



## LEGISLATIVE COUNCIL

# MINUTES OF PROCEEDINGS

No. 11

WEDNESDAY 22 OCTOBER 2014

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**1 MEETING OF THE HOUSE**

The House met at 11.00 am according to adjournment. The President took the Chair and read the prayers.

**2 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—ELECTION FUNDING, EXPENDITURE AND DISCLOSURES AMENDMENT BILL 2014**

The President reported the following message from the Legislative Assembly:

Mr PRESIDENT

The Legislative Assembly having this day agreed to the amendments made by the Legislative Council in the Bill with the long title “An Act to amend the Election Funding, Expenditure and Disclosures Act 1981 to make special provision with respect to the 2015 State general election and to make further provision with respect to election funding, expenditure and disclosures generally”.

Legislative Assembly  
22 October 2014

SHELLEY HANCOCK  
Speaker

**3 INDEPENDENT COMMISSION AGAINST CORRUPTION—REPORT**

The President, according to the Independent Commission Against Corruption Act 1988 and the Annual Reports (Departments) Act 1985, tabled the annual report of the Independent Commission Against Corruption for year ended 30 June 2014.

The President further announced that under the Acts the report was authorised to be made public this day.

Ordered, on motion of Mr Gay: That the report be printed.

**4 INFORMATION AND PRIVACY COMMISSION—REPORT**

The President, according to the Government Information (Information Commissioner) Act 2009, the Privacy and Personal Information Protection Act 1998 and the Annual Reports (Departments) Act 1985, tabled the annual report of the Information and Privacy Commission, including the report of the Information Commissioner and the report of the Privacy Commissioner, for year ended 30 June 2014.

The President announced that under the Acts the report was authorised to be made public this day.

Ordered, on motion of Mr Gay: That the report be printed.

**5 DISPUTED CLAIM OF PRIVILEGE—REPORT OF THE INDEPENDENT LEGAL ARBITER—VIP GAMING MANAGEMENT AGREEMENT (Formal Business)**

Dr Kaye moved, according to notice:

1. That the report of the Independent Legal Arbitrator, the Hon Keith Mason AC QC, dated 21 October 2014, on the disputed claim of privilege on the VIP Gaming Management Agreement, be laid on the table by the Clerk.
2. That, on tabling, the report is authorised to be published.

Question put and passed.

**6 JOINT SELECT COMMITTEE ON LOOSE FILL ASBESTOS INSULATION—MEMBERSHIP (Formal Business)**

Dr Kaye moved, according to notice: That Dr Kaye be discharged from the Joint Select Committee on loose fill asbestos insulation and Mr Shoebridge be appointed as a member of the committee.

Question put and passed.

Dr Kaye then moved: That the following message be forwarded to the Legislative Assembly:

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

That Dr Kaye be discharged from the Joint Select Committee on loose fill asbestos insulation and Mr Shoebridge be appointed as a member of the committee.

Legislative Council  
22 October 2014

DON HARWIN  
President

Question put and passed.

**7 TRANS-TASMAN MEN'S AND MIXED NETBALL CHAMPIONSHIP (Formal Business)**

Ms Ficarra moved, according to notice:

1. That this House notes:

- (a) the Trans-Tasman Men's and Mixed Netball Championship was held between 14 to 18 October 2014 at the Anne Clark Netball Centre,
- (b) the official opening was held on 15 October 2014 with dignitaries including:
  - (i) the Hon Marie Ficarra MLC,
  - (ii) Mr Grant Crocker, President, Australian Men's and Mixed Netball Association,
  - (iii) Mr Peter Miller, Secretary and Tour Manager, New Zealand Men's and Mixed Netball Association,
  - (iv) Ms Kelli Douglas, Director, Australian Men's and Mixed Netball Association,
  - (v) Councillor Vincent De Luca OAM, Hon Secretary and Umpires' Co-ordinator, Australian Men's and Mixed Netball Association,
  - (vi) Mrs Neita Matthew OAM, Patron and Life Member of Netball NSW,
  - (vii) Mrs Wendy Archer AM, President Netball NSW,
  - (viii) Mrs Carolyn Campbell, CEO Netball NSW,
  - (ix) Mrs Maureen Stephenson OAM, Director of Umpiring Australian Men's and Mixed Netball Association,
  - (x) Mrs Juleen Maxfield, Umpires' Allocator Trans-Tasman Championship,
  - (xi) Mr Darren Kelly, President NSW Men's and Mixed Netball Association, the English Netball Team,
- (c) that in the Open Men's Division, Australia won all three test series with the team consisting of: Coach: David Mills, Manager: Tracey Bloffwitch, Valance Horne (Co Captain), Junior Levi (Co Captain), Steven Philpot, Caleb Meredith, Mellow Clough, Roger Quayle, Aidan Kelly, Daniel Cooke, Col Gray and Simon Lam,

