



LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 23

THURSDAY 26 SEPTEMBER 2019

Contents

1	Meeting of the House	476
2	Protest against passing of a bill—Reproductive Health Care Reform Bill 2019.....	476
3	Paper—Request to table by Member.....	477
4	Auditor General—Report.....	477
5	Notices of Motions	477
6	Answer to supplementary question without notice	477
7	Conduct of Business—Order of Private Members' Business	477
8	Disallowance of statutory rules—Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019.....	478
9	Message from Legislative Assembly— Reproductive Health Care Reform Bill 2019	480
10	Questions.....	480
11	Take note of answers to questions.....	480
12	Portfolio Committee No. 4 – Industry—Reference.....	480
13	Private Members' Statements	481
14	Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill 2019.....	481
15	Surf Life Saving Sydney Branch.....	481
16	Order for Papers—Asbestos in public schools	483
17	President Trump	484
18	Assent to Bill.....	486
19	Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019	486
20	Return to Order—Disclosures of Minister Sidoti—Ministerial Code of Conduct	487
21	Disputed claim of privilege—Landcom—Tabling of privileged documents	487
22	Business postponed	487
23	Order for Papers—Temporary soil weirs on the Peel River.....	488
24	Crimes Amendment (Zoe's Law) Bill 2019	489
25	Order for Papers—Native Vegetation Code Review.....	489
26	Silicosis and manufactured stone	490
27	The right of Indigenous women to speak	492
28	Orders for Papers—Maules Creek Coal Mine.....	493
29	Adjournment	494
30	Attendance	494

1 MEETING OF THE HOUSE

The House met at 10.00 am according to adjournment. In the absence of the President the Acting President (Mr Khan) took the Chair.

According to standing order, the Acting President nominated Mr Secord to read the prayers. Mr Secord read the prayers.

Mr Secord acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

2 PROTEST AGAINST PASSING OF A BILL—REPRODUCTIVE HEALTH CARE REFORM BILL 2019

The Acting President reported that the following protest was signed and lodged with the Clerk this day:

Protest against the passing of the bill titled "An Act about reforming the law relating to terminations of pregnancies and regulating the conduct of health practitioners in relation to terminations".

Dissentient:

1. Because of the process used to fast track the bill through the NSW Parliament which:
 - (a) treated this private members bill as a *de facto* Government bill by giving it urgency and priority over all other government business in both the Legislative Assembly and the Legislative Council,
 - (b) excluded any meaningful consultation with, or discussions of, the consequences of the bill with large sections of the NSW community, including all faith communities,
 - (c) failed to establish either a Legislative Assembly or Joint Committee to inquire into and report on the bill,
 - (d) established a Legislative Council Committee to inquire into and report on the bill over just 5 business days that, in all the circumstances, was woefully inadequate, and
 - (e) failed to consider over thirteen thousand submissions to the Legislative Council Inquiry due to a lack of time.
2. Because the bill:
 - (a) fails to codify the existing law and practice in New South Wales on abortions before 22 weeks, thereby exposing pregnant women to increased risks associated with abortions,
 - (b) fails to reflect widespread community concerns regarding unfettered access to abortion services in New South Wales,
 - (c) fails to introduce adequate safeguards in the case of late term abortions,
 - (d) fails to uphold the principle of conscientious objection for health practitioners,
 - (e) fails to introduce criminal penalties for medical practitioners who commit illegal abortions,
 - (f) fails to ensure all pregnant women are made aware of the availability of non-directive pregnancy counselling, and
 - (g) fails to prohibit the commercial trade in the tissue of an aborted baby.

3. Because if enacted the bill will fail to adequately protect the rights of an unborn child in New South Wales from late term abortions.

Hon Lou Amato MLC
 Hon Mark Banasiak MLC
 Hon Robert Borsak MLC
 Hon Greg Donnelly MLC
 Hon Courtney Houssos MLC
 Hon Mark Latham MLC
 Hon Matthew Mason Cox MLC
 Hon Shaoquett Moselmane MLC
 Revd the Hon Fred Nile MLC
 Hon Rod Roberts MLC

Legislative Council Chamber
 26 September 2019

According to standing order, a copy of the protest was forwarded to Her Excellency the Governor.

3 PAPER—REQUEST TO TABLE BY MEMBER

Mr Pearson sought the leave of the House to table a USB stick and documents containing 201,000 signatures concerning pain relief for Australian lambs.

Debate ensued.

Objection taken.

Leave not granted.

4 AUDITOR GENERAL—REPORT

The Clerk, according to the Public Finance and Audit Act 1983, announced receipt of a Performance Audit report of the Auditor-General entitled “Ensuring teaching quality in NSW public schools”, dated September 2019, received out of session and authorised to be printed this day.

