473



LEGISLATIVE ASSEMBLY

2011

FIRST SESSION OF THE FIFTY-FIFTH PARLIAMENT

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**VOTES AND PROCEEDINGS**

**No. 58**

WEDNESDAY 23 NOVEMBER 2011

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. **MEETING OF THE HOUSE**

The House met at 10.00 am pursuant to adjournment. The Speaker took the Chair, read the prayer and acknowledged the traditional owners, thanking them for their custodianship of country.

1. **SPEAKER’S STATEMENT—QUAKERS HILL NURSING HOME FIRE DEATHS**

The Speaker made a statement in relation to the deaths arising from the fire on Friday 18 November 2011 at a nursing home at Hambledon Road, Quakers Hill.

Members and officers stood as a mark of respect.

1. **AUDITOR-GENERAL**

The Clerk, in accordance with section 63C of the Public Finance and Audit Act 1983, announced receipt of the Report of the Auditor-General for 2011, Volume Seven (received 23 November 2011).

1. **INDUSTRIAL RELATIONS AMENDMENT (NON-OPERATIVE AWARDS) BILL**

The order of the day was read.

Mr Mike Baird moved, That this bill be now agreed to in principle.

Debate ensued.

Question put and passed.

Bill agreed to in principle.

The Acting Speaker (Ms Sonia Hornery) declared the bill to have passed the House.

1. **BUDGET ESTIMATES AND RELATED PAPERS 2011-2012**

The order of the day was read for the resumption of the interrupted debate, on the motion of Mr Brad Hazzard, That this House take note of the Budget Estimates and related papers for 2011-2012.

Question again proposed and debate resumed.

Mr Chris Holstein moved, That this debate be now adjourned.

Question put and passed.

Ordered, That the resumption of the debate stand an order of the day for a later hour.

1. **AGRICULTURAL TENANCIES AMENDMENT BILL**

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Anthony Roberts, That this bill be now agreed to in principle.

Question again proposed and debate resumed.

Question put and passed.

Bill agreed to in principle.

The Acting Speaker (Mr Lee Evans) declared the bill to have passed the House.

1. **MESSAGE FROM THE LEGISLATIVE COUNCIL—WORK HEALTH AND SAFETY LEGISLATION AMENDMENT BILL**

The Acting Speaker (Mr Lee Evans) reported the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council having this day passed a bill titled “An Act to amend the Work Health and Safety Act 2011 to make further provision for the commencement, administration and operation of that Act; and to make consequential and other amendments to certain other Acts” transmits the bill to the Legislative Assembly for concurrence.

Legislative Council DON HARWIN

23 November 2011 President

Bill introduced.

Ordered by the Acting Speaker, That the agreement in principle speech stand an order of the day for a later hour.

1. **MESSAGE FROM THE LEGISLATIVE COUNCIL—REFERENCE TO THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

The Acting Speaker (Mr Lee Evans) reported the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that, having considered the Legislative Assembly’s message of 11 November 2011, it has agreed to the following resolution:

(1) That under section 73 of the Independent Commission Against Corruption Act 1988 this House refers to the Independent Commission Against Corruption (ICAC) for investigation and report with respect to:

(a) The circumstances surrounding the application for and allocation to Doyles Creek Mining Pty Ltd of Exploration Licence No 7270 under the Mining Act 1992 (NSW) (Mining Act),

(b) The circumstances surrounding the making of profits, if any, by the shareholders of NuCoal Resources NL as proprietors of Doyles Creek Mining Pty Ltd,

(c) Any recommended action by the New South Wales Government with respect to licences or leases under the Mining Act over the Doyles Creek area,

(d) Any recommended action by the New South Wales Government with respect to amendment of the Mining Act, and

(e) Whether the New South Wales Government should commence legal proceedings, or take any other action, against any individual or company in relation to the circumstances surrounding the allocation of Exploration Licence No 7270.

(2) That as deemed necessary, the Commissioner may also inquire into any related matters.

Legislative Council DON HARWIN

23 November 2011 President

\_\_\_\_\_\_\_\_\_\_\_\_\_

The Acting Speaker (Mr Lee Evans) left the Chair at 1.02 pm.

