

**(3) Payroll Tax Rebate Scheme (Jobs Action Plan) Amendment (Fresh Start Support) Bill 2014 (No 2)**

Mr PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to amend the Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011 to make further provision in relation to the rebate scheme under that Act” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly  
12 November 2014

SHELLEY HANCOCK  
Speaker

Leave granted for procedural motions for the first reading, printing, suspension of standing orders and fixing of sitting day for second reading to be dealt with on one motion without formalities.

Bills, on the motion of Mr Gay read a first time, printed, standing orders suspended on contingent notice for remaining stages and second reading of the bills set down as orders of the day for a later hour of the sitting.

**29 SUSPENSION OF STANDING AND SESSIONAL ORDERS—SELECT COMMITTEE ON THE CONDUCT AND PROGRESS OF THE OMBUDSMAN’S INQUIRY “OPERATION PROSPECT”**

On the President calling on the Clerk to read the order of the day, Mr Brown moved, according to contingent notice: That standing and sessional orders be suspended to allow a motion to be moved forthwith that private members’ business item no. 2121 outside the order of precedence relating to the establishment of a Select Committee on the conduct and progress of the Ombudsman’s inquiry “Operation Prospect” be called on forthwith.

Question put and passed.

Mr Brown then moved: That private members’ business item no. 2121 outside the order of precedence be called on forthwith.

Question put and passed.

**30 SELECT COMMITTEE ON THE CONDUCT AND PROGRESS OF THE OMBUDSMAN’S INQUIRY “OPERATION PROSPECT”**

Order of the day read for resumption of the interrupted debate of the question on the motion of Mr Brown:

1. That a select committee be established to inquire into and report on the conduct and progress of the Ombudsman’s Inquiry titled Operation Prospect, and in particular:
  - (a) the use by the Ombudsman of secrecy provisions contained in sections 19A, 19B and 19C of the Ombudsman Act 1974,
  - (b) the impact on the NSW Police Force of the Ombudsman’s Inquiry titled Operation Prospect,
  - (c) consideration of Police and NSW Crime Commission Operation Mascot and Police Integrity Commission Operation Florida and Police Strike Force Emblems, and
  - (d) any other related matter

2. That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
  - (a) three Government members,
  - (b) two Opposition members, and
  - (c) two crossbench members, being Mr Borsak and Mr Shoebridge.
3. That the Chair of the committee be Mr Borsak and the Deputy Chair be Mr Shoebridge.
4. That, notwithstanding anything to the contrary in the standing orders, at any meeting of the committee, any four members of the committee will constitute a quorum.
5. That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
  - (a) the Chair is present in the meeting room,
  - (b) all members are able to speak and hear each other at all times, and
  - (c) members may not participate by electronic communication in a meeting to consider a draft report.
6. That the House makes clear its understanding that a statutory secrecy provision in statute does not affect the power of the House or of its committees to conduct inquiries and to require answers to lawful questions unless the provision alters the law of parliamentary privilege by express words, and that this view is supported by the following authorities:
  - (a) New South Wales Legislative Council Practice, at pages 512-516,
  - (b) Odgers' Australian Senate Practice, 13th edition, at page 66,
  - (c) Mr Bret Walker SC in two advices from 2000 and 2012 published by General Purpose Standing Committee No. 4 in Report No. 26 entitled 'Budget Estimates 2012 – 2013', tabled in the House on 19 February 2013, and
  - (d) the Solicitor General and Ms Mitchelmore of Counsel in a legal opinion provided directly to the Government on 9 April 2014 and tabled in the House on 6 May 2014.
7. That the House further indicates that the statutory secrecy provisions in the Ombudsman Act 1974 and other relevant legislation do not affect the powers of the select committee to require answers to lawful questions or impede in any way the conduct of this inquiry.
8. That the committee report by 25 February 2015.

Upon which Mr Gay has moved: That the question be amended by omitting paragraph 1 (b), (c) and (d).

Debate resumed.

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

The House divided.

## Ayes 18

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

\* Tellers

## Noes 22

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

\* Tellers

Question resolved in the negative.

Original question put.

The House divided.

## Ayes 22

Ms Barham	Mr Foley	Mr Shoebridge
Mr Borsak	Dr Kaye	Mr Veitch
Mr Brown	Mr Moselmane	Ms Voltz *
Mr Buckingham	Revd Mr Nile	Ms Westwood
Ms Cotsis	Mr Primrose	Mr Whan
Mr Donnelly	Mr Searle	Mr Wong
Dr Faruqi	Mr Secord	
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## Noes 18

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

\* Tellers

Question resolved in the affirmative.