware - H&D Timber, Heatherbrae,
    - (xxiv) Category 24: Health & Medical - OPAAT HEALTH, Nelson Bay,
    - (xxv) Category 25: Hotel or Bottle Shop - McCauley's Bottleshop, Salamander Bay,
    - (xxvi) Category 26: Jeweller - Terrace Showcase Jewellers, Raymond Terrace,
    - (xxvii) Category 27: Learning, Training or Recruitment - Yin Yang Consultancy, Salamander Bay,
    - (xxviii) Category 28: Legal Services - LMC Lawyers, Nelson Bay,
    - (xxix) Category 29: NewsAgency - Salamander Bay Newspaper,
    - (xxx) Category 30: Pharmacy - Karuah Pharmacy,

- (xxxix) Category 31: Real Estate – Sales Century 21 Curtis and Blair Medowie,
- (xl) Category 32: Real Estate - Property Management Raine & Horne Nelson Bay,
- (xli) Category 33: Restaurant- Australian Cuisine Little Beach Boathouse, Nelson Bay,
- (xlii) Category 34: Restaurant- International Cuisine - Tilli Thai, Tanilba Bay,
- (xliii) Category 35: Shopping Complex or Precinct - Salamander Bay Square,
- (xliv) Category 36: Takeaway Food - Soul Origin Salamander Bay,
- (xlv) Category 37: Technology Industry - Bay Electronics Centre (Jaycar), Salamander Bay,
- (xlvi) Category 38: Tourist Attraction - Hunter Region Botanic Gardens, Heatherbrae,
- (xlvii) Category 39: Specialised Services - Bays Landscape & Property Maintenance, Nelson Bay,
- (xlviii) Category 40: New business (1st year) - Central Beans Cafe, Williamstown.

2. That this House:

- (c) acknowledges and commends the Port Stephens Examiner for conducting the Annual Business Awards,
- (d) congratulates and commends all 2018 Port Stephens Examiner’s Business Award winners,
- (e) acknowledges the sponsors of the Event, Port Stephens Council, Tomaree Business Chamber, Shoal Bay Country Club, Just Mattresses, Forever Hair and Beauty, D.J. Cooper Accounting, Medowie Family & Sports Physio and Tackle World Port Stephens, and
- (f) acknowledges the organisers of the Event, Samantha Newman - Lower Hunter & Port Stephens Sales Manager, Judi Bot-Wessler, Adam Neville, Tracey Marjoram, Ellie-Marie Watts - Journalist, Port Stephens Examiner.

Question put and passed.

## 19 19TH ANNUAL KOORI NETBALL TOURNAMENT (Formal Business)

Mr MacDonald moved, according to notice:

1. That this House notes that:

- (a) on 27 and 28 October 2018, the 19th annual Koori Netball Tournament consisting of 103 teams and with over 1,500 people in attendance was held at Charlestown Netball Association,
- (b) the tournament is aimed at increasing participation of Aboriginal women in sport and recreation in a fun competitive environment,
- (c) special guests at the tournament included:
  - (i) Ms Jodie Harrison MP, Member for Charlestown,
  - (ii) Cr Colin Grigg, Lake Macquarie City Council,
  - (iii) Cr Barny Langford, Lake Macquarie City Council,
  - (iv) Cr Vincent De Luca OAM, Director, Netball NSW Ltd,
  - (v) Mrs Diane Pascoe, President, Charlestown Netball Association Inc,
- (d) winners and runners up at the tournament were:
  - (i) U/12 Years: Winners – BNC, Runners-Up - La Perouse,
  - (ii) 12-15 Years: Winners – Kookaburras, Runners-Up - La Perouse,
  - (iii) Junior Mixed: Winners - Wandiyaci Warriors, Runners-Up – BNC,
  - (iv) Senior Mixed: Winners – Malikas, Runners-Up – Wagga,
  - (v) Open B: Winners – Dungutti, Runners-Up – Wagga,
  - (vi) Open A: Winners – Grafton, Runners-Up – BNC, and

- (e) the excellent work of the Tournament Coordinator, Ms Donna Coady, State Project Officer, NSW Office of Sport and Charlestown Netball Association's Executive Committee: Mrs Dianne Pascoe, Ms Yvonne Webster, Ms Annette Hicks, Ms Jodie Hadden, Ms Gail Mayers, Ms Elly Tindall, Ms Jodie Mortimer and Mr Anthony Jarvis.

2. That this House:

- (a) acknowledges and congratulates winners and runners up of the 19th Koori Netball Tournament, and
- (b) acknowledges and commends the outstanding work of the organisers of the Koori Netball Tournament: Ms Donna Coady, State Project Officer, NSW Office of Sport and members of the Charlestown Netball Association Executive Committee: Mrs Dianne Pascoe, Ms Yvonne Webster, Ms Annette Hicks, Ms Jodie Hadden, Ms Gail Mayers, Ms Elly Tindall, Ms Jodie Mortimer and Mr Anthony Jarvis.

Question put and passed.

## 20 NETBALL NSW LTD AWARDS DINNER 2018 (Formal Business)

Mr MacDonald moved, according to notice:

1. That this House notes that:

- (a) the Annual Netball NSW Ltd Awards Dinner was held on Saturday 3 November 2018 at Rooty Hill RSL Club with representatives from each District Association coming from across the State, and
- (b) 2018 award recipients included:
  - (i) Anne Clark BEM Service Awards: Tracey Connolly, Campbelltown District Netball Association, Lyn Hahn, Camden & District Netball Association, Elizabeth Konza, Blue Mountains Netball Association, Maureen Nation, Young & District Netball Association, Catherine Walls, Grafton Netball Association,
  - (ii) Marilyn Melhuish OAM Medal - SSN Player of the Year: Jo Harten, GIANTS Netball,
  - (iii) Marj Groves AM Scholarship: Latika Tombs, Manly Warringah Netball Association,
  - (iv) Nance Kenny OAM Medal - Premier League Player of the Year: Amy Wild, Central Coast Heart,
  - (v) Lynn Quinn OAM Bench Official Award: Margot Paterson, Northern Suburbs Netball Association,
  - (vi) Neita Matthews OAM Umpires Award: Jessica Clay, Ku-ring-gai Netball Association,
  - (vii) Margaret Corbett OAM Coaches Award: Amber Cross, Wyong District Netball Association,
  - (viii) Judy Dunbar Media Awards: Matthew Findlay, Central Western Daily, Community Media Excellence, Brittany Carter, ABC Grandstand, Best Feature, Richard Dobson, News Ltd, Best Photograph, Sydney Morning Herald, Best Overall Media Coverage,
  - (ix) 2018 Hall of Fame Inductions: Megan Anderson and Mo'onia Gerrard OAM,
  - (x) Heritage Hall of Fame Inductions: Netball NSW State Championships, Netball NSW State Age Championships.

2. That this House congratulates and commends all award recipients at the Netball NSW 2018 Awards dinner.

Question put and passed.



**21 UNPROCLAIMED LEGISLATION**

According to standing order, Mr Farlow tabled a list of unproclaimed legislation as at 13 November 2018.