- (d) in the Open Mixed Division, New Zealand won the Division winning two tests with the team consisting of: Coach: Michelle Hansen-Vaeau, Manager: Wills Nepia, Junior Manapori (Co-captain), Maru Delamere (Co-captain), Brianna Dinley, Natalie Jones, Pili Apulu-Keys, Anna O'Dell, Zoë-Emma Harris, James Brown, Stefan Mateariki, Aroha Crombie and Jessica Milicich,
  - (e) in the Men's 23 & Under Division, Australia won all three test series with the team consisting of: Coach: Heath Brown, Manager: Tristah Thompson, Captain: Adam Slattery, Vice-Captain: James Robertson, Deepak Patu, Tim Malmo, Mathew Atkins, Cameron Allum, Jerome Gillbard, Christopher Newman, Brodie Roberts and Riley Richardson,
  - (f) in the Men's 19 & Under Division, Australian won all three test series with the team consisting of: Coach: Matthew Blomeley, Manager: Karen Wild, Captain: Cameron Martin, Vice-Captain: David Fromberg, William Mahoney, Jake Dambrauskas, Alastair Punshon, Hiki de Freitas, Jackson Mynott, Nathan Begley, Jayden Cowling, Shane Topping,
  - (g) umpires at the Championships were Clare McCabe, Joel Owen, Darne Rawiri, Elle Bonasia, Chris Hall, Amy Winchcombe, Raewyn Vile and Kylie Pearce,
  - (h) the Officials Bench at the Championships consisted of Beverley Dew OAM, Brian Cooper, Raelene Turner, Debbie Phillips and Sue Barnett, and
  - (i) the service of Mr George Best and Jody Viktorin who assisted with the administration of the championship.
2. That this House acknowledges and commends all winners, officials and participants at the 2014 Trans-Tasman Men's and Mixed Netball Championship.

Question put and passed.

## **8 MS MARGARET DUTTON (Formal Business)**

Ms Ficarra moved, according to notice:

1. That this House notes:
  - (a) the life of Margaret Eve Dutton, Strathfield's first female mayor,
  - (b) the sad passing of Ms Dutton on 14 October 2014,
  - (c) that Ms Dutton was born in Strathfield in 1928 and from the age of seven she attended Meriden School as a boarding student,
  - (d) that Ms Dutton taught at the TAFE School of Art and Design for 25 years,
  - (e) that Ms Dutton became the head of the Randwick TAFE Design Department in 1978 and held the position until her retirement in 1986,
  - (f) that Ms Dutton served as an alderman on Strathfield Council from 1987 to 2000,
  - (g) that Ms Dutton was first elected Mayor of Strathfield in 1991, and held the mayoralty from 1991 to 1992 and 1995 to 1996,
  - (h) that Ms Dutton was the first female to hold the mayoralty in the 112 year history of Strathfield Council, and
  - (i) that Ms Dutton was awarded the Medal of the Order of Australia on 11 June 2007.

2. That this House acknowledges the contribution of Margaret Eve Dutton to:
  - (a) Strathfield Council through her work as Mayor and alderman,
  - (b) TAFE NSW as a teacher and department head,
  - (c) The Exodus Foundation as a volunteer teacher,
  - (d) the Rotary Club of Strathfield as Assistant Treasurer, Attendance Recorder and fundraiser since 1999, and
  - (e) Meals on Wheels as a volunteer since 2000.

Question put and passed.

