



LEGISLATIVE ASSEMBLY

2019-20

FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT

VOTES AND PROCEEDINGS

No. 48

THURSDAY 5 MARCH 2020

1 MEETING OF THE HOUSE

The House met at 9.30 am pursuant to adjournment. The Speaker took the Chair, read the prayer and acknowledged the traditional owners, thanking them for their custodianship of country.

2 AUDITOR-GENERAL

The Clerk, in accordance with section 421D of the Local Government Act 1993, announced receipt of the Financial Audit Report of the Auditor-General entitled 'Local Government 2019', dated 5 March 2020 (received 5 March 2020).

3 NOTICES OF MOTIONS (GENERAL NOTICES)

4 BUDGET ESTIMATES AND RELATED PAPERS 2019-2020

The order of the day was read for the resumption of the interrupted debate, on the motion of Mr Dominic Perrottet, That this House take note of the Budget Estimates and related papers for 2019-2020:

Question again proposed and debate resumed.

Ms Janelle Saffin speaking—

Debate interrupted for general business notices of motions (for bills).

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

5 CIVIL REMEDIES FOR SERIOUS INVASIONS OF PRIVACY BILL 2020

The order of the day was read for the resumption of the interrupted second reading speech, on the motion of Mr Paul Lynch, That this bill be now read a second time.

Question again proposed and debate resumed.

Mr Paul Lynch concluded his second reading speech.

Debate adjourned (Mr Geoff Provest) and the resumption of the debate made an order of the day for a future day.

General business orders of the day (for bills) proceeded with.

6 PRIVACY AND PERSONAL INFORMATION PROTECTION AMENDMENT (STATE OWNED CORPORATIONS) BILL 2019

The order of the day was read for the resumption of the interrupted debate, on the motion of Mr Paul Lynch, That this bill be now read a second time.

Question again proposed and debate resumed.

Question put.

The House divided.

Ayes 41
Noes 46
Majority 5

AYES

Aitchison, J	Atalla, E	Bali, S
Barr, C	Butler, R	Car, P
Catley, Y	Chanthivong, A	Cotsis, S
Crakanthorp, T	Dalton, H	Dib, J
Donato, P	Doyle, T	Finn, J
Greenwich, A	Harris, D	Harrison, J
Hoening, R	Hornery, S	Kamper, S
Lalich, N	Leong, J	Lynch, P
McDermott, H	McGirr, J	McKay, J
Mehan, D (teller)	Mihailuk, T	Minns, C
O'Neill, M	Park, R	Parker, J
Saffin, J	Smith, T	Tesch, L
Voltz, L	Warren, G	Washington, K
Watson, A (teller)	Zangari, G	

NOES

Anderson, K	Ayres, S	Barilaro, J
Berejiklian, G	Bromhead, S	Clancy, J
Conolly, K	Constance, A	Cooke, S (teller)
Coure, M	Crouch, A (teller)	Davies, T
Dominello, V	Elliott, D	Evans, L
Gibbons, M	Griffin, J	Gulaptis, C

NOES

Hancock, S
Kean, M
Marshall, A
Perrottet, D
Provest, G
Sidgreaves, P
Smith, N
Taylor, M
Upton, G
Wilson, F

Henskens, A
Lee, G
O'Dea, J
Petinos, E
Roberts, A
Sidoti, J
Speakman, M
Toole, P
Ward, G

Johnsen, M
Lindsay, W
Pavey, M
Preston, R
Saunders, D
Singh, G
Stokes, R
Tuckerman, W
Williams, L

PAIRS

Haylen, J
Scully, P

Hazzard, B
Williams, R

In the Chair: Mr Greg Piper.

Question negatived.

7 INDUSTRIAL RELATIONS AMENDMENT (CONTRACTS OF CARRIAGE) BILL 2019

The order of the day was read.

Mr Greg Warren moved, That this bill be now read a second time.

Debate ensued.

Mr Geoff Provest obtained an extension of time.

