

1996-97

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NEW SOUTH WALES

Legislative Council

---

(SECOND SESSION OF THE FIFTY-FIRST PARLIAMENT)

(Commencing 16 April 1996 and ending 30 July 1997)

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**REPORT**

OF

**DIVISIONS**

IN

COMMITTEE OF THE WHOLE COUNCIL

DURING THE

SESSION 1996-97

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| CONTENTS                                                                              | Number of<br>Division |
|---------------------------------------------------------------------------------------|-----------------------|
| Appropriation (Parliament) Bill.....                                                  | 61                    |
| Business Franchise Licences (Tobacco) Amendment Bill .....                            | 89-90                 |
| Children (Protection and Parental Responsibility) Bill.....                           | 121-122               |
| City of Sydney Amendment Bill .....                                                   | 113-117               |
| Crimes Amendment (Apprehended Violence Orders) Bill.....                              | 101                   |
| Crimes Amendment (Children's Evidence) Bill.....                                      | 66                    |
| Crimes Amendment (Mandatory Life Sentences) Bill .....                                | 1                     |
| District Court Amendment Bill .....                                                   | 126                   |
| Environmental Planning and Assessment (Contaminated Land) Bill .....                  | 41                    |
| Environmental Planning and Assessment Legislation Amendment Bill .....                | 127                   |
| Fair Trading Legislation Amendment Bill.....                                          | 123-124               |
| Firearms Bill.....                                                                    | 63                    |
| Forestry Revocation and National Park Reservation Bill .....                          | 97-99                 |
| Forests and Flora Reserves Revocation Bill.....                                       | 59                    |
| Guardianship Amendment Bill .....                                                     | 104                   |
| Heritage Amendment Bill.....                                                          | 68                    |
| Industrial Relations Bill.....                                                        | 2-40                  |
| Industrial Relations Amendment Bill .....                                             | 67                    |
| Legal Aid Commission Amendment Bill .....                                             | 128                   |
| Liquor and Registered Clubs Legislation Further Amendment Bill .....                  | 74                    |
| Local Government Amendment Bill.....                                                  | 64                    |
| Local Government Amendment Bill 1997.....                                             | 118-120               |
| Local Government Amendment (Nude Bathing) Bill.....                                   | 100                   |
| Mental Health Legislation Amendment.....                                              | 105-106               |
| Noxious Weeds Amendment Bill .....                                                    | 65                    |
| Pawnbrokers and Second-hand Dealers Bill.....                                         | 42                    |
| Police Legislation Further Amendment Bill.....                                        | 91-96                 |
| Port Kembla Development (Special Provisions) Bill .....                               | 112                   |
| Prevention of Cruelty to Animals Amendment Bill.....                                  | 129-134               |
| Prisons Amendment Bill.....                                                           | 48                    |
| Regulatory Reduction Bill .....                                                       | 73                    |
| Rural Fires Bill .....                                                                | 125                   |
| Smoking Regulation Bill .....                                                         | 102-103               |
| State Environmental Planning (Permissible Mining) Bill.....                           | 49-52                 |
| State Revenue Legislation Amendment (Howard and Costello) Bill .....                  | 62                    |
| State Revenue Legislation Amendment Bill.....                                         | 108-109               |
| Superannuation Legislation Amendment Bill.....                                        | 69                    |
| Sydney Organising Committee for the Olympic Games Further Amendment Bill .....        | 70-72                 |
| Totalizator (Off-course Betting) Amendment Bill .....                                 | 107                   |
| Transgender (Anti-Discrimination and Other Acts Amendment) Bill.....                  | 43-47                 |
| Transport Administration Amendment (Rail Corporatisation and Restructuring) Bill..... | 53-58                 |
| Victims Compensation Bill.....                                                        | 75                    |
| Victims Rights Bill .....                                                             | 76                    |
| Warnervale Airport (Restrictions) Bill .....                                          | 60                    |
| Water and Environmental Planning Legislation Amendment Bill .....                     | 135-136               |
| WorkCover Legislation Amendment Bill (No. 2) .....                                    | 77-88                 |
| Young Offenders Bill .....                                                            | 110-111               |

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Legislative Council

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(SECOND SESSION OF THE FIFTY FIRST PARLIAMENT)

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## REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL

---

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS

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WEDNESDAY 24 APRIL 1996

No. 1

### **Crimes Amendment (Mandatory Life Sentences) Bill**

Schedule 1 read.

Page 3.

Amendments, by leave, taken in globo.

Mr Jones moved:

Page 3, Schedule 1, line 8. After “satisfied”, insert “beyond reasonable doubt”.

Page 3, Schedule 1, line 18. After “satisfied”, insert “beyond reasonable doubt”.

Page 3, Schedule 1, line 23. After “satisfied”, insert “beyond reasonable doubt”.

Debate ensued.

Question put: That the amendments of Mr Jones be agreed to.

The Committee divided (Mr Gay in the Chair).

## Ayes 5

Mr Cohen  
Mr Corbett  
Ms Kirkby

Tellers  
Mr Jones  
Mr Tingle

## Noes 33

Mrs Arena  
Mr Bull Mr Johnson  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Dyer  
Mr Egan  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith  
Mr Hannaford  
Mrs Isaksen

Mr Jobling  
Mr Shaw  
Mr Kaldis  
Mr Kersten  
Mr Lynn  
Mr Manson  
Mr Moppett  
Mrs Nile  
Revd Mr Nile  
Mr Obeid  
Dr Pezzutti  
Ms Saffin  
Mr Samios

Mrs Sham-Ho  
Mr Smith  
Ms Staunton  
Mr Vaughan  
Tellers  
Mr Primrose  
Mr Ryan

Question resolved in the negative.

Amendments negatived.

Schedule 1 agreed to without amendment.

---

TUESDAY 30 APRIL 1996

No. 2

**Industrial Relations Bill**

Bill taken by Parts.

Chapter 1 read.

Clauses 1 to 9 read.

Page 4.

Mr Hannaford moved:

Page 4, clause 6 (2) (e), lines 19 and 20. Omit “(or the refusal to employ)”.

Debate ensued.

Question put: That the amendment of Mr Hannaford be agreed to.  
The Committee divided (Mr Gay in the Chair).

Ayes 18

Mr Bull Mr Lynn  
 Mrs Chadwick  
 Mrs Forsythe  
 Mr Gallacher  
 Dr Goldsmith  
 Mr Hannaford  
 Mr Jobling  
 Mr Kersten

Tellers  
 Mr Moppett  
 Mrs Nile  
 Revd Mr Nile  
 Dr Pezzutti  
 Mr Samios  
 Mrs Sham-Ho  
 Mr Smith

Miss Gardiner  
 Mr Ryan

Noes 22

Mrs Arena  
 Dr Burgmann  
 Ms Burnswoods  
 Mr Cohen  
 Mr Corbett  
 Mr Dyer  
 Mr Egan  
 Mrs Isaksen  
 Mr Johnson

Mr Jones  
 Ms Kirkby  
 Mr Macdonald  
 Mr Manson  
 Mr Obeid  
 Mr Primrose  
 Ms Saffin  
 Mr Shaw  
 Mrs Symonds

Mr Tingle  
 Mr Vaughan

Tellers  
 Mr Kaldis  
 Ms Staunton

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 3

### Same Bill

Same Chapter.

Page 4.

Mr Hannaford moved:

Page 4, clause 6 (2) (f), lines 22-24. Omit “, whether on a ground of discrimination to which the *Anti-Discrimination Act 1977* applies or otherwise “, insert instead “on a ground to which the *Anti-Discrimination Act 1997* applies”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 21

|               |           |              |              |
|---------------|-----------|--------------|--------------|
| Mr Bull       | Ms Kirkby | Mr Smith     |              |
| Mrs Chadwick  |           | Mr Lynn      | Mr Tingle    |
| Mrs Forsythe  |           | Mr Moppett   | Mr Willis    |
| Mr Gallacher  |           | Mrs Nile     |              |
| Miss Gardiner |           | Revd Mr Nile | Tellers      |
| Mr Hannaford  |           | Mr Ryan      |              |
| Mr Jobling    |           | Mr Samios    | Dr Goldsmith |
| Mr Kersten    |           | Mrs Sham-Ho  | Dr Pezzutti  |

## Noes 20

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Mrs Symonds |
| Dr Burgmann   | Mr Kaldis    | Mr Vaughan  |
| Ms Burnswoods | Mr Macdonald |             |
| Mr Cohen      | Mr Obeid     |             |
| Mr Dyer       | Mr Primrose  | Tellers     |
| Mr Egan       | Ms Saffin    |             |
| Mrs Isaksen   | Mr Shaw      | Mr Corbett  |
| Mr Johnson    | Ms Staunton  | Mr Manson   |

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words omitted and inserted.

No. 4

### Same Bill

Same Chapter.

Page 4.

Mr Hannaford moved:

Page 4, clause 6 (2) (i), lines 27 and 28. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 18

|               |              |             |          |
|---------------|--------------|-------------|----------|
| Mr Bull       | Mr Jobling   |             |          |
| Mrs Chadwick  |              | Mrs Sham-Ho |          |
| Mrs Forsythe  | Mr Moppett   |             | Mr Smith |
| Mr Gallacher  | Mrs Nile     |             |          |
| Miss Gardiner | Revd Mr Nile |             | Tellers  |
| Dr Goldsmith  | Dr Pezzutti  |             |          |
| Mr Hannaford  | Mr Ryan      | Mr Kersten  |          |
|               | Mr Samios    |             | Mr Lynn  |

Noes 22

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Mr Tingle   |
| Ms Burnswoods | Ms Kirkby    | Mr Vaughan  |
| Mr Cohen      | Mr Macdonald |             |
| Mr Corbett    | Mr Obeid     |             |
| Mr Dyer       | Mr Primrose  |             |
| Mr Egan       | Ms Saffin    | Tellers     |
| Mrs Isaksen   | Mr Shaw      |             |
| Mr Johnson    | Ms Staunton  | Dr Burgmann |
| Mr Jones      | Mrs Symonds  | Mr Manson   |

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 5

**Same Bill**

Same Chapter.

Page 4.

Mr Hannaford moved:

Page 4, clause 6 (2) (j), line 29. Omit all words on that line.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 18

|               |              |             |             |
|---------------|--------------|-------------|-------------|
| Mr Bull       | Mr Jobling   |             |             |
| Mrs Chadwick  |              | Mrs Sham-Ho |             |
| Mrs Forsythe  | Mr Kersten   |             | Mr Smith    |
| Mr Gallacher  | Mr Lynn      |             |             |
| Miss Gardiner | Mr Moppett   |             | Tellers     |
| Dr Goldsmith  | Revd Mr Nile |             |             |
| Mr Hannaford  | Mr Ryan      | Mrs Nile    |             |
|               | Mr Samios    |             | Dr Pezzutti |
|               | Noes 22      |             |             |

|             |              |               |
|-------------|--------------|---------------|
| Mrs Arena   | Mr Kaldis    | Mr Tingle     |
| Dr Burgmann | Ms Kirkby    | Mr Vaughan    |
| Mr Cohen    | Mr Macdonald |               |
| Mr Corbett  | Mr Manson    |               |
| Mr Dyer     | Mr Obeid     |               |
| Mr Egan     | Mr Primrose  | Tellers       |
| Mrs Isaksen | Mr Shaw      |               |
| Mr Johnson  | Ms Staunton  | Ms Burnswoods |
| Mr Jones    | Mrs Symonds  | Ms Saffin     |

Question resolved in the negative.

Amendment negatived.

Other amendments being proposed and agreed to, Chapter 1 and clauses 1 to 9 agreed to with amendments.

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TUESDAY 14 MAY 1996

No. 6

**Same Bill**

Chapters 1 and 2 read.

Clauses 1 to 9 and 10 to 129 read.

Pages 5, 14, 15, and 21.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 5, clause 7, line 3. Omit “, project”.

Page 14, clause 30 (c), lines 15 and 16. Omit all words on those lines.

Page 15, clause 31 (4), line 11. Omit “project, venture or other”.

Page 21, clause 42 (3), lines 3-5. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

## Ayes 14

Mr Bull Mr Kersten  
 Mrs Chadwick  
 Miss Gardiner  
 Dr Goldsmith  
 Mr Hannaford  
 Mr Jobling

Tellers  
 Mr Lynn  
 Mr Moppett  
 Mr Ryan  
 Mrs Sham-Ho  
 Mr Smith

Mr Gallacher  
 Dr Pezzutti

## Noes 22

Dr Burgmann  
 Ms Burnswoods  
 Mr Cohen  
 Mr Dyer  
 Mr Egan  
 Mrs Isaksen  
 Mr Johnson  
 Mr Jones  
 Mr Kaldis

Ms Kirkby  
 Mr Manson  
 Mrs Nile  
 Revd Mr Nile  
 Mr Obeid  
 Mr Primrose  
 Ms Saffin  
 Mr Shaw  
 Ms Staunton

Mrs Symonds  
 Mr Vaughan

Tellers

Mr Corbett  
 Mr Tingle

## Pairs

Mrs Forsythe  
 Mr Samios

Mrs Arena  
 Mr Macdonald

Question resolved in the negative.

Amendment negatived.

Words stand.

Other amendments being proposed and agreed to, Chapters 1 and 2, and clauses 1 to 9 and 10 to 129 agreed to with amendments.

No. 7

**Same Bill**

Chapter 2 read.

Clauses 10 to 129 read.

Page 6.

Mr Hannaford moved:

Page 6, clause 11 (2), lines 16 and 17. Omit “or” where lastly occurring on line 16 and all words on line 17.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 15

|               |              |              |               |
|---------------|--------------|--------------|---------------|
| Mr Bull       | Mr Jobling   | Mr Tingle    |               |
| Mrs Chadwick  |              | Mr Lynn      |               |
| Mr Gallacher  |              | Mr Moppett   | Tellers       |
| Miss Gardiner |              | Dr Pezzutti  |               |
| Dr Goldsmith  |              | Mrs Sham-Ho  | Mr Kersten    |
| Mr Hannaford  |              | Mr Smith     | Mr Ryan       |
|               |              | Noes 21      |               |
| Dr Burgmann   |              | Ms Kirkby    | Mr Vaughan    |
| Mr Cohen      |              | Mr Manson    |               |
| Mr Corbett    |              | Mrs Nile     |               |
| Mr Dyer       |              | Revd Mr Nile |               |
| Mr Egan       |              | Mr Primrose  |               |
| Mrs Isaksen   |              | Ms Saffin    | Tellers       |
| Mr Johnson    |              | Mr Shaw      |               |
| Mr Jones      |              | Ms Staunton  | Ms Burnswoods |
| Mr Kaldis     |              | Mrs Symonds  | Mr Obeid      |
|               |              | Pairs        |               |
|               | Mrs Forsythe | Mrs Arena    |               |
|               | Mr Samios    | Mr Macdonald |               |

Question resolved in the negative.

Amendment negatived.

Words stand.

Chair reported progress and granted leave to sit again.

No. 8

### **Same Bill**

Same Chapter.

Page 7.

Mr Hannaford moved:

Page 7, clause 14 (3), lines 24-26. Omit all words on those lines, insert instead:  
(3) Dispute resolution procedures are to include procedures for consultation at the workplace.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 17

|              |            |              |               |
|--------------|------------|--------------|---------------|
| Mr Bull      | Mr Moppett | Mr Tingle    |               |
| Mrs Chadwick |            | Mrs Nile     |               |
| Mr Gallacher |            | Revd Mr Nile |               |
| Dr Goldsmith |            | Dr Pezzutti  | Tellers       |
| Mr Hannaford |            | Mr Ryan      |               |
| Mr Jobling   |            | Mr Samios    | Miss Gardiner |
| Mr Kersten   |            | Mr Smith     | Mr Lynn       |

Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Jones    | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Manson   |             |
| Mr Corbett    | Mr Obeid    |             |
| Mr Dyer       | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mrs Isaksen   | Ms Staunton | Mr Kaldis   |
| Mr Johnson    | Mrs Symonds | Mr Primrose |

Pairs

Mrs Forsythe  
Mrs Sham-Ho

Mrs Arena  
Mr Macdonald

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 9

### Same Bill

Same Chapter.

Pages 9 and 10.

Mr Hannaford moved:

Pages 9 and 10, clause 19.

Debate ensued.

Question put: That the clause as amended stand as a clause of the Bill.

The Committee divided (Mr Gay in the Chair).

## Ayes 20

|               |              |             |
|---------------|--------------|-------------|
| Ms Burnswoods | Ms Kirkby    | Mr Tingle   |
| Mr Cohen      | Mr Manson    | Mr Vaughan  |
| Mr Corbett    | Mrs Nile     |             |
| Mr Dyer       | Revd Mr Nile |             |
| Mr Egan       | Mr Primrose  | Tellers     |
| Mrs Isaksen   | Mr Shaw      |             |
| Mr Jones      | Ms Staunton  | Dr Burgmann |
| Mr Kaldis     | Mrs Symonds  | Ms Saffin   |

## Noes 14

|               |             |              |
|---------------|-------------|--------------|
| Mr Bull       | Mr Kersten  | Tellers      |
| Mrs Chadwick  | Mr Lynn     |              |
| Mrs Forsythe  | Dr Pezzutti |              |
| Mr Gallacher  | Mr Ryan     |              |
| Miss Gardiner | Mr Samios   | Dr Goldsmith |
| Mr Hannaford  | Mr Smith    | Mr Moppett   |

## Pairs

|              |             |
|--------------|-------------|
| Mrs Arena    | Mrs Sham-Ho |
| Mr Macdonald | Mr Jobling  |

Question resolved in the affirmative.

Clause 19 as amended agreed to.

No. 10

### Same Bill

Same Chapter.

Page 11.

Mr Hannaford moved:

- Page 11, clause 22 (1) and (2), lines 24-28. Omit all words on those lines, insert instead:
- (1) The number of ordinary working hours of an employee when set by an award must not exceed 40 hours a week, averaged over a 52 week period.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 14

Mr Bull Mr Lynn  
 Mrs Forsythe  
 Miss Gardiner  
 Dr Goldsmith  
 Mr Hannaford  
 Mr Kersten

Tellers  
 Mr Moppett  
 Dr Pezzutti  
 Mr Ryan  
 Mr Samios  
 Mr Smith

Mrs Chadwick  
 Mr Gallacher

## Noes 22

Dr Burgmann  
 Ms Burnswoods  
 Mr Cohen  
 Mr Corbett  
 Mr Dyer  
 Mr Egan  
 Mrs Isaksen  
 Mr Johnson  
 Mr Jones

Mr Kaldis  
 Ms Kirkby  
 Mr Manson  
 Revd Mr Nile  
 Mr Obeid  
 Mr Primrose  
 Ms Saffin  
 Mr Shaw  
 Ms Staunton

Mr Tingle  
 Mr Vaughan

Tellers

Mrs Nile  
 Mrs Symonds

## Pairs

Mr Jobling  
 Mrs Sham-Ho

Mrs Arena  
 Mr Macdonald

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 11

**Same Bill**

Same Chapter.

Page 12.

Mr Hannaford moved:

Page 12, clause 22. After line 3, insert:

- (4) When a Full Bench of the Commission deals with an application for a reduction in any such ordinary working hours, it must have regard to the public interest, and in particular to the economic consequences of the proposed reduction, with special reference to any adverse effects on the viability of any industry and to its likely effects on the level of employment and on inflation.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 16

|               |            |              |            |
|---------------|------------|--------------|------------|
| Mr Bull       | Mr Moppett | Tellers      |            |
| Mrs Chadwick  |            | Mrs Nile     |            |
| Mrs Forsythe  |            | Revd Mr Nile |            |
| Mr Gallacher  |            | Dr Pezzutti  |            |
| Miss Gardiner |            | Mr Ryan      |            |
| Dr Goldsmith  |            | Mr Samios    | Mr Kersten |
| Mr Hannaford  |            | Mr Smith     | Mr Lynn    |
| Noes 20       |            |              |            |
| Dr Burgmann   |            | Mr Kaldis    | Mr Tingle  |
| Ms Burnswoods |            | Ms Kirkby    | Mr Vaughan |
| Mr Cohen      |            | Mr Obeid     |            |
| Mr Corbett    |            | Mr Primrose  |            |
| Mr Dyer       |            | Ms Saffin    | Tellers    |
| Mr Egan       |            | Mr Shaw      |            |
| Mrs Isaksen   |            | Ms Staunton  | Mr Jones   |
| Mr Johnson    |            | Mrs Symonds  | Mr Manson  |
| Pairs         |            |              |            |
| Mr Jobling    |            | Mrs Arena    |            |
| Mrs Sham-Ho   |            | Mr Macdonald |            |

Question resolved in the negative.

Amendment negatived.

No. 12

### **Same Bill**

Same Chapter.

Page 14.

Mr Hannaford moved:

Page 14, clause 30. After line 19, insert:

(2) An enterprise agreement may (subject to this Part) be made for a single employee.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 16

Mr Bull Mr Kersten  
 Mrs Chadwick  
 Mrs Forsythe  
 Mr Gallacher  
 Miss Gardiner  
 Dr Goldsmith  
 Mr Hannaford

## Tellers

Mr Lynn  
 Mr Moppett  
 Mrs Nile  
 Revd Mr Nile  
 Mr Samios  
 Mr Tingle

Dr Pezzutti  
 Mr Ryan

## Noes 18

Dr Burgmann  
 Ms Burnswoods  
 Mr Corbett  
 Mr Dyer  
 Mrs Isaksen  
 Mr Johnson  
 Mr Jones

Mr Kaldis  
 Ms Kirkby  
 Mr Manson  
 Mr Obeid  
 Mr Primrose  
 Ms Saffin  
 Mr Shaw

Mrs Symonds  
 Mr Vaughan  
  
 Tellers  
  
 Mr Cohen  
 Ms Staunton

## Pairs

Mr Jobling  
 Mr Smith  
 Mrs Sham-Ho

Mrs Arena  
 Mr Egan  
 Mr Macdonald

Question resolved in the negative.

Amendment negatived.

Chair reported progress and granted leave to sit again.

WEDNESDAY 15 MAY 1996

No. 13

**Same Bill**

Same Chapter.

Page 14.

Mr Hannaford moved:

Page 14, clause 30. Before line 20, insert:

- (3) An enterprise agreement cannot be made for a group of employees if that group is limited by the agreement only to members of an industrial organisation.

Debate ensued.

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

The Committee divided (Dr Goldsmith in the Chair).

Ayes 19

|                 |              |            |
|-----------------|--------------|------------|
| Mr Bull Mr Lynn | Mr Willis    |            |
| Mrs Chadwick    | Mrs Nile     |            |
| Mrs Forsythe    | Revd Mr Nile |            |
| Mr Gallacher    | Dr Pezzutti  |            |
| Miss Gardiner   | Mr Ryan      | Tellers    |
| Mr Hannaford    | Mr Samios    |            |
| Mr Kersten      | Mrs Sham-Ho  | Mr Jobling |
| Ms Kirkby       | Mr Tingle    | Mr Moppett |

Noes 18

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Jones    | Mrs Symonds |
| Ms Burnswoods | Mr Kaldis   | Mr Vaughan  |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose | Tellers     |
| Mr Dyer       | Ms Saffin   |             |
| Mr Egan       | Mr Shaw     | Mrs Isaksen |
| Mr Johnson    | Ms Staunton | Mr Manson   |

Pairs

Mr Gay  
Mr Smith

Mr Macdonald  
Mrs Arena

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

No. 14

### **Same Bill**

Same Chapter.

Page 15.

Mr Hannaford moved:

Page 15, clause 31. After line 12, insert:

- (5) Any person or body appointed as the representative of the employees for whom an enterprise agreement under subsection (2) is made may sign the agreement on behalf of the employees and may apply for approval of the agreement. The appointment of any such representative must be approved at a secret ballot by not less than 65% of the employees who are to be covered by the agreement at the time the ballot is conducted. In that case, the employees are taken to be a party to the agreement and not the representative.

Debate ensued.

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

The Committee divided (Dr Goldsmith in the Chair).

## Ayes 17

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Lynn      | Mr Tingle  |
| Mrs Chadwick  | Mrs Nile     |            |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  | Tellers    |
| Miss Gardiner | Mr Ryan      |            |
| Mr Hannaford  | Mr Samios    | Mr Jobling |
| Mr Kersten    | Mrs Sham-Ho  | Mr Moppett |

## Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose |             |
| Mr Dyer       | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

## Pairs

|          |              |
|----------|--------------|
| Mr Gay   | Mrs Arena    |
| Mr Smith | Mr Macdonald |

Question resolved in the negative.

Amendment negatived.

No. 15

**Same Bill**

Same Chapter.

Page 16.

Mr Hannaford moved:

Page 16, clause 34 (2), lines 17-26. Omit all words on those lines, insert instead:

- (2) At proceedings of the Commission relating to any such application for approval, only the parties to the agreement may appear to be represented.

Debate ensued.

Chair reported progress and granted leave to sit again.

Debate resumed.

Question put: That the amendment of Mr Hannaford be agreed to.  
The Committee divided (Dr Goldsmith in the Chair).

## Ayes 16

|                 |              |            |
|-----------------|--------------|------------|
| Mr Bull Mr Lynn | Tellers      |            |
| Mrs Chadwick    | Mrs Nile     |            |
| Mrs Forsythe    | Revd Mr Nile |            |
| Mr Gallacher    | Dr Pezzutti  |            |
| Miss Gardiner   | Mr Ryan      |            |
| Mr Hannaford    | Mrs Sham-Ho  | Mr Moppett |
| Mr Kersten      | Mr Smith     | Mr Samios  |

Noes 20

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Kaldis   | Mr Tingle   |
| Ms Burnswoods | Ms Kirkby   | Mr Vaughan  |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose |             |
| Mr Dyer       | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

Pairs

|            |              |
|------------|--------------|
| Mr Gay     | Mrs Arena    |
| Mr Jobling | Mr Macdonald |

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 16

### **Same Bill**

Same Chapter.

Page 16.

Mr Hannaford moved:

Page 16, clause 34 (2) (b), lines 21 and 22. Omit all words on those lines, insert instead:  
(b) an industrial organisation whose members are affected by the agreement,

Debate ensued.

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

The Committee divided (Dr Goldsmith in the Chair).

## Ayes 17

|               |              |            |
|---------------|--------------|------------|
| Mrs Chadwick  | Mrs Nile     | Mr Tingle  |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  |            |
| Miss Gardiner | Mr Ryan      | Tellers    |
| Mr Hannaford  | Mr Samios    |            |
| Mr Kersten    | Mrs Sham-Ho  | Mr Jobling |
| Mr Lynn       | Mr Smith     | Mr Moppett |

## Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose |             |
| Mr Dyer       | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

## Pairs

|         |              |
|---------|--------------|
| Mr Bull | Mr Macdonald |
| Mr Gay  | Mrs Arena    |

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 17

### Same Bill

Same Chapter.

Pages 16 and 17.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 16, clause 35 (1) (b), line 33. Before “the agreement”, insert “except in special circumstances,”.

Page 17, clause 35 (3), line 20. After “agreement” insert “or unless satisfied that there are special reasons for any departure from those principles”.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Dr Goldsmith in the Chair).

## Ayes 17

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Lynn      | Mr Tingle  |
| Mrs Chadwick  | Mrs Nile     |            |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  | Tellers    |
| Miss Gardiner | Mr Samios    |            |
| Mr Hannaford  | Mrs Sham-Ho  | Mr Jobling |
| Mr Kersten    | Mr Smith     | Mr Moppett |

## Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose |             |
| Mr Dyer       | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

## Pairs

|         |              |
|---------|--------------|
| Mr Gay  | Mrs Arena    |
| Mr Ryan | Mr Macdonald |

Question resolved in the negative.

Amendments negatived.

Words stand.

No. 18

**Same Bill**

Same Chapter.

Pages 17 and 18.

Mr Hannaford moved:

Pages 17 and 18, clause 36. Omit the clause. Omit the clause insert instead:

**36 Employees covered by enterprise agreement must approve agreement by secret ballot**

An enterprise agreement must not be approved by the Commission unless the Commission is satisfied that the agreement has been approved in a secret ballot by not less than 65% of the employees who are to be covered by the agreement at the time the ballot is conducted.

Debate ensued.

Question put: That the amendment of Mr Hannaford be agreed to.  
The Committee divided (Dr Goldsmith in the Chair).