5 NOTICES OF MOTIONS

6 ANSWER TO SUPPLEMENTARY QUESTION WITHOUT NOTICE

The Acting President informed the House of the publication in today’s Hansard of a written answer to a supplementary question without notice lodged with the Clerk since the last sitting of the House.

7 CONDUCT OF BUSINESS—ORDER OF PRIVATE MEMBERS’ BUSINESS

Mrs Maclaren-Jones moved, according to sessional order: That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of the business of the House this day.

Question put and passed.

Mrs Maclaren-Jones then moved: That the order of private members’ business for today be as follows:

1. Item no. 205 standing in the name of Mr Pearson relating to the Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill.

2. Item no. 70 standing in the name of Mr Martin relating to Surf Life Saving Sydney Branch.
3. Item no. 229 standing in the name of Mrs Houssos relating to orders for papers concerning asbestos in public schools.
4. Item no. 231 standing in the name of Mr Latham relating to President Trump.
5. Item no. 4 in the order of precedence standing in the name of Ms Sharpe relating to the Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019.
6. Item no. 5 in the order of precedence standing in the name of Mrs Ward relating to women in sport.
7. Item no. 183 standing in the name of Ms Faehrmann relating to an order for papers concerning temporary soil weirs on the Peel River.
8. Item no. 139 standing in the name of Revd Nile relating to the Crimes Amendment (Zoe's Law) Bill 2019.
9. Item no. 8 in the order of precedence standing in the name of Ms Cusack relating to Shine For Kids.
10. Item no. 237 standing in the name of Mr Borsak relating to an order for papers concerning firearm licence applications made by Mr Stephen Gary Lee.
11. Item no. 249 standing in the name of Mr Field relating to an order for papers concerning the native vegetation code review.
12. Item no. 251 standing in the name of Mr Shoebridge relating to silicosis and manufactured stone.
13. Item no. 250 standing in the name of Mr Latham relating to Jacinta Price.
14. Item no. 10 in the order of precedence standing in the name of Ms Boyd relating to a prohibition on coal extraction and opportunities in renewable energy.
15. Item no. 230 standing in the name of Ms Faehrmann relating to an order for papers concerning the Maules Creek coal mine.
16. Item no. 247 standing in the name of Mr Banasiak relating to the drafting of private members' bills.

Debate ensued.

Question put and passed.

8 DISALLOWANCE OF STATUTORY RULES—LIQUOR AMENDMENT (MUSIC FESTIVALS) REGULATION 2019 AND GAMING AND LIQUOR ADMINISTRATION AMENDMENT (MUSIC FESTIVALS) REGULATION 2019

Mr Graham sought the leave of the house for business of the House notices of motions no.s 1 and 2 standing in his name on the Notice Paper for today to be moved in globo.

No objection taken.

Leave granted.

Question: That the motion of Mr Graham proceed as business of the House—put and passed.

Mr Graham moved: That the matter proceed forthwith.

Question put and passed.

Mr Graham then moved according to notice:

- (1) That, under section 41 of the Interpretation Act 1987, this House disallows the Liquor Amendment (Music Festivals) Regulation 2019, published on the NSW Legislation website on 28 February 2019.
- (2) That, under section 41 of the Interpretation Act 1987, this House disallows the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019, published on the NSW Legislation website on 28 February 2019.

Debate ensued.

Question put.

The House divided.

Ayes 21

Mr Banasiak	Mr Field	Mr Moselmane
Mr Borsak	Mr Graham	Mr Pearson
Ms Boyd	Mrs Houssos	Mr Primrose
Mr Buttigieg *	Ms Hurst	Mr Secord
Mr D'Adam *	Ms Jackson	Ms Sharpe
Mr Donnelly	Mr Mookhey	Mr Shoebridge
Ms Faehrmann	Ms Moriarty	Mr Veitch

* Tellers

Noes 18

Mr Amato	Mr Harwin	Mrs Mitchell
Mr Blair	Mr Latham	Revd Mr Nile
Ms Cusack	Mrs Maclaren-Jones *	Mr Roberts
Mr Fang *	Mr Mallard	Mrs Taylor
Mr Farlow	Mr Martin	Mr Tudehope
Mr Franklin	Mr Mason-Cox	Mrs Ward

* Tellers

Pairs

Mr Searle

Mr Ajaka

Question resolved in the affirmative.

9 MESSAGE FROM LEGISLATIVE ASSEMBLY—REPRODUCTIVE HEALTH CARE REFORM BILL 2019

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

MR PRESIDENT

The Legislative Assembly has this day agreed to the amendments made by the Legislative Council in the bill with the long title "An Act about reforming the law relating to terminations of pregnancies and regulating the conduct of health practitioners in relation to terminations".

Legislative Assembly
26 September 2019

JONATHAN O'DEA
Speaker

10 QUESTIONS

According to sessional order, at the conclusion of Questions, a supplementary question for a written answer was asked by a member.