**22 JOINT STANDING COMMITTEE ON ROAD SAFETY (STAYSAFE)—REPORT**

Mr Farlow (on behalf of the Chair) tabled Report No. 5/56 of the Joint Standing Committee on Road Safety (Staysafe) entitled “Review of Road Safety Issues for Future Inquiry”, dated November 2018.

Ordered: That the report be printed.

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

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

**23 JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL—REPORT**

Mrs Ward (on behalf of the Chair) tabled Report No. 3/56 of the Joint Standing Committee on the Office of the Valuer General entitled “Twelfth General Meeting with the Valuer General”, dated November 2018.

Ordered: That the report be printed.

Mrs Ward moved, according to standing order: That the House take note of the report.

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

**24 NOTICES OF MOTIONS****25 BUSINESS POSTPONED**

- (1) Notice of motion no. 1 on the Notice Paper of business of the House postponed, on motion of Mr Borsak, until next sitting day.
- (2) Notice of motion no. 4 on the Notice Paper of business of the House postponed, on motion of Mr Shoebridge, until Tuesday 20 November 2018.
- (3) Orders of the day nos 1 and 2 on the Notice Paper of Government business postponed, on motion of Mr Harwin, until a later hour of the sitting.

**26 PROPOSED SESSIONAL ORDER—CONSIDERATION OF COGNATE BILLS**

Mr Shoebridge moved, according to notice: That for the remainder of the current session, on cognate bills having been read a first time and printed, any member may move that the bills, or any one of the bills, proceed through the remaining stages as single bills.

Debate ensued.

Question put.

The House divided.

Ayes 16

Mr Donnelly *	Mr Pearson	Mr Veitch
Ms Faehrmann	Mr Primrose	Ms Voltz
Mr Field	Mr Searle	Ms Walker
Mr Graham	Mr Secord	Mr Wong
Mrs Houssos	Ms Sharpe	
Mr Moselmane *	Mr Shoebridge	* Tellers

Noes 20

Mr Amato	Mr Franklin	Mr Mason-Cox
Mr Blair	Mr Green	Mrs Mitchell
Mr Clarke	Mr Harwin	Revd Mr Nile
Mr Colless	Mr Khan	Dr Phelps
Ms Cusack	Mrs Maclaren-Jones *	Mrs Taylor
Mr Fang *	Mr Mallard	Mrs Ward
Mr Farlow	Mr Martin	
		* Tellers

Pairs

Mr Mookhey

Mr MacDonald

Question resolved in the negative.

**27 CONDUCT OF BUSINESS—VALEDICTORY SPEECHES OF MS DAWN WALKER, MR JEREMY BUCKINGHAM AND MR SCOT MACDONALD**

Mr Harwin moved, according to notice:

1. That on Tuesday, 20 November 2018, proceedings be interrupted at approximately 6.00 pm, but not so as to interrupt a member speaking, to enable Ms Dawn Walker to give her valedictory speech without any question before the chair.
2. That on Wednesday, 21 November 2018, proceedings be interrupted at approximately 5.30 pm, but not so as to interrupt a member speaking, to enable Mr Jeremy Buckingham and then Mr Scot MacDonald to give their valedictory speeches without any question before the chair.

Question put and passed.

**28 CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2018  
NATIONAL DISABILITY INSURANCE SCHEME (WORKER CHECKS) BILL 2018**

Order of the day read for resumption of the adjourned debate of the question on the motion of Mrs Mitchell (moved by Mr Farlow): That these bills be now read a second time.

Debate resumed.

Mr Searle requested that the questions on the second reading of the bills be put separately.

Debate continued.

Mr Searle moved: That the question on the second reading of the Children and Young Persons (Care and Protection) Amendment Bill 2018 be amended by omitting “be now read a second time” and inserting instead “be referred to the Standing Committee on Social Issues for inquiry and report into the consequences of the bill, in particular for children and families with complex needs”.

Debate continued.

Mr Searle, by leave, tabled three documents from community organisations concerned about the proposed reforms to the child protection system.

Debate continued.

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According to sessional order, proceedings interrupted at 2.30 pm for Questions.

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## 29 QUESTIONS

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The Acting President drew attention to the presence in the public gallery of Dr Rahmat Shah, independent Senator of the Parliament of the Republic of Indonesia, a guest of the Honourable Robert Borsak.

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## 30 PORTFOLIO COMMITTEE NO. 5 – INDUSTRY AND TRANSPORT—GOVERNMENT’S RESPONSE TO REPORT

Mr Blair tabled the Government’s response to Report No. 47 of Portfolio Committee No. 5 – Industry and Transport entitled “Augmentation of water supply for rural and regional New South Wales”, tabled May 2018.

Ordered: That the report be printed.

## 31 MESSAGES FROM THE LEGISLATIVE ASSEMBLY

The President reported receipt of the following messages from the Legislative Assembly:

### (1) Health Legislation Amendment Bill (No 3) 2018

Mr PRESIDENT

The Legislative Assembly having this day agreed to the Bill with the long title “An Act to make miscellaneous amendments to various Acts that relate to health and associated matters” returns the bill to the Legislative Council without amendment.

Legislative Assembly  
14 November 2018

SHELLEY HANCOCK  
Speaker

**(2) Saint Paul's College Bill 2018**

Mr PRESIDENT

The Legislative Assembly having this day agreed to the Bill with the long title “An Act to constitute The Warden and Fellows of Saint Paul’s College as a corporation; to repeal certain Acts relating to the constitution and management of Saint Paul’s College; and for other purposes” returns the bill to the Legislative Council without amendment.

Legislative Assembly  
14 November 2018

SHELLEY HANCOCK  
Speaker

**32 CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2018  
NATIONAL DISABILITY INSURANCE SCHEME (WORKER CHECKS) BILL 2018**

Order of the day read for resumption of the interrupted debate of the question on the motion of Mrs Mitchell (moved by Mr Farlow): That these bills be now read a second time,

Upon which Mr Searle has moved that the question on the second reading of the Children and Young Persons (Care and Protection) Amendment Bill 2018 be amended by omitting “be now read a second time” and inserting instead “be referred to the Standing Committee on Social Issues for inquiry and report into the consequences of the bill, in particular for children and families with complex needs”.

Debate resumed.

Mr Searle having requested that the question on the second reading of the bills be put separately—

Question put: That the amendment of Mr Searle that the question on the second reading of the Children and Young Persons (Care and Protection) Amendment Bill 2018 be amended by omitting “be now read a second time” and inserting instead “be referred to the Standing Committee on Social Issues for inquiry and report into the consequences of the bill, in particular for children and families with complex needs” be agreed to.

The House divided.