Mr Geoff Provest speaking—

Debate interrupted for general business orders of the day (general orders) and general business notices of motions (general notices).

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

8 TAFE RESOURCING

The order of the day was read for the resumption of the interrupted debate, on the motion of Mr Jihad Dib, That this House:

- (1) Recognises TAFE is an incredibly important and highly valued public education institution.
- (2) Acknowledges the Government has slowly decimated TAFE.
- (3) Recognises TAFE plays a critical role in economic prosperity during the current skills shortage.
- (4) Calls on the Government to follow the Opposition's lead and commit to rebuilding TAFE.

Upon which Mrs Wendy Tuckerman had moved, That the motion be amended by leaving out all words after 'that' with a view to inserting instead:

'this House:

- (1) Recognises TAFE is an incredibly important and highly valued public education institution.
- (2) Recognises TAFE plays a critical role in economic prosperity during the current skills shortage.
- (3) Commends the Premier for her commitment to excellence in vocational education and training.'

To which Dr Marjorie O'Neill had moved, That the amendment be amended by leaving out paragraph (3).

Question again proposed and debate resumed.

Dr Geoff Lee, Mr David Harris, Mr Mark Coure, Ms Trish Doyle, Ms Robyn Preston, Mr Jamie Parker, Mr Christopher Gulaptis, Ms Kate Washington and Ms Sophie Cotsis, by leave, also spoke to the motion.

Question—That the amendment to the amendment be agreed to—put.

The House divided.

Ayes 42
Noes 46
Majority 4

AYES

Aitchison, J
Barr, C
Catley, Y
Crakanthorp, T
Dib, J
Finn, J
Hoening, R
Lalich, N
McDermott, H
Mehan, D (teller)
O'Neill, M
Piper, G
Tesch, L
Washington, K

Atalla, E
Butler, R
Chanthivong, A
Daley, M
Donato, P
Harris, D
Hornery, S
Leong, J
McGirr, J
Mihailuk, T
Park, R
Saffin, J
Voltz, L
Watson, A (teller)

Bali, S
Car, P
Cotsis, S
Dalton, H
Doyle, T
Harrison, J
Kamper, S
Lynch, P
McKay, J
Minns, C
Parker, J
Smith, T
Warren, G
Zangari, G

NOES

Anderson, K
Berejiklian, G
Conolly, K
Coure, M
Dominello, V
Greenwich, A
Hancock, S
Kean, M
Marshall, A
Perrottet, D
Provest, G
Sidgreaves, P
Smith, N
Taylor, M
Upton, G
Wilson, F

Ayres, S
Bromhead, S
Constance, A
Crouch, A (teller)
Elliott, D
Griffin, J
Henskens, A
Lee, G
O'Dea, J
Petinos, E
Roberts, A
Sidoti, J
Speakman, M
Toole, P
Ward, G

Barilaro, J
Clancy, J
Cooke, S (teller)
Davies, T
Gibbons, M
Gulaptis, C
Johnsen, M
Lindsay, W
Pavey, M
Preston, R
Saunders, D
Singh, G
Stokes, R
Tuckerman, W
Williams, L

PAIRS

Haylen, J
Scully, P

Hazzard, B
Williams, R

In the Chair: Mr Lee Evans.

Question negatived.

Question—That the amendment be agreed to—put.

The House divided.

Ayes 47
Noes 41
Majority 6

AYES

Anderson, K
Berejiklian, G
Conolly, K
Coure, M
Dominello, V
Greenwich, A
Hancock, S
Kean, M
Marshall, A
Perrottet, D
Preston, R
Saunders, D
Singh, G
Stokes, R
Tuckerman, W
Williams, L

Ayres, S
Bromhead, S
Constance, A
Crouch, A (teller)
Elliott, D
Griffin, J
Henskens, A
Lee, G
O'Dea, J
Petinos, E
Provest, G
Sidgreaves, P
Smith, N
Taylor, M
Upton, G
Wilson, F