11 TAKE NOTE OF ANSWERS TO QUESTIONS

Mrs Houssos moved, according to sessional order: That the House take note of answers to questions.

Debate ensued.

Question put and passed.

12 PORTFOLIO COMMITTEE NO. 4 – INDUSTRY—REFERENCE

The Chair (Mr Banasiak), according to paragraph 6 of the resolution establishing the Portfolio Committees, informed the House that this day, Portfolio Committee No. 4 – Industry resolved to adopt the following terms of reference:

1. That Portfolio Committee No. 4 – Industry inquire into and report on the use of exotic animals (defined as any animal that is not native and is not a stock or companion animal) in circuses and the exhibition of cetaceans in New South Wales, and in particular:
 - (a) the welfare of exotic animals exhibited in circuses in New South Wales, with consideration of community expectation,
 - (b) the welfare of cetaceans exhibited in New South Wales, with consideration of community expectation,
 - (c) in light of the findings in (a) and (b) above, whether:
 - (i) to allow the continuation of the practice of breeding of exotic animals for use in circuses and cetaceans for exhibition,
 - (ii) there should be a phase out of the use of exotic animals in circuses and cetaceans for exhibition, and/or
 - (iii) there should be any other legislative or regulatory action that the committee considers appropriate, and
 - (d) any other related matter.
2. That the committee report by 27 June 2020.

13 PRIVATE MEMBERS' STATEMENTS**14 PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (RESTRICTIONS ON STOCK ANIMAL PROCEDURES) BILL 2019**

Mr Pearson moved, according to notice: That leave be given to bring in a bill for an Act to amend the Prevention of Cruelty to Animals Act 1979 to prohibit the Mules procedure on sheep and to require the administration of pain relief in certain procedures involving stock animals; and for other purposes.

Question put and passed.

Bill presented.

Bill read a first time and ordered to be printed.

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

Debate ensued.

Motion made (Mrs Maclaren-Jones) and question: That this debate be now adjourned until five calendar days ahead—put and passed.

15 SURF LIFE SAVING SYDNEY BRANCH

Order of the day read for resumption of the adjourned debate of the question on the motion of Mr Martin:

1. That this House notes that:
 - (a) on 25 May 2019, Surf Life Saving Sydney Branch held the 2019 Awards of Excellence at ICC Sydney,
 - (b) the awards recognise members of the 15 Surf Life Saving Clubs and Support Operations who have excelled at Branch Level in Junior Development, Surf Life Saving, Education, Surf Sports and Support Operations,
 - (c) the following awards were presented:
 - (i) Surf Lifesaver of the Year: Mathew Harper, Maroubra SLSC,
 - (ii) Volunteer of the Year: Doug Hawkins, Coogee SLSC,
 - (iii) Youth Surf Lifesaver of the Year: Jasmine Georgas, Maroubra SLSC,
 - (iv) Young Volunteer of the Year: Thomas Small, Clovelly SLSC,
 - (v) U15 Lifesaver of the Year: Tom Hetherington, Clovelly SLSC,
 - (vi) Branch Member of the Year: Matt Spooner, Coogee SLSC,
 - (vii) Club of the Year: Wanda SLSC,
 - (viii) Champion Club of the Year: Burning Palms SLSC,
 - (ix) Administrator of the Year: Patricia Dillon, Garie SLSC,
 - (x) Community Education Program of the Year: Maroubra Marlins, Maroubra SLSC,
 - (xi) Innovation of the Year: Mental Health Initiative Bondi, Chaplain Martin Nezval, Bondi SBLSC,
 - (xii) Trainer of the Year: Nicole Krite, South Maroubra SLSC,
 - (xiii) Assessor of the Year: Michael Fernandez, South Maroubra SLSC,
 - (xiv) Facilitator of the Year: Glen Clarke, Clovelly SLSC,
 - (xv) Patrol of the Year: Meagher Patrol Team, Bondi SBLSC,
 - (xvi) Patrol Captain of the Year: Jayden Wilde, Wanda SLSC,
 - (xvii) Rescue of the Year: North Cronulla Mass Rescue conducted 17 February 2019, North Cronulla SLSC,