## Ayes 14

Ms Faehrmann	Mr Primrose	Mr Veitch
Mr Field	Mr Searle	Ms Voltz *
Mr Graham	Mr Secord	Ms Walker
Mr Moselmane *	Ms Sharpe	Mr Wong
Mr Pearson	Mr Shoebridge	

\* Tellers

## Noes 19

Mr Amato	Mr Green	Mr Mason-Cox
Mr Borsak	Mr Harwin	Mrs Mitchell
Mr Clarke	Mr Khan	Revd Mr Nile
Mr Colless	Mr MacDonald	Mrs Taylor
Ms Cusack	Mrs Maclaren-Jones *	Mrs Ward
Mr Fang *	Mr Mallard	
Mr Farlow	Mr Martin	

\* Tellers

## Pairs

Mr Blair	Mr Donnelly
Mr Franklin	Mr Mookhey
Dr Phelps	Mrs Houssos

Question resolved in the negative.

Original question put: That the Children and Young Persons (Care and Protection) Amendment Bill 2018 be now read a second time.

The House divided.

## Ayes 19

Mr Amato	Mr Green	Mr Mason-Cox
Mr Borsak	Mr Harwin	Mrs Mitchell
Mr Clarke	Mr Khan	Revd Mr Nile
Mr Colless	Mr MacDonald	Mrs Taylor
Ms Cusack	Mrs Maclaren-Jones *	Mrs Ward
Mr Fang *	Mr Mallard	
Mr Farlow	Mr Martin	* Tellers

## Noes 14

Ms Faehrmann	Mr Primrose	Mr Veitch
Mr Field	Mr Searle	Ms Voltz *
Mr Graham	Mr Secord	Ms Walker
Mr Moselmane *	Ms Sharpe	Mr Wong
Mr Pearson	Mr Shoebridge	
		* Tellers

## Pairs

Mr Blair	Mr Mookhey
Mr Franklin	Mr Donnelly
Dr Phelps	Mrs Houssos

Question resolved in the affirmative.

Bill read a second time.

Question: That the National Disability Insurance Scheme (Worker Checks) Bill 2018 be now read a second time—put and passed.

Bill read a second time.

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

According to the resolution of the House of this day, proceedings interrupted at 6.00 pm to enable the Honourable Rick Colless to give his valedictory speech.

**33 VALEDICTORY SPEECH—THE HONOURABLE RICK COLLESS**

The President welcomed into his gallery members of the family of the Honourable Rick Colless, including his father Ken and wife Geraldine.

Mr Colless gave his valedictory speech.

**34 MESSAGES FROM THE LEGISLATIVE ASSEMBLY**

The President reported receipt of the following messages from the Legislative Assembly:

**(1) Public Works and Procurement Amendment (Enforcement) Bill 2018**

Mr PRESIDENT

The Legislative Assembly having this day agreed to the Bill with the long title “An Act to amend the Public Works and Procurement Act 1912 to provide for the enforcement of certain directions and policies of the New South Wales Procurement Board concerning procurements to which agreements may apply” returns the bill to the Legislative Council without amendment.

Legislative Assembly  
14 November 2018

SHELLEY HANCOCK  
Speaker

**(2) Government Sector Finance Legislation (Repeal and Amendment) Bill 2018**

Mr PRESIDENT

The Legislative Assembly having considered the message dated 7 June 2018 in which the Legislative Council requested the concurrence of the Legislative Assembly with amendments to the Government Sector Finance Legislation (Repeal and Amendment) Bill, informs the Legislative Council that the Legislative Assembly disagrees with the proposed amendments because:

1. It is persuaded by the views of Professor Anne Twomey, Professor of Constitutional Law, on the financial prerogative of the Legislative Assembly, which is based upon (a) history, tradition and inheritance; (b) representative government; (c) responsible government; and (d) accountability. As advised by Professor Twomey, the Legislative Assembly has constitutional primacy in relation to financial matters and has scrutinised the public accounts of the State through its Public Accounts Committee since 1902. It is important that the Legislative Assembly retain control of the Committee, given its significant and long-standing role in relation to the scrutiny of public finance and the part it plays in the Assembly’s constitutional functions with respect to public finance.
2. The proposed amendments could not achieve the intended objective of an effective Joint Committee. The existing Public Accounts Committee’s statutory functions are retained under the proposed amendments. These functions refer only to the Legislative Assembly and would not provide for the necessary powers, jurisdiction and reporting structure of a Joint Committee. For example, the proposed Joint Committee would report to, and receive referrals from, only the Legislative Assembly (whereas Joint Committees must be able to receive referrals from either or both Houses, and report to both Houses).
3. The amendments are outside the scope of the Bill.

Legislative Assembly  
14 November 2018

SHELLEY HANCOCK  
Speaker

Ordered, on motion of Mr Harwin: That consideration of the Legislative Assembly's message regarding the Government Sector Finance Legislation (Repeal and Amendment) Bill stand an order of the day for a later hour of the sitting.

**35 CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2018  
NATIONAL DISABILITY INSURANCE SCHEME (WORKER CHECKS) BILL 2018**

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

The Chair of Committees took the Chair.

**Children and Young Persons (Care and Protection) Amendment Bill 2018**

Leave granted to take the bill as a whole.

Mr Shoebridge, by leave, moved Greens amendments nos 1, 3, 7 and 21 on sheet c2018-165, in globo—

**No. 1 Guardianship orders by consent—consequential**

Page 3, Schedule 1 [1], lines 3–5. Omit all words on those lines.

**No. 3 Guardianship orders by consent**

Page 5, Schedule 1 [13] and [14], lines 1–28. Omit all words on those lines.

**No. 7 Guardianship orders by consent—consequential**

Page 6, Schedule 1 [19], lines 35–37. Omit all words on those lines.

**No. 21 Guardianship orders by consent—consequential**

Page 12, Schedule 1 [53], lines 16–19. Omit all words on those lines.

Debate ensued.

Question put.

The committee divided.

Ayes 12

Ms Faehrmann *	Mr Pearson	Mr Shoebridge *
Mr Field	Mr Primrose	Mr Veitch
Mr Graham	Mr Searle	Ms Voltz
Mr Moselmane	Ms Sharpe	Ms Walker

\* Tellers

Noes 16

Mr Amato	Mr Green	Mrs Mitchell
Mr Blair	Mr MacDonald	Revd Mr Nile
Mr Clarke	Mrs Maclaren-Jones *	Dr Phelps
Mr Fang *	Mr Mallard	Mrs Taylor
Mr Farlow	Mr Martin	
Mr Franklin	Mr Mason-Cox	* Tellers

## Pairs

Mr Donnelly	Mr Colless
Mrs Houssos	Mr Ajaka
Mr Mookhey	Ms Cusack
Mr Secord	Mr Harwin
Mr Wong	Mrs Ward

Question resolved in the negative.

Amendments negatived.

Mr Searle moved Opposition amendment no. 2 on sheet c2018-169—

No. 2      **Request for assistance by primary care-giver**

Page 3, Schedule 1. Insert after line 34:

**[6] Section 21 Request for assistance by parent or primary care-giver or by funded non-government agency**

Insert “or primary care-giver” after “parent” in section 21 (1).

Debate ensued.

Question put and negatived.

Amendment negatived.

Mr Shoebridge, by leave, moved Greens amendments nos 2 and 5 on sheet c2018-165, in globo—

No. 2      **Alternative dispute resolution**

Page 4, Schedule 1 [12]. Insert after line 45:

- (1E) The Secretary must ensure that, if the family of the child or young person accepts an offer under subsection (1A), the family is provided with assistance to access independent legal advice and representation in any alternative dispute resolution processes.