## Ayes 17

|                  |              |              |
|------------------|--------------|--------------|
| Mr Bull Mrs Nile | Mr Tingle    |              |
| Mrs Chadwick     | Revd Mr Nile |              |
| Mrs Forsythe     | Dr Pezzutti  |              |
| Mr Gallacher     | Mr Ryan      | Tellers      |
| Miss Gardiner    | Mr Samios    |              |
| Mr Kersten       | Mrs Sham-Ho  | Mr Hannaford |
| Mr Lynn          | Mr Smith     | Mr Moppett   |

## Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose |             |
| Mr Dyer       | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

## Pairs

|            |              |
|------------|--------------|
| Mr Gay     | Mr Macdonald |
| Mr Jobling | Mrs Arena    |

Question resolved in the negative.

Amendment negatived.

Words stand.

---

THURSDAY 16 MAY 1996

No. 19

**Same Bill**

Same Chapter.

Page 22.

Mr Hannaford moved:

Page 22, clause 47, lines 29-32. Omit all words on those lines, insert instead:  
When making awards or exercising its other arbitral powers under this Act, the Commission is  
not to have regard to provisions of enterprise agreements.

Debate ensued.

Question put: That the amendment of Mr Hannaford be agreed to.  
The Committee divided (Mr Gay in the Chair).

Ayes 17

|               |              |            |
|---------------|--------------|------------|
| Mrs Chadwick  | Mrs Nile     | Mr Tingle  |
| Mr Gallacher  | Revd Mr Nile |            |
| Miss Gardiner | Dr Pezzutti  |            |
| Dr Goldsmith  | Mr Ryan      | Tellers    |
| Mr Hannaford  | Mr Samios    |            |
| Mr Kersten    | Mrs Sham-Ho  | Mr Jobling |
| Mr Lynn       | Mr Smith     | Mr Moppett |

Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose |             |
| Mr Dyer       | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

Pairs

|              |              |
|--------------|--------------|
| Mr Bull      | Mr Macdonald |
| Mrs Forsythe | Mrs Arena    |

Question resolved in the negative.

Amendment negatived.

Words stand.

---

TUESDAY 21 MAY 1996

No. 20

**Same Bill**

Same Chapter.

Page 46.

Mr Hannaford moved:

Page 46, clause 94 (3), lines 17-23. Omit all words on those lines, insert instead:  
being employment of a kind that is available but is less advantageous to the employee.

Debate ensued.

Question put: That the amendment of Mr Hannaford be agreed to.  
The Committee divided (Mr Gay in the Chair).

Ayes 14

|                    |             |            |
|--------------------|-------------|------------|
| Mr Bull Mr Kersten | Tellers     |            |
| Mrs Chadwick       | Mr Lynn     |            |
| Mr Gallacher       | Dr Pezzutti |            |
| Miss Gardiner      | Mr Ryan     |            |
| Dr Goldsmith       | Mrs Sham-Ho | Mr Jobling |
| Mr Hannaford       | Mr Smith    | Mr Moppett |

Noes 22

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Ms Kirkby    | Mr Tingle   |
| Dr Burgmann   | Mrs Nile     | Mr Vaughan  |
| Ms Burnswoods | Revd Mr Nile |             |
| Mr Cohen      | Mr Obeid     |             |
| Mr Corbett    | Mr Primrose  |             |
| Mr Dyer       | Ms Saffin    | Tellers     |
| Mr Johnson    | Mr Shaw      |             |
| Mr Jones      | Ms Staunton  | Mrs Isaksen |
| Mr Kaldis     | Mrs Symonds  | Mr Manson   |

Pairs

|              |              |
|--------------|--------------|
| Mrs Forsythe | Mr Egan      |
| Mr Samios    | Mr Macdonald |

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 21

**Same Bill**

Same Chapter.

Page 59.

Mr Hannaford moved:

Page 59, clause 124 (3), lines 24-31. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 19

|                  |              |            |
|------------------|--------------|------------|
| Mr Bull Mrs Nile | Mr Willis    |            |
| Mrs Chadwick     | Revd Mr Nile |            |
| Mr Gallacher     | Dr Pezzutti  |            |
| Miss Gardiner    | Mr Ryan      |            |
| Dr Goldsmith     | Mr Samios    | Tellers    |
| Mr Jones         | Mrs Sham-Ho  |            |
| Mr Kersten       | Mr Smith     | Mr Jobling |
| Mr Lynn          | Mr Tingle    | Mr Moppett |

## Noes 18

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Kaldis   | Mrs Symonds |
| Dr Burgmann   | Ms Kirkby   | Mr Vaughan  |
| Ms Burnswoods | Mr Obeid    |             |
| Mr Cohen      | Mr Primrose | Tellers     |
| Mr Corbett    | Ms Saffin   |             |
| Mr Dyer       | Mr Shaw     | Mrs Isaksen |
| Mr Johnson    | Ms Staunton | Mr Manson   |

## Pairs

|              |              |
|--------------|--------------|
| Mrs Forsythe | Mr Macdonald |
| Mr Hannaford | Mr Egan      |

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words omitted.

No. 22

### Same Bill

Same Chapter.

Page 64.

Mr Hannaford moved:

Page 64, clause 129 (1), lines 2-8. Omit all words on those lines, insert instead:

- (1) An employer must ensure that records are kept of remuneration paid to employees by the employer.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 17

|               |              |            |
|---------------|--------------|------------|
| Mrs Chadwick  | Mr Lynn      | Mr Smith   |
| Mr Gallacher  | Mrs Nile     |            |
| Miss Gardiner | Revd Mr Nile |            |
| Dr Goldsmith  | Dr Pezzutti  | Tellers    |
| Mr Hannaford  | Mr Ryan      |            |
| Mr Kersten    | Mr Samios    | Mr Jobling |
| Ms Kirkby     | Mrs Sham-Ho  | Mr Moppett |

Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Kaldis   | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid    |             |
| Ms Burnswoods | Mr Primrose |             |
| Mr Cohen      | Ms Saffin   |             |
| Mr Corbett    | Mr Shaw     | Tellers     |
| Mr Dyer       | Ms Staunton |             |
| Mr Johnson    | Mrs Symonds | Mrs Isaksen |
| Mr Jones      | Mr Tingle   | Mr Manson   |

Pairs

Mr Bull  
Mrs Forsythe

Mr Egan  
Mr Macdonald

Question resolved in the negative.

Amendment negatived.

Words stand.

Chapter 2 and Clauses 10 to 129 agreed to with amendments.

No. 23

### Same Bill

Chapter 3 read.

Clauses 130 to 144 read.

Page 65.

Mr Hannaford moved:

Page 65, clause 132 (1), line 24. Omit “may”, insert instead “must”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 17

|               |              |              |
|---------------|--------------|--------------|
| Mrs Chadwick  | Mrs Nile     | Mr Tingle    |
| Mrs Forsythe  | Revd Mr Nile |              |
| Mr Gallacher  | Dr Pezzutti  |              |
| Miss Gardiner | Mr Ryan      | Tellers      |
| Mr Hannaford  | Mr Samios    |              |
| Mr Kersten    | Mrs Sham-Ho  | Mr Jobling   |
| Mr Lynn       | Mr Smith     | Mr Moppett   |
|               | Noes 19      |              |
| Mrs Arena     | Mr Kaldis    | Mr Vaughan   |
| Dr Burgmann   | Ms Kirkby    |              |
| Ms Burnswoods | Mr Obeid     |              |
| Mr Cohen      | Mr Primrose  |              |
| Mr Corbett    | Ms Saffin    | Tellers      |
| Mr Dyer       | Mr Shaw      |              |
| Mr Johnson    | Ms Staunton  | Mrs Isaksen  |
| Mr Jones      | Mrs Symonds  | Mr Manson    |
|               | Pairs        |              |
| Mr Bull       |              | Mr Macdonald |
| Dr Goldsmith  |              | Mr Egan      |

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 24

### Same Bill

Same Chapter.

Page 69.

Mr Hannaford moved:

Page 69, clause 137. After line 16, insert :

- (2) If employees are taking or are likely to take industrial action in connection with the industrial dispute, the Commission must order the employees to cease or refrain from taking that industrial action before it makes any other kind of dispute order against the employer.

Debate ensued.

Ms Kirkby moved the following amendments to the amendment in globo and that the question be put seriatim:

- A. That the Opposition amendment be amended by deleting from proposed subclause (2) "or are likely to take".
- B. That the Opposition amendment be further amended by deleting from proposed subclause (2) "must" and inserting instead "may".

Debate ensued.

Amendment A agreed to on voices.

Question put: That amendment B of Ms Kirkby to the amendment be agreed to.

The Committee divided (Mr Gay in the Chair).

#### Ayes 20

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Kaldis   | Mr Tingle   |
| Dr Burgmann   | Ms Kirkby   | Mr Vaughan  |
| Ms Burnswoods | Mr Obeid    |             |
| Mr Cohen      | Mr Primrose |             |
| Mr Corbett    | Ms Saffin   | Tellers     |
| Mr Dyer       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

#### Noes 16

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Kersten   | Tellers    |
| Mrs Chadwick  | Mr Lynn      |            |
| Mrs Forsythe  | Mrs Nile     |            |
| Mr Gallacher  | Revd Mr Nile |            |
| Miss Gardiner | Mr Ryan      |            |
| Dr Goldsmith  | Mr Samios    | Mr Jobling |
| Mr Hannaford  | Mr Smith     | Mr Moppett |

#### Pairs

|              |             |
|--------------|-------------|
| Mr Egan      | Mr Pezzutti |
| Mr Macdonald | Mrs Sham-Ho |

Question resolved in the affirmative.

Amendment as amended agreed to.

No. 25

#### Same Bill

Same Chapter.

Pages 72 and 73.

Mr Hannaford moved:

Pages 72 and 73, clauses 140, 141 and 142.

Debate ensued.

Question put: That clause 140 stand as part of the Bill.

The Committee divided (Mr Gay in the Chair).

## Ayes 19

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Kaldis   | Mr Vaughan  |
| Dr Burgmann   | Ms Kirkby   |             |
| Ms Burnswoods | Mr Obeid    |             |
| Mr Cohen      | Mr Primrose |             |
| Mr Corbett    | Ms Saffin   | Tellers     |
| Mr Dyer       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

## Noes 17

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Lynn      | Mr Tingle  |
| Mrs Chadwick  | Mrs Nile     |            |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  | Tellers    |
| Miss Gardiner | Mr Ryan      |            |
| Dr Goldsmith  | Mr Samios    | Mr Jobling |
| Mr Kersten    | Mr Smith     | Mr Moppett |

## Pairs

|              |              |
|--------------|--------------|
| Mr Egan      | Mr Hannaford |
| Mr Macdonald | Mrs Sham-Ho  |

Question resolved in the affirmative.

Amendment agreed to.

Clause 140 as agreed to, stands as part of the Bill.

Chair reported progress and granted leave to sit again.

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WEDNESDAY 22 MAY 1996

No. 26

**Same Bill**

Same Chapter.

Page 72.

Mr Hannaford moved:

Page 72, clause 141. After line 33, insert:

However, an industrial dispute is not subject to conciliation if the Commission fails, within 24 hours after being notified of the dispute or after deciding on its own initiative to resolve the dispute, to issue a certificate of attempted conciliation on the application of a party to the dispute.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 17

|               |         |              |            |
|---------------|---------|--------------|------------|
| Mr Bull       | Mr Lynn | Mr Smith     |            |
| Mrs Chadwick  |         | Mrs Nile     |            |
| Mrs Forsythe  |         | Revd Mr Nile |            |
| Mr Gallacher  |         | Dr Pezzutti  | Tellers    |
| Miss Gardiner |         | Mr Ryan      |            |
| Dr Goldsmith  |         | Mr Samios    | Mr Jobling |
| Mr Hannaford  |         | Mrs Sham-Ho  | Mr Moppett |

Noes 21

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Jones    | Mrs Symonds |
| Dr Burgmann   | Mr Kaldis   | Mr Tingle   |
| Ms Burnswoods | Ms Kirkby   | Mr Vaughan  |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose | Tellers     |
| Mr Dyer       | Ms Saffin   |             |
| Mr Egan       | Mr Shaw     | Mrs Isaksen |
| Mr Johnson    | Ms Staunton | Mr Manson   |

Pairs

Mr Kersten

Mr Macdonald

Question resolved in the negative.

Amendment negatived.

No. 27

**Same Bill**

Same Chapter.

Pages 72 and 73.

Question put: That clauses 141 and 142 stand as part of the Bill.

The Committee divided (Mr Gay in the Chair).

Ayes 20

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Jones    | Mrs Symonds |
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose | Tellers     |
| Mr Dyer       | Ms Saffin   |             |
| Mr Egan       | Mr Shaw     | Mrs Isaksen |
| Mr Johnson    | Ms Staunton | Mr Manson   |

Noes 18

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Lynn      | Mr Smith   |
| Mrs Chadwick  |              | Mr Tingle  |
| Mrs Forsythe  | Mrs Nile     |            |
| Mr Gallacher  | Revd Mr Nile |            |
| Miss Gardiner | Dr Pezzutti  | Tellers    |
| Dr Goldsmith  | Mr Ryan      |            |
| Mr Hannaford  | Mr Samios    | Mr Jobling |
|               | Mrs Sham-Ho  | Mr Moppett |

Pairs

Mr Kersten

Mr Macdonald

Question resolved in the affirmative.

Clauses agreed to.

Clauses 141 and 142 stand as part of the Bill.

Other amendments being proposed and agreed to, Chapter 3 and Clauses 130 to 144 agreed to with amendments.

No. 28

### **Same Bill**

Chapter 4 read.

Clauses 145 to 208 read.

Page 86.

Mr Hannaford moved:

Page 86, clause 169 (3), line 33. After "Tribunal.", insert "This subsection does not prevent the admission of any other evidence in the proceedings that contradicts any such evidence or finding".

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 20

|               |              |            |  |
|---------------|--------------|------------|--|
| Mr Bull       | Mr Jones     | Mr Smith   |  |
| Mrs Chadwick  | Mr Lynn      | Mr Tingle  |  |
| Mr Cohen      | Mrs Nile     |            |  |
| Mrs Forsythe  | Revd Mr Nile |            |  |
| Mr Gallacher  | Dr Pezzutti  | Tellers    |  |
| Miss Gardiner | Mr Ryan      |            |  |
| Dr Goldsmith  | Mr Samios    | Mr Jobling |  |
| Mr Hannaford  | Mrs Sham-Ho  | Mr Moppett |  |

## Noes 18

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Kaldis   | Mrs Symonds |
| Dr Burgmann   | Ms Kirkby   | Mr Vaughan  |
| Ms Burnswoods | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose | Tellers     |
| Mr Dyer       | Ms Saffin   |             |
| Mr Egan       | Mr Shaw     | Mrs Isaksen |
| Mr Johnson    | Ms Staunton | Mr Manson   |

## Pairs

Mr Kersten

Mr Macdonald

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

No. 29

**Same Bill**

Same Chapter.

Page 94.

Mr Hannaford moved:

Page 94, clause 184. After line 12, insert:

- (2) Any such person does not have authority to enter any premises unless the entry is made for the purpose of current proceedings before the Commission.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 18

|               |         |              |            |
|---------------|---------|--------------|------------|
| Mr Bull       | Mr Lynn | Mr Smith     |            |
| Mrs Chadwick  |         | Mrs Nile     | Mr Tingle  |
| Mrs Forsythe  |         | Revd Mr Nile |            |
| Mr Gallacher  |         | Dr Pezzutti  | Tellers    |
| Miss Gardiner |         | Mr Ryan      |            |
| Dr Goldsmith  |         | Mr Samios    | Mr Jobling |
| Mr Hannaford  |         | Mrs Sham-Ho  | Mr Moppett |

## Noes 20

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Jones    | Mrs Symonds |
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose | Tellers     |
| Mr Dyer       | Ms Saffin   |             |
| Mr Egan       | Mr Shaw     | Mrs Isaksen |
| Mr Johnson    | Ms Staunton | Mr Manson   |

## Pairs

Mr Kersten

Mr Macdonald

Question resolved in the negative.

Amendment negatived.

No. 30

### Same Bill

Same Chapter.

Pages 97 and 99.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 97, clause 187, line 3. Omit "to a Full Bench of the Commission".

Page 97, clause 187. After line 14, insert:

(2) An appeal is to be made to:

- (a) the Commission constituted by a Presidential Member in the case of a decision of the Commission constituted otherwise than by a Presidential Member, or
- (b) a Full Bench of the Commission in the case of a decision of the Commission constituted by a Presidential Member.

However, an appeal referred to in paragraph (a) is to be heard by a Full Bench of the Commission (and without the need to obtain the leave of a Full Bench) if the President determines that it is in the public interest for the appeal to be heard by a Full Bench.

(3) If an appeal is heard and determined by the Commission constituted by a

Presidential Member, a further appeal may be made under this Part to the Full Bench of the Commission.

- (4) If an appeal under this section is heard by the Commission constituted by a Presidential Member, a reference in this Part (and in clause 179) to the Full Bench of the Commission is, in respect of that appeal, to be read as a reference to the Commission so constituted.

Page 99, clause 193. After line 25, insert:

- (5) If the matter or question is referred by a member of the Commission other than a Presidential Member, the President may refer the matter or question to the Commission constituted by a Presidential Member instead of a Full Bench. In that case a reference in this section to a Full Bench is to be read as a reference to the Commission so constituted.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 16

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mrs Nile     | Tellers    |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  |            |
| Miss Gardiner | Mr Ryan      |            |
| Dr Goldsmith  | Mr Samios    |            |
| Mr Hannaford  | Mrs Sham-Ho  | Mr Jobling |
| Mr Lynn       | Mr Smith     | Mr Moppett |

Noes 20

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Kaldis   | Mr Tingle   |
| Dr Burgmann   | Ms Kirkby   | Mr Vaughan  |
| Ms Burnswoods | Mr Obeid    |             |
| Mr Cohen      | Mr Primrose |             |
| Mr Corbett    | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

Pairs

|              |              |
|--------------|--------------|
| Mrs Chadwick | Mr Dyer      |
| Mr Kersten   | Mr Macdonald |

Question resolved in the negative.

Amendments negated.

Words stand.

Other amendments being proposed and agreed to, Chapter 4 and Clauses 145 to 208 agreed to with amendments.

No. 31

**Same Bill**

Chapter 5 read.

Clauses 209 to 305 read.

Pages 111.

Mr Hannaford moved:

Page 111, clause 211 (2)-(4), lines 7-17. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 21

|               |           |              |            |
|---------------|-----------|--------------|------------|
| Mr Bull       | Ms Kirkby | Mr Smith     |            |
| Mrs Chadwick  |           | Mr Lynn      | Mr Tingle  |
| Mrs Forsythe  |           | Mrs Nile     | Mr Willis  |
| Mr Gallacher  |           | Revd Mr Nile |            |
| Miss Gardiner |           | Dr Pezzutti  | Tellers    |
| Dr Goldsmith  |           | Mr Ryan      |            |
| Mr Hannaford  |           | Mr Samios    | Mr Jobling |
| Mr Jones      |           | Mrs Sham-Ho  | Mr Moppett |

Noes 18

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Johnson  | Mrs Symonds |
| Dr Burgmann   | Mr Kaldis   | Mr Tingle   |
| Ms Burnswoods | Mr Obeid    |             |
| Mr Cohen      | Mr Primrose | Tellers     |
| Mr Corbett    | Ms Saffin   |             |
| Mr Dyer       | Mr Shaw     | Mrs Isaksen |
| Mr Egan       | Ms Staunton | Mr Manson   |

Pairs

Mr Kersten

Mr Macdonald

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words omitted.

No. 32

**Same Bill**

Same Chapter.

Page 128.

Mr Hannaford moved:

Page 128, clause 238. After line 33, insert:

- (2) However, in the case of an industrial organisation of employers, the rules need not provide for the election of a secretary or assistant secretary of the organisation if:
  - (a) the secretary is, under the rules, the chief executive officer (however described) of the organisation, and
  - (b) the rules provide for the appointment of the secretary and any assistant secretary by the members of the organisation at a general meeting or by the committee of management of the organisation.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 17

|               |              |             |         |
|---------------|--------------|-------------|---------|
| Mr Bull       | Mr Jones     | Mrs Sham-Ho |         |
| Mrs Chadwick  | Mr Lynn      |             |         |
| Mrs Forsythe  | Mrs Nile     |             |         |
| Mr Gallacher  | Revd Mr Nile |             | Tellers |
| Miss Gardiner | Dr Pezzutti  |             |         |
| Dr Goldsmith  | Mr Ryan      | Mr Jobling  |         |
| Mr Hannaford  | Mr Samios    | Mr Moppett  |         |

Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Ms Kirkby   | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid    |             |
| Ms Burnswoods | Mr Primrose |             |
| Mr Cohen      | Ms Saffin   |             |
| Mr Corbett    | Mr Shaw     | Tellers     |
| Mr Egan       | Ms Staunton |             |
| Mr Johnson    | Mrs Symonds | Mrs Isaksen |
| Mr Kaldis     | Mr Tingle   | Mr Manson   |

Pairs

|            |              |
|------------|--------------|
| Mr Kersten | Mr Macdonald |
| Mr Smith   | Mr Dyer      |

Question resolved in the negative.

Amendment negatived.

No. 33

**Same Bill**

Same Chapter.

Page 157.

Mr Hannaford moved:

Page 157, clause 278 (1) (a), lines 34-36. Omit all words on those lines. Insert instead:

(a) a register of its members, showing the name and postal address of each member,

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

#### Ayes 17

|               |           |              |            |
|---------------|-----------|--------------|------------|
| Mr Bull       | Ms Kirkby | Mrs Sham-Ho  |            |
| Mrs Chadwick  |           | Mr Lynn      |            |
| Mrs Forsythe  |           | Mrs Nile     |            |
| Mr Gallacher  |           | Revd Mr Nile | Tellers    |
| Miss Gardiner |           | Dr Pezzutti  |            |
| Dr Goldsmith  |           | Mr Ryan      | Mr Jobling |
| Mr Hannaford  |           | Mr Samios    | Mr Moppett |

#### Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Kaldis   | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid    |             |
| Ms Burnswoods | Mr Primrose |             |
| Mr Cohen      | Ms Saffin   |             |
| Mr Corbett    | Mr Shaw     | Tellers     |
| Mr Egan       | Ms Staunton |             |
| Mr Johnson    | Mrs Symonds | Mrs Isaksen |
| Mr Jones      | Mr Tingle   | Mr Manson   |

#### Pairs

|            |              |
|------------|--------------|
| Mr Kersten | Mr Macdonald |
| Mr Smith   | Mr Dyer      |

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 34

**Same Bill**

Same Chapter.

Page 173.

Mr Hannaford moved:

Page 173, clause 296, lines 19 and 20. Omit “or who is eligible to become a member of the organisation”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 17

|               |           |              |            |
|---------------|-----------|--------------|------------|
| Mr Bull       | Ms Kirkby | Mrs Sham-Ho  |            |
| Mrs Chadwick  |           | Mr Lynn      |            |
| Mrs Forsythe  |           | Mrs Nile     |            |
| Mr Gallacher  |           | Revd Mr Nile | Tellers    |
| Miss Gardiner |           | Dr Pezzutti  |            |
| Dr Goldsmith  |           | Mr Ryan      | Mr Jobling |
| Mr Hannaford  |           | Mr Samios    | Mr Moppett |

Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Kaldis   | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid    |             |
| Ms Burnswoods | Mr Primrose |             |
| Mr Cohen      | Ms Saffin   |             |
| Mr Corbett    | Mr Shaw     | Tellers     |
| Mr Egan       | Ms Staunton |             |
| Mr Johnson    | Mrs Symonds | Mrs Isaksen |
| Mr Jones      | Mr Tingle   | Mr Manson   |

Pairs

|            |              |
|------------|--------------|
| Mr Kersten | Mr Macdonald |
| Mr Smith   | Mr Dyer      |

Question resolved in the negative.

Amendment negatived.

Words stand.

---

THURSDAY 23 MAY 1996

No. 35

**Same Bill**

Same Chapter.

Page 174.

Mr Hannaford moved:

Page 174, clause 298. After line 6, insert:

- (3) A power conferred by this section may be exercised only with the authority of a relevant employee of the employer concerned.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 18

Mr Bull Mr Kersten  
Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith  
Mr Hannaford

Mr Smith  
Mr Lynn Mr Tingle  
Mrs Nile  
Revd Mr Nile Tellers  
Dr Pezzutti  
Mr Samios Mr Jobling  
Mrs Sham-Ho Mr Moppett

Noes 20

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mr Johnson

Mr Jones Mrs Symonds  
Mr Kaldis Mr Vaughan  
Ms Kirkby  
Mr Obeid  
Mr Primrose Tellers  
Ms Saffin  
Mr Shaw Mrs Isaksen  
Ms Staunton Mr Manson

Pairs

Mr Ryan

Mr Macdonald

Question resolved in the negative.

Amendment negatived.

Other amendments being proposed and agreed to, Chapter 5 and clauses 209 to 305 agreed to with amendments.

No. 36

**Same Bill**

Chapter 6 read.

Clauses 306 to 355 read.

Page 189.

Mr Hannaford moved:

Page 189, clause 327 (2), lines 22-26. Omit all words on those lines.

Debate ensued.

Debate interrupted at 4.15 p.m. for Minister to move adjournment.

Committee continued to sit.

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

The Committee divided (Mr Gay in the Chair).

Ayes 20

|               |           |              |            |
|---------------|-----------|--------------|------------|
| Mr Bull       | Ms Kirkby | Mr Tingle    |            |
| Mrs Chadwick  |           | Mr Lynn      | Mr Willis  |
| Mrs Forsythe  |           | Mrs Nile     |            |
| Mr Gallacher  |           | Revd Mr Nile |            |
| Miss Gardiner |           | Mr Ryan      | Tellers    |
| Dr Goldsmith  |           | Mr Samios    |            |
| Mr Hannaford  |           | Mrs Sham-Ho  | Mr Jobling |
| Mr Kersten    |           | Mr Smith     | Mr Moppett |

Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Jones    | Mr Vaughan  |
| Dr Burgmann   | Mr Kaldis   |             |
| Ms Burnswoods | Mr Obeid    |             |
| Mr Cohen      | Mr Primrose |             |
| Mr Corbett    | Ms Saffin   | Tellers     |
| Mr Dyer       | Mr Shaw     |             |
| Mr Egan       | Ms Staunton | Mrs Isaksen |
| Mr Johnson    | Mrs Symonds | Mr Manson   |

Pairs

Mr Pezzutti

Mr Macdonald

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words omitted.

Another amendment being proposed and agreed to, Chapter 6 and clauses 306 to 355 agreed to with amendments.

No. 37

### Same Bill

Schedule 5 read.

Page 271.

Mr Hannaford moved:

Page 271, Schedule 5. After line 11, insert:

**[3] Section 49ZYI Junior employees**  
Omit section 49ZYI (3).

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

#### Ayes 17

|               |         |              |            |
|---------------|---------|--------------|------------|
| Mr Bull       | Mr Lynn | Mr Tingle    |            |
| Mrs Forsythe  |         | Mrs Nile     |            |
| Mr Gallacher  |         | Revd Mr Nile |            |
| Miss Gardiner |         | Dr Pezzutti  | Tellers    |
| Dr Goldsmith  |         | Mr Ryan      |            |
| Mr Hannaford  |         | Mrs Sham-Ho  | Mr Jobling |
| Mr Kersten    |         | Mr Smith     | Mr Moppett |

#### Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Jones    | Mr Vaughan  |
| Dr Burgmann   | Mr Kaldis   |             |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose | Tellers     |
| Mr Dyer       | Mr Shaw     |             |
| Mr Egan       | Ms Staunton | Mrs Isaksen |
| Mr Johnson    | Mrs Symonds | Mr Manson   |

#### Pairs

|              |              |
|--------------|--------------|
| Mrs Chadwick | Mr Macdonald |
| Mr Samios    | Ms Saffin    |

Question resolved in the negative.

Amendment negatived.

Schedule 5 agreed to without amendment.

No. 39

# **Same Bill**

Recommitted clauses 296 and 344.

Pages 173 and 202.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 173, clause 296, lines 19 and 20. Omit “or who is eligible to become a member of the organisation”.