The Speaker resumed the Chair at 2.15 pm.

\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **RE-ASSUMPTION OF THE ADMINISTRATION OF THE GOVERNMENT BY THE GOVERNOR**

The Speaker reported the following message from Her Excellency the Governor:

MARIE BASHIR Office of the Governor

Governor Sydney, 20 November 2011

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Assembly that she re-assumed the administration of the government of the State at 8.25 pm on 20 November 2011.

1. **NOTICES OF MOTIONS**
2. **NOTICES OF MOTIONS SOUGHT TO BE ACCORDED PRIORITY**

Ms Gabrielle Upton—Mental Health.

Mr Nathan Rees—Review of Police Resourcing.

1. **QUESTION TIME**

\_\_\_\_\_\_\_\_\_\_\_\_\_

PAPERS

Mr Brad Hazzard, by leave, tabled:

Draft final report of the Backpacker Working Group, dated August 2006.

Final Report of the Fire Protection Systems Working Party entitled “Design, Approval, Installation, Certification and Maintenance of Fire Protection Systems – Identified Issues, Contributing Factors and Recommendations”, dated October 2010.

\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **PAPERS**

(1) Mr Chris Hartcher tabled:

Report of the Independent Pricing and Regulatory Tribunal entitled “Compliance and Operation of the NSW Energy Savings Scheme during 2010, Report to Minister”, dated July 2011.

Report of the Independent Pricing and Regulatory Tribunal entitled “Compliance and Operation of the NSW Greenhouse Gas Reduction Scheme during 2010, Report to Minister”, dated July 2011.

Report of the Independent Pricing and Regulatory Tribunal entitled “Energy distribution and retail licences, Compliance Report for 2010/11, Report to the Minister for Energy”, dated October 2011.

(3) Mr Mike Baird tabled:

Statement of Corporate Intent of the Sydney Ports Corporation for the year ending 30 June 2012.

Variations of the Payments Estimates and Appropriations for 2011-12, under section 24 of the Public Finance and Audit Act 1983, flowing from the transfer of functions from the Department of Transport to Transport for NSW, dated 1 November 2011.

1. **DAYS OF MEETING**

Mr Brad Hazzard moved, That unless otherwise ordered, the House meet during the 2012 autumn and spring sittings as follows:

Autumn Sittings: February 14, 15, 16, 21, 22, 23; March 6, 7, 8, 13, 14, 15, 27, 28 29; April 2, 3, 4; May 1, 2, 3, 8, 9, 10, 22, 23, 24, 29, 30, 31; June 12, 13, 14, 19, 20, 21.

Spring Sittings: August 14, 15, 16, 21, 22, 23; September 4, 5, 6, 11, 12, 13, 18, 19, 20; October 16, 17, 18, 23, 24, 25; November 13, 14, 15, 20, 21, 22, 27, 28, 29.

Debate ensued.

Question put and passed.

1. **JOINT STANDING COMMITTEE ON ROAD SAFETY**

Mr Brad Hazzard, by leave, moved, That:

(1) The resolution of 22 June 2011 appointing the Joint Standing Committee on Road Safety be amended by leaving out “any five members shall constitute a quorum” in paragraph (2) and inserting instead “any four members shall constitute a quorum”.

(2) A message be sent acquainting the Legislative Council of the resolution and requesting the Legislative Council to pass a similar resolution.

Question put and passed.

1. **PUBLIC ACCOUNTS COMMITTEE**

Mr Jonathan O’Dea, Chair, in accordance with standing order 299 (1), informed the House that the Public Accounts Committee had resolved to conduct an inquiry into the economics of energy generation, the full details of which were available on the Committee’s home page.

1. **PETITION SIGNED BY 10,000 OR MORE PERSONS**

The Speaker announced that the following member had lodged a petition for presentation signed by 10,000 or more persons:

Mr Gareth Ward—from certain citizens requesting a moratorium on coal seam gas mining until a Royal Commission into its impacts is conducted and requesting a ban on hydraulic fracturing extraction.

1. **PETITIONS**

(1) The Clerk announced that the following members had each lodged petitions for presentation:

Mr Chris Holstein—from certain citizens requesting improved access to health care services for Central Coast residents.