No. 5      **Alternative dispute resolution**

Page 6, Schedule 1. Insert after line 31:

**[18] Section 63A**

Insert after section 63:

**63A Evidence of alternative dispute resolution**

- (1) This section applies to a care application in relation to a child or young person the family of whom is required to be offered alternative dispute resolution processes under section 37.
- (2) When making a care application, the Secretary must furnish details to the Children’s Court of the following:
  - (a) the alternative dispute resolution processes that were offered to the family of the child or young person before making the application or, if not offered, the reasons why they were not offered,
  - (b) if alternative dispute resolution processes were so offered



and the offer was accepted by the family, any assistance that was provided to the family to access independent legal advice and representation in those processes.

- (3) The Children's Court must not:
- (a) dismiss a care application in relation to a child or young person, or
  - (b) discharge a child or young person who is in the care responsibility of the Secretary from that care responsibility,

by reason only that the Children's Court is of the opinion that alternative dispute resolution processes were not offered, or assistance to access independent legal advice and representation in those processes was not provided, to the family of the child or young person.

- (4) If the Children's Court is of the opinion that alternative dispute resolution processes were not offered to the family of the child or young person or, if an offer was accepted by the family, assistance to access independent legal advice and representation in those processes was not provided to the family, the Court may, before determining whether the child or young person is in need of care and protection:
- (a) adjourn the proceedings to enable alternative dispute resolution processes to be offered and, if accepted by the family, assistance to access independent legal advice and representation in those processes to be provided, to the family in accordance with section 37, and to enable those processes to be conducted, and
  - (b) direct the Secretary to re-submit the care application and furnish revised details in accordance with subsection (1).
- (5) Subsection (3) does not prevent the Children's Court from making an interim order in relation to the child or young person after the initial care application is made and before the re-submitted application is finally determined.

Debate ensued.

Question put.

The committee divided.

Ayes 12

Ms Faehrmann  
Mr Field \*  
Mr Graham  
Mr Moselmane

Mr Pearson  
Mr Primrose  
Mr Searle  
Ms Sharpe

Mr Shoebridge  
Mr Veitch  
Ms Voltz  
Ms Walker \*

\* Tellers

## Noes 16

Mr Ajaka	Mr Franklin	Mr Mason-Cox
Mr Amato	Mr Green	Revd Mr Nile
Mr Blair	Mr MacDonald	Dr Phelps
Mr Clarke	Mrs Maclaren-Jones *	Mrs Ward
Mr Fang *	Mr Mallard	
Mr Farlow	Mr Martin	* Tellers

## Pairs

Mr Donnelly	Mr Colless
Mrs Houssos	Ms Cusack
Mr Mookhey	Mrs Mitchell
Mr Secord	Mrs Taylor
Mr Wong	Mr Harwin

Question resolved in the negative.

Amendments negatived.

Mr Searle moved Opposition amendment no. 7 on sheet c2018-169—

No. 7 **Alternative dispute resolution**

Page 6, Schedule 1. Insert after line 31:

**[18] Section 63A**

Insert after section 63:

**63A Evidence of alternative dispute resolution**

- (1) This section applies to a care application in relation to a child or young person the family of whom is required to be offered alternative dispute resolution processes under section 37.
- (2) When making a care application, the Secretary must furnish details to the Children's Court of the alternative dispute resolution processes that were offered to the family of the child or young person before making the application or, if not offered, the reasons why they were not offered.
- (3) The Children's Court must not:
  - (a) dismiss a care application in relation to a child or young person, or
  - (b) discharge a child or young person who is in the care responsibility of the Secretary from that care responsibility,

by reason only that the Children's Court is of the opinion that alternative dispute resolution processes were not offered to the family of the child or young person.
- (4) If the Children's Court is of the opinion that alternative dispute resolution processes were not offered to the family of the child or young person, the Court may, before determining whether the child or young person is in need of care and protection:

- (a) adjourn the proceedings to enable alternative dispute resolution processes to be offered to the family in accordance with section 37 and, if accepted by the family, to be conducted, and
  - (b) direct the Secretary to re-submit the care application and furnish revised details in accordance with subsection (1).
- (5) Subsection (3) does not prevent the Children’s Court from making an interim order in relation to the child or young person after the initial care application is made and before the re-submitted application is finally determined.

Debate ensued.

Question put and negatived.

Amendment negatived.

Mr Shoebridge moved Greens amendment no. 4 on sheet c2018-165—

No. 4      **Evidence of further prior alternative action**

Page 6, Schedule 1. Insert after line 31:

**[18] Section 63 Evidence of prior alternative action**

Omit section 63 (3). Insert instead:

- (3) If the Children’s Court is of the opinion that appropriate support and assistance were not provided, the Children’s Court must, before determining whether the child or young person is in need of care and protection:
  - (a) adjourn the proceedings to enable appropriate support and assistance to be provided for the safety, welfare and well-being of the child or young person, and
  - (b) direct the Secretary to re-submit the care application with details of any additional efforts made to provide appropriate support and assistance, and the results of those efforts.
- (4) Subsection (3) does not prevent the Children’s Court from making an interim order in relation to the child or young person after the initial care application is made and before the re-submitted application is finally determined.

Debate ensued.

Question put and negatived.

Amendment negatived.

Mr Shoebridge, by leave, moved Greens amendments nos 8, 12 and 22 on sheet c2018-165, in globo—

No. 8      **Realistic possibility of restoration—consequential**

Page 6, Schedule 1 [20], line 42. Omit “restoration,”.

No. 12     **Realistic possibility of restoration**

Page 7, Schedule 1 [23]–[27], lines 21–34. Omit all words on those lines.

No. 22      **Realistic possibility of restoration—consequential**

Page 12, Schedule 1 [53], lines 29–34. Omit all words on those lines.

Debate ensued.

Question put.

The committee divided.

Ayes 12

Ms Faehrmann	Mr Pearson	Mr Shoebridge
Mr Field *	Mr Primrose	Mr Veitch
Mr Graham	Mr Searle	Ms Voltz
Mr Moselmane	Ms Sharpe	Ms Walker *

\* Tellers

Noes 16

Mr Ajaka	Mr Franklin	Mr Mason-Cox
Mr Amato	Mr Green	Mrs Mitchell
Mr Blair	Mr MacDonald	Revd Mr Nile
Ms Cusack	Mrs Maclaren-Jones *	Dr Phelps
Mr Fang *	Mr Mallard	
Mr Farlow	Mr Martin	* Tellers

Pairs

Mr Donnelly	Mr Colless
Mrs Houssos	Mrs Taylor
Mr Mookhey	Mrs Ward
Mr Secord	Mr Harwin
Mr Wong	Mr Clarke

Question resolved in the negative.

Amendments negatived.

Mr Searle moved Opposition amendment no. 14 on sheet c2018-169—

No. 14      **Realistic possibility of restoration**

Page 7, Schedule 1 [27], line 34. Insert “, unless the Children’s Court is satisfied that a longer period is reasonable due to the particular circumstances of the child or young person and his or her family” after “24 months”.