Page 202, clause 344 (j), line 17. Omit “or are eligible to be”.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

## Ayes 16

Mr Bull Mr Lynn  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith  
Mr Hannaford  
Mr Kersten

Tellers  
Mrs Nile  
Revd Mr Nile  
Dr Pezzutti  
Mr Ryan  
Mrs Sham-Ho  
Mr Smith

Mr Jobling  
Mr Moppett

## Noes 20

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mr Johnson

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Obeid  
Mr Primrose  
Mr Shaw  
Ms Staunton  
Mrs Symonds

Mr Tingle  
Mr Vaughan

Tellers

Mrs Isaksen  
Mr Manson

## Pairs

Mrs Chadwick  
Mr Samios

Mr Macdonald  
Ms Saffin

Question resolved in the negative.

Amendments negatived.

No. 40

**Same Bill.**

Recommitted clauses 296 and 344.

Page 173.

Revd Mr Nile moved:

Page 173, Clause 296, line 19. After “organisation or” insert “, for the purpose of section 298,”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 16

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Lynn      | Tellers    |
| Mrs Forsythe  | Mrs Nile     |            |
| Mr Gallacher  | Revd Mr Nile |            |
| Miss Gardiner | Dr Pezzutti  |            |
| Dr Goldsmith  | Mr Ryan      |            |
| Mr Hannaford  | Mrs Sham-Ho  | Mr Jobling |
| Mr Kersten    | Mr Smith     | Mr Moppett |

Noes 20

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Jones    | Mr Tingle   |
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose | Tellers     |
| Mr Dyer       | Mr Shaw     |             |
| Mr Egan       | Ms Staunton | Mrs Isaksen |
| Mr Johnson    | Mrs Symonds | Mr Manson   |

Pairs

|              |              |
|--------------|--------------|
| Mrs Chadwick | Mr Macdonald |
| Mr Samios    | Ms Saffin    |

Question resolved in the negative.

Amendment negatived.

Recommitted clauses 296 and 344 agreed to without further amendments.

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WEDNESDAY 29 MAY 1996

No. 41

**Environmental Planning and Assessment (Contaminated Land) Bill**

Schedule 1 read.

Page 5.

Mr Cohen moved:

Page 5, Schedule 1 [1]. After line 11, insert:

**145D Contaminated land registers**

- (1) Each council must maintain a register of contaminated land in respect of contaminated land within its area.
- (2) A register is to include the following details in relation to any contaminated land:
  - (a) any previous use of the land of which the council is aware,
  - (b) any contamination identified by the council as affecting the land,
  - (c) any restrictions on the use of the land,
  - (d) any investigation or remediation carried out in respect of the contamination identified as affecting the land.
- (3) A register must be available for public inspection at the principal office of the council during ordinary office hours.
- (4) In this section, a reference to *council* includes a reference to:
  - (a) in relation to the area of Lord Howe Island—the Lord Howe Island Board, and
  - (b) in relation to areas of the State (other than Lord Howe Island) that are not within a local government area—the Western Lands Commissioner, and
  - (c) in relation to any area—an administrator with all or any of the functions of a local government body in respect of that area.

Debate ensued.

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

The Committee divided (Revd Mr Nile in the Chair).

Ayes 4

Mr Corbett  
Ms Kirkby

Tellers

Mr Cohen  
Mr Jones

Noes 31

|                   |              |             |
|-------------------|--------------|-------------|
| Mrs Arena         | Mr Johnson   | Mrs Sham-Ho |
| Mr Bull Mr Kaldis | Mr Shaw      |             |
| Dr Burgmann       | Mr Kersten   | Ms Staunton |
| Ms Burnswoods     | Mr Lynn      | Mrs Symonds |
| Mrs Chadwick      | Mr Macdonald | Mr Vaughan  |
| Mr Dyer           | Mr Manson    |             |
| Mrs Forsythe      | Mr Moppett   |             |
| Mr Gallacher      | Dr Pezzutti  |             |
| Miss Gardiner     | Mr Primrose  | Tellers     |
| Mr Gay            | Mr Ryan      |             |
| Mrs Isaksen       | Ms Saffin    | Mr Obeid    |
| Mr Jobling        | Mr Samios    | Mr Tingle   |

Question resolved in the negative.

Amendment negatived.

Other amendments being proposed and agreed to, Schedule 1 agreed to with amendments.

No. 42

### **Pawnbrokers and Second-hand Dealers Bill**

Bill taken by Parts.

Part 6 read.

Clauses 38 to 46 read.

Page 23.

Mrs Sham-Ho moved:

Page 23, clause 38, lines 3-7. Omit all words on those lines. Insert instead:

- (1) In any proceedings under or arising from this Act:
  - (a) except as provided by paragraph (b), a person who, on more than 4 days in any period of 12 months, or
  - (b) a charitable organisation that, or a person duly acting for a charitable organisation who, on more than 12 days in any period of 12 months, sold any second-hand goods, is presumed to be carrying on a business of buying and selling second-hand goods, but the presumption may be displaced by evidence that satisfies the court to the contrary. In this subsection, charitable organisation means any person or organisation (whether incorporated or unincorporated) established in good faith for a charitable, benevolent, philanthropic or patriotic purpose.

Debate ensued.

Question put: That the amendment of Mrs Sham-Ho be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 15

|                 |              |              |
|-----------------|--------------|--------------|
| Mr Bull Mr Lynn | Mrs Sham-Ho  |              |
| Mrs Chadwick    | Mr Moppett   |              |
| Mrs Forsythe    | Revd Mr Nile | Tellers      |
| Miss Gardiner   | Dr Pezzutti  |              |
| Mr Jobling      | Mr Ryan      | Mr Gallacher |
| Mr Kersten      | Mr Samios    | Dr Goldsmith |

Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Ms Kirkby    | Mr Vaughan  |
| Ms Burnswoods | Mr Macdonald |             |
| Mr Cohen      | Mr Manson    |             |
| Mr Corbett    | Mr Obeid     |             |
| Mr Dyer       | Ms Saffin    | Tellers     |
| Mr Egan       | Ms Staunton  |             |
| Mrs Isaksen   | Mrs Symonds  | Mr Kaldis   |
| Mr Jones      | Mr Tingle    | Mr Primrose |

Pairs

|            |              |
|------------|--------------|
| Mrs Arena  | Mr Willis    |
| Mr Johnson | Mr Smith     |
| Mr Shaw    | Mr Hannaford |

Question resolved in the negative.

Amendment negatived.

Words stand.

Part 6 and Clauses 38 to 46 agreed to without amendment.

---

WEDNESDAY 5 JUNE 1996

No. 43

**Transgender (Anti-Discrimination and Other Acts Amendment) Bill**

Clause 4 read.

Page 2.

Chairman (Mr Gay) put the question: That the Clause stand as part of the Bill.

The Committee divided (Mr Gay in the Chair).

## Ayes 20

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Kaldis    | Mrs Symonds |
| Ms Burnswoods | Ms Kirkby    | Mr Vaughan  |
| Mr Cohen      | Mr Macdonald |             |
| Mr Corbett    | Mr Obeid     |             |
| Mr Dyer       | Mr Primrose  | Tellers     |
| Mr Egan       | Ms Saffin    |             |
| Mr Johnson    | Mr Shaw      | Mrs Isaksen |
| Mr Jones      | Ms Staunton  | Mr Manson   |

## Noes 17

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Kersten   | Mr Tingle  |
| Mrs Chadwick  | Mr Lynn      |            |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  | Tellers    |
| Miss Gardiner | Mr Ryan      |            |
| Dr Goldsmith  | Mr Samios    | Mr Jobling |
| Mr Hannaford  | Mrs Sham-Ho  | Mr Moppett |

## Pairs

Mrs Arena

Mr Smith

Question resolved in the affirmative.

Clause 4 as read stands as part of the Bill.

No. 44

**Same Bill**

Clause 6 read.

Page 2.

Chairman (Mr Gay) put the question: That the Clause stand as part of the Bill.

The Committee divided (Mr Gay in the Chair).

## Ayes 20

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Kaldis    | Mrs Symonds |
| Ms Burnswoods | Ms Kirkby    | Mr Vaughan  |
| Mr Cohen      | Mr Macdonald |             |
| Mr Corbett    | Mr Obeid     |             |
| Mr Dyer       | Mr Primrose  | Tellers     |
| Mr Egan       | Ms Saffin    |             |
| Mr Johnson    | Mr Shaw      | Mrs Isaksen |
| Mr Jones      | Ms Staunton  | Mr Manson   |

Noes 17

|               |            |              |            |
|---------------|------------|--------------|------------|
| Mr Bull       | Mr Kersten | Mr Tingle    |            |
| Mrs Chadwick  |            | Mr Lynn      |            |
| Mrs Forsythe  |            | Revd Mr Nile |            |
| Mr Gallacher  |            | Dr Pezzutti  | Tellers    |
| Miss Gardiner |            | Mr Ryan      |            |
| Dr Goldsmith  |            | Mr Samios    | Mr Jobling |
| Mr Hannaford  |            | Mrs Sham-Ho  | Mr Moppett |

Pairs

Mrs Arena

Mr Smith

Question resolved in the affirmative.

Clause 6 as read stands as part of the Bill.

No. 45

### Same Bill

Schedule 1 read.

Page 3.

Revd Mr Nile moved:

Page 3, Schedule 1 [1], lines 6 to 10. Omit all words on those lines, insert instead:

***recognised transgender person*** means a person who has undergone sexual reassignment surgery.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 16

|               |         |              |
|---------------|---------|--------------|
| Mr Bull       | Mr Lynn | Tellers      |
| Mrs Chadwick  |         | Revd Mr Nile |
| Mrs Forsythe  |         | Dr Pezzutti  |
| Miss Gardiner |         | Mr Ryan      |
| Dr Goldsmith  |         | Mr Samios    |
| Mr Hannaford  |         | Mrs Sham-Ho  |
| Mr Kersten    |         | Mr Jobling   |
|               |         | Mr Moppett   |

## Noes 19

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose |             |
| Mr Dyer       | Ms Saffin   | Tellers     |
| Mr Egan       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton | Mrs Isaksen |
| Mr Jones      | Mrs Symonds | Mr Manson   |

## Pairs

|              |              |
|--------------|--------------|
| Mr Gallacher | Mrs Arena    |
| Mr Smith     | Mr Macdonald |

Question resolved in the negative.

Words stand.

Amendment negatived.

No. 46

**Same Bill**

Same Schedule.

Page 12.

Mr Hannaford moved:

Page 12, Schedule 1 [4], proposed section 38P. After line 29, insert:

- (3) Nothing in this Part renders unlawful any requirement imposed by a sporting organisation or body on a person to undergo a biological sex test to determine the person's eligibility for selection in a sporting team or participation in a sporting event.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 17

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Kersten   | Mr Tingle  |
| Mrs Chadwick  | Mr Lynn      |            |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  | Tellers    |
| Miss Gardiner | Mr Ryan      |            |
| Dr Goldsmith  | Mr Samios    | Mr Jobling |
| Mr Hannaford  | Mrs Sham-Ho  | Mr Moppett |

## Noes 20

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Kaldis    | Mrs Symonds |
| Ms Burnswoods | Ms Kirkby    | Mr Vaughan  |
| Mr Cohen      | Mr Macdonald |             |
| Mr Corbett    | Mr Obeid     |             |
| Mr Dyer       | Mr Primrose  | Tellers     |
| Mr Egan       | Ms Saffin    |             |
| Mr Johnson    | Mr Shaw      | Mrs Isaksen |
| Mr Jones      | Ms Staunton  | Mr Manson   |

Pairs

Mrs Arena

Mr Smith

Question resolved in the negative.

Amendment negatived.

Schedule 1 agreed to without amendment.

No. 47

### Same Bill

Schedule 2 read.

Pages 17 and 18.

Revd Mr Nile moved:

Pages 17 and 18, Schedule 2 [4], proposed sections 32E to 32I, line 14 on page 17 to line 35 on page 18. Omit all words on those lines, insert instead:

### 32E Issuing of birth certificate

After the Registrar has recorded a notation in the particulars relating to a person's birth to the effect that the person has undergone sexual reassignment surgery, a birth certificate issued by the Registrar for the person must include a statement that the person has undergone sexual reassignment surgery.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 16

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Kersten   | Tellers    |
| Mrs Chadwick  | Mr Lynn      |            |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Mr Ryan      |            |
| Miss Gardiner | Mr Samios    |            |
| Dr Goldsmith  | Mrs Sham-Ho  | Mr Jobling |
| Mr Hannaford  | Mr Tingle    | Mr Moppett |
|               | Noes 19      |            |

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Kaldis    | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby    |             |
| Mr Cohen      | Mr Macdonald |             |
| Mr Corbett    | Mr Obeid     |             |
| Mr Dyer       | Mr Primrose  | Tellers     |
| Mr Egan       | Ms Saffin    |             |
| Mr Johnson    | Mr Shaw      | Mrs Isaksen |
| Mr Jones      | Ms Staunton  | Mr Manson   |

Pairs

Dr Pezzutti  
Mr Smith

Mrs Arena  
Mrs Symonds

Question resolved in the negative.

Amendment negatived.

Words stand.

Schedule 2 agreed to without amendment.

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THURSDAY 6 JUNE 1996

No. 48

### **Prisons Amendment Bill**

Schedule 1 read.

Pages 3, 4, 5, 6, 7.

Amendments, by leave, taken in globo.

Mr Shaw moved:

Pages 3 and 4, Schedule 1.1 [2], line 13 on page 3 to line 17 on page 4. Omit all words on those lines, insert instead:

#### **[2] Section 37 (1A)-(1D)**

Insert after section 37 (1):

- (1A) A person must not, without lawful authority, bring or attempt by any means whatever to introduce into any correctional centre or correctional complex any poison listed in Appendix D of Schedule Four, or in Schedule Eight, of the Poisons List in force under the *Poisons Act 1996*.

Maximum penalty: 2 years imprisonment or 20 penalty units, or both.

- (1B) Section 40 of the Poisons Act 1996 applies to proceedings for an offence under subsection (1A) in the same way as it applies to legal proceedings under that Act.

- (1C) A person must not, without lawful authority, bring or attempt by any means whatever to introduce into any correctional centre or correctional complex a number or amount of any prohibited drug or prohibited plant within the meaning of the *Drug Misuse and Trafficking Act 1985* that is a number or amount (or less than a number or amount) constitution a small quantity of the drug or plant concerned within the meaning of that Act.

Maximum penalty: 2 years imprisonment or 50 penalty units, or both.

- (1D) Section 43 of the *Drug Misuse and Trafficking Act 1985* applies to proceedings for an offence under subsection (1C) in the same way as it applies to legal proceedings under that Act.

Pages 4-6, Schedule 1.1 [4]-[7], line 21 on page 4 to lines 13 on page 6. Omit all words on those lines.

Page 6, Schedule 1.2 [2], lines 20-26. Omit all words on those lines, insert instead:

An offence under the *Correctional Centres Act 1952* (other than an offence under section 32) for which a sentence of penal servitude may be imposed.

Explanatory note, page 7, lines 1-21. Omit all words on those lines, insert instead:

#### **Explanatory note**

Schedule 1.1 [1] re-enacts the existing provisions in section 37 (1) relating to alcohol trafficking.

Schedule 1.1 [2] inserts four new subsections concerning trafficking in drugs and certain poisons.

Proposed section 37 (1A) makes it an offence to bring or introduce certain poisons into a correctional centre or correctional complex without lawful authority. The maximum penalty for such an offence will be 2 years imprisonment or 20 penalty units, or both.

Proposed section 37 (1B) provides for certificates of certain analysts to be accepted as evidence of the identity of a substance in proceedings for an offence under the proposed subsection (1A) in the same way as they are in legal proceedings under the *Poisons Act 1966*.

Proposed section 37 (1C) makes it an offence to bring or introduce a small quantity (or less than a small quantity) of prohibited drugs or plants within the meaning of the *Drug Misuse and Trafficking Act 1985* into a correctional centre or correctional complex without lawful authority. Presently, the maximum penalty for drug trafficking into correctional centres or correctional complexes is 6 months imprisonment or 10 penalty units (or both). The new maximum penalty is to be 2 years imprisonment or 50 penalty units (or both).

Proposed section 37 (1D) provides for certificates of certain analysts to be accepted as evidence of the identity and quantity of a plant or substance in proceedings for an offence under proposed subsection (1C) in the same way as they are in legal proceedings under the *Drug Misuse and Trafficking Act 1985*.

Schedule 1.1 [3] makes a consequential amendment to section 37 (2).

Schedule 1.2 makes consequential amendments to Part 9A of the *Criminal Procedure Act 1986*.

Debate ensued.

Mr Lynn moved an amendment to Government amendment No. 1: That the amendment be amended by omitting the figure "2" in lines 10 and 22 and inserting "5", and omitting the figure "20" in line 10 and inserting instead "50".

Mr Lynn further moved an amendment to Government amendment No. 4: That the amendment be amended by omitting the figure "2" in lines 9 and 20 and inserting instead "5", and omitting the figure "20" in line 9 and inserting instead "50".

Question put: That the amendments to the amendments of Mr Shaw be agreed to.

The Committee divided (Dr Goldsmith in the Chair).

#### Ayes 15

|               |              |              |
|---------------|--------------|--------------|
| Mr Bull       | Mr Lynn      | Mr Tingle    |
| Mr Gallacher  | Revd Mr Nile |              |
| Miss Gardiner | Dr Pezzutti  | Tellers      |
| Mr Gay        | Mr Ryan      |              |
| Mr Hannaford  | Mr Samios    | Mrs Forsythe |
| Mr Kersten    | Mrs Sham-Ho  | Mr Jobling   |

#### Noes 18

|               |             |             |
|---------------|-------------|-------------|
| Dr Burgmann   | Mr Kaldis   | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby   |             |
| Mr Cohen      | Mr Obeid    |             |
| Mr Corbett    | Mr Primrose | Tellers     |
| Mr Dyer       | Ms Saffin   |             |
| Mr Egan       | Mr Shaw     | Mrs Isaksen |
| Mr Johnson    | Ms Staunton | Mr Manson   |

#### Pairs

|              |              |
|--------------|--------------|
| Mrs Chadwick | Mrs Symonds  |
| Mr Moppett   | Mr Macdonald |
| Mr Smith     | Mrs Arena    |

Question resolved in the negative.

Amendments to the amendments negatived.

Dr Goldsmith left the Chair and Mr Gay took the Chair.

Original question: That the amendments be agreed to - put and passed.

Words omitted and inserted.

Schedule 1 agreed to with amendments.

No. 49

**State Environmental Planning (Permissible Mining) Bill**

Clause 2 read.

Page 2.

Mr Cohen moved:

Page 2, clause 2, line 6. Omit "the date of assent". Insert instead "2 July 1996".

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 4

Mr Corbett  
Ms Kirkby

Tellers

Mr Cohen  
Mr Jones

Noes 36

Mrs Arena  
Mr Bull Mr Kersten  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Dyer  
Mr Egan  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith  
Mr Hannaford  
Mr Johnson

|              |             |
|--------------|-------------|
| Mr Kaldis    | Mr Samios   |
| Mrs Sham-Ho  |             |
| Mr Lynn      | Mr Shaw     |
| Mr Macdonald | Mr Smith    |
| Mr Manson    | Ms Staunton |
| Mr Moppett   | Mrs Symonds |
| Mrs Nile     | Mr Tingle   |
| Revd Mr Nile | Mr Vaughan  |
| Mr Obeid     |             |
| Dr Pezzutti  | Tellers     |
| Mr Primrose  |             |
| Mr Ryan      | Mrs Isaksen |
| Ms Saffin    | Mr Jobling  |

Question negatived.

Amendment negatived.

Words stand.

Clause 2 agreed to without amendment.

No. 50

**Same Bill**

Clause 3 read.

Page 2.

Mr Cohen moved:

Page 2, clause 3, line 10. Insert “, as amended,” after “which”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 4

Mr Cohen  
Mr Jones

Tellers

Mr Corbett  
Ms Kirkby

Noes 26

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Dyer  
Mrs Forsythe  
Dr Goldsmith  
Mr Hannaford  
Mr Johnson  
Mr Kaldis

Mr Manson  
Mr Moppett  
Mrs Nile  
Revd Mr Nile  
Mr Obeid  
Dr Pezzutti  
Mr Primrose  
Mr Ryan  
Ms Saffin  
Mr Samios

Ms Staunton  
Mrs Symonds  
Mr Tingle  
Mr Vaughan

Tellers

Mrs Isaksen  
Mr Jobling

Question resolved in the negative.

Amendment negatived.

Words stand.

Clause 3 agreed to without amendment.

No. 51

**Same Bill**

Clause 4 read.

Page 2.

Mr Jones moved:

Page 2. Insert after line 29:

**5 Relationship of Policy with other State environmental planning policies**

- (1) Clause 6 of the Policy is modified in accordance with this section.
- (2) Clause 6 of the Policy does not apply to another environmental planning policy.
- (3) In the event of an inconsistency between another State environmental planning policy and the Policy, the other State environmental planning policy prevails to the extent of the inconsistency.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 4

Mr Corbett  
Ms Kirkby

Tellers

Mr Cohen  
Mr Jones

Noes 28

Mrs Arena  
Mr Bull Mr Kersten  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Dyer  
Mrs Forsythe  
Mr Gallacher  
Mr Hannaford  
Mrs Isaksen  
Mr Jobling

|              |             |
|--------------|-------------|
| Mr Kaldis    | Ms Staunton |
| Mrs Symonds  |             |
| Mrs Nile     | Mr Tingle   |
| Revd Mr Nile | Mr Vaughan  |
| Mr Obeid     |             |
| Dr Pezzutti  |             |
| Mr Primrose  |             |
| Mr Ryan      | Tellers     |
| Ms Saffin    |             |
| Mr Samios    | Mr Manson   |
| Mrs Sham-Ho  | Mr Moppett  |

Question resolved in the negative.

Amendment negatived.

Clause 4 agreed to without amendment.

No. 52

**Same Bill**

Schedule 1 read.

Page 5.

Mr Cohen moved:

Page 5, Schedule 1, clause 6, line 3. Insert "other than *Lord Howe Island Regional Development Environmental Plan 1986*" after "instrument,".

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 4

Mr Cohen  
Mr Jones

Tellers

Mr Corbett  
Ms Kirkby

Noes 29

Mrs Arena  
Mr Bull        Mr Kersten  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Egan  
Mrs Forsythe  
Mr Gallacher  
Dr Goldsmith  
Mr Hannaford  
Mr Johnson

Mr Kaldis  
Mr Samios  
Mr Lynn        Ms Staunton  
Mr Manson  
Mr Moppett  
Mrs Nile  
Revd Mr Nile  
Mr Obeid  
Dr Pezzutti  
Mr Primrose  
Mr Ryan        Mrs Isaksen  
Mr Jobling

Ms Saffin

Tellers

Question resolved in the negative.

Amendment negatived.

Words stand.

Schedule 1 agreed to without amendment.

---

WEDNESDAY 19 JUNE 1996

No. 53

### **Transport Administration Amendment (Rail Corporatisation and Restructuring) Bill**

Schedule 1 read.

Pages 8 and 9.

Dr Goldsmith moved:

Pages 8 and 9, Schedule 1 [18], proposed section 19B, line 33 on page 8 to line 8 on page 9. Omit all words on those lines.

Debate ensued.

Question put: That the amendment of Dr Goldsmith be agreed to.

The Committee divided (Mr Gay in the Chair).

#### Ayes 16

|               |              |              |             |
|---------------|--------------|--------------|-------------|
| Mr Bull       | Dr Goldsmith | Mr Ryan      |             |
| Mrs Chadwick  |              | Mr Hannaford | Mr Samios   |
| Mrs Forsythe  |              | Mr Kersten   | Mrs Sham-Ho |
| Mr Gallacher  |              | Mr Lynn      | Mr Smith    |
| Miss Gardiner |              | Dr Pezzutti  | Tellers     |
|               |              |              | Mr Jobling  |
|               |              |              | Mr Moppett  |

#### Noes 24

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Ms Staunton |
| Dr Burgmann   | Ms Kirkby    | Mrs Symonds |
| Ms Burnswoods | Mr Macdonald | Mr Tingle   |
| Mr Cohen      | Mrs Nile     | Mr Vaughan  |
| Mr Corbett    | Revd Mr Nile |             |
| Mr Dyer       | Mr Obeid     | Tellers     |
| Mr Egan       | Mr Primrose  |             |
| Mr Johnson    | Ms Saffin    | Mrs Isaksen |
| Mr Jones      | Mr Shaw      | Mr Manson   |

Question resolved in the negative.

Words stand.

Amendment negatived.

No. 54

#### Same Bill

Same Schedule.

Page 9.

Dr Goldsmith moved:

Page 9, Schedule 1 [18], proposed section 19B. Insert after line 38:

- (7) An access regime established in accordance with this section must provide that Rail Access Corporation is to make available to a person that has or is seeking to have access to the NSW rail network any information that:
  - (a) relates to the terms of that access, and
  - (b) is requested by that person, and
  - (c) is known to the Corporation, and
  - (d) is not information the disclosure of which would be contrary to law of if contained in a document would be such as to make the document an exempt document within the meaning of the *Freedom of Information Act 1989*.

- (8) Such information includes, subject to subsection (7), information about the following matters:
- (a) the management and operation of the NSW rail network by Rail Access Corporation,
  - (b) the use or proposed use of the network by the person that requests the information and by other persons,
  - (c) the traffic levels on the network,
  - (d) the capacity of the network,
  - (e) the costs, including capital costs, incurred by the Corporation in managing and operating the network,
  - (f) the pricing of access to the network.

Debate ensued.

Question put: That the amendment of Dr Goldsmith be agreed to.

The Committee divided (Mr Gay in the Chair).

#### Ayes 21

|               |           |              |            |
|---------------|-----------|--------------|------------|
| Mr Bull       | Ms Kirkby | Mr Smith     |            |
| Mrs Chadwick  |           | Mr Lynn      | Mr Tingle  |
| Mrs Forsythe  |           | Mrs Nile     | Mr Willis  |
| Mr Gallacher  |           | Revd Mr Nile |            |
| Miss Gardiner |           | Dr Pezzutti  | Tellers    |
| Dr Goldsmith  |           | Mr Ryan      |            |
| Mr Hannaford  |           | Mr Samios    | Mr Jobling |
| Mr Kersten    |           | Mrs Sham-Ho  | Mr Moppett |

#### Noes 20

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Mrs Symonds |
| Dr Burgmann   | Mr Kaldis    | Mr Vaughan  |
| Ms Burnswoods | Mr Macdonald |             |
| Mr Cohen      | Mr Obeid     |             |
| Mr Corbett    | Mr Primrose  | Tellers     |
| Mr Dyer       | Ms Saffin    |             |
| Mr Egan       | Mr Shaw      | Mrs Isaksen |
| Mr Johnson    | Ms Staunton  | Mr Manson   |

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

Chairman left the Chair, reported progress and obtained leave to sit again next sitting day.

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TUESDAY 25 JUNE 1996

Same Schedule.

Page 16.

Dr Goldsmith moved:

Page 16, Schedule 1 [18], proposed section 19O (3), lines 27 and 28. Omit “public sector of the rail industry.”

Insert instead:

public sector. However, a person cannot be appointed as a director of a board if there would be a conflict of interest between the person’s being such a representative and the person’s being such a director.

Debate ensued.

Question put: That the amendment of Dr Goldsmith be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 17

|               |              |              |
|---------------|--------------|--------------|
| Mr Bull       | Dr Goldsmith | Mr Smith     |
| Mrs Chadwick  |              | Mr Hannaford |
| Mr Cohen      |              | Mr Kersten   |
| Mr Corbett    |              | Mr Lynn      |
| Mrs Forsythe  |              | Dr Pezzutti  |
| Mr Gallacher  |              | Mr Ryan      |
| Miss Gardiner |              | Mrs Sham-Ho  |
|               |              | Tellers      |
|               |              | Mr Jobling   |
|               |              | Mr Moppett   |

Noes 21

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Ms Kirkby    | Ms Staunton |
| Dr Burgmann   | Mr Macdonald | Mrs Symonds |
| Ms Burnswoods | Mrs Nile     | Mr Tingle   |
| Mr Dyer       | Revd Mr Nile |             |
| Mr Egan       | Mr Obeid     | Tellers     |
| Mr Johnson    | Mr Primrose  |             |
| Mr Jones      | Ms Saffin    | Mrs Isaksen |
| Mr Kaldis     | Mr Shaw      | Mr Manson   |

Pairs

Mr Samios

Mr Vaughan

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 56

**Same Bill**

Same Schedule.