Ms Clover Moore—from certain citizens requesting the provision of bus services to the Walsh Bay precinct and the provision of ferry services to the new wharf at Pier 2/3.

Ms Clover Moore—from certain citizens requesting that companion animals be allowed to travel on all public transport.

Ms Clover Moore—from certain citizens opposing the sale of animals in pet shops.

Ms Clover Moore—from certain citizens requesting a ban on exotic animals performing in circuses.

Ms Clover Moore—from certain citizens requesting a container deposit levy be introduced in New South Wales.

(2) The Clerk announced that the following members had each lodged petitions for presentation signed by 500 or more persons:

Mr Chris Holstein—from certain citizens requesting the retention of the present level of therapy services at Gosford East Public School and to re-establish it as a school for the physically disabled.

Mr Andrew Fraser—from certain citizens requesting the completion of the Pacific Highway dual carriageway upgrade by 2016 and requesting that trucks to be diverted to the New England Highway until the upgrade is completed.

Mrs Barbara Perry—from certain citizens opposing Auburn City Council’s proposed rezoning of Queen Street, Auburn from Light Industrial to High Density Residential Housing.

Mr Rob Stokes—from certain citizens opposing the continuation of commercial fishing and requesting a Government buyout of commercial fishing operators within the Pittwater.

(3) The Clerk also announced receipt of the following ministerial response to petitions signed by 500 or more persons:

The Hon Katrina Hodgkinson—lodged 18 October, 19 October and 9 November 2011—Commercial fishing in the Pittwater—(Mr Rob Stokes).

1. **NOTICES OF MOTIONS SOUGHT TO BE ACCORDED PRIORITY**

(1) Ms Gabrielle Upton made a statement in support of her notice being accorded priority over the other business of the House.

(2) Mr Nathan Rees also made a statement in support of his notice being accorded priority—

That this House:

(1) Notes that the Government came to power committing to greater transparency and accountability.

(2) Condemns the Minister for Police for refusing to make public the secret Parsons review into police resourcing.

(3) Calls on the Government to rule out using savings from the axing of the police death and disability scheme to fund the Parsons review recommendations.

Question—That the motion of the member for Vaucluse be accorded priority—put and passed.

1. **MOTION ACCORDED PRIORITY—MENTAL HEALTH**

Ms Gabrielle Upton moved, pursuant to notice, That this House supports increased assistance for people with mental illness in our community.

Debate ensued.

Question put and passed.

1. **NO CONFIDENCE IN THE MINISTER FOR THE ENVIRONMENT, AND MINISTER FOR HERITAGE**

Mr John Robertson moved, pursuant to notice, That the Minister for the Environment, and Minister for Heritage no longer enjoys the confidence of the House given she:

(1) Failed to inform the public for more than 54 hours of the hexavalent chromium leak from the Orica chemical plant at Kooragang Island on 8 August 2011.

(2) Failed to inform the public for more than 24 hours of the ammonium nitrate leak from the same Orica Chemical plant on 9 November 2011.

(3) Neglected to speak to any representative of Orica about these extremely serious threats to public safety, including CEO Graeme Liebelt, who tried to contact her on at least three separate occasions.

(4) Has admitted that she doesn’t read documents before she signs them in her capacity as Minister.

(5) Has demonstrated that she has no understanding of the legislation in her portfolio during budget estimates hearings.

(6) Has lost the confidence of the people of New South Wales and is clearly incapable of performing her duties as Minister for the Environment, and Minister for Heritage.

Debate ensued.

Question put.

The House divided.

AYES 20

Mr Barr, Ms Burney, Mr Daley, Mr Furolo, Ms Hay, Ms Hornery, Ms Keneally, Mr Lalich, Mr Lynch, Dr McDonald, Ms Mihailuk, Mr Parker, Mrs Perry, Mr Rees, Mr Robertson, Ms Tebbutt, Ms Watson and Mr Zangari.

Tellers: Mr Amery and Mr Park.