Debate ensued.

Question put and negatived.

Amendment negatived.

Mr Searle moved Opposition amendment no. 15 on sheet c2018-169—

No. 15      **Realistic possibility of restoration**

Page 7, Schedule 1 [27]. Insert after line 34:

- (8B) Subsection (8A) does not apply if the child or young person is an Aboriginal or Torres Strait Islander child or young person.

Debate ensued.

Question put.

The committee divided.

## Ayes 13

Mr Donnelly	Mr Pearson	Mr Veitch
Ms Faehrmann *	Mr Primrose	Ms Voltz
Mr Field	Mr Searle	Ms Walker
Mr Graham	Ms Sharpe	
Mr Moselmane	Mr Shoebridge *	* Tellers

## Noes 17

Mr Ajaka	Mr Green	Mrs Mitchell
Mr Amato	Mr MacDonald	Revd Mr Nile
Mr Clarke	Mrs Maclaren-Jones *	Dr Phelps
Ms Cusack	Mr Mallard	Mrs Taylor
Mr Fang *	Mr Martin	Mrs Ward
Mr Farlow	Mr Mason-Cox	
		* Tellers

## Pairs

Mrs Houssos	Mr Blair
Mr Mookhey	Mr Franklin
Mr Secord	Mr Harwin
Mr Wong	Mr Colless

Question resolved in the negative.

Amendment negatived.

Mr Shoebridge, by leave, moved Greens amendments nos 9, 10 and 11 on sheet c2018-165, in globo—

No. 9      **Section 82 reports**

Page 6, Schedule 1. Insert after line 45:

**[21] Section 82 Report on suitability of arrangements concerning parental responsibility**

Omit “other than a guardianship order” from section 82 (1).

No. 10      **Section 82 reports**

Page 6, Schedule 1. Insert after line 45:

**[21] Section 82 (2) (a)**

Omit “12 months”. Insert instead “24 months”.

**No. 11 Section 82 reports**

Page 7, Schedule 1. Insert after line 18:

**[22] Section 82 (4A)**

Insert after section 82 (4):

- (4A) The Children’s Court may order more than one report under this section and, accordingly, this section applies to each report so ordered.

Debate ensued.

Question put and negatived.

Amendments negatived.

Mr Searle moved Opposition amendment no. 17 on sheet c2018-169—

**No. 17 Order for services to facilitate restoration**

Page 7, Schedule 1. Insert after line 34:

**[28] Section 84A**

Insert after section 84:

**84A Order for services to facilitate restoration**

- (1) The Children’s Court may make an order directing the Secretary to provide or arrange for the provision of services to a child or young person or his or her family to facilitate restoration.
- (2) The Children’s Court may make the order:
  - (a) on application made by any party to proceedings before the Children’s Court with respect to a child or young person, or
  - (b) with leave of the Children’s Court—on application made by any person who was a party to care proceedings with respect to a child or young person, or
  - (c) with leave of the Children’s Court—on application made by any person who considers himself or herself to have a sufficient interest in the welfare of the child or young person.
- (3) The Children’s Court may grant leave under subsection (2) if it appears that there has been a significant change in any relevant circumstances since a final order was made in the proceedings.

Debate ensued.

Question put and negatived.

Amendment negatived.

Mr Searle moved Opposition amendment no. 16 on sheet c2018-169—

**No. 16 Considerations before making removal order**

Page 7, Schedule 1. Insert after line 34:

**[28] Section 83A**

Insert after section 83:

**83A Considerations before making order to remove child or young person**

Despite section 83, the Children's Court must not make a final care order to which that section applies unless it has considered:

- (a) the known risks of harm to the child or young person on being removed from the care of his or her parents or primary care-givers, and
- (b) the risks of leaving the child or young person in his or her current circumstances.

Debate ensued.

Question put.

The committee divided.

Ayes 13

Mr Donnelly *	Mr Pearson	Mr Veitch
Ms Faehrmann	Mr Primrose	Ms Voltz
Mr Field	Mr Searle	Ms Walker
Mr Graham	Ms Sharpe	
Mr Moselmane *	Mr Shoebridge	* Tellers

Noes 17

Mr Ajaka	Mr Franklin	Mrs Mitchell
Mr Amato	Mr Green	Revd Mr Nile
Mr Clarke	Mrs Maclaren-Jones *	Dr Phelps
Ms Cusack	Mr Mallard	Mrs Taylor
Mr Fang *	Mr Martin	Mrs Ward
Mr Farlow	Mr Mason-Cox	
		* Tellers

Pairs

Mrs Houssos	Mr Harwin
Mr Mookhey	Mr MacDonald
Mr Secord	Mr Blair
Mr Wong	Mr Colless

Question resolved in the negative.

Amendment negatived.

Mr Shoebridge, by leave, moved Greens amendments nos 15, 16, 17 and 18 on sheet c2018-165, in globo—

No. 15 **Rescission and variation of care orders**

Page 8, Schedule 1 [29]–[32], lines 1–44. Omit all words on those lines.

No. 16 **Rescission and variation of care orders**

Page 8, Schedule 1 [29], lines 3–26. Omit all words on those lines. Insert instead:

- (2A) Before granting leave to make an application to vary or rescind the care order, the

Children’s Court must consider the following matters:

- (a) the views of the child or young person and the weight to be given to those views, having regard to the maturity of the child or young person and his or her capacity to express his or her views,
- (b) the length of time for which the child or young person has been in the care of the present carer,
- (c) if the Children’s Court considers that the present care arrangements are stable and secure, the course that would result in the least intrusive intervention into the life of the child or young person and whether that course would be in the best interests of the child or young person,
- (d) the age of the child or young person,
- (e) the nature of the application,
- (f) the plans for the child or young person,
- (g) whether the applicant has an arguable case,
- (h) matters concerning the care and protection of the child or young person that are identified in:
  - (i) a report under section 82, or
  - (ii) a report that has been prepared in relation to a review directed by the Children’s Guardian under section 85A or in accordance with section 150.

No. 17      **Rescission and variation of care orders**

Page 8, Schedule 1 [29], line 11. Omit “and the stability of present care arrangements”.

No. 18      **Rescission and variation of care orders**

Page 8, Schedule 1 [32], line 44. Omit “and the stability of present care arrangements”.

Debate ensued.

Mr Shoebridge having requested that the question on the amendments be put separately—

Question: That amendment no. 15 on sheet c2018-165 be agreed to—put and negatived.

Amendment negatived.

Question: That amendment no. 16 on sheet c2018-165 be agreed to—put and negatived.

Amendment negatived.

Question put: That amendments nos 17 and 18 on sheet c2018-165 be agreed to.

The committee divided.