Page 43.

Dr Goldsmith moved:

Page 43, Schedule 1 [60]. Insert after line 19:

- (2) The consideration and value or values cannot exceed the optimised deprivation value of those assets, rights or liabilities.
- (3) In this clause, *optimised deprivation value* means a value determined by the application of the Guidelines on Accounting Policy for Valuation of Government Trading Enterprises prepared by the Steering Committee on National Performance Monitoring of Government Trading Enterprises, agreed on by the Commonwealth and States and published in October 1994.

Debate ensued.

Question put: That the amendment of Dr Goldsmith be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 22

|               |          |              |            |
|---------------|----------|--------------|------------|
| Mr Bull       | Mr Jones | Mr Smith     |            |
| Mrs Chadwick  |          | Mr Kersten   | Mr Tingle  |
| Mr Cohen      |          | Ms Kirkby    |            |
| Mr Corbett    |          | Mr Lynn      |            |
| Mrs Forsythe  |          | Mrs Nile     |            |
| Mr Gallacher  |          | Revd Mr Nile | Tellers    |
| Miss Gardiner |          | Dr Pezzutti  |            |
| Dr Goldsmith  |          | Mr Ryan      | Mr Jobling |
| Mr Hannaford  |          | Mrs Sham-Ho  | Mr Moppett |

Noes 16

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Obeid    | Tellers     |
| Dr Burgmann   | Mr Primrose |             |
| Ms Burnswoods | Ms Saffin   |             |
| Mr Dyer       | Mr Shaw     |             |
| Mr Egan       | Ms Staunton |             |
| Mr Kaldis     | Mrs Symonds | Mrs Isaksen |
| Mr Macdonald  | Mr Vaughan  | Mr Manson   |

Pairs

Mr Samios

Mr Johnson

Question resolved in the affirmative

Amendment agreed to.

Words inserted.

Schedule 1 agreed to with amendments.

No. 57

**Same Bill**

Schedule 2 read.

Page 74.

Dr Goldsmith moved:

Page 74, Schedule 2.9. Insert after line 6:

**2.10 Independent Pricing and Regulatory Tribunal Act 1992 No 39**

**[1] Section 12B Notice of proposed access agreements**

Insert “(or, if the agency is Rail Access Corporation, as a matter of course)” after “requests it” in section 12B (2).

**[2] Section 12B (3A)**

Insert after section 12B (3):

(3A) In the case of a proposal to which Rail Access Corporation is a party, the Tribunal must, if requested by a person that is the Corporation or any other party to the proposed agreement give advice to the person. The advice must relate to whether the proposed agreement complies with the NSW Rail Access Regime (within the meaning of Part 2A of the *Transport Administration Act 1988*) and any relevant pricing policy.

**[3] Section 12C Registration of access agreements**

Insert “(or, if the agency is Rail Access Corporation, as a matter of course)” after “requests it” in section 12C (2).

**[4] Section 12C (3)**

Insert “The Tribunal must also include in the register a copy of the agreement itself if the agency is Rail Access Corporation.” after “prescribe.”.

**[5] Schedule 1 Government agencies for which Tribunal has standing reference**

Insert “Rail Access Corporation” at the end of the Schedule.

Debate ensued.

Question put: That the amendment of Dr Goldsmith be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 19

|               |           |              |         |
|---------------|-----------|--------------|---------|
| Mr Bull       | Ms Kirkby | Mr Smith     |         |
| Mrs Chadwick  |           | Mr Lynn      |         |
| Mrs Forsythe  |           | Mrs Nile     |         |
| Mr Gallacher  |           | Revd Mr Nile |         |
| Miss Gardiner |           | Dr Pezzutti  | Tellers |
| Dr Goldsmith  |           | Mr Ryan      |         |

Mr Hannaford  
Mr Kersten

Mr Samios  
Mrs Sham-Ho

Mr Jobling  
Mr Moppett

Noes 21

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mr Johnson

Mr Jones  
Mr Kaldis  
Mr Macdonald  
Mr Obeid  
Mr Primrose  
Ms Saffin  
Mr Shaw  
Ms Staunton

Mrs Symonds  
Mr Tingle  
Mr Vaughan

Tellers

Mrs Isaksen  
Mr Manson

Question resolved in the negative.

Schedule 2 agreed to without amendment.

No. 58

### **Same Bill**

Recommitted Schedule 1.

Page 9.

Mr Egan moved:

Page 9, Schedule 1 [18], proposed section 19B (as amended in committee). Omit proposed subsections (7) and (8), as inserted in committee into proposed section 19B.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 21

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Mrs Symonds |
| Dr Burgmann   | Mr Kaldis    | Mr Tingle   |
| Ms Burnswoods | Mr Macdonald | Mr Vaughan  |
| Mr Cohen      | Mr Obeid     |             |
| Mr Corbett    | Mr Primrose  | Tellers     |
| Mr Dyer       | Ms Saffin    |             |
| Mr Egan       | Mr Shaw      | Mrs Isaksen |
| Mr Johnson    | Ms Staunton  | Mr Manson   |

## Noes 19

|               |           |              |
|---------------|-----------|--------------|
| Mr Bull       | Ms Kirkby | Mr Smith     |
| Mrs Chadwick  |           | Mr Lynn      |
| Mrs Forsythe  |           | Mrs Nile     |
| Mr Gallacher  |           | Revd Mr Nile |
| Miss Gardiner |           | Dr Pezzutti  |
| Dr Goldsmith  |           | Mr Ryan      |
| Mr Hannaford  |           | Mr Samios    |
| Mr Kersten    |           | Mrs Sham-Ho  |
|               |           | Tellers      |
|               |           | Mr Jobling   |
|               |           | Mr Moppett   |

Question resolved in the affirmative.

Amendment agreed to.

Words omitted and inserted.

Recommitted Schedule 1 agreed to with a further amendment.

No. 59

### **Forests and Flora Reserves Revocation Bill**

Schedules 1 and 2 read.

Pages 3, 4, 6 and 7.

Amendments, by leave, taken in globo.

Mr Moppett moved:

Pages 3 and 4, Schedule 1, lines 14-36 on page 3 and lines 1-7 on page 4. Omit all words on those lines.

Pages 6 and 7, Schedule 2, lines 6-37 on page 6 and lines 1-5 on page 7. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Moppett be agreed to.

The Committee divided (Mr Gay in the Chair).

## Ayes 15

|              |         |              |
|--------------|---------|--------------|
| Mr Bull      | Mr Lynn | Mrs Sham-Ho  |
| Mrs Chadwick |         | Mrs Nile     |
| Mrs Forsythe |         | Revd Mr Nile |
| Mr Gallacher |         | Dr Pezzutti  |
| Dr Goldsmith |         | Mr Ryan      |
| Mr Kersten   |         | Mr Samios    |
|              |         | Mr Jobling   |
|              |         | Mr Moppett   |

## Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Mr Vaughan  |
| Dr Burgmann   | Ms Kirkby    |             |
| Ms Burnswoods | Mr Macdonald |             |
| Mr Cohen      | Mr Obeid     |             |
| Mr Corbett    | Mr Primrose  | Tellers     |
| Mr Dyer       | Mr Shaw      |             |
| Mr Johnson    | Ms Staunton  | Mrs Isaksen |
| Mr Jones      | Mr Tingle    | Mr Manson   |

## Pairs

|               |             |
|---------------|-------------|
| Miss Gardiner | Mrs Symonds |
| Mr Hannaford  | Mr Egan     |
| Mr Smith      | Ms Saffin   |

Question resolved in the negative.

Amendments negatived.

Words stand.

Schedules 1 and 2 agreed to without amendment.

No. 60

### **Warnervale Airport (Restrictions) Bill**

Bill taken by Parts.

Part 4 read.

Clauses 10 to 12 read.

Page 6.

Amendments, by leave, taken in globo.

Mr Gallacher moved:

Page 6, clause 10. Insert after line 8:

- (3) The costs of the review and noise study under this Part are to be met by the Minister out of money legally available or to be provided by Parliament for the purpose.

Page 6, clause 11, line 14. Insert at the end of the line:

The person or persons are to be appointed by the Minister within 40 days after receipt of the application by Wyong Council referred to in section (1).

Page 6, clause 11. Insert after line 19:

- (4) For the purposes of a review under this section, the person or each of the persons appointed to conduct the review has the powers, authorities, protections and immunities conferred by the *Royal Commissions Act 1923* on a commissioner appointed under Division 1 of Part 2 of that Act. That Act (section 13 and Division 2 of Part 2 excepted) applies, with any necessary modifications, to a witness summoned by, or appearing before, any person appointed to conduct the review.

Debate ensued.

Question put: That the amendments of Mr Gallacher be agreed to.

The Committee divided (Mr Gay in the Chair).

#### Ayes 17

|               |            |              |            |
|---------------|------------|--------------|------------|
| Mr Bull       | Mr Kersten | Mr Tingle    |            |
| Mrs Chadwick  |            | Mr Lynn      |            |
| Mrs Forsythe  |            | Mrs Nile     |            |
| Mr Gallacher  |            | Revd Mr Nile | Tellers    |
| Miss Gardiner |            | Mr Ryan      |            |
| Dr Goldsmith  |            | Mrs Sham-Ho  | Mr Jobling |
| Mr Hannaford  |            | Mr Smith     | Mr Moppett |

#### Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Mrs Symonds |
| Dr Burgmann   | Ms Kirkby    |             |
| Ms Burnswoods | Mr Macdonald |             |
| Mr Cohen      | Mr Obeid     |             |
| Mr Corbett    | Mr Primrose  | Tellers     |
| Mr Dyer       | Ms Saffin    |             |
| Mr Egan       | Mr Shaw      | Mrs Isaksen |
| Mr Jones      | Ms Staunton  | Mr Manson   |

#### Pairs

|            |             |
|------------|-------------|
| Mr Johnson | Dr Pezzutti |
| Mr Vaughan | Mr Samios   |

Question resolved in the negative.

Amendments negatived.

Part 4 agreed to without amendment.

Clauses 10 to 12 agreed to without amendment.

---

WEDNESDAY 26 JUNE 1996

No. 61

### **Appropriation (Parliament) Bill**

Clause 7 read.

Page 4.

Mr Hannaford moved:

Page 4. Insert after line 3:

#### **8 Additional appropriation**

In addition to the sums appropriated by sections 4 and 5, this Act appropriates such sum as may be necessary to establish a President's Contingency Fund to be used solely to fund any committees appointed by the Legislative Council to deal with matters referred to any committee additional to the normal work of the standing committees appointed by the House.

Debate ensued.

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

The Committee divided (Mr Gay) in the Chair.

Ayes 22

|               |          |              |            |
|---------------|----------|--------------|------------|
| Mr Bull       | Mr Jones | Mrs Sham-Ho  |            |
| Mrs Chadwick  |          | Mr Kersten   | Mr Smith   |
| Mr Cohen      |          | Ms Kirkby    |            |
| Mr Corbett    |          | Mr Lynn      |            |
| Mrs Forsythe  |          | Mrs Nile     |            |
| Mr Gallacher  |          | Revd Mr Nile | Tellers    |
| Miss Gardiner |          | Dr Pezzutti  |            |
| Dr Goldsmith  |          | Mr Ryan      | Mr Jobling |
| Mr Hannaford  |          | Mr Samios    | Mr Moppett |

Noes 17

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Macdonald | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid     |             |
| Ms Burnswoods | Mr Primrose  |             |
| Mr Dyer       | Ms Saffin    | Tellers     |
| Mr Egan       | Mr Shaw      |             |
| Mr Johnson    | Ms Staunton  | Mrs Isaksen |
| Mr Kaldis     | Mrs Symonds  | Mr Manson   |

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

Clause 7 agreed to with an amendment.

No. 62

**State Revenue Legislation Amendment (Howard and Costello) Bill**

Clause 2, Schedules 1 and 2 read.

Pages 2, 3, 6, 10, 11 and 12.

Amendments, by leave, taken in globo.

Mr Samios moved:

Page 2, clause 2, lines 10-34. Omit all words on those lines. Insert instead:

- (3) Part 2 of Schedule 3 commences on the earliest of the following days:
  - (a) 1 July 1999,
  - (b) a day to be appointed by proclamation for the purposes of this paragraph,
  - (c) the first day of the first quarter after the tabling in a House of Parliament of a report under section 6 stating that the sum of \$902 million has been received by the State as a result of the amendments made by this Act.

Page 3. Insert after line 6:

**6 Reports on operation of amendments**

- (1) The Treasurer is to prepare a report as soon as possible after the end of each quarter (commencing with the quarter in which this Act commences):
  - (a) stating as accurately as possible how much revenue has been received by the State during the quarter as a result of the amendments made by each of the Schedules to this Act, and
  - (b) describing the financial results since the commencement of this Act of the amendments made by each of the Schedules to this Act, and
  - (c) outlining alternatives that may be appropriate to deal with:
    - (i) the issues that led to or were considered in connection with the enactment of this Act, and
    - (ii) any issues that arise from the enactment and operation of this Act, and
  - (d) stating whether or not the sum of \$902 million has been received by the State as a result of the amendments made by this Act.
- (2) The Treasurer is to table, or cause to be tabled, a copy of the report in each House of Parliament within 15 sitting days of the House after the end of the quarter. If the information needed to complete the report is not available within that period, copies of the report are to be tabled as soon as possible after the information becomes available.
- (3) The requirement for reports to be prepared and tabled under this section ceases:
  - (a) when a report has been tabled under this section stating that the sum of \$902 million has been received by the State as a result of the amendments made by this Act, or
  - (b) when the following have occurred:
    - (i) the relevant year referred to in section 3AG (5) of the *Land Tax Act 1956* has ended, and
    - (ii) the interim period referred to in Part 4 of

- Schedule 2 to the *Pay-roll Tax Act 1971* has ended, and  
 (iii) Part 2 of Schedule 3 has commenced.

(4) In this section and section 2:

**quarter** means a period of 3 months ending with the last day of March, June, September or December.

Page 6, Schedule 1 [2], proposed section 3AG, lines 6-33. Omit all words on those lines. Insert instead:

(5) In this section:

**amending Act** means the Act that inserted this section into this Act.

**relevant year** means the earliest of the following years:

- (a) 1999,
- (b) a calendar year to be appointed by proclamation for the purposes of this paragraph (being 1997 to 1998),
- (c) the calendar year during which a report is tabled in a House of Parliament under section 6 of the amending Act stating that the sum of \$902 million has been received by the State as a result of the amendments made by the amending Act.

Pages 10-12, Schedule 2 [6]-[9], line 1 on page 10 to line 15 on page 12. Omit all words on those lines. Insert instead:

#### **[6] Schedule 2, Part 4**

Insert after Part 3:

#### **Part 4 Rates**

#### **13 Definitions**

(1) In this Schedule:

**R** means (subject to clause 15):

- (a) for a financial year occurring during the interim period - 6.85,  
and
- (b) for a financial year occurring after the interim period - 6.7.

(2) In this Part:

**amending Act** means the Act that inserted this Part into this Schedule.

**financial year** means the financial year commencing on 1 July 1996 or on 1 July in any subsequent financial year.

**interim period** means the interim period referred to in clause 14.

**quarter means** a period of 3 months ending with the last day of March, June, September or December.

#### **14 Interim period**

For the purposes of this Schedule, the interim period is the period commencing on 1 July 1996 and ending on the earliest of the following:

- (a) 30 June 1999,

- (b) 30 June of a financial year to be appointed by proclamation for the purposes of this paragraph (being the financial year ending 30 June 1997 or 30 June 1998),
- (c) 30 June of the financial year during which a report is tabled in a House of Parliament under section 6 of the amending Act stating that the sum of \$902 million has been received by the State as a result of the amendments made by the amending Act.

#### 15 Arrangements where reduction is to occur from 1 January

- (1) This clause applies if:
  - (a) a proclamation under clause 14 (b) provides that this clause is to apply from 1 January of the last financial year of the interim period, or
  - (b) a report referred to in clause 14 (c) is tabled during the first two quarters of the last financial year of the interim period.
- (2) Where this clause applies:
  - (a) *R* is, for the purposes of this Schedule, taken to be 6.775 for the last financial year of the interim period, and
  - (b) the pay-roll tax rate at which pay-roll tax is to be calculated and paid for the first two quarters of that last financial year is taken to be 6.85%, and
  - (c) the pay-roll tax rate at which pay-roll tax is to be calculated and paid for the last two quarters of that last financial year is taken to be 6.7%.

Page 12, Schedule 2 [10], lines 18-19. Omit "*Amendment (Howard and Costello)*". Insert instead "*Further Amendment*".

Debate ensued.

Question put: That the amendments of Mr Samios be agreed to.

The Committee divided (Mr Gay) in the Chair).

Ayes 22

|               |            |              |            |
|---------------|------------|--------------|------------|
| Mr Bull       | Mr Kersten | Mr Smith     |            |
| Mrs Chadwick  |            | Ms Kirkby    | Mr Willis  |
| Mr Cohen      |            | Mr Lynn      |            |
| Mrs Forsythe  |            | Mrs Nile     |            |
| Mr Gallacher  |            | Revd Mr Nile |            |
| Miss Gardiner |            | Dr Pezzutti  | Tellers    |
| Dr Goldsmith  |            | Mr Ryan      |            |
| Mr Hannaford  |            | Mr Samios    | Mr Jobling |
| Mr Jones      |            | Mrs Sham-Ho  | Mr Moppett |

## Noes 18

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Mrs Symonds |
| Dr Burgmann   | Mr Macdonald | Mr Vaughan  |
| Ms Burnswoods | Mr Obeid     |             |
| Mr Corbett    | Mr Primrose  | Tellers     |
| Mr Dyer       | Ms Saffin    |             |
| Mr Egan       | Mr Shaw      | Mrs Isaksen |
| Mr Johnson    | Ms Staunton  | Mr Manson   |

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendments agreed to.

Words omitted and inserted.

Another amendment being proposed and agreed to.

Clause 2, Schedules 1 and 2 agreed to with amendments.

No. 63

### **Firearms Bill**

Bill taken by Parts.

Parts 1, 2, 3 and 5 read.

Clauses 1 to 38 and 43 to 49 read.

Pages 5, 9, 10, 11, 19, 29, 31 and 38.

Amendments, by leave, taken in globo.

Mr Tingle moved:

Page 5, clause 4, line 25. Omit "Firearms". Insert instead "firearm owners".

Page 5, clause 4, line 26. Omit all words on that line.

Page 9, clause 8, line 2. Omit "registered".

Page 9, clause 8, line 13. Omit "registered".

Page 10, clause 8, line 3. Omit "registered".

Page 10, clause 8, line 6. Omit "registered".

Page 10, clause 8, line 28. Omit "registered".

Page 11, clause 8, line 2. Omit "registered".

Page 19, clause 18, line 8. Omit "registered".

Page 29, heading to Part 3, line 1. Omit “**Registration of firearms**”. Insert instead “**Register of firearm owners**”.

Page 29, heading to Division 1, line 3. Omit all words on that line.

Page 29, heading to clause 33, line 4. Omit “**Firearms**”. Insert instead “**firearms owners**”.

Page 29, clause 33, line 6. Omit “**Firearms**”. Insert instead “**firearms owners**”.

Page 29, clause 33, lines 8 to 13. Omit all words on those lines. Insert instead:

(a) such particulars relating to licensed firearms owners as are prescribed by the regulations, and

Page 31, heading to Division 2, line 12. Omit all words on that line.

Page 38, clause 47, lines 28 and 29. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Tingle be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 4

Miss Gardiner  
Mr Moppett

Tellers

Mr Kersten  
Mr Tingle

Ayes 35

Mrs Arena  
Mr Bull Mr Kaldis  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mrs Forsythe  
Mr Gallacher  
Dr Goldsmith  
Mr Hannaford  
Mr Johnson

|              |             |
|--------------|-------------|
| Mr Jones     | Mr Samios   |
| Mrs Sham-Ho  |             |
| Ms Kirkby    | Mr Shaw     |
| Mr Lynn      | Mr Smith    |
| Mr Macdonald | Ms Staunton |
| Mr Manson    | Mrs Symonds |
| Mrs Nile     | Mr Vaughan  |
| Revd Mr Nile |             |
| Mr Obeid     |             |
| Dr Pezzutti  | Tellers     |
| Mr Primrose  |             |
| Mr Ryan      | Mrs Isaksen |
| Ms Saffin    | Mr Jobling  |

Question resolved in the negative.

Amendments negatived.

Words stand.

Parts 1, 2, 3 and 5 agreed to without amendment.

Clauses 1 to 38 and 43 to 49 agreed to without amendment.

---

WEDNESDAY 11 SEPTEMBER 1996

No. 64

**Local Government Amendment Bill**

Schedule 3 read.

Page 13.

Ms Kirkby moved:

Page 13, Schedule 3 [10], line 35. Omit "authority.". Insert instead:

authority, and  
the council has made such arrangements with any relevant government agency as are  
necessary to ensure that accommodation will be provided to any resident of the  
building who is likely to become homeless as a result of the order.

Debate ensued.

Question put: That the amendment of Ms Kirkby be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 5

Mr Cohen  
Mr Corbett  
Mr Tingle

Tellers  
  
Mr Jones  
Ms Kirkby

Noes 33

Mrs Arena  
Mr Bull Mr Kersten  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Dyer  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith  
Mr Hannaford  
M Johnson

|              |             |
|--------------|-------------|
| Mr Kaldis    | Ms Saffin   |
| Mr Samios    |             |
| Mr Lynn      | Mr Sham-Ho  |
| Mr Macdonald | Mr Shaw     |
| Mr Manson    | Ms Staunton |
| Mr Moppett   | Mrs Symonds |
| Mrs Nile     | Mr Vaughan  |
| Revd Mr Nile |             |
| Mr Obeid     | Tellers     |
| Dr Pezzutti  |             |
| Mr Primrose  | Mrs Isaksen |
| Mr Ryan      | Mr Jobling  |

Question resolved in the negative.

Amendment negatived.

Words stand.

Schedule 3 agreed to without amendment.

No. 65

# **Noxious Weeds Amendment Bill**

Schedule 1 read.

Page 4.

Amendments, by leave, taken in globo.

Mr Bull moved:

Page 4, Schedule 1 [1], line 1. Omit "A copy". Insert instead "Following inspection of the machine by an inspector, a copy".

Page 4, Schedule 1 [1], line 6. Omit "may refuse". Insert instead "is not".

Page 4, Schedule 1 [1], lines 8 and 9. Omit "is not to be moved without the approval of the inspector". Insert instead "must not be permitted entry into New South Wales".

Page 4, Schedule 1 [1], line 27. Omit "may". Insert instead "is required".

Page 4, Schedule 1 [1], line 28. Omit "inspect an". Insert instead "to inspect".

Page 4, Schedule 1 [1], line 31. Omit "stop and inspect an". Insert instead "to inspect and inspect any".

Page 4, Schedule 1 [1], line 35. Insert "to" before "require".

Debate ensued.

Question put: That the amendments of Mr Bull be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 22

|               |            |              |            |
|---------------|------------|--------------|------------|
| Mr Bull       | Mr Kersten | Mr Smith     |            |
| Mrs Chadwick  |            | Ms Kirkby    | Mr Tingle  |
| Mr Cohen      |            | Mr Lynn      |            |
| Mr Corbett    |            | Mrs Nile     |            |
| Mrs Forsythe  |            | Revd Mr Nile |            |
| Mr Gallacher  |            | Dr Pezzutti  | Tellers    |
| Miss Gardiner |            | Mr Ryan      |            |
| Dr Goldsmith  |            | Mr Samios    | Mr Jobling |
| Mr Jones      |            | Mrs Sham-Ho  | Mr Moppett |

## Noes 16

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Obeid    | Tellers     |
| Dr Burgmann   | Mr Primrose |             |
| Ms Burnswoods | Ms Saffin   |             |
| Mr Dyer       | Mr Shaw     |             |
| Mr Johnson    | Ms Staunton |             |
| Mr Kaldis     | Mrs Symonds | Mrs Isaksen |
| Mr Macdonald  | Mr Vaughan  | Mr Manson   |

## Pairs

Mr Hannaford

Mr Egan

Question resolved in the affirmative.

Amendments agreed to.

Words omitted and inserted.

Schedule 1 agreed to with amendments.

No. 66

**Crimes Amendment (Children's Evidence) Bill**

Schedule 1 read.

Pages 5, 6, 9 and 11.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 5, Schedule 1 [2], lines 32-35. Omit all words on those lines. Insert instead:

- (7) This section does not apply to a child:
- (a) who is the accused or defendant in any of the proceedings referred to in subsection (1) (a), (b) or (c), or
  - (b) who is or was accused of committing the offence that gave rise to proceedings referred to in subsection (1) (d).

Page 6, Schedule 1 [2], line 7. Omit "in the Children's Court".

Page 6, Schedule 1 [2], lines 8 and 9. Omit all words on those lines. Insert instead:

- (1) This section applies to a child in any of the following proceedings:
- (a) proceedings in which it is alleged that the child has committed a personal assault offence, and
  - (b) proceedings in relation to a complaint for an apprehended violence order against the child, and
  - (c) civil proceedings arising from the commission of a personal assault offence by the child, and
  - (d) proceedings before the Victims's Compensation Tribunal arising from the

commission of a personal assault offence by the child.

Page 6, Schedule 1 [2], line 10. Insert "or tribunal" after "court".

Page 6, Schedule 1 [2], line 14. Insert "or tribunal" after "court".

Page 6, Schedule 1 [2], line 23. Insert "or tribunal" after "court".

Page 9, Schedule 1 [5], lines 7-8. Omit "an accused child in the Children's Court, the court". Insert instead "a child to whom section 405DA applies, the court or tribunal".

Page 11, Schedule 1 [6]. Insert after line 4:

- (2) In any criminal proceedings in which the evidence of a child is given by means of closed-circuit television facilities or any other similar technology (by virtue of section 405DA), the Judge must warn the jury not to draw any inference adverse to the accused person or give the evidence any greater or lesser weight because of the use of those facilities or that technology.

Debate ensued.

Question put: That the amendments of (Mr Hannaford) be agreed to.

The Committee divided (Dr Goldsmith) in the Chair.

Ayes 20

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Kersten   | Mrs Sham-Ho |
| Mrs Chadwick  | Ms Kirkby    | Mr Smith    |
| Mrs Forsythe  | Mr Lynn      |             |
| Mr Gallacher  | Mrs Nile     |             |
| Miss Gardiner | Revd Mr Nile | Tellers     |
| Mr Gay        | Dr Pezzutti  |             |
| Mr Hannaford  | Mr Ryan      | Mr Jobling  |
| Mr Jones      | Mr Samios    | Mr Moppett  |

Noes 19

|               |              |            |
|---------------|--------------|------------|
| Mrs Arena     | Mr Kaldis    | Mr Vaughan |
| Dr Burgmann   | Mr Macdonald |            |
| Ms Burnswoods | Mr Obeid     |            |
| Mr Cohen      | Mr Primrose  |            |
| Mr Corbett    | Ms Saffin    | Tellers    |
| Mr Dyer       | Mr Shaw      |            |
| Mr Egan       | Ms Staunton  | Mr Manson  |
| Mr Johnson    | Mrs Symonds  | Mr Tingle  |

Pairs

Mr Willis

Mrs Isaksen

Question resolved in the affirmative.

Amendments agreed to.

Words omitted and inserted.

Schedule 1 agreed to with amendments.

---

WEDNESDAY 30 OCTOBER 1996

No. 67

**Industrial Relations Amendment Bill**

Schedule 1 read.