- (xviii) Most Awards Per Operational Area, Burning Palms SLSC (Royal National Park), North Cronulla SLSC (Cronulla/Sutherland), Coogee SLSC (Randwick), Bondi SBLSC (Waverley),
 - (xix) Patrol Efficiency: Burning Palms SLSC (Royal National Park), Wanda, Elouera, North Cronulla SLSC's (Cronulla/Sutherland), South Maroubra SLSC (Randwick), Bronte SLSC (Waverley),
 - (xx) Gear Inspection Winner: (joint winners) Burning Palms and Era SLSC's,
 - (xxi) ORB Member of the Year: Jake McDonald, Maroubra SLSC,
 - (xxii) RWC Member of the Year: Chris Chambers, Cronulla SLSC,
 - (xxiii) Support Operations Member of the Year: Jackson Towns, Elouera SLSC,
 - (xxiv) Services Team of the Year: Bondi Education Team, Bondi SBLSC,
 - (xxv) Surf Sports Athlete of the Year: Ali Najem, Wanda SLSC,
 - (xxvi) Surf Sports Youth Athlete of the Year: Michael Hanna, Elouera SLSC,
 - (xxvii) Surf Sports U15 Athlete of the Year: (joint winners) Peter Thoroughgood, Elouera SLSC Lily Finati, North Bondi SLSC,
 - (xxviii) Surf Sports Masters Athlete of the Year: Dori Miller, Bondi SBLSC,
 - (xxix) Surf Sports Team of the Year: Open Mens Board Rescue Team Hayden Allum and Nathan Smith, Wanda SLSC,
 - (xxx) Surf Sports Coach of the Year: Chris Davis, Elouera SLSC,
 - (xxx1) Surf Sports Tony Hughes Official of the Year: Carlo Villanti, Cronulla SLSC,
 - (xxx2) Director of Surf Sports Award: Michael Day, North Cronulla SLSC,
 - (xxx3) 2019 Branch Open Championship Pointscore: Wanda SLSC,
 - (xxx4) 2019 Branch Age Championships Pointscore: Elouera SLSC,
 - (xxx5) 2019 Branch Masters Championship Pointscore: Bondi SBLSC,
 - (xxx6) JD Female Lifesaver of the Year: Sarah Teitler, South Maroubra SLSC,
 - (xxx7) JD Male Lifesaver of the Year: Thomas McFarland, Bondi SBLSC,
 - (xxx8) JD Athlete of the Year 9-10 years: Ashton Briffa, South Maroubra SLSC,
 - (xxx9) JD Athlete of the Year 11-12 years: Fred Carmody, North Bondi SLSC,
 - (xl) JD Athlete of the Year 13-14 years: JD Team of the Year Zara Lammers, Wanda SLSC,
 - (xli) JD Age Manager of the Year: Justin Ingram, Cronulla SLSC,
 - (xlii) JD Team of the Year: U13 Male and Female Beach Teams, Coogee SLSC, and
- (d) those who attended as guests included:
- (i) the Honourable Taylor Martin, MLC,
 - (ii) Dr Marjorie O'Neill MP, Member for Coogee,
 - (iii) George Shales, President of Surf Life Saving Sydney and Surf Life Saving Sydney office bearers,
 - (iv) Mr Steven Pearce AFSM, CEO Surf Life Saving New South Wales,
 - (v) Mr Graham Ford, President Surf Life Saving Australia,
 - (vi) Mr Ernest Stephens, Patron Surf Life Saving Sydney,
 - (vii) Surf Life Saving Sydney Life Members,
 - (viii) Surf Life Saving Sydney Club Presidents.

2. That this House congratulates:

- (a) award recipients for their dedication and commitment to the community of Sydney and the safety of its beaches, and
- (b) Surf Life Sydney Branch and its member clubs for a successful 2018-19 season.

Debate resumed.

Question put and passed.

16 ORDER FOR PAPERS—ASBESTOS IN PUBLIC SCHOOLS

Mrs Houssos moved, according to sessional order: That private members' business item no. 229 outside the order of precedence be considered in a short form format.

Question put and passed.

Mrs Houssos, by leave, amended private members' business item no. 229 outside the order of precedence by:

1. Omitting in paragraph 1 "or Minister for Education and Early Childhood Learning".
2. Omitting in paragraph 2:
 - (a) "21 days" and inserting instead "28 days", and
 - (b) "or Minister for Education and Early Childhood learning".
3. Omitting in paragraph 2 (a) "the Department of Education" and inserting instead "School Infrastructure NSW".
4. Omitting paragraphs 2 (b), 2 (c) and 2 (d) and inserting instead:

"2(b) a list of any asbestos abatement work undertaken in public schools,
 2(c) the asbestos removal control plan for the 2,185 public schools listed on the asbestos register,
 and
 2(d) the remedial action plan for the 2,185 public schools listed on the asbestos register."
5. Omitting paragraphs 2(e), 2(f), 2(g) and 2(h).

Mrs Houssos moved, according to notice, as by leave amended:

1. That, under standing order 52 there be laid upon the table of the House within 7 days of the passing of this resolution the following documents in the possession, custody or control of the Department of Education:
 - (a) 2018 and 2019 Schools Asbestos Register (Hazardous Materials and Risk Assessment) including updates and amendments for the 2,185 public schools listed on the register,
 - (b) site specific asbestos management plans, where applicable, for the 2,185 public schools listed on the 2018 and 2019 asbestos register, and
 - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
2. That, under standing order 52, there be laid upon the table of the House within 28 days of the passing of this resolution the following documents created since 1 January 2017 in the possession, custody or control of the Department of Education:
 - (a) all correspondence from School Infrastructure NSW informing employees of the presence of asbestos in public schools,
 - (b) a list of any asbestos abatement work undertaken in public schools,
 - (c) the asbestos removal control plan for the 2,185 public schools listed on the asbestos register,
 - (d) the remedial action plan for the 2,185 public schools listed on the asbestos register, and
 - (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

3. That the Department of Education provide indexes for any papers returned in both hardcopy in no less than 12 point font and in electronic copy in a searchable format.