## **9 PENRITH PANTHERS AWARDS NIGHT 2014 (Formal Business)**

Ms Ficarra moved, according to notice:

1. That this House notes:
  - (a) that the Penrith Panthers Awards Night was held on 15 September 2014,
  - (b) the contribution of the Penrith Panthers to the National Rugby League (NRL), and
  - (c) the contribution of all Penrith Panthers players to the 2014 NRL Season.
2. That this House acknowledges and commends the recipients of the following awards:
  - (a) Panther's Education Award:
    - (i) Junior: David Cowhan,
    - (ii) Senior: Nathan Smith,
  - (b) Panthers NYC Player of the Year: Brendan Attwood,
  - (c) NSW Cup Player of the Year: Ryan Simpkins,
  - (d) Panthers Clubman of the Year: Jamie Soward,
  - (e) Panthers Courage and Determination Award: Adam Docker,
  - (f) Panthers Members' Player of the Year: Jamie Soward,
  - (g) Panthers Rookie of the Year: Bryce Cartwright and Dallin Watene Zeleniak,
  - (h) Panthers Merv Cartwright NRL Player of the Year: Matthew Moylan, and
  - (i) Panthers Welfare & Education Award: David Cowhan.

Question put and passed.

**10 REPORT OF THE INDEPENDENT LEGAL ARBITER—VIP GAMING MANAGEMENT AGREEMENT**

The Clerk, according to resolution of the House this day, tabled the report of the Independent Legal Arbitrator, the Honourable Keith Mason AC QC, dated Tuesday 21 October 2014, on the disputed claim of privilege on the VIP Gaming Management Agreement.

**11 NOTICES OF MOTIONS****12 BUSINESS POSTPONED**

Notice of motion no. 1 on the Notice Paper of business of the House postponed, on motion of Mr Shoebridge, until Tuesday 4 November 2014.

**13 JOINT COMMITTEES—MEMBERSHIP**

Mr Gay moved, according to notice:

1. That Mr Blair be discharged from the Committee on Children and Young People and Mrs Mitchell be appointed as a member of the committee.
2. That Mr Blair be discharged from the Committee on the Independent Commission Against Corruption and Mr Khan be appointed as a member of the committee.

Question put and passed.

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

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

1. That Mr Blair be discharged from the Committee on Children and Young People and Mrs Mitchell be appointed as a member of the committee.
2. That Mr Blair be discharged from the Committee on the Independent Commission Against Corruption and Mr Khan be appointed as a member of the committee.

Legislative Council  
22 October 2014

DON HARWIN  
President

Question put and passed.

**14 STATE REVENUE LEGISLATION AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2014**

On the order of the day being read, Mr Mason-Cox moved: That this bill be now read a second time.

Debate ensued.

Leave granted for the remainder of the mover's second reading speech to be incorporated in Hansard.

Debate continued.

Question put and passed.

Bill read a second time.

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

Standing orders having been suspended Wednesday 15 October 2014—

Bill, on motion of Mr Mason-Cox, read a third time.

Bill returned to the Legislative Assembly without amendment.

## **15 PROTECTION OF THE ENVIRONMENT LEGISLATION AMENDMENT BILL 2014**

On the order of the day being read, Mr Mason-Cox moved: That this bill be now read a second time.

Debate ensued.

Leave granted for the remainder of the mover's second reading speech to be incorporated in Hansard.

Debate continued.

Question put and passed.

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### **Distinguished Visitors**

The President invited attention to the presence in the public gallery of a delegation from the 9th Seoul Metropolitan Council, led by Mr Choi Wung Shik, Chairperson of the Council Steering Committee.

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Bill read a second time.

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

Standing orders having been suspended Wednesday 10 September 2014—

Bill, on motion of Mr Mason-Cox, read a third time.

Bill returned to the Legislative Assembly without amendment.

## **16 BUSINESS POSTPONED**

Order of the day no. 3 on the Notice Paper of government business postponed, on motion of Ms Cusack, until a later hour of the sitting.

## **17 TEACHER ACCREDITATION AMENDMENT BILL 2014**

On the order of the day being read, Ms Cusack (on behalf of Mr Ajaka) moved: That this bill be now read a second time.

Debate ensued.

Leave granted for the remainder of the mover's second reading speech to be incorporated in Hansard.



Debate continued.

Question put and passed.

Bill read a second time.

The Assistant President left the Chair and the House sat as a committee of the whole for consideration of this bill.

The committee reported the bill without amendment.