Question put: That the Schedule be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 22

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Mrs Symonds |
| Dr Burgmann   | Ms Kirkby    | Mr Vaughan  |
| Ms Burnswoods | Mr Macdonald |             |
| Mr Cohen      | Mrs Nile     |             |
| Mr Corbett    | Revd Mr Nile |             |
| Mr Dyer       | Mr Obeid     | Tellers     |
| Mr Egan       | Mr Primrose  |             |
| Mr Johnson    | Mr Shaw      | Mrs Isaksen |
| Mr Jones      | Ms Staunton  | Mr Manson   |

Noes 15

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Hannaford | Mr Smith   |
| Mrs Chadwick  | Mr Kersten   |            |
| Mrs Forsythe  | Mr Lynn      | Tellers    |
| Mr Gallacher  | Dr Pezzutti  |            |
| Miss Gardiner | Mr Ryan      | Mr Jobling |
| Dr Goldsmith  | Mrs Sham-Ho  | Mr Moppett |

Pairs

Ms Saffin

Mr Samios

Question resolved in the affirmative.

Schedule 1 agreed to without amendment.

---

THURSDAY 31 OCTOBER 1996

No. 68

**Heritage Amendment Bill**

Schedule 1 read.

Pages 3 and 4.

Amendments, by leave, taken in globo.

Mr Cohen moved:

Page 3, Schedule 1, line 19 proposed section 8 (2) (a). Omit "six". Insert instead "eight".

Page 4, Schedule 1, lines 15-29, proposed section 8 (2) (a) and (b). Omit all words on those lines. Insert instead:

- (vii) a person appointed from a panel of 3 persons nominated by the New South Wales Aboriginal Land Council, and
- (viii) a person appointed from a panel of 3 persons nominated by the Nature Conservation Council of New South Wales in consultation with the National Parks Association of N.S.W. Incorporated, and
- (b) four are to be persons who, in the opinion of the Minister, possess suitable qualifications, knowledge and skills relating to any of the following areas:
  - (i) the building, development and property industries,
  - (ii) the conservation of the environmental heritage,
  - (iii) local government,
  - (iv) moveable heritage,
  - (v) the property rights of citizens,
  - (vi) rural interests.

Debate ensued.

Question put: That the amendments of Mr Cohen be agreed to.

The Committee divided (Dr Goldsmith in the Chair).

Ayes 4

Mr Jones  
Ms Kirkby

Tellers

Mr Cohen  
Mr Corbett

Noes 27

|               |              |              |
|---------------|--------------|--------------|
| Mr Bull       | Mr Jobling   | Mr Samios    |
| Dr Burgmann   | Mr Johnson   | Mr Shaw      |
| Ms Burnswoods | Mr Kaldis    | Mr Smith     |
| Mrs Chadwick  | Mr Lynn      | Ms Staunton  |
| Mr Dyer       | Mr Manson    | Mr Vaughan   |
| Mr Egan       | Mr Moppett   |              |
| Mrs Forsythe  | Revd Mr Nile | Tellers      |
| Miss Gardiner | Mr Obeid     |              |
| Mr Gay        | Mr Primrose  | Mr Gallacher |
| Mrs Isaksen   | Mr Ryan      | Mrs Symonds  |

Question resolved in the negative.

Amendments negatived.

Words stand.

Schedule 1 agreed to without amendment.

---

WEDNESDAY 13 NOVEMBER 1996

No. 69

### **Superannuation Legislation Amendment Bill**

Schedule 1 read.

Page 17.

Amendments, by leave, taken in globo.

Mr Jones moved:

Page 17, Schedule 1.4 [19], line 15. Insert “, except as provided by subsection (2)” after “this section”.

Page 17, Schedule 1.4 [19]. Insert after line 15:

- (2) The amendments made by that Schedule to section 23 (Pension for spouses) extend to apply in relation to the death of Mr John Newman, MP, on 5 September 1994 but otherwise commence as provided by this Act.
- (3) If any liability for benefit payments arising out of subsection (2) is not expected to be covered as referred to in section 10 (3B) (b), the liability is to be paid for out of money to be provided by Parliament for that purpose.

Debate ensued.

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

The Committee divided (Dr Goldsmith in the Chair).

Ayes 2

## Tellers

Mr Cohen  
Mr Jones

Noes 31

|                   |              |              |
|-------------------|--------------|--------------|
| Mrs Arena         | Mr Jobling   | Mrs Sham-Ho  |
| Mr Bull Mr Kaldis | Mr Smith     |              |
| Dr Burgmann       | Ms Kirkby    | Ms Staunton  |
| Ms Burnswoods     | Mr Lynn      | Mrs Symonds  |
| Mrs Chadwick      | Mr Macdonald | Mr Tingle    |
| Mr Corbett        | Mr Moppett   |              |
| Mr Dyer           | Mrs Nile     |              |
| Mr Egan           | Dr Pezzutti  |              |
| Mrs Forsythe      | Mr Primrose  | Tellers      |
| Mr Gay            | Mr Ryan      |              |
| Mr Hannaford      | Ms Saffin    | Mr Gallacher |
| Mrs Isaksen       | Mr Samios    | Revd Mr Nile |

Question resolved in the negative.

Amendments negatived.

Schedule 1 agreed to without amendment.

---

WEDNESDAY 18 NOVEMBER 1996

No. 70

**Sydney Organising Committee for the Olympic Games Further Amendment Bill**

Schedule 1 read.

Page 4.

Mr Hannaford moved:

Page 4, Schedule 1 [7], line 2. Omit “five”. Insert instead “six”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 16

|               |             |            |
|---------------|-------------|------------|
| Mrs Chadwick  | Mr Lynn     | Tellers    |
| Mrs Forsythe  | Dr Pezzutti |            |
| Mr Gallacher  | Mr Ryan     |            |
| Miss Gardiner | Mr Samios   |            |
| Dr Goldsmith  | Mrs Sham-Ho |            |
| Mr Hannaford  | Mr Smith    | Mr Jobling |
| Mr Jones      | Mr Tingle   | Mr Moppett |

## Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mrs Nile     | Mr Vaughan  |
| Dr Burgmann   | Revd Mr Nile |             |
| Ms Burnswoods | Mr Obeid     |             |
| Mr Corbett    | Mr Primrose  |             |
| Mr Egan       | Ms Saffin    | Tellers     |
| Mr Kaldis     | Mr Shaw      |             |
| Ms Kirkby     | Ms Staunton  | Mrs Isaksen |
| Mr Macdonald  | Mrs Symonds  | Mr Manson   |

## Pairs

|            |            |
|------------|------------|
| Mr Bull    | Mr Dyer    |
| Mr Kersten | Mr Johnson |

Question resolved in the negative.

Words stand.

Amendment negatived.

No. 71

**Same Bill**

Same Schedule.

Pages 4 and 5.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 4, Schedule 1. Insert after line 2:

**[8] Section 14 (1A)**

Insert after section 14 (1):

- (1A) The Minister must not recommend a person for appointment of an appointed director except with the concurrence of the Leader of the Opposition in the Legislative Assembly.

Page 5, Schedule 1. Insert after line 12:

**[18} Section 20 (1A)**

Insert after section 20 (1):

- (1A) The Minister must not recommend the termination of the appointment of an appointed director except with the concurrence of the Leader of the Opposition in the Legislative Assembly.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

Noes 16

|               |             |            |
|---------------|-------------|------------|
| Mrs Chadwick  | Ms Kirkby   | Tellers    |
| Mrs Forsythe  | Mr Lynn     |            |
| Mr Gallacher  | Dr Pezzutti |            |
| Miss Gardiner | Mr Ryan     |            |
| Dr Goldsmith  | Mr Samios   |            |
| Mr Hannaford  | Mrs Sham-Ho | Mr Jobling |
| Mr Jones      | Mr Smith    | Mr Moppett |

Ayes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Revd Mr Nile | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid     |             |
| Ms Burnswoods | Mr Primrose  |             |
| Mr Corbett    | Ms Saffin    |             |
| Mr Egan       | Mr Shaw      | Tellers     |
| Mr Kaldis     | Ms Staunton  |             |
| Mr Macdonald  | Mrs Symonds  | Mrs Isaksen |
| Mrs Nile      | Mr Tingle    | Mr Manson   |

Pairs

|            |            |
|------------|------------|
| Mr Bull    | Mr Dyer    |
| Mr Kersten | Mr Johnson |

Question resolved in the negative.

Amendments negatived.

No. 72

**Same Bill**

Same Schedule.

Page 4.

Mr Hannaford moved:

Page 4, Schedule 1 [11], lines 25-26. Omit all words on those lines. Insert instead:

- (1) Subject to subsection (2), the Minister for the Olympics, or such other person as may be appointed by the Governor on the recommendation of the Minister, is to be the President of SOCOG.
- (2) The Minister for the Olympics may hold office as President provided the Minister does not hold any other ministerial portfolio.
- (3) If a person other than the Minister is appointed as President of SOCOG, sections 18 (1) an (3), 20, 21 (1) (d), 22 and 23 apply in respect of that office and the person who holds the office.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

#### Ayes 15

|               |             |             |
|---------------|-------------|-------------|
| Mrs Chadwick  | Mr Jones    | Mrs Sham-Ho |
| Mrs Forsythe  | Mr Kersten  |             |
| Mr Gallacher  | Mr Lynn     | Tellers     |
| Miss Gardiner | Dr Pezzutti |             |
| Dr Goldsmith  | Mr Ryan     | Mr Jobling  |
| Mr Hannaford  | Mr Samios   | Mr Moppett  |

#### Noes 21

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Macdonald | Mrs Symonds |
| Dr Burgmann   | Mrs Nile     | Mr Tingle   |
| Ms Burnswoods | Revd Mr Nile | Mr Vaughan  |
| Mr Corbett    | Mr Obeid     |             |
| Mr Egan       | Mr Primrose  | Tellers     |
| Mr Johnson    | Ms Saffin    |             |
| Mr Kaldis     | Mr Shaw      | Mrs Isaksen |
| Ms Kirkby     | Ms Staunton  | Mr Manson   |

#### Pairs

Mr Bull

Mr Dyer

Question resolved in the negative.

Amendment negatived.

Words stand.

Schedule 1 agreed to without amendment.

No. 73

# **Regulatory Reduction Bill**

Schedule 1 read.

Page 19.

Mr Samios moved:

Page 19, Schedule 1.11, line 22, to page 21, Schedule 1.11, line 13. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 19

|               |             |            |
|---------------|-------------|------------|
| Mr Bull       | Mr Lynn     | Mr Willis  |
| Mrs Chadwick  | Mrs Nile    |            |
| Mr Corbett    | Dr Pezzutti |            |
| Mrs Forsythe  | Mr Ryan     |            |
| Mr Gallacher  | Mr Samios   | Tellers    |
| Miss Gardiner | Mrs Sham-Ho |            |
| Dr Goldsmith  | Mr Smith    | Mr Jobling |
| Mr Jones      | Mr Tingle   | Mr Moppett |

## Noes 17

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Macdonald | Mr Vaughan  |
| Ms Burnswoods | Mr Obeid     |             |
| Mr Cohen      | Mr Primrose  |             |
| Mr Dyer       | Ms Saffin    | Tellers     |
| Mr Egan       | Mr Shaw      |             |
| Mr Kaldis     | Ms Staunton  | Mrs Arena   |
| Ms Kirkby     | Mrs Symonds  | Mrs Isaksen |

## Pairs

|              |            |
|--------------|------------|
| Mr Hannaford | Mr Johnson |
| Mr Kersten   | Mr Manson  |

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words omitted.

Another amendment being proposed and agreed to, Schedule 1 agreed to with amendments.

No. 74

**Liquor and Registered Clubs Legislation Further Amendment Bill**

Schedule 1 read.

Page 3.

Revd Mr Nile moved:

Page 3, Schedule 1 [1], lines 5 to 12. Omit all words on those lines. Insert instead:

*approved gaming device* means an approved amusement device, but does not include an approved poker machine, or an unauthorised poker machine, within the meaning of the *Registered Clubs Act 1976*.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 7

Mr Jones  
Ms Kirkby  
Mrs Nile  
Revd Mr Nile  
Mr Tingle

Tellers  
  
Mr Cohen  
Mr Corbett

Noes 25

Mrs Arena  
Mr Bull     Mr Macdonald  
Dr Burgmann  
Ms Burnswoods  
Mr Egan  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith  
Mr Johnson  
Mr Kaldis

|             |             |
|-------------|-------------|
| Mr Lynn     | Ms Staunton |
| Mrs Symonds |             |
| Mr Moppett  | Mr Vaughan  |
| Dr Pezzutti |             |
| Mr Primrose | Tellers     |
| Mr Ryan     |             |
| Ms Saffin   | Mrs Isaksen |
| Mrs Sham-Ho | Mr Jobling  |
| Mr Shaw     |             |
| Mr Smith    |             |

Question resolved in the negative.

Amendment negatived.

Words stand.

Schedule 1 agreed to without amendment.

---

THURSDAY 21 NOVEMBER 1996

No. 75

### Victims Compensation Bill

Bill taken by Parts.

Part 2 read.

Clauses 6 to 58 read.

Page 13.

Mr Cohen moved:

Page 13, clause 24 (4) insert after line 16:

**(4) Convicted inmates**

A person is not, except as provided by subsection (5), eligible to receive statutory compensation in respect of an act of violence if it occurred while the person was imprisoned as a convicted inmate within the meaning of the *Correctional Centres Act 1952* (unless the person was imprisoned only because of the person's failure to pay a pecuniary penalty).

**(5) Exception to ineligibility of convicted inmates**

However, any such convicted inmate may, in special circumstances, receive statutory compensation. Any such award must not be made unless:

- (a) the award of compensation is made by the Tribunal, and
  - (b) the Tribunal is satisfied that the special circumstances of the case justify an exception being made to the general ineligibility of convicted inmates.
- Without limiting the foregoing, the Tribunal may determine that special circumstances exist if the convicted inmate is seriously and permanently injured as a result of the act of violence concerned.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 18

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Obeid  
Ms Saffin  
Mr Shaw  
Mrs Symonds

Mr Tingle  
Mr Vaughan  
  
Tellers  
  
Mrs Isaksen  
Mr Primrose

Noes 14

Mr Bull Mrs Nile  
 Mrs Chadwick  
 Mrs Forsythe  
 Mr Gallacher  
 Miss Gardiner  
 Mr Lynn

Tellers  
 Revd Mr Nile  
 Dr Pezzutti  
 Mr Ryan  
 Mrs Sham-Ho  
 Mr Smith  
 Mr Jobling  
 Mr Moppett

Pairs

Mr Johnson  
 Mr Macdonald  
 Mr Manson  
 Ms Staunton

Mr Hannaford  
 Mr Samios  
 Dr Goldsmith  
 Mr Kersten

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

Other amendments being proposed and agreed to, Part 2 and Clauses 6 to 59 agreed to with amendments.

No. 76

### **Victims Rights Bill**

Recommitted for further consideration of Clause 13.

Page 9.

Mr Jones moved:

Page 9, clause 13. Insert after line 12:

- (2) One of the members appointed to represent the general community is to be a person nominated by the organisation known as Homicide Victims Support Group Australia Inc. or, if that organisation ceases to exist, by any similar organisation approved by the Minister.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 6

Mr Cohen  
 Mrs Nile  
 Revd Mr Nile  
 Mr Tingle

Tellers  
 Mr Corbett  
 Mr Jones

## Noes 31

|                   |              |             |
|-------------------|--------------|-------------|
| Mrs Arena         | Mr Kaldis    | Mr Shaw     |
| Mr Bull Ms Kirkby | Mr Smith     |             |
| Dr Burgmann       | Mr Lynn      | Ms Staunton |
| Ms Burnswoods     | Mr Macdonald | Mrs Symonds |
| Mrs Chadwick      | Mr Moppett   | Mr Vaughan  |
| Mr Dyer           | Mr Obeid     |             |
| Mr Egan           | Dr Pezzutti  |             |
| Mrs Forsythe      | Mr Primrose  |             |
| Mr Gallacher      | Mr Ryan      | Tellers     |
| Miss Gardiner     | Ms Saffin    |             |
| Dr Goldsmith      | Mr Samios    | Mrs Isaksen |
| Mr Hannaford      | Mrs Sham-Ho  | Mr Jobling  |

Question resolved in the negative.

Amendment negatived.

Recommitted clause 13 agreed to without amendment.

---

TUESDAY 26 NOVEMBER 1996

No. 77

**WorkCover Legislation Amendment Bill (No. 2)**

Schedule 1 read.

Pages 21 and 22.

Mr Hannaford moved:

Pages 21 and 22, Schedule 1.3, line 29 on page 21 to line 16 on page 22. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 16

|                 |              |            |
|-----------------|--------------|------------|
| Mr Bull Mr Lynn | Tellers      |            |
| Mrs Chadwick    | Mrs Nile     |            |
| Mrs Forsythe    | Revd Mr Nile |            |
| Mr Gallacher    | Dr Pezzutti  |            |
| Miss Gardiner   | Mr Ryan      |            |
| Mr Hannaford    | Mr Samios    | Mr Jobling |
| Ms Kirkby       | Mr Smith     | Mr Moppett |
|                 | Noes 18      |            |

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Macdonald | Mr Tingle   |
| Dr Burgmann   | Mr Obeid     | Mr Vaughan  |
| Ms Burnswoods | Mr Primrose  |             |
| Mr Cohen      | Ms Saffin    | Tellers     |
| Mr Corbett    | Mr Shaw      |             |
| Mr Egan       | Mr Staunton  | Mrs Isaksen |
| Mr Jones      | Mrs Symonds  | Mr Manson   |

Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Kaldis  |
| Mr Kersten   | Mr Johnson |
| Mrs Sham-Ho  | Mr Dyer    |

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 78

### Same Bill

Same Schedule.

Pages 27 and 50.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 27, Schedule 1.5 [4], lines 1-5. Omit all words on those lines.

Page 50, Schedule 1.18 [3], lines 1-17. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 20

|               |          |              |            |
|---------------|----------|--------------|------------|
| Mr Bull       | Mr Jones | Mr Smith     |            |
| Mrs Chadwick  |          | Mr Lynn      | Mr Tingle  |
| Mr Cohen      |          | Mrs Nile     |            |
| Mr Corbett    |          | Revd Mr Nile |            |
| Mrs Forsythe  |          | Dr Pezzutti  | Tellers    |
| Mr Gallacher  |          | Mr Ryan      |            |
| Miss Gardiner |          | Mr Samios    | Mr Jobling |
| Mr Hannaford  |          | Mrs Sham-Ho  | Mr Moppett |
|               |          | Noes 16      |            |

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Obeid    | Tellers     |
| Dr Burgmann   | Mr Primrose |             |
| Ms Burnswoods | Ms Saffin   |             |
| Mr Dyer       | Mr Shaw     |             |
| Mr Egan       | Mr Staunton |             |
| Ms Kirkby     | Mrs Symonds | Mrs Isaksen |
| Mr Macdonald  | Mr Vaughan  | Mr Manson   |

## Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Kaldis  |

Question resolved in the affirmative.

Amendments agreed to.

Words omitted.

No. 79

**Same Bill**

Same Schedule.

Page 35.

Mr Shaw moved:

Page 35, Schedule 1.7 [1], line 29. Omit “not reasonably justified”. Insert instead “frivolous or vexatious”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Macdonald | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid     |             |
| Ms Burnswoods | Mr Primrose  |             |
| Mr Cohen      | Ms Saffin    |             |
| Mr Corbett    | Mr Shaw      | Tellers     |
| Mr Dyer       | Ms Staunton  |             |
| Mr Egan       | Mrs Symonds  | Mrs Isaksen |
| Mr Jones      | Mr Tingle    | Mr Manson   |

## Noes 17

|               |         |              |            |
|---------------|---------|--------------|------------|
| Mr Bull       | Mr Lynn | Mr Smith     |            |
| Mrs Chadwick  |         | Mrs Nile     |            |
| Mrs Forsythe  |         | Revd Mr Nile |            |
| Mr Gallacher  |         | Dr Pezzutti  | Tellers    |
| Miss Gardiner |         | Mr Ryan      |            |
| Mr Hannaford  |         | Mr Samios    | Mr Jobling |
| Ms Kirkby     |         | Mrs Sham-Ho  | Mr Moppett |

## Pairs

|            |              |
|------------|--------------|
| Mr Johnson | Dr Goldsmith |
| Mr Kaldis  | Mr Kersten   |

Question resolved in the affirmative.

Amendment agreed to.

Words omitted and inserted.

No. 80

**Same Bill**

Same Schedule.

Page 37.

Mr Hannaford moved:

Page 37, Schedule 1.8, lines 1-25. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 20

|               |           |              |            |
|---------------|-----------|--------------|------------|
| Mr Bull       | Ms Kirkby | Mr Smith     |            |
| Mrs Chadwick  |           | Mr Lynn      | Mr Tingle  |
| Mr Corbett    |           | Mrs Nile     |            |
| Mrs Forsythe  |           | Revd Mr Nile |            |
| Mr Gallacher  |           | Dr Pezzutti  | Tellers    |
| Miss Gardiner |           | Mr Ryan      |            |
| Mr Hannaford  |           | Mr Samios    | Mr Jobling |
| Mr Jones      |           | Mrs Sham-Ho  | Mr Moppett |

## Noes 16

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Obeid    | Tellers     |
| Dr Burgmann   | Mr Primrose |             |
| Ms Burnswoods | Ms Saffin   |             |
| Mr Cohen      | Mr Shaw     |             |
| Mr Dyer       | Mr Staunton |             |
| Mr Egan       | Mrs Symonds | Mrs Isaksen |
| Mr Macdonald  | Mr Vaughan  | Mr Manson   |

## Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Kaldis  |

Question resolved in the affirmative.

Amendments agreed to.

Words omitted.

No. 81

### Same Bill

Same Schedule.

Page 53.

Mr Hannaford moved:

Page 53, Schedule 1.20. Insert after line 7:

#### [8] Section 168 Insurance premiums orders

Insert after section 168 (3A):

- (3B) The Insurance Premiums Order (1996-1997) (published in Gazette No. 76 of 26 June 1996) is amended by omitting Note 15 from Table A (Basic Tariff Rates Notes), with effect from immediately before 4 pm on 30 June 1996. An insurance premiums order applying in any period before 30 June 1998 must not contain provision to the same or similar effect as that Note.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 19

|               |          |              |            |
|---------------|----------|--------------|------------|
| Mr Bull       | Mr Jones | Mr Smith     |            |
| Mrs Chadwick  |          | Mr Lynn      |            |
| Mr Cohen      |          | Mrs Nile     |            |
| Mr Corbett    |          | Revd Mr Nile |            |
| Mrs Forsythe  |          | Dr Pezzutti  | Tellers    |
| Mr Gallacher  |          | Mr Ryan      |            |
| Miss Gardiner |          | Mr Samios    | Mr Jobling |
| Mr Hannaford  |          | Mrs Sham-Ho  | Mr Moppett |

## Noes 16

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Primrose |             |
| Dr Burgmann   | Ms Saffin   |             |
| Ms Burnswoods | Mr Shaw     |             |
| Mr Dyer       | Ms Staunton | Tellers     |
| Mr Egan       | Mrs Symonds |             |
| Mr Macdonald  | Mr Tingle   | Mrs Isaksen |
| Mr Obeid      | Mr Vaughan  | Mr Manson   |

## Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Kaldis  |

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

Schedule 1 agreed to with amendments.

No. 82

### Same Bill

Schedule 2 read.

Pages 57 and 58.

Mr Hannaford moved:

Pages 57 and 58, Schedule 2.4, line 1 on page 57 to line 15 on page 58. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 16

|               |         |              |            |
|---------------|---------|--------------|------------|
| Mr Bull       | Mr Lynn |              | Tellers    |
| Mrs Chadwick  |         | Mrs Nile     |            |
| Mrs Forsythe  |         | Revd Mr Nile |            |
| Mr Gallacher  |         | Dr Pezzutti  |            |
| Miss Gardiner |         | Mr Ryan      |            |
| Mr Hannaford  |         | Mr Samios    | Mr Jobling |
| Ms Kirkby     |         | Mrs Sham-Ho  | Mr Moppett |

## Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Macdonald | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid     |             |
| Ms Burnswoods | Mr Primrose  |             |
| Mr Cohen      | Ms Saffin    |             |
| Mr Corbett    | Mr Shaw      | Tellers     |
| Mr Dyer       | Ms Staunton  |             |
| Mr Egan       | Mrs Symonds  | Mrs Isaksen |
| Mr Jones      | Mr Tingle    | Mr Manson   |

## Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Kaldis  |

Question resolved in the negative.

Amendment negatived.

Words stand.

Another amendment being proposed and agreed to, Schedule 2 agreed to with an amendment.

TUESDAY 26 NOVEMBER 1996

No. 83

**WorkCover Legislation Amendment (No. 2) Bill**

Schedule 1 read.

Pages 21 and 22.

Mr Hannaford moved:

Pages 21 and 22, Schedule 1.3, line 29 on page 21 to line 16 on page 22. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 16

|                 |              |            |
|-----------------|--------------|------------|
| Mr Bull Mr Lynn | Tellers      |            |
| Mrs Chadwick    | Mrs Nile     |            |
| Mrs Forsythe    | Revd Mr Nile |            |
| Mr Gallacher    | Dr Pezzutti  |            |
| Miss Gardiner   | Mr Ryan      |            |
| Mr Hannaford    | Mr Samios    | Mr Jobling |
| Ms Kirkby       | Mr Smith     | Mr Moppett |

Noes 18

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Macdonald | Mr Tingle   |
| Dr Burgmann   | Mr Obeid     | Mr Vaughan  |
| Ms Burnswoods | Mr Primrose  |             |
| Mr Cohen      | Ms Saffin    | Tellers     |
| Mr Corbett    | Mr Shaw      |             |
| Mr Egan       | Mr Staunton  | Mrs Isaksen |
| Mr Jones      | Mrs Symonds  | Mr Manson   |

Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Kaldis  |
| Mr Kersten   | Mr Johnson |
| Mrs Sham-Ho  | Mr Dyer    |

Question resolved in the negative.

Words stand.

Amendment negatived.

No. 84

### **Same Bill**

Same Schedule.

Pages 27 and 50.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 27, Schedule 1.5 [4], lines 1-5. Omit all words on those lines.

Page 50, Schedule 1.18 [3], lines 1-17. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 20

|               |          |              |            |
|---------------|----------|--------------|------------|
| Mr Bull       | Mr Jones | Mr Smith     |            |
| Mrs Chadwick  |          | Mr Lynn      | Mr Tingle  |
| Mr Cohen      |          | Mrs Nile     |            |
| Mr Corbett    |          | Revd Mr Nile |            |
| Mrs Forsythe  |          | Dr Pezzutti  | Tellers    |
| Mr Gallacher  |          | Mr Ryan      |            |
| Miss Gardiner |          | Mr Samios    | Mr Jobling |
| Mr Hannaford  |          | Mrs Sham-Ho  | Mr Moppett |

Noes 16

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Obeid    | Tellers     |
| Dr Burgmann   | Mr Primrose |             |
| Ms Burnswoods | Ms Saffin   |             |
| Mr Dyer       | Mr Shaw     |             |
| Mr Egan       | Mr Staunton |             |
| Ms Kirkby     | Mrs Symonds | Mrs Isaksen |
| Mr Macdonald  | Mr Vaughan  | Mr Manson   |

Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Kaldis  |

Question resolved in the affirmative.

Amendments agreed to.

No. 85

**Same Bill**

Same Schedule.

Page 35.

Mr Shaw moved:

Page 35, Schedule 1.7 [1], line 29. Omit “not reasonably justified”. Insert instead “frivolous or vexatious”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Macdonald | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid     |             |
| Ms Burnswoods | Mr Primrose  |             |
| Mr Cohen      | Ms Saffin    |             |
| Mr Corbett    | Mr Shaw      | Tellers     |
| Mr Dyer       | Ms Staunton  |             |
| Mr Egan       | Mrs Symonds  | Mrs Isaksen |
| Mr Jones      | Mr Tingle    | Mr Manson   |

## Noes 17

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Lynn      | Mr Smith   |
| Mrs Chadwick  | Mrs Nile     |            |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  | Tellers    |
| Miss Gardiner | Mr Ryan      |            |
| Mr Hannaford  | Mr Samios    | Mr Jobling |
| Ms Kirkby     | Mrs Sham-Ho  | Mr Moppett |

## Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Kaldis  |

Question resolved in the affirmative.

Amendment agreed to.

Words stand.

No. 86

**Same Bill**

Same Schedule.

Page 37.