Debate ensued.

Question put and passed.

17 **PRESIDENT TRUMP**

Mr Latham moved, according to sessional order: That private members' business item no. 231 outside the order of precedence be considered in a short form format.

Question put and passed.

Mr Latham moved, according to notice:

1. That this House notes its resolution of 13 October 2016 in which it stated that it agreed with those who had described Mr Donald Trump as “a revolting slug unfit for public office”.
2. That this House further notes the disrespectful attacks on now President Trump in the New South Wales political system and disavows all such unfair and disparaging comments.
3. That this House notes President Trump’s achievements in economic growth and international security, especially his policy of avoiding American involvement in foreign ground wars.
4. That this House notes Prime Minister Scott Morrison's description of President Trump as “a good President for Australia”.
5. That this House conveys its congratulations to President Trump for his ongoing close relations with Australia, expressed through his round of successful meetings with Prime Minister Scott Morrison.

Debate ensued.

Ms Boyd moved that the question be amended by:

1. Omitting paragraph 2. and inserting instead:
 - "2. That this House further notes the disrespectful and disparaging comments made by President Trump in relation to a number of individuals, organisations and countries over the course of his presidency".
2. Omitting paragraphs 3., 4. and 5.
3. Inserting a new paragraph:
 - "3. That this House reaffirms its condemnation of the misogynistic, hateful comments made by President Trump about women and minorities and again reflects on the divisive, destructive impact that hate speech from political candidates and members of elected office has on our community."

Debate continued.

Mr Field moved that the motion be amended by omitting paragraphs 2, 3 and 5, and inserting at the end the following paragraph:

- "3. That the House notes the truism that you are judged by the company you keep."

The amendment of Ms Boyd put.

The House divided.

Ayes 19

Ms Boyd	Mrs Houssos	Mr Primrose
Mr Buttigieg *	Ms Hurst	Mr Secord
Mr D'Adam *	Ms Jackson	Ms Sharpe
Mr Donnelly	Mr Mookhey	Mr Shoebridge
Ms Faehrmann	Ms Moriarty	Mr Veitch
Mr Field	Mr Moselmane	
Mr Graham	Mr Pearson	* Tellers

Noes 20

Mr Amato	Mr Franklin	Mrs Mitchell
Mr Banasiak	Mr Harwin	Revd Mr Nile
Mr Blair	Mr Latham	Mr Roberts
Mr Borsak	Mrs Maclaren-Jones *	Mrs Taylor
Ms Cusack	Mr Mallard	Mr Tudehope
Mr Fang *	Mr Martin	Mrs Ward
Mr Farlow	Mr Mason-Cox	* Tellers

Pairs

Mr Ajaka

Mr Searle

Question resolved in the negative.

Amendment negatived.

Mr Field, by leave, withdrew his amendment.

Original question put.

The House divided.

Ayes 20

Mr Amato	Mr Franklin	Mrs Mitchell
Mr Banasiak	Mr Harwin	Revd Mr Nile
Mr Blair	Mr Khan	Mr Roberts
Mr Borsak	Mrs Maclaren-Jones *	Mrs Taylor
Ms Cusack	Mr Mallard	Mr Tudehope
Mr Fang *	Mr Martin	Mrs Ward
Mr Farlow	Mr Mason-Cox	* Tellers

Noes 19

Ms Boyd	Mrs Houssos	Mr Searle
Mr Buttigieg *	Ms Jackson	Mr Secord
Mr D'Adam *	Mr Mookhey	Ms Sharpe
Mr Donnelly	Ms Moriarty	Mr Shoebridge
Ms Faehrmann	Mr Moselmane	Mr Veitch
Mr Field	Mr Pearson	
Mr Graham	Mr Primrose	* Tellers

Pairs

Mr Ajaka

Mr Searle

Question resolved in the affirmative.

18 ASSENT TO BILL

The Acting President (Mr Khan) reported receipt of a message from His Excellency the Lieutenant-Governor intimating assent to the following bill:

26 September	Act No. 2019
Justice Legislation Amendment Bill 2019.....	10

19 PLASTIC SHOPPING BAGS (PROHIBITION ON SUPPLY BY RETAILERS) BILL 2019

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

Debate resumed.

Question put.

The House divided.