Barilaro, J
Clancy, J
Cooke, S (teller)
Davies, T
Gibbons, M
Gulaptis, C
Johnsen, M
Lindsay, W
Pavey, M
Piper, G
Roberts, A
Sidoti, J
Speakman, M
Toole, P
Ward, G

NOES

Aitchison, J
Barr, C
Catley, Y
Crakanthorp, T
Dib, J
Finn, J
Hoenig, R
Lalich, N
McDermott, H
Mehan, D (teller)
O'Neill, M
Saffin, J
Voltz, L
Watson, A (teller)

Atalla, E
Butler, R
Chanthivong, A
Daley, M
Donato, P
Harris, D
Hornery, S
Leong, J
McGirr, J
Mihailuk, T
Park, R
Smith, T
Warren, G
Zangari, G

Bali, S
Car, P
Cotsis, S
Dalton, H
Doyle, T
Harrison, J
Kamper, S
Lynch, P
McKay, J
Minns, C
Parker, J
Tesch, L
Washington, K

PAIRS

Haylen, J
Scully, P

Hazzard, B
Williams, R

In the Chair: Mr Lee Evans.

Question passed.

Question—That the motion, as amended, be agreed to—put and passed.

9 AUSTRALIA DAY EVENTS - DUBBO ELECTORATE

Mr Dugald Saunders moved, pursuant to notice, That this House:

- (1) Commends Dubbo Regional Council, Mid-Western Regional Council, and Narromine Shire Council on their successful Australia Day events.
- (2) Notes Australia Day celebrations are important to communities in the Dubbo electorate as they provide an opportunity for people to come together to celebrate Australia and recognise outstanding achievers.
- (3) Congratulates the Citizens of the Year including Jan Colmer of Narromine, Megan Hamblin of Dubbo, and Jan Pirie of the Mid-Western region.
- (4) Thanks all winners at the Australia Day Awards for their dedication to their communities.

Debate ensued.

Question put and passed.

The Temporary Speaker (Mr Lee Evans) left the Chair at 1.15 pm.

The Speaker resumed the Chair at 2.15 pm.

10 SPEAKER'S STATEMENT—INTERNATIONAL WOMEN'S DAY

The Speaker made a statement in relation to the events celebrating International Women's Day.

11 QUESTION TIME

- (1) Following a request from Mr Christopher Gulaptis pursuant to standing order 131 (3), the Minister for Regional Transport and Roads provided additional information.
 - (2) Following a request from Mr Geoff Provest pursuant to standing order 131 (3), the Treasurer provided additional information.
 - (3) Following a request from Mr James Griffin pursuant to standing order 131 (3), the Minister for Health and Medical Research provided additional information.
 - (4) Following a request from Mr Philip Donato pursuant to standing order 131 (3), the Premier provided additional information.
 - (5) Following a request from Mr Alister Henskens pursuant to standing order 131 (3), the Minister for Families, Communities and Disability Services provided additional information.
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12 PAPER

Mr Mark Speakman tabled Report 147 of the New South Wales Law Reform Commission entitled 'Access to digital records upon death or incapacity', dated December 2019.

13 COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

The Clerk announced receipt of the Government Response to Report 6/56 of the Committee on the Independent Commission Against Corruption, entitled 'Review of the 2016-17 Annual Reports of the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption' (received 4 March 2020).

14 LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND SAFETY

Mrs Wendy Tuckerman, Chair, in accordance with standing order 299 (1), informed the House that the Legislative Assembly Committee on Law and Safety had resolved to conduct an inquiry into the physical health of police and emergency services workers, the full details of which were available on the Committee's home page.

15 PETITIONS

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

Mr Alex Greenwich—from certain citizens requesting that museum services be expanded around New South Wales and the Powerhouse Museum remain in Ultimo.

Mr Alex Greenwich—from certain citizens requesting increased funds for low cost housing and homelessness services.

Mr Alex Greenwich—from certain citizens requesting the Government give owners corporations the authority to control short-term letting in their building, including to place limits beyond state controls or to ban the practice outright.