Mr Hannaford moved:

Page 37, Schedule 1.8, lines 1-25. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 20

|               |           |              |            |
|---------------|-----------|--------------|------------|
| Mr Bull       | Ms Kirkby | Mr Smith     |            |
| Mrs Chadwick  |           | Mr Lynn      | Mr Tingle  |
| Mr Corbett    |           | Mrs Nile     |            |
| Mrs Forsythe  |           | Revd Mr Nile |            |
| Mr Gallacher  |           | Dr Pezzutti  | Tellers    |
| Miss Gardiner |           | Mr Ryan      |            |
| Mr Hannaford  |           | Mr Samios    | Mr Jobling |
| Mr Jones      |           | Mrs Sham-Ho  | Mr Moppett |

## Noes 16

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Obeid    | Tellers     |
| Dr Burgmann   | Mr Primrose |             |
| Ms Burnswoods | Ms Saffin   |             |
| Mr Cohen      | Mr Shaw     |             |
| Mr Dyer       | Mr Staunton |             |
| Mr Egan       | Mrs Symonds | Mrs Isaksen |
| Mr Macdonald  | Mr Vaughan  | Mr Manson   |

## Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Kaldis  |

Question resolved in the affirmative.

Amendments agreed to.

Words omitted.

No. 87

**Same Bill**

Same Schedule.

Page 53.

Mr Hannaford moved:

Page 53, Schedule 1.20. Insert after line 7:

**[8] Section 168 Insurance premiums orders**

Insert after section 168 (3A):

- (3B) The Insurance Premiums Order (1996-1997) (published in Gazette No. 76 of 26 June 1996) is amended by omitting Note 15 from Table A (Basic Tariff Rates Notes), with effect from immediately before 4 pm on 30 June 1996. An insurance premiums order applying in any period before 30 June 1998 must not contain provision to the same or similar effect as that Note.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 19

|               |          |              |            |
|---------------|----------|--------------|------------|
| Mr Bull       | Mr Jones | Mr Smith     |            |
| Mrs Chadwick  |          | Mr Lynn      |            |
| Mr Cohen      |          | Mrs Nile     |            |
| Mr Corbett    |          | Revd Mr Nile |            |
| Mrs Forsythe  |          | Dr Pezzutti  | Tellers    |
| Mr Gallacher  |          | Mr Ryan      |            |
| Miss Gardiner |          | Mr Samios    | Mr Jobling |
| Mr Hannaford  |          | Mrs Sham-Ho  | Mr Moppett |

Noes 16

|               |             |             |
|---------------|-------------|-------------|
| Mrs Arena     | Mr Primrose | Tellers     |
| Dr Burgmann   | Ms Saffin   |             |
| Ms Burnswoods | Mr Shaw     |             |
| Mr Dyer       | Ms Staunton |             |
| Mr Egan       | Mrs Symonds |             |
| Mr Macdonald  | Mr Tingle   | Mrs Isaksen |
| Mr Obeid      | Mr Vaughan  | Mr Manson   |

Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Kaldis  |

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

Schedule 1 agreed to with amendments.

No. 88

### **Same Bill**

Schedule 2 read.

Pages 57 and 58.

Mr Hannaford moved:

Pages 57 and 58, Schedule 2.4, line 1 on page 57 to line 15 on page 58. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 16

Mr Bull Mr Lynn  
Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Mr Hannaford  
Ms Kirkby

Tellers  
Mrs Nile  
Revd Mr Nile  
Dr Pezzutti  
Mr Ryan  
Mr Samios  
Mrs Sham-Ho

Mr Jobling  
Mr Moppett

## Noes 19

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mr Jones

Mr Macdonald  
Mr Obeid  
Mr Primrose  
Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Tingle

Mr Vaughan

Tellers

Mrs Isaksen  
Mr Manson

## Pairs

Dr Goldsmith  
Mr Kersten

Mr Johnson  
Mr Kaldis

Question resolved in the negative.

Amendment negatived.

Words stand.

Another amendment being proposed and agreed to, Schedule 2 agreed to with an amendment.

No. 89

### **Business Franchise Licences (Tobacco) Amendment Bill**

Schedule 1 read.

Page 10.

Revd Mr Nile moved:

Page 10, line 32, Schedule 1 [14]. Omit "\$100". Insert instead "\$1,000".

Debate ensued.

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

The Committee divided (Mrs Symonds in the Chair).

Ayes 7

Mr Cohen  
Mr Corbett  
Ms Kirkby  
Mrs Nile  
Mr Tingle

Tellers

Mr Jones  
Revd Mr Nile

Noes 28

Mrs Arena  
Mr Bull Mr Lynn  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Dyer  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Mr Gay  
Mr Hannaford

Mr Kaldis  
Mr Shaw  
Mr Macdonald  
Mr Manson  
Mr Moppett  
Mr Obeid  
Dr Pezzutti  
Mr Primrose  
Mr Ryan  
Ms Saffin  
Mr Samios

Mrs Sham-Ho  
  
Ms Staunton  
Mr Vaughan  
  
  
Tellers  
  
Mrs Isaksen  
M Jobling

Question resolved in the negative.

Amendment negatived.

No. 90

### Same Bill

Same Schedule.

Page 10.

Revd Mr Nile moved:

Page 10, Schedule 1. Insert after line 32:  
**[15]Section 41 (4)**

Insert after section 41 (3):

(4) Revenue obtained from the fixed component of any fees paid under this section (that is, that part of any such fees that does not depend on the value of tobacco) is to be applied toward the appointment of additional inspectors and other officers for the purpose of:

- (a) monitoring compliance with the provisions of Division 3 of Part 6 of the *Public Health Act 1991* (Juvenile smoking), and
- (b) enforcing the provisions of this Act,

and any remainder of the revenue so obtained is to be applied to anti-smoking campaigns such as the QUIT campaign and the NSW Tobacco and Health Strategy.

Debate ensued.

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

The Committee divided (Mrs Symonds in the Chair).

Ayes 7

|              |          |
|--------------|----------|
| Mr Corbett   | Tellers  |
| Ms Kirkby    |          |
| Mrs Nile     |          |
| Revd Mr Nile | Mr Cohen |
| Mr Tingle    | Mr Jones |

Noes 29

|                 |              |             |
|-----------------|--------------|-------------|
| Mrs Arena       | Mr Kaldis    | Mrs Sham-Ho |
| Mr Bull Mr Lynn | Mr Shaw      |             |
| Dr Burgmann     | Mr Macdonald | Mr Smith    |
| Ms Burnswoods   | Mr Manson    | Ms Staunton |
| Mrs Chadwick    | Mr Moppett   | Mr Vaughan  |
| Mr Dyer         | Mr Obeid     |             |
| Mrs Forsythe    | Dr Pezzutti  |             |
| Mr Gallacher    | Mr Primrose  | Tellers     |
| Miss Gardiner   | Mr Ryan      |             |
| Mr Gay          | Ms Saffin    | Mrs Isaksen |
| Mr Hannaford    | Mr Samios    | Mr Jobling  |

Question resolved in the negative.

Amendment negatived.

Schedule 1 agreed to without amendment.

No. 91

### **Police Legislation Further Amendment Bill**

Schedule 1 read.

Page 3.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 3, Schedule 1, lines 20 and 21. Omit all words on those lines.

Page 3, Schedule 1. Insert before line 22:

#### **[5] Section 9 Maximum number of staff in Police Service**

Omit 'Treasurer' wherever occurring.

Insert instead "Minister for Police".

Page 3, Schedule 1. Insert before line 22:

**[6] Section 9A**

Insert before section 10:

**9A Publication and auditing of Police Service strength**

- (1) It is the duty of the Minister for Police to cause the following information to be published in the Gazette each month:
  - (a) the number of sworn police officers employed in the Police Service as at the end of the previous month,
  - (b) the number of persons (other than sworn police officers) employed in the Police Service as at the end of the previous month,
  - (c) the number of police officers sworn in during the previous month,
  - (d) the number of sworn police officers who have resigned or retired during the previous month,
  - (e) the number of sworn police officers who have left the Police Service (otherwise than due to resignation or retirement) during the previous month,
  - (f) the number of sworn police officers who have been on leave for more than one week during the previous month,
  - (g) the number of sworn police officers who have been suspended from duty during the previous month.
- (2) The Auditor-General may call for, inspect and take copies of all books, records and other documents held by:
  - (a) the Minister for Police, or
  - (b) the Commissioner for Police, or
  - (c) any person employed in the Ministry for Police or Police Service, for the purpose of verifying the information referred to in subsection (1).
- (3) It is the duty of the Auditor-General to report to the Minister for Police and the Commissioner for Police as to any discrepancies between the information published under subsection (1) and the information arising from the Auditor-General's inquiries under subsection (2).
- (4) Section 38E of the Public Finance and Audit Act 1983 applies to a report referred to in subsection 38C of that Act.
- (5) Any person:
  - (a) who contributes, whether wilfully or negligently, to the publication of false or misleading information under this section, or
  - (b) who fails to produce any book, record or document that is called for by the Auditor-General under this section,
  - (c) who hinders the Auditor-General in the exercise of the Auditor-General's functions under this section,
 is guilty of an offence.  
 Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.
- (6) Nothing in this section limits or otherwise affects the functions of the Auditor-General apart from this section.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

## Ayes 17

|               |         |              |            |
|---------------|---------|--------------|------------|
| Mr Bull       | Mr Lynn | Mr Smith     |            |
| Mrs Chadwick  |         | Mrs Nile     |            |
| Mrs Forsythe  |         | Revd Mr Nile |            |
| Mr Gallacher  |         | Dr Pezzutti  | Tellers    |
| Miss Gardiner |         | Mr Ryan      |            |
| Mr Hannaford  |         | Mr Samios    | Mr Jobling |
| Mr Jones      |         | Mrs Sham-Ho  | Mr Moppett |

## Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Macdonald | Mr Vaughan  |
| Dr Burgmann   | Mr Obeid     |             |
| Ms Burnswoods | Mr Primrose  |             |
| Mr Cohen      | Ms Saffin    |             |
| Mr Corbett    | Mr Shaw      | Tellers     |
| Mr Egan       | Ms Staunton  |             |
| Mr Kaldis     | Mrs Symonds  | Mrs Isaksen |
| Ms Kirkby     | Mr Tingle    | Mr Manson   |

## Pairs

|              |            |
|--------------|------------|
| Dr Goldsmith | Mr Johnson |
| Mr Kersten   | Mr Dyer    |

Question resolved in the negative.

Words stand.

Amendments negatived.

No. 92

### Same Bill

Same Schedule.

Page 18.

Revd Mr Nile moved:

Page 18, Schedule 1, lines 12-17. Omit all words on those lines. Insert instead:

- (6) The provisions of Part 6 of Chapter 2 of the Industrial Relations Act 1996 apply to a police officer who is removed from the Police Service by means of an order under this section in the same way they apply to the dismissal of a public sector employee within the meaning of that Act.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 6

Mr Cohen  
Mr Corbett  
Mrs Nile  
Revd Mr Nile

Tellers  
  
Mr Jones  
Mr Tingle

Noes 29

Mrs Arena  
Mr Bull Mr Macdonald  
Dr Burgmann  
Ms Burnswoods  
Mr Dyer  
Mr Egan  
Mr Gallacher  
Miss Gardiner  
Mr Hannaford  
Mr Kaldis  
Ms Kirkby

|             |             |
|-------------|-------------|
| Mr Lynn     | Mr Smith    |
| Ms Staunton |             |
| Mr Manson   | Mrs Symonds |
| Mr Moppett  | Mr Vaughan  |
| Mr Obeid    |             |
| Dr Pezzutti |             |
| Mr Ryan     |             |
| Ms Saffin   | Tellers     |
| Mr Samios   |             |
| Mrs Sham-Ho | Mrs Isaksen |
| Mr Shaw     | Mr Jobling  |

Question resolved in the negative.

Words stand.

Amendment negatived.

No. 93

### **Same Bill**

Same Schedule.

Page 18.

Revd Mr Nile moved:

Page 18, Schedule 1. Insert before line 18:

- (7) An appeal lies to the Supreme Court against the Commissioner's decision under this section, but on the following grounds only:
  - (a) that the Commissioner has failed to observe the rules of natural justice,
  - (b) that the Commissioner has failed to comply with respect to the removal of police officers,
  - (c) that there is an error of law in the decision,
  - (d) that the notice referred to in subsection (3) (a) does not disclose any information that would justify the decision,
  - (e) that the decision has been induced or effected by fraud,
  - (f) that the Commissioner's decision is an improper exercise of power.
- (8) Without limiting subsection (7) (f), the Commissioner's decision is an improper exercise of power:
  - (a) if an irrelevant consideration has been taken into account, or
  - (b) if a relevant consideration has not been taken into account, or
  - (c) if the decision has been made with an improper motive, to
  - (d) if the decision has been made in bad faith, or

(e) if the decision is so unreasonable that no reasonable person could have made it.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 6

Mr Jones

Tellers

Mrs Nile

Revd Mr Nile

Mr Cohen

Mr Tingle

Mr Corbett

Noes 29

Mrs Arena

Ms Kirkby

Mr Smith

Mr Bull Mr Lynn

Ms Staunton

Dr Burgmann

Mr Macdonald

Ms Symonds

Ms Burnswoods

Mr Manson

Mr Vaughan

Mr Dyer

Mr Moppett

Mr Egan

Mr Obeid

Mr Gallacher

Dr Pezzutti

Tellers

Miss Gardiner

Mr Primrose

Mr Hannaford

Mr Ryan

Mrs Isaksen

Mr Kaldis

Ms Saffin

Mr Jobling

Question resolved in the negative.

Amendment negatived.

No. 94

### Same Bill

Same Schedule.

Page 18.

Revd Mr Nile moved:

Page 18, Schedule 1. Insert before line 18:

- (9) A police officer who has been removed from the Police Service by means of an order under this section may apply to the Police Integrity Commission for revocation of the order. The Police Integrity Commission may revoke the order if it is satisfied that an order has been made on the basis of prejudiced advice. Revocation of the order operates to reinstate the police officer to the rank and position that the police officer held immediately before the order was made. An application under this subsection may not be made on or after 1 May 1997.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 3

Mr Tingle

Tellers

Mrs Nile  
Revd Mr Nile

Noes 29

Mrs Arena  
Mr Bull Mr Macdonald  
Dr Burgmann  
Ms Burnswoods  
Mr Dyer  
Mr Egan  
Mr Gallacher  
Miss Gardiner  
Mr Hannaford  
Mr Kaldis  
Ms KirkbyMr Lynn            Mr Smith  
                         Ms Staunton  
Mr Manson            Ms Symonds  
Mr Moppett            Mr Vaughan  
Mr Obeid  
Dr Pezzutti  
Mr Primrose  
Mr Ryan            Tellers  
Ms Saffin  
Mr Samios            Mrs Isaksen  
Mrs Sham-Ho            Mr Jobling

Question resolved in the negative.

Amendment negatived.

No. 95

**Same Bill**

Same Schedule.

Page 18.

Revd Mr Nile moved:

Page 18, Schedule 1. Insert after line 38:

(10) This section expires on 1 May 1997.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 2

Tellers  
Mrs Nile  
Revd Mr Nile

Noes 32

Mrs Arena  
Mr BullMs Kirkby            Mr Shaw  
Mr Lynn            Mr Smith

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Macdonald | Ms Staunton |
| Ms Burnswoods | Mr Manson    | Mrs Symonds |
| Mr Cohen      | Mr Moppett   | Mr Tingle   |
| Mr Corbett    | Mr Obeid     | Mr Vaughan  |
| Mr Dyer       | Dr Pezzutti  |             |
| Mr Gallacher  | Mr Primrose  |             |
| Miss Gardiner | Mr Ryan      | Tellers     |
| Mr Hannaford  | Ms Saffin    |             |
| Mr Jones      | Mr Samios    | Mrs Isaksen |
| Mr Kaldis     | Mrs Sham-Ho  | Mr Jobling  |

Question resolved in the negative.

Amendment negatived.

No. 96

**Same Bill**

Same Schedule.

Page 25.

Mr Hannaford moved:

Page 25, Schedule 1. Insert after line 23:

**223 Review of Commissioner's powers**

- (1) The Minister is to review this Act each year to determine whether the terms of the Act with respect to the Commissioner's functions remain appropriate.
- (2) The review is to be undertaken as soon as possible after 1 January in each year.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament on or before 30 June in the same year.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 18

|                 |              |            |
|-----------------|--------------|------------|
| Mr Bull Mr Lynn | Mr Smith     |            |
| Mr Cohen        | Mrs Nile     | Mr Willis  |
| Mr Corbett      | Revd Mr Nile |            |
| Mr Gallacher    | Dr Pezzutti  | Tellers    |
| Miss Gardiner   | Mr Ryan      |            |
| Mr Hannaford    | Ms Samios    | Mr Jobling |
| Mr Jones        | Mrs Sham-Ho  | Mr Moppett |
|                 | Noes 15      |            |
| Mrs Arena       | Mr Obeid     | Mr Tingle  |
| Dr Burgmann     | Mr Primrose  |            |

Ms Burnswoods  
Mr Egan  
Ms Kirkby  
Mr Macdonald

Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds

Tellers  
  
Mrs Isaksen  
Mr Manson

Pairs

Mrs Chadwick  
Mrs Forsythe  
Dr Goldsmith  
Mr Kersten

Mr Dyer  
Mr Vaughan  
Mr Kaldis  
Mr Johnson

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

Schedule 1 agreed to with an amendment.

---

TUESDAY 3 DECEMBER 1996

No. 97

**Forestry Revocation and National Park Reservation Bill**

Clause 2 read.

Page 2.

Mr Moppett moved:

Page 2, clause 2, line 6. Omit "1 January 1997". Insert instead "1 July 1997".

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 18

|               |         |              |            |
|---------------|---------|--------------|------------|
| Mr Bull       | Mr Lynn | Mr Smith     |            |
| Mrs Chadwick  |         | Mrs Nile     | Mr Tingle  |
| Mrs Forsythe  |         | Revd Mr Nile |            |
| Mr Gallacher  |         | Dr Pezzutti  | Tellers    |
| Miss Gardiner |         | Mr Ryan      |            |
| Dr Goldsmith  |         | Mr Samios    | Mr Jobling |
| Mr Hannaford  |         | Mrs Sham-Ho  | Mr Moppett |

## Noes 20

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Mrs Symonds |
| Dr Burgmann   | Mr Kaldis    | Mr Vaughan  |
| Ms Burnswoods | Ms Kirkby    |             |
| Mr Cohen      | Mr Macdonald |             |
| Mr Corbett    | Mr Obeid     | Tellers     |
| Mr Dyer       | Mr Primrose  |             |
| Mr Egan       | Mr Shaw      | Mrs Isaksen |
| Mr Johnson    | Ms Staunton  | Mr Manson   |

## Pairs

Mr Kersten

Ms Saffin

Question resolved in the negative.

Amendment negatived.

Words stand.

Clause 2 agreed to without amendment.

No. 98

**Same Bill**

Clause 11 read.

Page 9.

Amendments, by leave, taken in globo.

Mr Moppett moved:

Page 9, clause 11, line 20. Omit “freehold and certain leasehold interests”. Insert instead “certain interests”.

Page 9, clause 11, line 24. Omit “or a term lease”. Insert instead “, a term lease or a permissive occupancy”.

Debate ensued.

Question put: That the amendments of Mr Moppett be agreed to.  
The Committee divided (Mr Gay in the Chair).

## Ayes 17

|               |              |            |
|---------------|--------------|------------|
| Mr Bull       | Mr Lynn      | Mr Tingle  |
| Mrs Chadwick  | Mrs Nile     |            |
| Mrs Forsythe  | Revd Mr Nile |            |
| Mr Gallacher  | Dr Pezzutti  | Tellers    |
| Miss Gardiner | Mr Ryan      |            |
| Dr Goldsmith  | Mrs Sham-Ho  | Mr Jobling |
| Mr Hannaford  | Mr Smith     | Mr Moppett |

## Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Mrs Symonds |
| Ms Burnswoods | Ms Kirkby    |             |
| Mr Cohen      | Mr Macdonald |             |
| Mr Corbett    | Mr Obeid     |             |
| Mr Dyer       | Mr Primrose  | Tellers     |
| Mr Egan       | Ms Saffin    |             |
| Mr Johnson    | Mr Shaw      | Mrs Isaksen |
| Mr Jones      | Ms Staunton  | Mr Manson   |

## Pairs

|            |             |
|------------|-------------|
| Mr Kersten | Mr Vaughan  |
| Mr Samios  | Mr Burgmann |

Question resolved in the negative.

Amendment negatived.

Words stand.

Clause 11 agreed to without amendment.

No. 99

**Same Bill**

Schedule 4.

Page 47.

Mr Moppett moved:

# **10 Permissive occupancies**

- (1) A permissive occupancy (within the meaning of the Crown Lands (Continued Tenures) Act 1989) to occupy land described in Schedule 2 must not be terminated solely for the purpose of making that land part of a national park or nature reserve reserved or dedicated under this Act unless:
  - (a) the occupier has consented to the termination of the occupancy, or
  - (b) a period of at least 3 years has passed since the commencement of this Act.

(2) Nothing in subclause (1) confers a right to terminate a permissive occupancy.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 18

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Hannaford | Dr Pezzutti |
| Mrs Chadwick  | Mr Jobling*  | Mr Ryan     |
| Mrs Forsythe  | Mr Kersten   | Mrs Sham-Ho |
| Mr Gallacher  | Mr Lynn      | Mr Smith    |
| Miss Gardiner | Mr Moppett*  | Mr Tingle   |
| Dr Goldsmith  | Mrs Nile     |             |
|               | Revd Mr Nile | * Tellers   |

Noes 20

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mrs Isaksen* | Mr Obeid    |
| Dr Burgmann   | Mr Johnson   | Mr Primrose |
| Ms Burnswoods | Mr Jones     | Ms Saffin   |
| Mr Cohen      | Mr Kaldis    | Mr Shaw     |
| Mr Corbett    | Ms Kirkby    | Ms Staunton |
| Mr Dyer       | Mr Macdonald | Mrs Symonds |
| Mr Egan       | Mr Manson*   |             |
|               |              | * Tellers   |

Pairs

Mr Samios

Mr Vaughan

Question resolved in the negative.

Amendments negatived.

---

WEDNESDAY 4 DECEMBER 1996

No. 100

### **Local Government Amendment (Nude Bathing) Bill**

Schedule 1 read.

Page 3.

Amendments, by leave, taken in globo.

Revd Mr Nile moved:

Page 3, Schedule 1 [2], line 7. Omit “and (4B)”.

Page 3, Schedule 1 [2], lines 9-21. Omit all words on those lines. Insert instead:

- (4A) A council for the area in which a designated beach is located may, by resolution, declare that the beach ceases to be a designated beach for the purposes of this section. Any such declaration has effect according to its tenor.

Debate ensued.

Question put: That the amendments of Revd Mr Nile be agreed to.

The Committee divided (Dr Goldsmith in the Chair).

#### Ayes 17

|               |         |              |            |
|---------------|---------|--------------|------------|
| Mr Bull       | Mr Lynn | Mr Smith     |            |
| Mrs Chadwick  |         | Mrs Nile     |            |
| Mrs Forsythe  |         | Revd Mr Nile |            |
| Mr Gallacher  |         | Dr Pezzutti  | Tellers    |
| Miss Gardiner |         | Mr Ryan      |            |
| Mr Hannaford  |         | Mr Samios    | Mr Jobling |
| Mr Kersten    |         | Mrs Sham-Ho  | Mr Moppett |

#### Noes 20

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Mr Tingle   |
| Dr Burgmann   | Mr Macdonald | Mr Vaughan  |
| Ms Burnswoods | Mr Obeid     |             |
| Mr Cohen      | Mr Primrose  |             |
| Mr Corbett    | Ms Saffin    | Tellers     |
| Mr Dyer       | Mr Shaw      |             |
| Mr Johnson    | Ms Staunton  | Mrs Isaksen |
| Mr Jones      | Mrs Symonds  | Mr Manson   |

#### Pairs

Mr Gay

Mr Egan

Question resolved in the negative.

Amendments negatived.

Words stand.

Schedule 1 agreed to without amendment.

---

THURSDAY 17 APRIL 1997

No. 101

**Crimes Amendment (Apprehended Violence Orders) Bill**

Schedule 1 read..

Page 3.

Mr Corbett moved:

Page 3, Schedule 1 (proposed section 562 FA(2)), lines 12 and 13. Omit all words on those lines. Insert instead:

- (2) Without limiting sections 562B and 562F, the court must, in making or varying an apprehended violence order:

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 3

Mr Cohen

Mr Corbett\*

Mr Jones\*

\* Tellers

Noes 34

Mrs Arena  
Mr Bull  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Egan  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith

Mrs Isaksen\*  
Mr Jobling\*  
Mr Johnson  
Mr Kaldis  
Mr Kersten  
Ms Kirkby  
Mr Lynn  
Mr Macdonald  
Mr Moppett  
Mrs Nile  
Revd Mr Nile  
Mr Obeid  
Dr Pezzutti

Mr Primrose  
Mr Ryan  
Ms Saffin  
Mr Samios  
Mrs Sham-Ho  
Mr Shaw  
Mr Smith  
Ms Staunton  
Mrs Symonds  
Mr Tingle  
Mr Vaughan

\* Tellers

Question resolved in the negative.

Amendment negatived.

Words stand.

Another amendment being proposed and agreed to, Schedule 1 agreed to with an amendment.

TUESDAY 6 MAY 1997

No. 102

**Smoking Regulation Bill**

Clause 2 read.

Page 2.

Revd Mr Nile moved:

Page 2, clause 2, lines 4-7. Omit all the words on those lines. Insert instead:

**2 Commencement**

This Act commences on 1 January 1998.

Debate ensued.

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

The Committee divided (Mrs Sham-Ho in the Chair).

Ayes 7

Mr Cohen  
Mr Corbett  
Mr JonesMs Kirkby\*  
Mrs Nile  
Revd Mr Nile\*Mr Tingle  
  
\* Tellers

Noes 27

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Dyer  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith  
Mr HannafordMrs Isaksen\*  
Mr Jobling\*  
Mr Kaldis  
Mr Kersten  
Mr Lynn  
Mr Macdonald  
Mr Moppett  
Mr Obeid  
Dr PezzuttiMr Primrose  
Mr Ryan  
Ms Saffin  
Mr Samios  
Mr Smith  
Ms Staunton  
Mrs Symonds  
Mr Vaughan  
  
\* Tellers

Question resolved in the negative.

Amendment negatived.

Words stand.

Clause 2 agreed to without amendment.

No.103

**Same Bill**

Clauses 6 to 16 read.

Pages 3 and 6.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 3, clause 6, lines 8-20. Omit all the words on those lines. Insert instead:

#### **6 Smoke-free areas**

- (1) Smoking is prohibited in an enclosed public place on and from the day that is 5 years after the commencement of a regulation that prescribes an air quality standard for the purposes of this section.
- (2) Without limiting subsection (1), smoking is prohibited on and from that day in any place of a kind described in Schedule 1 that is an enclosed public place (irrespective of the name by which the particular place is known).
- (3) This section does not prohibit smoking in:
  - (a) an enclosed public place that is so constructed or equipped as to ensure that the air within the place complies with the air quality standards prescribed by the regulations, or
  - (b) an enclosed public place of a kind specified in Schedule 2 at the times or in the circumstances so specified in relation to that place, or
  - (c) a particular enclosed public place (or an enclosed public place of a kind) prescribed by the regulations, or
  - (d) a particular enclosed public place (or an enclosed public place of a kind) prescribed by the regulations, at the times or in the circumstances so prescribed.

Page 6, clause 16, lines 24-28. Omit all words on those lines. Insert instead:

#### **16 Promotion of objects of Act**

- (1) The Director-General of the Department of Health is to conduct an information and education campaign about the provisions of this Act. The Director-General is to do so out of money otherwise lawfully available for the purpose.
- (2) The Minister administering Division 2 of Part 3 of the *Environmental Planning and Assessment Act 1979* must do everything within his or her power under that Division to ensure that, within 6 months after the commencement of this Act, a State environmental planning policy is made for the promotion of the provision of outdoor areas or facilities by restaurants, cafes, bars, cafeterias and other eating places.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mrs Sham-Ho in the Chair).