Ayes 18

Ms Boyd	Mr Graham	Mr Pearson
Mr Buttigieg *	Mrs Houssos	Mr Primrose
Mr D'Adam *	Ms Hurst	Mr Secord
Mr Donnelly	Ms Jackson	Ms Sharpe
Ms Faehrmann	Ms Moriarty	Mr Shoebridge
Mr Field	Mr Moselmane	Mr Veitch
		* Tellers

Noes 16

Mr Amato	Mr Harwin	Revd Mr Nile
Mr Blair	Mr Latham	Mr Roberts
Ms Cusack	Mrs Maclaren-Jones *	Mrs Taylor
Mr Fang *	Mr Mallard	Mrs Ward
Mr Farlow	Mr Martin	
Mr Franklin	Mr Mason-Cox	* Tellers

Pairs

Mr Ajaka
Mrs Mitchell

Mr Searle
Mr Mookhey

Question resolved in the affirmative.

Bill read a second time.

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

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

Bill forwarded to the Legislative Assembly for concurrence.

20 RETURN TO ORDER—DISCLOSURES OF MINISTER SIDOTI—MINISTERIAL CODE OF CONDUCT

The Clerk, according to the resolution of the House of 19 September 2019, tabled:

- (a) Documents relating to disclosures of Minister Sidoti and the Ministerial Code of Conduct, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.
- (b) A return identifying documents received this day which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

21 DISPUTED CLAIM OF PRIVILEGE—LANDCOM—TABLING OF PRIVILEGED DOCUMENTS

The Clerk, according to the resolution of the House of 19 September 2019, tabled a redacted version of the Treasury documents in relation to Landcom identified as not privileged in the report of the Independent Legal Arbiter, the Honourable Keith Mason AC QC, dated 13 September 2019.

22 BUSINESS POSTPONED

- (1) Private members' business item no. 5 inside the order of precedence postponed, on the motion of Mrs Maclaren-Jones (on behalf of Mrs Ward), until the next sitting day.
- (2) Private members' business item no. 8 inside the order of precedence postponed, on the motion of Mrs Maclaren-Jones (on behalf of Ms Cusack), until the next sitting day.
- (3) Private members' business item no. 237 outside the order of precedence postponed, on the motion of Mrs Maclaren-Jones (on behalf of Mr Borsak), until the next sitting day.
- (4) Private members' business item no. 247 outside the order of precedence postponed, on the motion of Mrs Maclaren-Jones (on behalf of Mr Banasiak), until the next sitting day.
- (5) Private members' business item no. 10 inside the order of precedence postponed, on the motion of Mrs Maclaren-Jones (on behalf of Ms Boyd), until the next sitting day.

23 ORDER FOR PAPERS—TEMPORARY SOIL WEIRS ON THE PEEL RIVER

Ms Faehrmann moved, according to sessional order: That private members' business item no. 183 outside the order of precedence be considered in a short form format.

Question put and passed.

Ms Faehrmann moved, according to notice: That under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning, Industry and Environment, WaterNSW and the Minister for Water:

- (a) all documents created by WaterNSW relating to the environmental impact of the construction of temporary soil weirs on the Peel River near Dungowan Village and the Jewry Street bridges,
- (b) all documents created by WaterNSW relating to the ecological community present in the Peel River including platypus populations,
- (c) all documents relating to predicted water efficiencies to be created by the construction of temporary weirs on the Peel River, and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Question put.

The House divided.

Ayes 19

Ms Boyd *	Mrs Houssos	Mr Primrose
Mr Buttigieg	Ms Hurst	Mr Roberts
Mr D'Adam	Ms Jackson	Ms Sharpe
Mr Donnelly	Mr Latham	Mr Shoebridge
Ms Faehrmann *	Ms Moriarty	Mr Veitch
Mr Field	Mr Moselmane	
Mr Graham	Mr Pearson	* Tellers

Noes 14

Mr Amato	Mr Franklin	Mr Martin
Mr Blair	Mr Harwin	Mr Mason-Cox
Ms Cusack	Mr Khan	Mrs Taylor
Mr Fang *	Mrs Maclaren-Jones *	Mr Tudehope
Mr Farlow	Mr Mallard	
		* Tellers

Pairs

Mr Ajaka	Mr Searle
Mrs Mitchell	Mr Mookhey
Mrs Ward	Mr Secord

Question resolved in the affirmative.

24 CRIMES AMENDMENT (ZOE'S LAW) BILL 2019

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

Debate resumed.

Ms Boyd moved: That the question be amended by omitting "now" and inserting at the end "this day six months."

Motion made (Mrs Maclaren-Jones) and question: That this debate be now adjourned until next sitting day—put and passed.

25 ORDER FOR PAPERS—NATIVE VEGETATION CODE REVIEW

Mr Field moved, according to sessional order: That private' members' business item no. 249 outside the order of precedence be considered in a short form format.

Question put and passed.