The House adopted the report.

Standing orders having been suspended Wednesday 15 October 2014—

Bill, on motion of Ms Cusack, read a third time.

Bill returned to the Legislative Assembly without amendment.

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

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## 18 QUESTIONS

## 19 MESSAGES FROM THE LEGISLATIVE ASSEMBLY

The President reported the following messages from the Legislative Assembly:

### (1) **Water NSW Bill 2014**

Mr PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to provide for State Water Corporation to become Water NSW and to abolish the Sydney Catchment Authority and transfer its functions to Water NSW; and to repeal and amend certain legislation consequentially” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly  
22 October 2014

SHELLEY HANCOCK  
Speaker

### (2) **Health Practitioner Regulation Legislation Amendment Bill 2014**

Mr PRESIDENT

The Legislative Assembly having this day passed a Bill with the long title “An Act to make miscellaneous amendments to various Acts that relate to health practitioners” presents the bill to the Legislative Council for its concurrence.

Legislative Assembly  
22 October 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.

**20 EDUCATION AMENDMENT (NOT-FOR-PROFIT NON-GOVERNMENT SCHOOL FUNDING) BILL 2014**

On the order of the day being read, Mr Ajaka moved: That this bill be now read a second time.

Leave granted for the mover's second reading speech to be incorporated in Hansard.

Debate ensued.

Question put and passed.

Bill read a second time.

The Deputy President (Mrs Mitchell) left the Chair and the House sat as a committee of the whole for consideration of this bill.

The committee reported the bill without amendment.

The House adopted the report.

Standing orders having been suspended Tuesday 21 October 2014—

Bill, on motion of Mr Ajaka, read a third time.

Bill returned to the Legislative Assembly without amendment.

**21 PETITION—GOVERNMENT'S RESPONSE**

Mrs Pavey tabled the Government's response to a petition received by the House on 16 September 2014 entitled "Statement made by Prime Minister Tony Abbott regarding World War II Japanese troops".

Ordered: That the document be printed.

**22 MULTICULTURAL NSW LEGISLATION AMENDMENT BILL 2014**

On the order of the day being read, Mrs Pavey (on behalf of Mr Ajaka) moved: That this bill be now read a second time.

Leave granted for the mover's second reading speech to be incorporated in Hansard.

Debate ensued.

Question put and passed.

Bill read a second time.

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

Standing orders having been suspended Tuesday 21 October 2014—

Mrs Pavey moved: That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

Bill returned to the Legislative Assembly without amendment.

**23 STANDING COMMITTEE ON SOCIAL ISSUES—MEMBERSHIP**

The Deputy President informed the House that this day, the Leader of the Government nominated Mr Lynn as a member of the Standing Committee on Social Issues in place of Dr Phelps.

**24 BUSINESS POSTPONED**

Orders of the day nos 7 to 9 on the Notice Paper of government business postponed, on motion of Dr Phelps (on behalf of Mr Gay), until a later hour of the sitting.

**25 RURAL FIRES AMENDMENT BILL 2014**

On the order of the day being read, Mr Blair (on behalf of Mr Ajaka) moved: That this bill be now read a second time.

Debate ensued.

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

**26 CONSTITUTION AMENDMENT (PARLIAMENTARY PRESIDING OFFICERS) BILL 2014**

On the order of the day being read, Mr Gay moved: That this bill be now read a second time.

Debate ensued.

Question put and passed.

Bill read a second time.

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

Standing orders having been suspended Wednesday 17 September 2014—

Bill, on motion of Mr Gay, read a third time.

Bill returned to the Legislative Assembly without amendment.

**27 RURAL FIRES AMENDMENT BILL 2014**

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

Leave granted for the remainder of the mover's second reading speech to be incorporated in Hansard.

Debate resumed.

Question put and passed.

Bill read a second time.

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

Standing orders having been suspended Wednesday 15 October 2014—

Bill, on motion of Mr Blair (on behalf of Mr Ajaka), read a third time.

Bill returned to the Legislative Assembly without amendment.

## **28 ADJOURNMENT**

Mr Ajaka moved: That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 7.12 pm until Thursday 23 October 2014 at 9.30 am.

## **29 ATTENDANCE**

All members present.

David Blunt  
Clerk of the Parliaments