Ayes 25

Mrs Arena  
Dr Burgmann  
Ms Burnswoods

Mrs Isaksen\*  
Mr Jobling\*  
Mr Johnson

Mr Primrose  
Ms Saffin  
Mr Shaw

Mrs Chadwick  
Mr Dyer  
Mrs Forsythe  
Mr Gallacher  
Dr Goldsmith  
Mr Hannaford

Mr Kaldis  
Mr Kersten  
Mr Lynn  
Mr Macdonald  
Mr Moppett  
Mr Obeid  
Dr Pezzutti

Ms Staunton  
Mrs Symonds  
Mr Vaughan

\* Tellers

Noes 7

Mr Cohen  
Mr Corbett\*  
Mr Jones\*

Ms Kirkby  
Mrs Nile  
Revd Mr Nile

Mr Tingle

\* Tellers

Question resolved in the affirmative.

Amendments agreed to.

Words omitted and inserted.

Clauses 6 and 16 agreed to with amendments.

Recommitted clauses 3, 7, 8, 10, 11, 12, 18, Schedule 1 and Long Title agreed to with further amendments.

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WEDNESDAY 28 MAY 1997

No. 104

### **Guardianship Amendment Bill**

Schedule 1 read.

Pages 31, 33, 34, 35, 37, 38 and 42.

Amendments, by leave, taken in globo.

Mrs Forsythe moved:

Page 31, Schedule 1 [28], lines 3-12. Omit all words on those lines.

Page 31, Schedule 1 [29]-[31], lines 15-27. Omit all words on those lines.

Page 33, Schedule 1 [33], lines 19-21. Omit all words on those lines.

Pages 33-35, Schedule 1 [35], lines 24 on page 33 to 24 on page 35. Omit all words on those lines.

Page 37, Schedule 1 [38], proposed section 51A, lines 21 and 22. Omit “special treatment or treatment by way of a clinical trial”. Insert instead “or special treatment”.

Page 38, Schedule 1 [38], proposed section 51A, lines 9 and 10. Omit “, special treatment and clinical trial”. Insert instead “and special treatment”.

Page 42, Schedule 1 [52], proposed section 76A, lines 13-17. Omit "However, the report under this section must include details of all clinical trials (within the meaning of section 33) in which any person under guardianship participated during the period covered by the report".

Debate ensued.

Question put: That the amendments of Mrs Forsythe be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 20

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Dr Pezzutti |
| Mrs Chadwick  | Mr Jones     | Mr Ryan     |
| Mr Cohen      | Mr Kersten   | Mr Samios   |
| Mr Corbett    | Mr Lynn      | Mrs Sham-Ho |
| Mrs Forsythe  | Mr Moppett*  | Mr Smith    |
| Mr Gallacher  | Mrs Nile     |             |
| Miss Gardiner | Revd Mr Nile | * Tellers   |
| Dr Goldsmith  |              |             |

Noes 18

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Ms Saffin   |
| Dr Burgmann   | Ms Kirkby    | Mr Shaw     |
| Ms Burnswoods | Mr Macdonald | Ms Staunton |
| Mr Dyer       | Mr Obeid     | Mrs Symonds |
| Mr Egan       | Mr Primrose* | Mr Tingle   |
| Mrs Isaksen*  |              | Mr Vaughan  |
| Mr Johnson    |              |             |

\* Tellers

Pairs

Mr Hannaford

Mr Manson

Question resolved in the affirmative.

Amendments agreed to.

Words omitted and inserted.

Schedule 1 agreed to with amendments.

MONDAY 16 JUNE 1997

No. 105

**Mental Health Legislation Amendment**

Schedule 1 read.

Page 3.

Amendments, by leave, taken in globo.

Mr Cohen moved:

Page 3, Schedule 1.1 [1], line 13. Insert "physical" after "serious".

Page 3, Schedule 1.1 [1], line 15. Insert "physical" after "serious".

Page 3, Schedule 1.1 [1]. Insert at the end of line 15:  
, or

- (c) for the person's own protection from serious financial harm or serious damage to the person's reputation.

Page 3, Schedule 1.1. Insert after line 20:

- (3) In this section, *damage to the person's reputation* includes damage to the person's reputation among those with whom the person has important personal relationships, where the damage is likely to cause lasting or irreparable harm to any such relationship.

Debate ensued.

Question put: That the amendments of Mr Cohen be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 4

Mr Cohen\*  
Mr Corbett

Mr Jones\*

Mr Tingle

\* Tellers

Noes 25

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Dyer  
Mr Egan  
Mrs Forsythe  
Dr Goldsmith  
Mr HannafordMrs Isaksen\*  
Mr Jobling\*  
Mr Kaldis  
Ms Kirkby  
Mr Lynn  
Mr Moppett  
Mrs Nile  
Rev'd Mr Nile  
Mr ObeidMr Primrose  
Ms Saffin  
Mr Samios  
Mrs Sham-Ho  
Mr Shaw  
Mr Smith  
Mrs Symonds  
Mr Vaughan

\* Tellers

Question resolved in the negative.

Amendments negatived.

Words stand.

No. 106

**Same Bill**

Same Schedule.

Pages 5 and 6.

Amendments, by leave, taken in globo.

Mr Cohen moved:

Page 5, Schedule 1.1 [4], line 12. Insert “physical” after “serious”.

Page 5, Schedule 1.1 [4], line 14. Insert “physical” after “serious”.

Page 5, Schedule 1.1 [4]. Insert after line 15:

(iii) for the person’s own protection from serious financial harm or serious damage to the person’s reputation, or

Page 5, Schedule 1.1 [5], line 29. Insert “physical” after “serious”.

Page 5, Schedule 1.1 [5], line 31. Insert “physical” after “serious”.

Page 5, Schedule 1.1 [5]. Insert at the end of line 31:

, or

(c) for the person’s own protection from serious financial harm or serious damage to the person’s reputation.

Page 6, Schedule 1.2. Insert after line 14:

**[2] Section 83 Notice of recommended releases**

Omit section 83 (1). Insert instead:

(1) On receiving a recommendation under section 82 for release of a person who has been transferred to a hospital while serving a sentence of imprisonment or who is detained in a hospital pending the person’s committal for trial for an offence or the person’s trial for an offence, the Minister must notify the Attorney General of the recommendation.

(1A) The Minister must, at the same time, furnish a copy of the notification to the Director of Public Prosecutions that it relates to a person awaiting committal for trial for an offence or trial for an offence.

Page 6, Schedule 1.2. Insert before line 15:

**[2] Sections 84, 84A**

Omit section 84. Insert instead:

**84 Release of persons after review**

- (1) If, within 30 days after the date of being notified under section 83 of a recommendation for the release of a person who has been transferred to a hospital while serving a sentence of imprisonment, the Attorney General has indicated an objection to the person's release on the ground that the person has served insufficient time in custody or under detention, the prescribed authority may not order the person's release.
- (2) If, within 30 days after the date of being notified under section 83 of a recommendation for the release of a person who is detained in a hospital pending the person's committal for trial for an offence or pending the person's trial for an offence, the Attorney General has indicated an objection to the person's release on the ground that the Attorney General or the Director of Public Prosecutions intends to proceed with criminal charges against the person, the prescribed authority may not order the person's release.
- (3) If, within 30 days after the date of any such notification, the Attorney General has not indicated any objection to a person's release under this section, the prescribed authority may, subject to the regulations, make an order (either unconditionally or subject to conditions) for the person's release.

**84A Release of persons without review**

- (1) If a recommendation is made under section 80, 81 or 82 for a person's release, the prescribed authority may, subject to the regulations, make an order (either unconditionally or subject to conditions) for the person's release.
- (2) This section does not apply to a person referred to in section 83 (1).

Debate ensued.

Question put: That the amendments of Mr Cohen be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 4

Mr Cohen  
Mr Corbett\*

Mr Jones

Mr Tingle\*  
\* Tellers

## Noes 31

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mrs Isaksen* | Mr Primrose |
| Mr Bull       | Mr Jobling*  | Mr Ryan     |
| Dr Burgmann   | Mr Kaldis    | Ms Saffin   |
| Ms Burnswoods | Mr Kersten   | Mr Samios   |
| Mrs Chadwick  | Ms Kirkby    | Mrs Sham-Ho |
| Mr Dyer       | Mr Lynn      | Mr Shaw     |
| Mr Egan       | Mr Macdonald | Mr Smith    |
| Mrs Forsythe  | Mr Moppett   | Mrs Symonds |
| Miss Gardiner | Mrs Nile     | Mr Vaughan  |
| Dr Goldsmith  | Revd Mr Nile |             |
|               | Mr Obeid     |             |
|               | Dr Pezzutti  |             |

\* Tellers

Question resolved in the negative.

Amendments negatived.

Words stand.

Schedule 1 agreed to without amendment.

No. 107

**Totalizator (Off-course Betting) Amendment Bill**

Schedule 1 read.

Page 3.

Mr Bull moved:

Page 3, Schedule 1, line 18. Omit "6 months". Insert instead "12 months".

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 15

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Hannaford | Dr Pezzutti |
| Mrs Chadwick  | Mr Jobling*  | Mr Ryan     |
| Mr Cohen      | Mr Jones     | Mr Samios   |
| Mr Corbett    | Mr Kersten   | Mrs Sham-Ho |
| Mrs Forsythe  | Ms Kirkby    | Mr Smith    |
| Mr Gallacher  | Mr Lynn      | Mr Tingle   |
| Miss Gardiner | Mr Moppett*  | Mr Willis   |
| Mr Gay        | Mrs Nile     |             |
| Dr Goldsmith  | Revd Mr Nile |             |

\* Tellers

## Noes 18

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*  
Mr Johnson

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mr Manson  
Mrs Nile  
Revd Mr Nile  
Mr Obeid  
Mr Primrose\*

Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Tingle  
Mr Vaughan  
  
\* Tellers

Pairs

Mrs Forsythe  
Mr Gallacher  
Dr Pezzutti

Mr Manson  
Mr Egan  
Mr Johnson

President voted with the Ayes in Committee.

Question resolved in the negative.

Amendment negatived.

Words stand.

Schedule 1 agreed to without amendment.

---

WEDNESDAY 18 JUNE 1997

No. 108

**State Revenue Legislation Amendment Bill**

Pages 2, 4, 5, 6, 7, 8, 9, 10 and 12.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 2, clause 2, line 7. Omit all words on this line.

Page 2, clause 4, lines 14 and 15. Vote against the clause.

Page 2, clause 5, lines 16-18. Vote against the clause.

Page 2, clause 7, lines 22-24. Vote against the clause.

Pages 4-7, Schedule 2, line 1 on page 4 to line 21 on page 7. Vote against the Schedule.

Pages 8-10, Schedule 3, line 1 on page 8 to line 19 on page 10. Vote against the Schedule.

Page 12, Schedule 5, lines 1-17. Vote against the Schedule.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Hannaford | Dr Pezzutti |
| Mrs Chadwick  | Mr Jobling*  | Mr Ryan     |
| Mrs Forsythe  | Mr Kersten   | Mr Samios   |
| Miss Gardiner | Mr Lynn      | Mrs Sham-Ho |
| Dr Goldsmith  | Mr Moppett*  | Mr Tingle   |
|               | Mrs Nile     |             |
|               | Revd Mr Nile | * Tellers   |

Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Ms Saffin   |
| Dr Burgmann   | Mr Kaldis    | Mr Shaw     |
| Ms Burnswoods | Ms Kirkby    | Ms Staunton |
| Mr Cohen      | Mr Macdonald | Mrs Symonds |
| Mr Corbett    | Mr Obeid     | Mr Vaughan  |
| Mr Dyer       | Mr Primrose* |             |
| Mr Egan       |              |             |
| Mrs Isaksen*  |              | * Tellers   |

Pairs

|              |            |
|--------------|------------|
| Mr Gallacher | Mr Manson  |
| Mr Smith     | Mr Johnson |

Question resolved in the negative.

Words stand.

Amendments negatived.

No. 109

**Same Bill**

Schedule 5 read.

Page 12.

Revd Mr Nile moved:

Page 12, Schedule 5, line 17. Omit “30%”. Insert instead “25.875%”.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 17

Mr Bull  
Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Dr Goldsmith

Mr Hannaford  
Mr Jobling\*  
Mr Kersten  
Mr Lynn  
Mr Moppett\*  
Mrs Nile  
Revd Mr Nile

Dr Pezzutti  
Mr Ryan  
Mrs Sham-Ho  
Mr Tingle

\* Tellers

## Noes 19

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mr Obeid  
Mr Primrose\*

Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Vaughan

\* Tellers

## Pairs

Mr Samios  
Mr Smith

Mr Manson  
Mr Johnson

Question resolved in the negative.

Amendment negatived.

Words stand.

Schedule 5 agreed to without amendment.

---

THURSDAY 19 JUNE 1997

No. 110

**Young Offenders Bill**

Bill taken by Parts.

Part 3 read.

Clauses 13 to 17 read.

Page 9.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 9, clause 17, line 12. Omit “but must not”, insert instead “and must”.

Page 9, clause 17, line 13. Insert “and must notify the person responsible for the child concerned that the warning has been given” after “concerned”.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

#### Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Hannaford | Mr Ryan     |
| Mrs Chadwick  | Mr Jobling*  | Mr Samios   |
| Mrs Forsythe  | Mr Kersten   | Mrs Sham-Ho |
| Mr Gallacher  | Mr Moppett*  | Mr Smith    |
| Miss Gardiner | Mrs Nile     | Mr Tingle   |
| Dr Goldsmith  | Revd Mr Nile |             |
|               |              | * Tellers   |

#### Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Ms Saffin   |
| Dr Burgmann   | Mr Kaldis    | Mr Shaw     |
| Ms Burnswoods | Ms Kirkby    | Ms Staunton |
| Mr Cohen      | Mr Macdonald | Mrs Symonds |
| Mr Corbett    | Mr Obeid     | Mr Vaughan  |
| Mr Dyer       | Mr Primrose* |             |
| Mr Egan       |              |             |
| Mrs Isaksen*  |              | * Tellers   |

#### Pairs

|             |            |
|-------------|------------|
| Mr Lynn     | Mr Johnson |
| Dr Pezzutti | Mr Manson  |

Question resolved in the negative.

Amendment negatived.

Words stand.

Other amendment being proposed and agreed to, Part 3 and clauses 13 to 17 agreed to with an amendment.

No. 111

#### Same Bill

Part 4 read.

Clauses 18 to 33 read.

Page 13.

Mr Hannaford moved:

Page 13, clause 24. Insert after line 19:

- (4) Before a caution is given to a child, the person arranging for the caution to be given must notify any victim that the victim may provide a statement to be given to the child to be cautioned.

Debate ensued.

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

#### Ayes 17

Mr Bull  
Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Dr Goldsmith

Mr Hannaford  
Mr Jobling\*  
Mr Lynn  
Mr Moppett\*  
Mrs Nile  
Revd Mr Nile

Dr Pezzutti  
Mr Ryan  
Mr Samios  
Mrs Sham-Ho  
Mr Smith  
Mr Tingle

\* Tellers

#### Noes 19

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mr Obeid  
Mr Primrose\*

Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Vaughan

\* Tellers

#### Pairs

Mr Kersten  
Miss Gardiner

Mr Johnson  
Mr Manson

Question resolved in the negative.

Amendment negatived.

Words stand.

Other amendments being proposed and agreed to, Part 4 and clauses 18 to 33 agreed to with amendments.

---

FRIDAY 20 JUNE 1997

No. 112

### **Port Kembla Development (Special Provisions) Bill**

Clause 7 read.

Page 4.

Mr Cohen moved:

Page 4. Insert after line 4:

## **8 EPA to make pollution reports and environmental audits publicly available**

The Environment Protection Authority must cause copies of:

- (a) any reports relating to waste water discharges or air emissions, and
- (b) any annual environmental audits,

received by it pursuant to the conditions of the development consent to be kept available during normal office hours at its Wollongong office for inspection and copying, free of charge, by members of the public.

## **9 Review of air emission monitoring**

(1) Within 3 months after the commencement of this Act, the Monitoring Committee:

- (a) must review the locations of each of the Company's air emission monitoring stations for the purpose of deciding whether or not to recommend other locations as being more suitable for them, and
- (b) must carry out investigations for the purpose of deciding whether or not to recommend the adoption of a mobile monitoring program to augment those air emission monitoring stations,

Having regard to the need to optimise the procedures for the measurement of human and environmental exposure to air emissions from the copper smelter and refinery.

(2) In this section:

*Company* means the person entitled to act on the development consent.

*copper refinery and smelter* means the copper refinery and smelter to which the development consent relates.

*Monitoring Committee* means the committee of that name established in accordance with the conditions of the development consent.

## **10 Pollution control licences and pollution reduction program**

(1) The Environment Protection Authority must cause notice to be given to members of the public of:

- (a) any application for a pollution control licence, and any application for the revocation or variation of any conditions of a pollution control licence, and
- (b) any proposed operational plan, and any proposed amendment or revocation of an operational plan,

received by it from the Company.

(2) The notice must be published in:

- (a) at least one daily newspaper circulating throughout the State, and
- (b) at least one local newspaper circulating within Port Kembla.
- (3) The notice must indicate where copies of any application or proposal may be inspected by members of the public and must specify a date, being a date occurring no less than 30 days after the date of the notice, during which members of the public may make submissions to the Environment Protection Authority about the application or proposal.
- (4) In considering any action to take in connection with any such application or proposal, the Environment Protection Authority must have regard to any submissions duly made by members of the public.
- (5) In this section:

**Company** means the person entitled to act on the development consent.

**operational plan** means any plan containing details of design, specification or operating procedures, any plan of management, any selenium reduction plan, any environmental monitoring plan, any waste management strategy, any site rehabilitation plan and any dust management plan, being a plan prepared by the Company pursuant to the conditions of the development consent.

**Pollution control licence** means a licence under the *Pollution Control Act 1970*.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 4

Mr Cohen\*  
Mr Jones\*

Mrs Nile  
Revd Mr Nile

\* Tellers

Noes 27

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mrs Chadwick  
Mr Egan  
Mrs Forsythe  
Mr Gallacher

Mrs Isaksen\*  
Mr Kaldis  
Mr Lynn  
Mr Macdonald  
Mr Moppett\*  
Mr Obeid  
Dr Pezzutti

Mr Primrose  
Mr Ryan  
Ms Saffin  
Mrs Sham-Ho  
Mr Shaw  
Mr Smith  
Ms Staunton

Miss Gardiner  
Dr Goldsmith  
Mr Hannaford

Mrs Symonds  
Mr Tingle  
Mr Vaughan

\* Tellers

Question resolved in the negative.

Amendment negatived.

Words stand.

Clause 7 agreed to without amendment.

---

MONDAY 23 JUNE 1997

No. 113

**City of Sydney Amendment Bill**

Schedule 1 read.

Page 4.

Mr Gay moved:

Page 4, Schedule 1, line 17. Omit “consider”. Insert instead “grant consent to”.

Debate ensued.

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

The Committee divided (Dr Goldsmith in the Chair).

Ayes 17

Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Mr Gay

Mr Jobling\*  
Mr Kersten  
Mr Lynn  
Mr Moppett\*  
Mrs Nile  
Revd Mr Nile

Dr Pezzutti  
Mr Ryan  
Mr Samios  
Mrs Sham-Ho  
Mr Smith  
Mr Tingle

\* Tellers

Noes 19

Mrs Arena  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan

Mrs Isaksen\*  
Mr Johnson  
Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mr Obeid

Mr Primrose\*  
Mr Ryan  
Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Vaughan

\* Tellers

Pairs

Mr Bull  
Mr Hannaford

Dr Burgmann  
Mr Manson

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 114

**Same Bill**

Same Schedule.

Page 6.

Mr Gay moved:

Page 6, Schedule 1, lines 1-31. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Dr Goldsmith in the Chair).

Ayes 14

Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Mr Gay\*

Mr Jobling  
Mr Kersten  
Mr Lynn  
Mr Moppett\*

Dr Pezzutti  
Mr Ryan  
Mr Samios  
Mrs Sham-Ho  
Mr Smith

\* Tellers

Noes 22

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mrs Nile     | Mr Tingle   |
| Mr Egan       | Revd Mr Nile | Mr Vaughan  |
| Mrs Isaksen*  | Mr Obeid     |             |
| Mr Johnson    | Mr Primrose* | * Tellers   |

Pairs

|              |             |
|--------------|-------------|
| Mr Bull      | Dr Burgmann |
| Mr Hannaford | Mr Manson   |

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 115

### Same Bill

Same Schedule.

Page 6.

Amendments, by leave, taken in globo.

Mr Gay moved:

Page 6, Schedule 1, lines 8 and 9. Omit “the cost, as estimated by the consent authority, of the proposed development”. Insert instead “the cost of construction, as estimated by the consent authority on the basis of the building application (and not the development application), of new development comprising the erection of a building (being development that does not consist solely of the making of additions, alterations or extensions to existing buildings)”.

Page 6, Schedule 1. Insert after line 31:

(6) A condition authorised pursuant to this section:

- (a) can only require the payment of the levy by not less than 3 instalments of substantially similar amounts evenly spaced throughout the period of construction of the building concerned, and
- (b) cannot require the payment of any part of the levy before, in the case of a building other than a building to which section 69 of the *Local Government Act 1993* applies, an approval to erect the building is granted under section 68 of the *Local Government Act 1993*.

(7) A condition authorised pursuant to this section cannot be imposed on the modification of a

development consent.

Debate ensued.

The Question put: That Mr Gay's amendments be agreed to.

The Committee divided (Dr Goldsmith in the Chair).

#### Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Mr Ryan     |
| Mrs Chadwick  | Mr Kersten   | Mr Samios   |
| Mrs Forsythe  | Mr Lynn      | Mrs Sham-Ho |
| Mr Gallacher  | Mr Moppett*  | Mr Smith    |
| Miss Gardiner | Mrs Nile     | Mr Tingle   |
| Mr Gay        | Revd Mr Nile |             |
|               |              | * Tellers   |

#### Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mr Obeid     | Mr Vaughan  |
| Mr Egan       | Mr Primrose* |             |
| Mrs Isaksen*  |              |             |
| Mr Johnson    |              | * Tellers   |

#### Pairs

|              |             |
|--------------|-------------|
| Mr Hannaford | Mr Manson   |
| Dr Pezzutti  | Dr Burgmann |

Question resolved in the negative.

Amendments negatived.

Words stand.

Schedule 1 agreed to without amendment.

No. 116

#### Same Bill

Schedule 2 read.

Page 10.

Amendments, by leave, moved in globo.

Mr Gay moved:

Page 10, Schedule 2 [6], lines 1 and 2. Omit “an authorised person or body”. Insert instead “the City Council”.

Page 10, Schedule 2 [6], line 9. Omit “a delegate”. Insert instead “the City Council as delegate”.

Page 10, Schedule 2 [6], lines 15-19. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Gay be agreed to.

The Committee divided (Dr Goldsmith in the Chair).

#### Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Dr Pezzutti |
| Mrs Chadwick  | Mr Kersten   | Mr Ryan     |
| Mrs Forsythe  | Mr Lynn      | Mrs Sham-Ho |
| Mr Gallacher  | Mr Moppett*  | Mr Smith    |
| Miss Gardiner | Mrs Nile     | Mr Tingle   |
| Mr Gay        | Revd Mr Nile |             |
|               |              | * Tellers   |

#### Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mr Obeid     | Mr Vaughan  |
| Mr Egan       | Mr Primrose* |             |
| Mrs Isaksen*  |              |             |
| Mr Johnson    |              | * Tellers   |

#### Pairs

|              |             |
|--------------|-------------|
| Mr Hannaford | Dr Burgmann |
| Mr Samios    | Mr Manson   |

Question resolved in the negative.

Amendments negatived.

Words stand.

No. 117

**Same Bill**

Same Schedule.

Page 11.

Mr Gay moved:

Page 11, Schedule 2 [13], lines 16-19. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Dr Goldsmith in the Chair).

Ayes 17.

Mr Bull  
Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner  
Mr Gay

Mr Jobling\*  
Mr Kersten  
Mr Lynn  
Mr Moppett\*  
Mrs Nile  
Revd Mr Nile

Dr Pezzutti  
Mr Ryan  
Mrs Sham-Ho  
Mr Smith  
Mr Tingle

\* Tellers

Noes 19

Mrs Arena  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*  
Mr Johnson

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mr Obeid  
Mr Primrose\*

Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Vaughan

\* Tellers

## Pairs

Mr Hannaford  
Mr Samios

Dr Burgmann  
Mr Manson

Question resolved in the negative.

Amendment negatived.

Words stand.

Other amendments being proposed and agreed to, Schedule 2 agreed to with amendments.

No. 118

**Local Government Amendment Bill 1997**

Schedule 1 read.

Page 4.

Mr Jones moved:

Page 4, Schedule 1 [6]. Insert after line 29:

- (3B) An objection is well founded for the purposes of subsection (3A) only if the council is satisfied that no person or the public interest will be adversely affected by the variation and that any variation is consistent with the principles of ecologically sustainable development.

Debate ensued.

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

The Committee divided (Miss Gardiner in the Chair).

## Ayes 20

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*  
Mr Johnson

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mr Obeid  
Mr Primrose\*

Ms Saffin  
Mr Shaw  
Mrs Symonds  
Mr Tingle  
Mr Vaughan

\* Tellers

## Noes 16

|              |              |             |
|--------------|--------------|-------------|
| Mr Bull      | Mr Hannaford | Dr Pezzutti |
| Mrs Chadwick | Mr Jobling*  | Mr Ryan     |
| Mrs Forsythe | Mr Kersten   | Mr Samios   |
| Mr Gallacher | Mr Lynn      | Mr Smith    |
| Mr Gay       | Mr Moppett*  |             |
|              | Mrs Nile     | * Tellers   |
|              | Revd Mr Nile |             |

## Pairs

|             |              |
|-------------|--------------|
| Mr Manson   | Mrs Sham-Ho  |
| Ms Staunton | Dr Goldsmith |

Question resolved in the affirmative.

Amendments agreed to.

Words inserted.

No. 119

**Same Bill**

Same Schedule.

Pages 7, 8 and 9.

Mr Gay moved:

Pages 7-9, Schedule 1 [16], line 1 on page 7 to line 13 on page 9. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Miss Gardiner in the Chair).

## Ayes 20

|              |              |             |
|--------------|--------------|-------------|
| Mr Bull      | Mr Hannaford | Dr Pezzutti |
| Mrs Chadwick | Mr Jobling*  | Mr Ryan     |
| Mr Cohen     | Mr Jones     | Mr Samios   |
| Mr Corbett   | Mr Kersten   | Mrs Sham-Ho |
| Mrs Forsythe | Mr Lynn      | Mr Smith    |
| Mr Gallacher | Mr Moppett*  | Mr Tingle   |
| Mr Gay       |              | Mr Willis   |
|              |              | * Tellers   |

## Noes 19

---

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Kaldis    | Ms Saffin   |
| Dr Burgmann   | Ms Kirkby    | Mr Shaw     |
| Ms Burnswoods | Mr Macdonald | Ms Staunton |
| Mr Dyer       | Mrs Nile     | Mrs Symonds |
| Mr Egan       | Revd Mr Nile | Mr Vaughan  |
| Mrs Isaksen*  | Mr Obeid     |             |
| Mr Johnson    | Mr Primrose* | * Tellers   |

Pairs

Mr Manson

Dr Goldsmith

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendment agreed to.

Words omitted.

No. 120

### Same Bill

Same Schedule.

Page 17.

Mr Gay moved:

Page 17, Schedule 1 [37], lines 5-11. Omit all words on those lines. Insert instead:

- (1) A constitutional referendum is to be held by the Maitland City Council at the next ordinary election of the Council as to:
  - (a) the method of electing the mayor, and
  - (b) the number of councillors.
- (2) The questions to be determined by the referendum are to be expressed clearly and consistently.

Debate ensued.

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

The Committee divided (Miss Gardiner in the Chair).

Ayes 17

Mrs Chadwick  
Mrs Forsythe

Mr Hannaford  
Mr Jobling\*

Dr Pezzutti  
Mr Ryan

Mr Gallacher  
Mr Gay

Mr Kersten  
Mr Lynn  
Mr Moppett\*  
Mrs Nile  
Revd Mr Nile

Mr Samios  
Mrs Sham-Ho  
Mr Smith  
Mr Tingle

\* Tellers

Noes 19

Mrs Arena  
Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mrs Isaksen\*  
Mr Johnson

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mr Obeid  
Mr Primrose\*

Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Vaughan

\* Tellers

Pairs

Mr Bull  
Dr Goldsmith

Mr Manson  
Mr Egan

Question resolved in the negative.