Mr Field, by leave, amended private members' business item no. 249 outside the order of precedence by omitting in paragraph (a) "commissioned by the Premier on 14 January 2019 and submitted by the Natural Resources Commission to the Minister for Agriculture and Minister for the Environment on 31 July 2019" and inserting instead "identified in the Portfolio Committee No. 7 budget estimates hearing of 13 September 2019".

Mr Field moved, according to notice: That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Natural Resources Commission, Department of Planning, Industry and Environment, or the Department of Premier and Cabinet:

- (a) the report by the Natural Resources Commission into native vegetation codes, prescribed under the *Local Land Services Act 2013* and the *Land Management (Native Vegetation) Code 2018*, as identified in the Portfolio Committee No. 7 budget estimates hearing of 13 September 2019, and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Question put.

The House divided.

Ayes 17

Ms Boyd	Mr Graham	Mr Pearson
Mr Buttigieg	Mrs Houssos	Mr Primrose
Mr D'Adam	Ms Hurst	Ms Sharpe
Mr Donnelly	Ms Jackson	Mr Shoebridge
Ms Faehrmann *	Ms Moriarty	Mr Veitch
Mr Field *	Mr Moselmane	

* Tellers

Noes 16

Mr Amato	Mr Harwin	Revd Mr Nile
Mr Blair	Mr Latham	Mr Roberts
Ms Cusack	Mrs Maclaren-Jones *	Mrs Taylor
Mr Fang *	Mr Mallard	Mr Tudehope
Mr Farlow	Mr Martin	
Mr Franklin	Mr Mason-Cox	* Tellers

Pairs

Mr Ajaka	Mr Searle
Mrs Mitchell	Mr Mookhey
Mrs Ward	Mr Secord

Question resolved in the affirmative.

26 SILICOSIS AND MANUFACTURED STONE

Mr Shoebridge moved, according to sessional order: That private members' business item no. 251 outside the order of precedence be considered in a short form format.

Question put and passed.

Mr Shoebridge moved, according to notice:

1. That this House notes that:
 - (a) Dr Chris Colquhoun, the Chief Medical Officer for ICare, which manages the largest dust disease compensation scheme in Australia, advised the Law and Justice Committee on Friday 20 September 2019 that there was no safe exposure level to silica dust created by cutting manufactured stone,
 - (b) Dr Colquhoun's evidence was that: "... any time you are cutting manufactured stone you have to make the assumption that if you breathe the stuff in you are going to die",
 - (c) the Committee also heard evidence from the Royal Australasian College of Physicians including from Dr Graeme Edwards who said: "my youngest patient is 23. I have one patient who had to explain to their eight year-old child that they're dying",
 - (d) there were 40 cases of silicosis reported in New South Wales in 2018-2019, up from eight the previous financial year, and this figure almost certainly underestimates the number of cases,
 - (e) there are thousands of workers in the manufactured stone industry in New South Wales all of who are exposed to silica dust, often at appalling high levels,
 - (f) whether the product is dry or wet cut, manufactured stone inevitably produces silica dust that is inhaled by workers in the industry and in associated trades, and
 - (g) doctors and unions, including the CFMEU, have called for manufactured stone to be a banned product to prevent more workers dying.
2. That this House calls on the Government to:
 - (a) take all necessary steps to institute a State-wide ban on manufactured stone products, and

- (b) immediately issue safe handling guidelines that identify the potentially lethal risk of inhaling any silica dust from cut manufactured stone.

Debate ensued.

Mrs Maclaren-Jones moved: That the question be amended by:

1. omitting in paragraph 2(a) "take all necessary steps to institute" and inserting instead "immediately consider the viability and impact of", and
2. inserting the following new paragraph:

"2(b) Take all necessary steps to enforce a State-wide ban on dry cutting of manufactured stone in New South Wales, and"

Debate continued.

Question: That the amendment of Mrs Maclaren-Jones be agreed to—put and passed.

Original question, as amended:

1. That this House notes that:
 - (a) Dr Chris Colquhoun, the Chief Medical Officer for ICare, which manages the largest dust disease compensation scheme in Australia, advised the Law and Justice Committee on Friday 20 September 2019 that there was no safe exposure level to silica dust created by cutting manufactured stone,
 - (b) Dr Colquhoun's evidence was that: "... any time you are cutting manufactured stone you have to make the assumption that if you breathe the stuff in you are going to die",
 - (c) the Committee also heard evidence from the Royal Australasian College of Physicians including from Dr Graeme Edwards who said: "my youngest patient is 23. I have one patient who had to explain to their eight year-old child that they're dying",
 - (d) there were 40 cases of silicosis reported in New South Wales in 2018-2019, up from eight the previous financial year, and this figure almost certainly underestimates the number of cases,
 - (e) there are thousands of workers in the manufactured stone industry in New South Wales all of who are exposed to silica dust, often at appalling high levels,
 - (f) whether the product is dry or wet cut, manufactured stone inevitably produces silica dust that is inhaled by workers in the industry and in associated trades, and
 - (g) doctors and unions, including the CFMEU, have called for manufactured stone to be a banned product to prevent more workers dying.
2. That this House calls on the Government to:
 - (a) immediately consider the viability and impact of a State-wide ban on manufactured stone products,
 - (b) take all necessary steps to enforce a State-wide ban on dry cutting of manufactured stone in New South Wales, and
 - (c) immediately issue safe handling guidelines that identify the potentially lethal risk of inhaling any silica dust from cut manufactured stone.