NOES 67

Mr Anderson, Mr Annesley, Mr Aplin, Mr Ayres, Mr Baird, Mr Barilaro, Mr Bassett, Ms Berejiklian, Mr Bromhead, Mr Brookes, Mr Conolly, Mr Constance, Mr Cornwell, Mr Coure, Mrs Davies, Mr Dominello, Mr Doyle, Mr Elliott, Mr Evans, Mr Flowers, Mr Fraser, Mr Gee, Mr George, Ms Gibbons, Ms Goward, Mr Grant, Mr Hartcher, Mr Hazzard, Ms Hodgkinson, Mr Holstein, Mr Humphries, Mr Issa, Mr Kean, Dr Lee, Ms Moore, Mr Notley-Smith, Mr O’Dea, Mr O’Farrell, Mr Owen, Mr Page, Ms Parker, Mr Patterson, Mr Perrottet, Mr Piccoli, Mr Piper, Mr Provest, Mr Roberts, Mr Rohan, Mr Rowell, Mrs Sage, Mr Sidoti, Mrs Skinner, Mr Smith, Mr Souris, Mr Speakman, Mr Spence, Mr Stokes, Mr Stoner, Mr Toole, Mr Torbay, Ms Upton, Mr Ward, Mr Webber, Mr R.C. Williams and Mrs Williams.

Tellers: Mr Maguire and Mr J.D. Williams. In the Chair: Mrs Hancock.

Pair: Ms Burton—Mr Edwards.

Question negatived.

1. **MESSAGE FROM THE LEGISLATIVE COUNCIL—VALUATION OF LAND AMENDMENT BILL**

The Speaker reported the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council having this day passed a bill titled “An Act to amend the Valuation of Land Act 1916 to provide for the making of private valuations of land by the Valuer-General and to make further provision for the valuation of heritage restricted land; and to amend the Heritage Act 1977 to make further provision for the valuation of land on the State Heritage Register” transmits the bill to the Legislative Assembly for concurrence.

Legislative Council JENNY GARDINER

23 November 2011 Deputy President

Bill introduced.

Ordered by the Speaker, That the agreement in principle speech stand an order of the day for a later hour.

\_\_\_\_\_\_\_\_\_\_\_\_\_

It being after 4.30 pm, government business proceeded with.

\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **BUDGET ESTIMATES AND RELATED PAPERS 2011-2012**

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Brad Hazzard, That this House take note of the Budget Estimates and related papers for 2011-2012.

Question again proposed and debate resumed.

Mr Brad Hazzard obtained an extension of time.

Debate continued.

Mr Gareth Ward speaking—

\_\_\_\_\_\_\_\_\_\_\_\_\_

It being 5.45 pm, debate interrupted for notices of motions (general notices).

\_\_\_\_\_\_\_\_\_\_\_\_\_

Ordered, That the resumption of the debate stand an order of the day for tomorrow.

1. **NOTICES OF MOTIONS (GENERAL NOTICES)**

\_\_\_\_\_\_\_\_\_\_\_\_\_

SUSPENSION OF STANDING AND SESSIONAL ORDERS—DIVISIONS AND QUORUMS

Mr Brad Hazzard moved, That on Thursday 24 November 2011 standing and sessional orders be suspended to provide that no divisions or quorums be called before 12.00 noon.

Debate ensued.

Question put and passed.

\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **MATTER OF PUBLIC IMPORTANCE—FORGET ME KNOT DAY**

The Speaker having previously informed the House of receipt from Mr Guy Zangari of a notice of a matter of public importance, namely:

Forget Me Knot Day.

Discussion ensued and concluded.

1. **PRIVATE MEMBERS’ STATEMENTS**

\_\_\_\_\_\_\_\_\_\_\_\_\_

Ms Gabrielle Upton obtained the leave of the House to sit past 7.30 pm to permit the conclusion of private members’ statements.

\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **ADJOURNMENT**

The House adjourned, pursuant to standing and sessional orders, at 7.37 pm, until tomorrow, at 10.00 am.

Attendance: All members present except Ms Cherie Burton and Mr Garry Edwards.

RONDA MILLER SHELLEY HANCOCK

Clerk of the Legislative Assembly Speaker

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Authorised by the Parliament of New South Wales