Ayes 13

Mr Donnelly	Mr Pearson	Mr Veitch
Ms Faehrmann *	Mr Primrose	Ms Voltz
Mr Field	Mr Searle	Ms Walker *
Mr Graham	Ms Sharpe	
Mr Moselmane	Mr Shoebridge	* Tellers



## Noes 17

Mr Ajaka	Mr Green	Mrs Mitchell
Mr Amato	Mr MacDonald	Revd Mr Nile
Mr Clarke	Mrs Maclaren-Jones *	Dr Phelps
Ms Cusack	Mr Mallard	Mrs Taylor *
Mr Fang	Mr Martin	Mrs Ward
Mr Farlow	Mr Mason-Cox	
		* Tellers

## Pairs

Mrs Houssos	Mr Blair
Mr Mookhey	Mr Colless
Mr Secord	Mr Franklin
Mr Wong	Mr Harwin

Question resolved in the negative.

Amendments negatived.

Mr Searle, by leave, moved Opposition amendments nos 19 and 20 on sheet c2018-169, in globo—

No. 19      **Rescission and variation of care orders**

Page 9, Schedule 1 [33], lines 1–4. Omit all words on those lines.

No. 20      **Rescission and variation of care orders**

Page 9, Schedule 1 [34]. Insert after line 14:

- (3) An interim care order may also be varied under section 90.

Debate ensued.

Mr Searle having requested that the question on the amendments be put separately—

Question: That amendment no. 19 on sheet c2018-169 be agreed to—put and negatived.

Amendment negatived.

Question put: That amendment no. 20 on sheet c2018-169 be agreed to.

The committee divided.

## Ayes 13

Mr Donnelly *	Mr Pearson	Mr Veitch
Ms Faehrmann	Mr Primrose	Ms Voltz
Mr Field	Mr Searle	Ms Walker
Mr Graham	Ms Sharpe	
Mr Moselmane *	Mr Shoebridge	* Tellers

## Noes 17

Mr Ajaka	Mr Green	Mr Mason-Cox
Mr Blair	Mr Harwin	Revd Mr Nile
Mr Clarke	Mr MacDonald	Dr Phelps
Mr Fang	Mrs Maclaren-Jones *	Mrs Taylor
Mr Farlow	Mr Mallard	Mrs Ward *
Mr Franklin	Mr Martin	
		* Tellers

## Pairs

Mrs Houssos	Mr Colless
Mr Mookhey	Mr Amato
Mr Secord	Mrs Mitchell
Mr Wong	Ms Cusack

Question resolved in the negative.

Amendment negatived.

Mr Shoebridge moved Greens amendment no. 24 on sheet c2018-165—

No. 24      **Dispensing with consent to adoption**

Page 14, Schedule 2, lines 2–23. Omit all words on those lines.

Debate ensued.

Question put.

The committee divided.

## Ayes 13

Mr Donnelly	Mr Pearson	Mr Veitch
Ms Faehrmann	Mr Primrose	Ms Voltz
Mr Field *	Mr Searle	Ms Walker
Mr Graham	Ms Sharpe	
Mr Moselmane	Mr Shoebridge *	* Tellers

## Noes 17

Mr Ajaka	Mr Franklin	Mr Martin
Mr Amato	Mr Green	Mr Mason-Cox
Mr Clarke	Mr Harwin	Revd Mr Nile
Ms Cusack	Mr MacDonald	Dr Phelps
Mr Fang *	Mrs Maclaren-Jones *	Mrs Taylor
Mr Farlow	Mr Mallard	
		* Tellers

## Pairs

Mrs Houssos	Mrs Ward
Mr Mookhey	Mr Colless
Mr Secord	Mrs Mitchell
Mr Wong	Mr Blair

Question resolved in the negative.

Amendment negatived.

Mr Searle moved Opposition amendment no. 28 on sheet c2018-169—

No. 28      **Dispensing with consent to adoption**

Page 14, Schedule 2. Insert after line 5:

**[3] Section 67 (1) (d) (ii)**

Omit “and”.

**[4] Section 67 (1) (d) (iii)**

Omit the subparagraph.

**[5] Section 67 (1A)**

Insert after section 67 (1):

(1A) Subsection (1) (c) and (d) do not apply if the child is an Aboriginal child or Torres Strait Islander child.

Debate ensued.

Question put and negatived.

Amendment negatived.

Mr Shoebridge, by leave, moved Greens amendments nos 25 and 27 on sheet c2018-165, in globo—

No. 25      **Placement principles for Aboriginal children**

Page 14, Schedule 2. Insert after line 1:

**[1] Section 35 Aboriginal child placement principles**

Omit section 35 (4) and (5).

No. 27      **Placement principles for Aboriginal children—consequential**

Page 14, Schedule 2. Insert after line 1:

**[1] Section 47 How is an adoption plan made?**

Omit “sections 35 (5) and” from the note to section 47 (1).  
Insert instead “section”.

Debate ensued.

Question put and negatived.

Amendments negatived.

Mr Searle, by leave, moved Opposition amendments nos 26 and 29 on sheet c2018-169, in globo—

No. 26      **Prerequisites to making adoption orders**

Page 14, Schedule 2. Insert after line 1:

**[1] Section 46 What is an adoption plan?**

Insert after section 46 (2B):

- (2C) An adoption plan for an Aboriginal child or Torres Strait Islander child must make provision for the ways in which the child's cultural heritage will be fostered and appropriate contact will be maintained with the child's extended family.

No. 29 **Prerequisites to making adoption orders**

Page 14, Schedule 2. Insert after line 10:

**[4] Section 90 Court to be satisfied as to certain matters**

Insert after section 90 (1) (f):

- (f1) if the child is an Aboriginal or Torres Strait Islander child—that an adoption plan has been made in relation to the adoption that provides for the ways in which the child's cultural heritage will be fostered and appropriate contact maintained with the child's extended family, and

Debate ensued.

Question put.

The committee divided.

Ayes 13

Mr Donnelly *	Mr Pearson	Mr Veitch
Ms Faehrmann	Mr Primrose	Ms Voltz
Mr Field	Mr Searle	Ms Walker
Mr Graham	Ms Sharpe	
Mr Moselmane *	Mr Shoebridge	* Tellers

Noes 17

Mr Ajaka	Mr Farlow	Mr Mason-Cox
Mr Amato	Mr Franklin	Revd Mr Nile
Mr Blair	Mr Green	Dr Phelps
Mr Clarke	Mr Harwin	Mrs Taylor
Ms Cusack	Mrs Maclaren-Jones *	Mrs Ward
Mr Fang *	Mr Mallard	
		* Tellers

Pairs

Mrs Houssos	Mr MacDonald
Mr Mookhey	Mr Martin
Mr Secord	Mr Colless
Mr Wong	Mrs Mitchell

Question resolved in the negative.

Amendments negated.

Question: That the bill, as read, be agreed to—put and passed.

**National Disability Insurance Scheme (Worker Checks) Bill 2018**

Leave granted to take the bill as a whole.

Question: That the bill, as read, be agreed to—put and passed.

Ordered: That the Chair of Committees leave the Chair and report the bills without amendment.

The President took the Chair.

The Chair of Committees reported the bills without amendment.

The House adopted the report.

(With concurrence) Mr Farlow moved: That these bills be now read a third time.

Debate ensued.

Mr Searle having requested that the question on the third reading of the bills be put separately—

Question put: That the Children and Young Persons (Care and Protection) Amendment Bill 2018 be now read a third time.