Question put and passed.

27 THE RIGHT OF INDIGENOUS WOMEN TO SPEAK

Mr Latham moved, according to sessional order: That private members' business item no. 250 outside the order of precedence be considered in a short form format.

Question put and passed.

Mr Latham moved, according to notice:

1. That this House supports the right of Indigenous women and elected representatives like Jacinta Price to speak in any part of New South Wales of their choosing about the issues facing Indigenous people.
2. That, having passed enabling legislation for Aboriginal Land Councils, this House urges these councils to respect free speech and engage in open debate about the best way forward for the Indigenous cause in this State.

Mr Harwin moved: That the question be amended by:

- (a) In paragraph 1, omit the words "like Jacinta Price to speak in any part of New South Wales of their choosing" and insert instead "to speak".
- (b) In paragraph 2, omit all words after "That" and insert instead "this House supports the right of Aboriginal Land Councils to facilitate free and open discussion to drive social, cultural and economic outcomes."

Debate ensued.

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

The House divided.

Ayes 30

Mr Amato	Mr Field	Mr Mason-Cox
Mr Blair	Mr Franklin	Ms Moriarty
Ms Boyd	Mr Graham	Mr Moselmane
Mr Buttigieg	Mr Harwin	Mr Pearson
Ms Cusack	Mrs Houssos	Mr Primrose
Mr D'Adam	Ms Hurst	Mr Shoebridge
Mr Donnelly	Ms Jackson	Mrs Taylor
Ms Faehrmann	Mrs Maclaren-Jones *	Mr Tudehope
Mr Fang *	Mr Mallard	Mr Veitch
Mr Farlow	Mr Martin	Mrs Ward

* Tellers

Noes 3

Mr Latham *	Revd Mr Nile	Mr Roberts *
-------------	--------------	--------------

* Tellers

Question resolved in the affirmative.

Original question, as amended:

1. That this House supports the right of Indigenous women and elected representatives to speak about the issues facing Indigenous people.
2. That this House supports the right of Aboriginal Land Councils to facilitate free and open discussion to drive social, cultural and economic outcomes.

Question put and passed.

28 ORDERS FOR PAPERS—MAULES CREEK COAL MINE

Ms Faehrmann moved, according to sessional order: That private members' business item no 230 outside the order of precedence be considered in a short form format.

Question put and passed.

Ms Faehrmann moved, according to notice: That under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning, Industry and Environment (the department), or Minister for Water, Property and Housing:

- (a) department reviews of the 2014 and 2019 water management plans prepared by the operator of the Maules Creek coal mine (the operator) as required by the conditions of project approval (project approval) issued on 23 October 2012 under the *Environmental Planning and Assessment Act 1979*,
- (b) department reviews of the operator's 2017 and 2018 annual reviews as required by the conditions of the project approval,
- (c) any correspondence or other documents, created since 28 March 2018, between the department and the Land and Water Commissioner regarding the Maules Creek coal mine and Maules Creek surface water and interconnected groundwater system,
- (d) all water management plans and associated documents created by the operator since 1 January 2017, including any associated groundwater modelling, as required by the project approval,
- (e) any combined Boggabri coal mine, Tarrawonga coal mine and Maules Creek coal mine groundwater models and associated documents created since 1 January 2017,
- (f) any independent review, commissioned by the operator as required by the project approval, of a combined Boggabri coal mine, Tarrawonga coal mine and Maules Creek coal mine groundwater model created since 1 January 2017,
- (g) any briefing prepared by the operator for the department created since 1 January 2017,
- (h) any correspondence or other documents between the operator and the department that demonstrates that the water present in the Maules Creek coal mine pit on 16 April 2018 was not passive take from the Maules Creek interconnected groundwater system,
- (i) the investigation report and documents developed in response to the complaint made by the Maules Creek Community Council to the department regarding ground and surface water at Maules Creek, and
- (j) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Question put and passed.

29 ADJOURNMENT

Mr Harwin moved: That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 7.39 pm until Tuesday 15 October 2019 at 2.30 pm.

30 ATTENDANCE

All members present, except the President and Mr Searle.

David Blunt
Clerk of the Parliaments

Authorised by the Parliament of New South Wales