Mr Philip Donato—from certain citizens asking the Legislative Assembly to direct the Minister for Transport and Roads to change M2 and M7 Motorway tolls to Class 'A' rates for vehicles towing a caravan, trailer or boat.

16 CODE OF CONDUCT FOR MEMBERS

Mr Andrew Constance moved, by leave, That the Code of Conduct for Members, as adopted on 7 May 2019, be amended to read as follows:

That this House adopt, for the purposes of section 9 of the *Independent Commission Against Corruption Act 1988*, the following Code of Conduct—

PREAMBLE

Members of Parliament acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution and conventions of Parliament, and using their influence to advance the common good of the people of New South Wales.

THE CODE

1 Purpose of the Code

The purpose of this Code of Conduct is to assist all Members in the discharge of their parliamentary duties and obligations to the House, their electorates and the people of NSW.

The Code applies to Members in all aspects of their public life.

In complying with this Code, Members shall base their conduct on a consideration of the public interest, avoiding conflict between personal interest and their duties as a Member of Parliament. It does not apply to Members in their purely private and personal lives.

Members will not act dishonestly for their own personal gain, or that of another person.

It is recognised that some members are non-aligned and others belong to political parties. Organised political parties are a fundamental part of the democratic process. Participation in the activities of organised political parties is within the legitimate activities of Members of Parliament.

PROPER EXERCISE OF POWER

2 Improper influence

- (a) No member shall act as a paid advocate in any proceeding of the House or its committees.
- (b) A Member must not knowingly and improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which any of the following persons has received, is receiving or expects to receive as a consequence:
 - (i) The Member;
 - (ii) A member of the Member's family;
 - (iii) A business associate of the Member; or
 - (iv) Any other person or entity from whom the Member expects to receive a financial benefit.
- (c) A Member must not knowingly and improperly use his or her influence as a Member to seek to affect a decision by a public official including a Minister, public sector employee, statutory officer or officer of a public body, to further, directly or indirectly, the private interests of the Member, a member of the Member's family, or a business associate of the Member.

3 Use of public resources

The use of public resources should not knowingly confer any undue private benefit on the Member or, on any other person, or entity.

Members must take reasonable steps to apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

Commentary

There is a range of information available to Members to assist them in determining the accurate and appropriate use of resources including:

- *The Legislative Assembly Members' Guide;*

- *The Legislative Council Members' Guide;*
- *The Department of Parliamentary Services Members' Entitlements Handbook; and*
- *The Parliamentary Remuneration Tribunal's Annual Report and Determination of Additional Entitlements for Members of the Parliament of New South Wales.*

In addition it is open to any Member to seek advice on these matters from the Clerks of the House, Senior Parliamentary Officers, or the Parliamentary Ethics Adviser.

4 Use of confidential information

Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. It must never be knowingly and improperly used for the private benefit of themselves or any other person or persons.

5 Limitation on breach of Code

This code is not breached by reason of a benefit or interest that could be or was advanced or received by the persons set out in 2(b)(i)-(iv) by reason of them being a member of the public or a member of a broad class.

OPENNESS AND ACCOUNTABILITY

6 Disclosure of interests

Members shall fulfil conscientiously the requirements of the House in respect of the Register of Disclosures by Members.

Commentary

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) requires that Members lodge regular returns, disclosing certain interests such as real property, interests and positions in corporations, income, debts and gifts.

The Regulation also requires that each Clerk compile and maintain a Register of Disclosures for their respective Houses. The purpose of the Register of Disclosures is to promote greater transparency, openness, and accountability in the parliamentary process.