The House divided.

## Ayes 17

Mr Amato	Mr Franklin	Mr Mason-Cox
Mr Blair	Mr Green	Revd Mr Nile
Mr Clarke	Mr Harwin	Dr Phelps
Ms Cusack	Mr Khan	Mrs Taylor
Mr Fang *	Mrs Maclaren-Jones *	Mrs Ward
Mr Farlow	Mr Mallard	
		* Tellers

## Noes 13

Mr Donnelly *	Mr Pearson	Mr Veitch
Ms Faehrmann	Mr Primrose	Ms Voltz
Mr Field	Mr Searle	Ms Walker
Mr Graham	Ms Sharpe	
Mr Moselmane *	Mr Shoebridge	* Tellers

## Pairs

Mr Colless	Mrs Houssos
Mr MacDonald	Mr Secord
Mr Martin	Mr Mookhey
Mrs Mitchell	Mr Wong

Question resolved in the affirmative.

Bill read a third time.

Question—That the National Disability Insurance Scheme (Worker Checks) Bill 2018 be now read a third time—put and passed.

Bills forwarded to the Legislative Assembly for concurrence.

**36 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—GOVERNMENT SECTOR FINANCE LEGISLATION (REPEAL AND AMENDMENT) BILL 2018**

On the order of the day being read, the President left the Chair and the House sat as a committee of the whole for consideration of the Legislative Assembly's message this day.

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The Chair of Committees took the Chair.

Mr Harwin moved, according to standing order 156(2): That this House not insist on its amendments disagreed to by the Legislative Assembly in the Bill.

Debate ensued.

Mr Field moved, according to standing order 156(2): That the question be amended by inserting at the end "and proposes the following alternative amendments:

No. 1      **Functions of Public Accounts Committee as Joint Parliamentary Committee**

Page 12, Schedule 2. Insert after line 7:

**[23] Section 48A Review of Audit Office**

Omit section 48A (12) and (13). Insert instead:

- (12) The Chair of the Public Accounts Committee is, on receipt of such a report, to present the report to both Houses of Parliament.
- (13) If at the time at which the Chair seeks, in accordance with this section, to present the report to a House of Parliament the House is not sitting, the Chair is to present the report to the Clerk of the House to be dealt with in accordance with section 63C.

No. 2      **Functions of Public Accounts Committee as Joint Parliamentary Committee**

Page 13, Schedule 2 [35], line 19. Omit "the Legislative Assembly". Insert instead "either or both Houses of Parliament".

No. 3      **Constitution of Public Accounts Committee as Joint Parliamentary Committee**

Page 13, Schedule 2. Insert after line 19:

**[36] Section 54**

Omit sections 54–56. Insert instead:

**54 Constitution of Public Accounts Committee**

- (1) On substitution of this section by the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018* and as soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of Parliament, to be known as the Public Accounts Committee, is to be appointed.
- (2) The Committee is to consist of 8 members, of whom:
  - (a) 4 are to be members of, and appointed by, the Legislative Council, and
  - (b) 4 are to be members of, and appointed by, the Legislative Assembly.

- (3) The appointment of members of the Committee is, as far as practicable, to be in accordance with the practice of Parliament with respect to the appointment of members to serve on joint committees of both Houses of Parliament.
- (4) A person is not eligible for appointment as a member of the Committee if the person is a Minister of the Crown or a Parliamentary Secretary.
- (5) Schedule 1B contains provisions relating to the Committee.

No. 4 **Functions of Public Accounts Committee as Joint Parliamentary Committee**

Page 13, Schedule 2. Insert after line 24:

**[37] Section 57 (1) and (2)**

Omit “the Legislative Assembly” wherever occurring.

Insert instead “either or both Houses of Parliament”.

**[37] Section 57 (4)**

Omit the subsection.

No. 5 **Constitution of Public Accounts Committee as Joint Parliamentary Committee**

Page 13, Schedule 2. Insert after line 24:

**[37] Section 58 Evidence**

Omit the section.

No. 6 **Constitution of Public Accounts Committee as Joint Parliamentary Committee**

Page 14, Schedule 2. Insert after line 22:

**[51] Schedule 1B**

Insert after Schedule 1A:

**Schedule 1B Public Accounts Committee**

(Section 54 (5))

**1 Definition**

In this Schedule, *Committee* means the Public Accounts Committee.

**2 Vacancies**

- (1) A member of the Committee ceases to hold office:
  - (a) when the Legislative Assembly is dissolved or expires by the effluxion of time, or
  - (b) if the member becomes a Minister of the Crown or a Parliamentary Secretary, or
  - (c) if the member ceases to be a member of the Legislative Council or Legislative Assembly, or
  - (d) if, being a member of the Legislative Council, the member resigns the office by instrument in writing addressed to the President of the Legislative Council, or
  - (e) if, being a member of the Legislative Assembly, the member resigns the office by instrument in writing addressed to the Speaker of the Legislative Assembly, or

- (f) if the member is discharged from office by the House of Parliament to which the member belongs.
- (2) Either House of Parliament may appoint one of its members to fill a vacancy among the members of the Committee appointed by that House.

### **3 Chair and Deputy Chair**

- (1) There is to be a Chair and a Deputy Chair of the Committee, who are to be elected by and (subject to subclause (2)) from the members of the Committee.
- (2) The Chair must not be a member of a party that has been elected to Government.
- (3) A member of the Committee ceases to hold office as Chair or Deputy Chair of the Committee if:
  - (a) the member ceases to be a member of the Committee, or
  - (b) the member resigns the office by instrument in writing presented to a meeting of the Committee, or
  - (c) the member is discharged from office by the Committee.
- (4) At any time when the Chair is absent from New South Wales or is, for any reason, unable to perform the duties of Chair or there is a vacancy in that office, the Deputy Chair may exercise the functions of the Chair under this Act or under the Parliamentary Evidence Act 1901.

### **4 Procedure**

- (1) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Committee.
- (2) The Clerk of the Parliaments is to call the first meeting of the Committee, and the first meeting of the Committee in each Parliament, in such manner as the Clerk thinks fit.
- (3) At a meeting of the Committee, 4 members constitute a quorum, but the Committee must meet as a joint committee at all times.
- (4) The Chair or, in the absence of the Chair, the Deputy Chair (or, in the absence of both the Chair and the Deputy Chair, a member of the Committee elected to chair the meeting by the members present) is to preside at a meeting of the Committee.
- (5) The Deputy Chair or other member presiding at a meeting of the Committee has, in relation to the meeting, all the functions of the Chair.
- (6) The Chair, Deputy Chair or other member presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (7) A question arising at a meeting of the Committee is to be determined by a majority of the votes of the members present and voting.
- (8) The Committee may sit and transact business despite any prorogation of the Houses of Parliament or any adjournment of either House of Parliament.
- (9) The Committee may sit and transact business on a sitting day



of a House of Parliament during the time of sitting.

- (10) Except as otherwise provided by this Act, the practice and procedure of the Committee is to be in accordance with the Standing Rules and Orders of the Legislative Council regulating the committees of the House.