Amendment negatived.

Other amendments being proposed and agreed to, Schedule 1 agreed to with amendments.

---

WEDNESDAY 25 JUNE 1997

No. 121

### **Children (Protection and Parental Responsibility) Bill**

Bill taken by Parts.

Part 3 read.

Clauses 13 to 29 read.

Page 9.

Mr Cohen moved:

Page 9, clause 14. Insert after line 17:

- (3) The Attorney General must not make an order declaring an area (or portion of an area) to be an operational area unless the Attorney General is satisfied that adequate crime prevention or youth support initiatives will be available in the area before the order takes effect.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

|               |              |             |
|---------------|--------------|-------------|
|               | Ayes 19      |             |
| Mrs Arena     | Mrs Isaksen* | Ms Saffin   |
| Dr Burgmann   | Mr Johnson   | Mr Shaw     |
| Ms Burnswoods | Mr Jones     | Ms Staunton |
| Mr Cohen      | Mr Kaldis    | Mrs Symonds |
| Mr Corbett    | Ms Kirkby    | Mr Vaughan  |
| Mr Dyer       | Mr Macdonald |             |
| Mr Egan       | Mr Primrose* | * Tellers   |

|               |              |             |
|---------------|--------------|-------------|
|               | Noes 17      |             |
| Mr Bull       | Mr Hannaford | Dr Pezzutti |
| Mrs Chadwick  | Mr Jobling*  | Mr Ryan     |
| Mrs Forsythe  | Mr Kersten   | Mrs Sham-Ho |
| Mr Gallacher  | Mr Moppett*  | Mr Smith    |
| Miss Gardiner | Mrs Nile     | Mr Tingle   |
| Dr Goldsmith  | Revd Mr Nile |             |
|               |              | * Tellers   |

#### Pairs

|           |           |
|-----------|-----------|
| Mr Manson | Mr Samios |
| Mr Obeid  | Mr Lynn   |

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

No. 122

#### Same Bill

Same Part.

Pages 11 and 12.

Amendments, by leave, moved in globo.

Mr Hannaford moved:

Page 11, clause 19(1), lines 18-24. Omit all words on those lines, insert instead:

- (1) A police officer may remove a person to whom this Division applies from any public place in an operational area if the police officer:
  - (a) believes on reasonable grounds that the person is not subject to the supervision or control of a responsible adult, and

- (b) considers that to take that action would reduce the likelihood of a crime being committed or of the person being exposed to some risk.

Pages 11 and 12, clause 19(3), line 29 on page 11 to line 4 on page 12. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

#### Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Hannaford | Dr Pezzutti |
| Mrs Chadwick  | Mr Jobling*  | Mr Samios   |
| Mrs Forsythe  | Mr Kersten   | Mrs Sham-Ho |
| Mr Gallacher  | Mr Moppett*  | Mr Smith    |
| Miss Gardiner | Mrs Nile     | Mr Tingle   |
| Dr Goldsmith  | Revd Mr Nile |             |
|               |              | * Tellers   |

#### Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Mrs Arena     | Mr Jones     | Ms Saffin   |
| Dr Burgmann   | Mr Kaldis    | Mr Shaw     |
| Ms Burnswoods | Ms Kirkby    | Ms Staunton |
| Mr Cohen      | Mr Macdonald | Mrs Symonds |
| Mr Corbett    | Mr Primrose* | Mr Vaughan  |
| Mr Dyer       |              |             |
| Mr Egan       |              |             |
| Mrs Isaksen*  |              |             |
| Mr Johnson    |              | * Tellers   |

#### Pairs

|         |           |
|---------|-----------|
| Mr Lynn | Mr Obeid  |
| Mr Ryan | Mr Manson |

Question resolved in the negative.

Amendment negatived.

Words stand.

Other amendments being proposed and agreed to, Part 3 and Clauses 13 to 29 agreed to with amendments.

No. 123

### **Fair Trading Legislation Amendment Bill**

Clause 7 read.

Page 2.

Mrs Sham-Ho moved:

Page 2, clause 7. Vote against the clause.

Debate ensued.

Question put: That the amendment of Mrs Sham-Ho be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 14

Mr Bull  
Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner

Mr Hannaford  
Mr Jobling\*  
Mr Kersten  
Mr Lynn  
Mr Moppett\*

Dr Pezzutti  
Mr Ryan  
Mr Samios  
Mrs Sham-Ho

\* Tellers

Noes 22

Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*  
Mr Johnson

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mrs Nile  
Revd Mr Nile  
Mr Obeid  
Mr Primrose\*

Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Tingle  
Mr Vaughan

\* Tellers

Pairs

Mr Smith  
Dr Goldsmith

Mr Manson  
Mrs Arena

Question resolved in the negative.

Words stand.

Clause 7 agreed to without amendment.

No. 124

**Same Bill**

Schedule 5 read.

Page 32.

Amendments, by leave, moved in globo.

Mrs Sham-Ho moved:

Page 32, Schedule 5 [40], proposed section 64F. Insert after line 5:

***unlicensed agent*** means a person:

- (a) who carries or carried on a business that requires or required a licence under this Act, but who is or was not the holder of such a licence, and
- (b) in respect of whom it would be reasonable to assume that the person is or was the holder of such a licence because of the manner in which the person carries or carried on that business.

The reference in this definition to a business includes that of an on site residential property manager.

Page 32, Schedule 5 [40], proposed section 64F. Insert before line 6:

- (2) This Division applies to and in respect of an unlicensed agent in the same way as it applies to a licensee. For this purpose:
  - (a) a reference in this Division to a licensee's business as a licensee extends to include an unlicensed agent's business that requires or required a licence, and
  - (b) section 64G (3) is not affected by this subsection.

Debate ensued.

Question put: That the amendments of Mrs Sham-Ho be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 14

Mr Bull  
Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Miss Gardiner

Mr Hannaford  
Mr Jobling\*  
Mr Kersten  
Mr Lynn  
Mr Moppett\*

Dr Pezzutti  
Mr Ryan  
Mr Samios  
Mrs Sham-Ho

\* Tellers

## Noes 22

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mrs Nile     | Mr Tingle   |
| Mr Egan       | Revd Mr Nile | Mr Vaughan  |
| Mrs Isaksen*  | Mr Obeid     |             |
| Mr Johnson    | Mr Primrose* | * Tellers   |

## Pairs

|              |           |
|--------------|-----------|
| Dr Goldsmith | Mr Manson |
| Mr Smith     | Mrs Arena |

Question resolved in the negative.

Amendment negatived.

Schedule 5 agreed to without amendment.

No. 125

### Rural Fires Bill

Bill taken by Parts.

Part 6 read.

Clauses 122 to 124 read.

Page 65.

Amendments, by leave, taken in globo.

Mr Lynn moved:

Page 65, clause 123, line 8. Omit "9", insert instead "10".

Page 65, clause 123. Insert after line 9:

(a) a Chairperson appointed by the Minister.

Page 65, clause 123 (1)(a), lines 10 and 11. Omit " , who is to be the Chairperson of the Council".

Page 65, clause 123. Insert after line 26:

(2) The Minister is to select the person to be appointed as Chairperson from a panel of persons nominated by the members of the Advisory Council referred to in subsection (1) (b)-(h), being a person who is not a member of the Service or of any of the other bodies referred to in subsection (1).

Debate ensued.

Question put: That the amendments of Mr Lynn be agreed to.

The Committee divided (Miss Gardiner in the Chair).

Ayes 14

|              |              |             |
|--------------|--------------|-------------|
| Mr Bull      | Mr Hannaford | Mr Ryan     |
| Mrs Chadwick | Mr Jobling*  | Mr Samios   |
| Mrs Forsythe | Mr Kersten   | Mrs Sham-Ho |
| Mr Gallacher | Mr Lynn      | Mr Smith    |
| Mr Gay       | Mr Moppett*  |             |
|              |              | * Tellers   |

Noes 21

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mrs Nile     | Mr Tingle   |
| Mrs Isaksen*  | Revd Mr Nile | Mr Vaughan  |
| Mr Johnson    | Mr Obeid     |             |
|               | Mr Primrose* | * Tellers   |

Pairs

|              |           |
|--------------|-----------|
| Dr Goldsmith | Mr Manson |
| Dr Pezzutti  | Mrs Arena |

Question resolved in the negative.

Amendments negatived.

Words stand.

Clauses 122 to 124 agreed to without amendment.

Part 6 agreed to without amendment.

---

THURSDAY 26 JUNE 1997

No. 126

### **District Court Amendment Bill**

Schedule 1 read.

Pages 3, 4 and 7.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 3, Schedule 1 [1], lines 3-7. Omit all words on those lines.

Page 3, Schedule 1 [2], lines 10 and 11. Omit "(other than a motor accident claim)".

Page 3, Schedule 1 [2], line 12. Omit "\$750,000". Insert instead "\$500,000".

Page 3, Schedule 1 [3], line 15. Omit "\$750,000". Insert instead "\$500,000".

Page 3, Schedule 1 [4], lines 16-19. Omit all words on those lines.

Page 4, Schedule 1 [7], line 11. Omit "\$750,000". Insert instead "\$500,000".

Pages 4 and 5, Schedule 1 [10]-[12], lines 21-32 on page 4 and lines 1-33 on page 5. Omit all words on those lines. Insert instead:

**[10]Section 160**

Insert after section 159:

**160 Registrations: jurisdictional limits**

- (1) In this section, *jurisdictional limit* means a limitation on the civil jurisdiction of the Court by reference to an amount of money specified, in a provision of this Part, as the maximum amount for or with respect to which any civil action or proceedings, or any civil action or proceedings of a specified kind (whether at law or in equity), may be brought in the Court.
- (2) The Governor may make regulations providing for a variation of any jurisdictional limit by substituting a higher or lower amount for any maximum amount referred to in subsection (1).
- (3) A regulation under this section may be made so as to apply differently according to such factors as may be specified in the regulation.
- (4) Section 5 of the *Subordinate Legislation Act 1989* applies to a regulation under this section in the same way as it applies to a principal statutory rule, and section 6 of that Act does not apply to any such regulation.

Page 7, Schedule 1 [14], lines 18-21. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

## Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Dr Pezzutti |
| Mrs Chadwick  | Mr Kersten   | Mr Ryan     |
| Mrs Forsythe  | Mr Lynn      | Mr Samios   |
| Mr Gallacher  | Mr Moppett*  | Mr Smith    |
| Miss Gardiner | Mrs Nile     | Mr Tingle   |
| Dr Goldsmith  | Revd Mr Nile |             |
|               |              | * Tellers   |

## Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mr Obeid     | Mr Vaughan  |
| Mr Egan       | Mr Primrose* |             |
| Mrs Isaksen*  |              | * Tellers   |
| Mr Johnson    |              |             |

## Pairs

|              |           |
|--------------|-----------|
| Mr Hannaford | Mrs Arena |
| Mrs Sham-Ho  | Mr Manson |

Question resolved in the negative.

Words stand.

No. 127

### **Environmental Planning and Assessment Legislation Amendment Bill**

Schedules 1 and 2 read.

Pages 3, 4, 6 and 7.

Amendments, by leave, taken in globo.

Mr Shaw moved:

Page 3, Schedule 1 [2], lines 11-12. Omit all words on those lines.

Page 3, Schedule 1 [3], proposed section 104B, lines 27 and 28. Omit “an application determination authority”. Insert instead “the Minister”.

Page 4, Schedule 1 [3], proposed section 104B, lines 9-16. Omit all words on those lines.

Page 4, Schedule 1 [3], proposed section 104C, lines 20 and 21. Omit “an application determination authority”. Insert instead “the Minister”.

Page 4, Schedule 1 [3], proposed section 104C, line 25. Omit “application determination authority”. Insert instead “Minister”.

Page 4, Schedule 1 [3], proposed section 104C, lines 31 and 32. Omit “application determination authority”. Insert instead “Minister”.

Page 4, Schedule 1 [3], proposed section 104C, line 35. Omit “authority”. Insert instead “Minister”.

Page 6, Schedule 2, proposed section 25A, lines 10 and 11. Omit “an application determination authority”. Insert instead “Minister”.

Page 6, Schedule 2, proposed section 25A, lines 17 and 18. Omit “application determination authority”. Insert instead “Minister”.

Page 6, Schedule 2, proposed section 25A, lines 23-25. Omit all words on those lines. Insert instead:

- (4) A reference in this Division to the Minister is a reference to the Minister responsible for the administration of the *Environmental Planning and Assessment Act 1979*.

Page 7, Schedule 2, proposed section 25C, lines 11 and 12. Omit “application determination authority”. Insert instead “Minister”.

Page 7, Schedule 2, proposed section 25C, lines 21 and 22. Omit “application determination authority”. Insert instead “Minister”.

Debate ensued.

Question put: That the amendments of Mr Shaw be agreed to.

The Committee divided (Mr Gay in the Chair).

#### Ayes 20

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mr Obeid     | Mr Tingle   |
| Mr Egan       | Mr Primrose* | Mr Vaughan  |
| Mrs Isaksen*  |              |             |
| Mr Johnson    |              | * Tellers   |

#### Noes 16

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Mrs Sham-Ho |
| Mrs Chadwick  | Mr Kersten   | Mr Smith    |
| Mrs Forsythe  | Mr Lynn      |             |
| Mr Gallacher  | Mr Moppett*  |             |
| Miss Gardiner | Mrs Nile     |             |
| Dr Goldsmith  | Revd Mr Nile |             |
| Mr Hannaford  | Dr Pezzutti  | * Tellers   |

#### Pairs

Mrs Arena  
Mr Manson

Mr Samios  
Mr Ryan

Question resolved in the affirmative.

Amendments agreed to.

Words omitted and inserted.

Other amendments being proposed and agreed to, Schedules 1 and 2 agreed to with amendments.

No. 128

### **Legal Aid Commission Amendment Bill**

Schedule 1 read.

Pages 3, 4 and 6.

Amendments, by leave, taken in globo.

Mr Hannaford moved:

Page 3, Schedule 1 [7], lines 18-22. Omit all words on those lines.

Page 4, Schedule 1 [9], lines 4-18. Omit all words on those lines.

Page 6, Schedule 1 [13], proposed clause 52, lines 29-33. Omit all words on those lines.

Debate ensued.

Question put: That the amendments of Mr Hannaford be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 16

Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher  
Dr Goldsmith

Mr Hannaford  
Mr Jobling\*  
Mr Kersten  
Mr Lynn  
Mr Moppett\*  
Mrs Nile  
Revd Mr Nile

Dr Pezzutti  
Mr Samios  
Mr Smith  
Mr Tingle

\* Tellers

## Noes 18

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Ms Kirkby    | Mr Shaw     |
| Mr Cohen      | Mr Macdonald | Ms Staunton |
| Mr Corbett    | Mr Obeid     | Mrs Symonds |
| Mr Dyer       | Mr Primrose* | Mr Vaughan  |
| Mr Egan       |              |             |
| Mrs Isaksen*  |              | * Tellers   |
| Mr Johnson    |              |             |

## Pairs

|               |           |
|---------------|-----------|
| Mr Bull       | Mr Kaldis |
| Miss Gardiner | Mrs Arena |
| Mr Ryan       | Mr Manson |

Question resolved in the negative.

Amendments negatived.

Words stand.

Other amendments being proposed and agreed to, Schedule 1 agreed to with amendments.

No. 129

### Prevention of Cruelty to Animals Amendment Bill

Schedule 1 read.

Pages 3.

Mr Bull moved:

Page 3, Schedule 1. Insert after line 16:

#### [4] Section 4 (4)

Insert after section 4 (3):

(4) For the purposes of this Act:

- (a) the maximum penalty for an offense committed by a corporation that is an incorporated family farm is to be determined as if the corporation were an individual and not a corporation, and
- (b) section 33A does not apply in respect of a contravention of this Act or the regulations by that corporation

A corporation is an *incorporated family farm* if the principal asset of the corporation is a farm and the farm is occupied by a person, or by members of a family, who has or have a controlling interest in the corporation.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

#### Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Hannaford | Dr Pezzutti |
| Mrs Chadwick  | Mr Jobling*  | Mr Ryan     |
| Mrs Forsythe  | Mr Kersten   | Mrs Sham-Ho |
| Miss Gardiner | Mr Lynn      | Mr Smith    |
| Dr Goldsmith  | Mr Moppett*  | Mr Tingle   |
|               | Mrs Nile     |             |
|               | Revd Mr Nile | * Tellers   |

#### Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mr Obeid     | Mr Vaughan  |
| Mr Egan       | Mr Primrose* |             |
| Mrs Isaksen*  |              | * Tellers   |
| Mr Johnson    |              |             |

#### Pairs

|              |           |
|--------------|-----------|
| Mr Gallacher | Mr Manson |
| Mr Samios    | Mrs Arena |

Question resolved in the negative.

Amendment negatived.

No. 130

#### Same Bill

Same Schedule.

Pages 4 and 5.

Amendments, by leave, taken in globo.

Mr Bull moved:

Page 4, Schedule 1. Insert after line 17

**[7] Section 8 Animals to be provided with food, drink or shelter:**

Insert “and which it is reasonably practicable in the circumstances for the person to provide” after “sufficient” in section 8 (1).

Page 5, Schedule 1 [9]. Insert after line 10:

- (4) Before commencing proceedings for an offence against subsection (1) in respect of a stock animal depastured on rateable land (within the meaning of the *Rural Lands Protection Act 1989*), the prosecution must obtain advice from a rural lands protection board and the Department of Agriculture about the state of the animal (if practicable) and the appropriate care for it.
- (5) The prosecution may, with leave of the court granted in such circumstances as the court considers just, commence or continue proceedings for an offence against subsection (1), despite having failed to comply with subsection (4).

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 20

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Dr Pezzutti |
| Mrs Chadwick  | Mr Kersten   | Mr Ryan     |
| Mr Corbett    | Ms Kirkby    | Mr Samios   |
| Mr Gallacher  | Mr Lynn      | Mrs Sham-Ho |
| Miss Gardiner | Mr Moppett*  | Mr Smith    |
| Dr Goldsmith  | Mrs Nile     | Mr Tingle   |
|               | Revd Mr Nile | Mr Willis   |

\* Tellers

Noes 17

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Dyer       | Mr Macdonald | Mrs Symonds |
| Mr Egan       | Mr Obeid     | Mr Vaughan  |
| Mrs Isaksen*  | Mr Primrose* |             |
| Mr Johnson    |              |             |

\* Tellers

Pairs

|              |           |
|--------------|-----------|
| Mrs Forsythe | Mr Manson |
| Mr Hannaford | Mrs Arena |

President voted with the Ayes in Committee.

Question resolved in the affirmative.

Amendments agreed to.

Words inserted.

No. 131

### **Same Bill**

Same Schedule.

Page 11.

Mr Jones moved:

Page 11, Schedule 1 [30]. Insert after line 9:

#### **21C Steeplechasing and hurdle racing prohibited**

A person who organises or participates in a steeplechase or hurdle race is guilty of an offence.

Maximum penalty: 250 penalty units in the case of a corporation or 50 penalty units or imprisonment for 6 months, or both, in the case of an individual.

#### **21D Confining of bird by ring and chain prohibited**

A person who confines a bird by means of a ring around its leg and a chain attached to the ring is guilty of an offence.

Maximum penalty: 250 penalty units in the case of a corporation or 50 penalty units or imprisonment for 6 months, or both, in the case of an individual.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 19

Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*  
Mr Johnson

Mr Jones  
Mr Kaldis  
Ms Kirkby  
Mr Macdonald  
Mr Obeid  
Mr Primrose\*

Ms Saffin  
Mr Shaw  
Ms Staunton  
Mrs Symonds  
Mr Vaughan

\* Tellers

Noes 17

Mr Bull

Mr Hannaford

Dr Pezzutti

## REPORT OF DIVISIONS IN COMMITTEE 1996-97

|               |              |           |
|---------------|--------------|-----------|
| Mrs Chadwick  | Mr Jobling*  | Mr Ryan   |
| Mrs Forsythe  | Mr Kersten   | Mr Samios |
| Mr Gallacher  | Mr Lynn      | Mr Smith  |
| Miss Gardiner | Mr Moppett*  | Mr Tingle |
|               | Mrs Nile     |           |
|               | Revd Mr Nile | * Tellers |

Pairs

|           |              |
|-----------|--------------|
| Mrs Arena | Mrs Sham-Ho  |
| Mr Manson | Dr Goldsmith |

Question resolved in the affirmative.

Amendment agreed to.

Words inserted.

No. 132

**Same Bill**

Same Schedule.

Page 11.

Mr Bull moved:

Page 11, Schedule 1 [32], lines 20-24. Omit all words on those lines. Insert instead:

(2) A person must not, in any part of New South Wales, set a steel-jawed trap.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

Ayes 17

|              |              |             |
|--------------|--------------|-------------|
| Mr Bull      | Mr Kersten   | Mr Ryan     |
| Mrs Chadwick | Mr Lynn      | Mr Samios   |
| Mrs Forsythe | Mr Moppett*  | Mrs Sham-Ho |
| Mr Gallacher | Mrs Nile     | Mr Smith    |
| Mr Hannaford | Revd Mr Nile | Mr Tingle   |
| Mr Jobling*  | Dr Pezzutti  |             |
|              |              | * Tellers   |

Noes 19

|               |           |             |
|---------------|-----------|-------------|
| Dr Burgmann   | Mr Jones  | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis | Mr Shaw     |
| Mr Cohen      | Ms Kirkby | Ms Staunton |

Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*  
Mr Johnson

Mr Macdonald  
Mr Obeid  
Mr Primrose\*

Mrs Symonds  
Mr Vaughan

\* Tellers

#### Pairs

Miss Gardiner  
Dr Goldsmith

Mr Manson  
Mrs Arena

Question resolved in the negative.

Amendment negatived.

Words stand.

No. 133

#### Same Bill

Same Schedule.

Page 22.

Mr Jones moved:

Page 22, Schedule 1 [58], lines 1-4. Omit all words on those lines.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

#### Ayes 19

Dr Burgmann  
Ms Burnswoods  
Mr Cohen  
Mr Corbett  
Mr Dyer  
Mr Egan  
Mrs Isaksen\*  
Mr Johnson

Mr Jones  
Mr Kaldis  
Mr Macdonald  
Mr Obeid  
Mr Primrose\*  
Ms Saffin  
Mr Shaw  
Ms Staunton

Mrs Symonds  
Mr Tingle  
Mr Vaughan

\* Tellers

#### Noes 17

Mr Bull  
Mrs Chadwick  
Mrs Forsythe  
Mr Gallacher

Mr Kersten  
Ms Kirkby  
Mr Lynn  
Mr Moppett\*

Mr Samios  
Mrs Sham-Ho  
Mr Smith

Miss Gardiner  
Dr Goldsmith  
Mr Jobling\*

Mrs Nile  
Revd Mr Nile  
Mr Ryan

\* Tellers

Pairs

Mrs Arena  
Mr Manson

Mr Hannaford  
Dr Pezzutti

Question resolved in the affirmative.

Amendment agreed to.

Words omitted.

No. 134

**Same Bill**

Same Schedule.

Page 22.

Mr Bull moved:

Page 22, Schedule 1 [59]. Insert after line 15:

- (3) A failure to comply with the guidelines does not constitute an offence against this Act or the regulations.
- (4) If the guidelines set out a procedure for complying with a provision of this Act or the regulations, compliance with those guidelines is a defence to a prosecution for an offence against this Act or the regulations that relates to compliance or failure to comply with that provision of the Act or the regulation.

Debate ensued.

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

The Committee divided (Mr Gay in the Chair).

## Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Dr Pezzutti |
| Mrs Chadwick  | Mr Kersten   | Mr Ryan     |
| Mrs Forsythe  | Mr Lynn      | Mr Samios   |
| Mr Gallacher  | Mr Moppett*  | Mrs Sham-Ho |
| Miss Gardiner | Mrs Nile     | Mr Tingle   |
| Dr Goldsmith  | Revd Mr Nile |             |
|               |              | * Tellers   |

## Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Staunton |
| Ms Burnswoods | Mr Kaldis    | Mrs Symonds |
| Mr Cohen      | Ms Kirkby    | Mr Vaughan  |
| Mr Corbett    | Mr Macdonald |             |
| Mr Dyer       | Mr Obeid     |             |
| Mr Egan       | Mr Primrose* |             |
| Mrs Isaksen*  | Ms Saffin    |             |
| Mr Johnson    | Mr Shaw      | * Tellers   |

## Pairs

|              |           |
|--------------|-----------|
| Mr Hannaford | Mr Manson |
| Mr Smith     | Mrs Arena |

Question resolved in the negative.

Amendment negatived.

Other amendments being proposed and agreed to, Schedule 1 agreed to with amendments.

No. 135

### **Water and Environmental Planning Legislation Amendment Bill**

Schedules 1 and 2 and Long Title read.

Mr Moppett moved:

The Chairman do leave the chair, report progress and seek leave to sit again on 17 September 1997.

Question put: That the motion of Mr Moppett be agreed to.

The Committee divided (Mr Gay in the Chair).

## Ayes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Dr Pezzutti |
| Mrs Chadwick  | Mr Kersten   | Mr Ryan     |
| Mrs Forsythe  | Mr Lynn      | Mrs Sham-Ho |
| Mr Gallacher  | Mr Moppett*  | Mr Smith    |
| Miss Gardiner | Mrs Nile     | Mr Tingle   |
| Dr Goldsmith  | Revd Mr Nile |             |

\* Tellers

## Noes 19

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Jones     | Ms Saffin   |
| Ms Burnswoods | Mr Kaldis    | Mr Shaw     |
| Mr Cohen      | Ms Kirkby    | Ms Staunton |
| Mr Corbett    | Mr Macdonald | Mrs Symonds |
| Mr Dyer       | Mr Obeid     | Mr Vaughan  |
| Mr Egan       | Mr Primrose* |             |
| Mrs Isaksen*  |              |             |
| Mr Johnson    |              |             |

\* Tellers

## Pairs

|              |           |
|--------------|-----------|
| Mr Hannaford | Mr Manson |
| Mr Samios    | Mrs Arena |

Question resolved in the negative.

Committee continued to sit.

No. 136

**Same Bill**

Same Schedules and Long Title.

Pages 5, 6, 7, 8, 9, 10, 12 and 16.

Amendments, by leave, taken in globo.

Mr Cohen moved:

Pages 5 to 10, Schedule 1 [6] to [8], line 1 on page 5 to line 35 on page 10.  
Omit all words on those lines.

Page 12, Schedule 1 [11], lines 4 to 8. Omit all words on those lines.

Page 16, Schedule 2 [1], lines 4 to 13. Omit all words on those lines.

Long title. Omit "water allocation transfers".

Debate ensued.

Question put: That the amendments of Mr Cohen be agreed to.

The Committee divided (Mr Gay in the Chair).

Ayes 19

|               |              |             |
|---------------|--------------|-------------|
| Dr Burgmann   | Mr Johnson   | Ms Saffin   |
| Ms Burnswoods | Mr Jones     | Mr Shaw     |
| Mr Cohen      | Mr Kaldis    | Ms Staunton |
| Mr Corbett    | Ms Kirkby    | Mrs Symonds |
| Mr Dyer       | Mr Macdonald | Mr Vaughan  |
| Mr Egan       | Mr Obeid     |             |
| Mrs Isaksen*  | Mr Primrose* | * Tellers   |

Noes 17

|               |              |             |
|---------------|--------------|-------------|
| Mr Bull       | Mr Jobling*  | Dr Pezzutti |
| Mrs Forsythe  | Mr Kersten   | Mr Ryan     |
| Miss Gardiner | Mr Lynn      | Mr Samios   |
| Dr Goldsmith  | Mr Moppett*  | Mrs Sham-Ho |
| Mr Hannaford  | Mrs Nile     | Mr Smith    |
|               | Revd Mr Nile | Mr Tingle   |
|               |              | * Tellers   |

Pairs

|           |              |
|-----------|--------------|
| Mrs Arena | Mrs Chadwick |
| Mr Manson | Mr Gallacher |

Question resolved in the affirmative.

Amendments agreed to.

Words omitted.

Other amendments being proposed and agreed to, Schedules 1 and 2 and Long Title agreed to with amendments.