## **5 Reporting when Parliament not in session**

- (1) If a House of Parliament is not sitting when the Committee seeks to furnish a report to it, the Committee may present copies of the report to the Clerk of the House.
- (2) The report:
  - (a) on presentation and for all purposes is taken to have been laid before the House, and
  - (b) may be printed by authority of the Clerk, and
  - (c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House, and
  - (d) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after receipt of the report by the Clerk.

## **6 Evidence**

- (1) The Committee has power to send for persons, papers and records.
- (2) Subject to clause 7, the Committee must take all evidence in public.
- (3) If the Committee as constituted at any time has taken evidence in relation to a matter but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as constituted at any subsequent time, whether during the same or another Parliament, may consider that evidence as if it had taken the evidence.
- (4) The production of documents to the Committee is to be in accordance with the practice of the Legislative Council with respect to the production of documents to committees of the Legislative Council.

## **7 Confidentiality**

- (1) If any evidence proposed to be given before, or the whole or a part of a document produced or proposed to be produced to, the Committee relates to a secret or confidential matter, the Committee may, and at the request of the witness giving the evidence or the person producing the document must:
  - (a) take the evidence in private, or
  - (b) direct that the document, or the part of the document, be treated as confidential.
- (2) If a direction under subclause (1) applies to a document or part of a document produced to the Committee:
  - (a) the contents of the document or part are, for the purposes of this clause, to be regarded as evidence given by the person producing the document or part and taken by the Committee in private, and
  - (b) the person producing the document or part is, for the purposes of this clause, to be regarded as a witness.

- (3) If, at the request of a witness, evidence is taken by the Committee in private:
- (a) the Committee must not, without the consent in writing of the witness, and
  - (b) a person (including a member of the Committee) must not, without the consent in writing of the witness and the authority of the Committee under subclause (5), disclose or publish the whole or a part of that evidence.

Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.

- (4) If evidence is taken by the Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) must not, without the authority of the Committee under subclause (5), disclose or publish the whole or part of that evidence.

Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.

- (5) The Committee may, in its discretion, disclose or publish or, by writing under the hand of the Chair, authorise the disclosure or publication of evidence taken in private by the Committee, but this subclause does not operate so as to affect the necessity for the consent of a witness under subclause (3).
- (6) Nothing in this clause prohibits:
- (a) the disclosure or publication of evidence that has already been lawfully published, or
  - (b) the disclosure or publication by a person of a matter of which the person has become aware otherwise than by reason, directly or indirectly, of the giving of evidence before the Committee.
- (7) This clause has effect despite section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975.
- (8) If evidence taken by the Committee in private is disclosed or published in accordance with this clause, sections 5 and 6 of the Parliamentary Papers (Supplementary Provisions) Act 1975 apply to and in relation to the disclosure or publication as if it were a publication of that evidence under the authority of section 4 of that Act.

**Note.** The *Defamation Act 2005* makes provision for 2 defences in respect of the publication of defamatory matter that is contained in evidence taken by, or documents produced to, the Committee in private, but only if the evidence or documents have been disclosed or published in accordance with this clause.

Section 28 of the *Defamation Act 2005* (when read with clause 8 of Schedule 2 to that Act) ensures that such documents attract the defence relating to public documents in defamation proceedings.

Section 29 of the *Defamation Act 2005* (when read with clause 17 of Schedule 3 to that Act) ensures that proceedings in which such evidence is taken or documents produced attract the defences relating to fair reports of proceedings of public concern in defamation proceedings.

## 8 Application of certain Acts

For the purposes of the *Parliamentary Evidence Act 1901* and the *Parliamentary Papers (Supplementary Provisions) Act 1975* and for any other purposes:

- (a) the Committee is to be regarded as a joint committee of the Legislative Council and Legislative Assembly, and

- (b) the proposal for the appointment of the Committee is to be regarded as having originated in the Legislative Council.

### 9 Validity of certain acts or proceedings

Any act or proceeding of the Committee is, even though at the time when the act or proceeding was done, taken or commenced there was:

- (a) a vacancy in the office of a member of the Committee, or  
 (b) any defect in the appointment, or any disqualification, of a member of the Committee,

as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

#### No. 7 **Constitution of Public Accounts Committee as Joint Parliamentary Committee**

Page 15, Schedule 2 [53]. Insert after line 7:

##### **Dissolution of existing Public Accounts Committee**

- (1) On the substitution of section 54 by the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018*:
- (a) the Public Accounts Committee as constituted immediately before that substitution (the *existing Committee*) is dissolved, and  
 (b) each member of the existing Committee ceases to hold office as such.
- (2) Subclause (1) does not prevent a member of the existing Committee being appointed as a member of the Public Accounts Committee (as constituted after the substitution of section 54) if otherwise qualified for appointment.”

Debate continued.

Mr Mason-Cox, by leave, incorporated in Hansard advice from the Clerk of the Parliaments to him (dated 18 October 2018) concerning any procedural, legal or constitutional impediments to the Public Accounts Committee being constituted as a joint committee.

Debate continued.

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

The committee divided.

Ayes 5

Ms Faehrmann  
 Mr Field \*

Mr Pearson  
 Mr Shoebridge

Ms Walker \*

\* Tellers

## Noes 27

Mr Ajaka	Mr Green	Revd Mr Nile
Mr Amato	Mr Harwin	Dr Phelps
Mr Blair	Mr MacDonald	Mr Primrose
Ms Cusack	Mrs Maclaren-Jones *	Mr Searle
Mr Donnelly	Mr Mallard	Ms Sharpe
Mr Fang *	Mr Martin	Mrs Taylor
Mr Farlow	Mr Mason-Cox	Mr Veitch
Mr Franklin	Mrs Mitchell	Ms Voltz
Mr Graham	Mr Moselmane	Mrs Ward

\* Tellers

Question resolved in the negative.

Amendment negatived.

Original question—put and passed.

Ordered: That the Chair of Committees leave the Chair and report that the committee has resolved to not insist on the Councils amendments in the bill.

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The President took the Chair.

The Chair of Committees reported that the committee had resolved to not insist on the Councils amendments in the bill.

The House adopted the report.

Mr Harwin moved: That the following message be forwarded to the Legislative Assembly:

**Government Sector Finance Legislation (Repeal and Amendment) Bill 2018**

Madam SPEAKER

The Legislative Council has considered the Legislative Assembly's message dated 14 November 2018, relating to amendments to the Government Sector Finance Legislation (Repeal and Amendment) Bill 2018, and does not insist on its amendments disagreed to by the Assembly in the Bill.

Legislative Council  
14 November 2018

JOHN AJAKA  
President

Question put and passed.



The House continued to sit after midnight.

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THURSDAY 15 NOVEMBER 2018 AM

**37 ADJOURNMENT**

Mr Harwin moved: That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 12.30 am until Thursday 15 November 2018 at 10.00 am.

**38 ATTENDANCE**

All members present, except Mr Buckingham and Mr Mookhey.

David Blunt  
Clerk of the Parliaments

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Authorised by the Parliament of New South Wales