Members' attention is drawn to the following sources of information and advice on compliance with the requirements of the Regulation:

- *Schedule 1 of the Regulation outlines the requirements for each type of interest to be disclosed, and gives examples as to how to make entries on the return;*
- *The respective guides for Members of the Legislative Assembly and the Legislative Council explain the requirements of the pecuniary interest disclosure regime in plain language, with examples where possible; and*
- *It is also open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.*

In conjunction with the Regulation and this code, the following Standing Orders apply in relation to personal or pecuniary interests:

- *Legislative Assembly Standing Orders 176-7 and Legislative Council Standing Order 113(2) on voting in divisions; and*
- *Legislative Assembly Standing Order 276 and Legislative Council Standing Order 210(10) on participating in committee inquiries.*

7 Conflicts of interest

Members must take reasonable steps to avoid, resolve or disclose any conflict between their private interests and the public interest. The public interest is always to be favoured over any private interest of the Member.

Members shall take reasonable steps to draw attention to any conflicts between their private interests and the public interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.

A conflict of interest does not exist where the Member is only affected as a member of the public or a member of a broad class.

Commentary

Members should be aware of the important distinction between disclosing an interest and having a conflict of interest.

There are certain pecuniary interests that must be disclosed on the Register of Disclosures although these may never come into conflict with a Members' duties. There are also interests that are not required to be disclosed on the Register of Disclosures but which could give rise to a conflict of interest if they are not managed appropriately.

It is open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.

8 Gifts

- (a) Members must take reasonable steps to disclose all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.
- (b) Members must not knowingly accept gifts that could reasonably be expected to give rise to a conflict of interest or could reasonably be perceived as an attempt to improperly influence the Member in the exercise of his or her duties.
- (c) Nothing in this Code precludes the giving or accepting of political donations in accordance with the *Electoral Funding Act 2018*.

Commentary

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) requires that Members lodge regular returns, disclosing certain interests such as real property, interests and positions in corporations, income, debts and gifts.

The Regulation also requires that each Clerk compile and maintain a Register of Disclosures for their respective Houses. The purpose of the Register of Disclosures is to promote greater transparency, openness, and accountability in the parliamentary process.

Members' attention is drawn to the following sources of information and advice on compliance with the requirements of the Regulation:

- *Schedule 1 of the Regulation outlines the requirements for each type of interest to be disclosed, and gives examples as to how to make entries on the return;*
- *The respective guides for Members of the Legislative Assembly and the Legislative Council explain the requirements of the pecuniary interest disclosure regime in plain language, with examples where possible; and*
- *It is also open to any Member to seek advice on these matters from the Clerks of the House or the Parliamentary Ethics Adviser.*

UPHOLDING THE CODE

9 Upholding the Code

Members have a duty to cooperate fully with any processes established under the authority of the House concerning compliance with this Code.

Breaches of this Code may result in action being taken by the House in relation to a Member. A substantial breach of the Code may constitute corrupt conduct for the purposes of the *Independent Commission Against Corruption Act 1988*.

This resolution has continuing effect unless and until amended or rescinded by resolution of the House.

Debate ensued.

Question put and passed.

17 PRIVATE MEMBERS' STATEMENTS

It being 4.00 pm, statements interrupted for debate on petition signed by 10,000 or more persons.

18 DEBATE ON PETITION SIGNED BY 10,000 OR MORE PERSONS—BUS PRIVATISATION

The order of the day was read for the debate of the petition signed by 10,000 or more persons presented by Mr Chris Minns, namely:

From certain citizens requesting the Legislative Assembly oppose bus privatisation and deliver improved bus services.

Question proposed—That the House take note of the petition.

Debate ensued.

Disorder: At 4.13 pm, the Deputy Speaker directed Ms Trish Doyle to leave the Chamber until the conclusion of the debate on the petition signed by 10,000 or more persons.

Disorder: At 4.14 pm, the Deputy Speaker directed Mr Edmond Atalla to leave the Chamber until the conclusion of the debate on the petition signed by 10,000 or more persons.

Disorder: By direction of the Deputy Speaker, Ms Sophie Cotsis was removed from the Chamber by the Deputy Serjeant-at-Arms.

Disorder: By direction of the Deputy Speaker, Ms Yasmin Catley was removed from the Chamber by the Deputy Serjeant-at-Arms.

Debate continued.

Question put and passed.

DISORDER IN THE GALLERY: By direction of the Deputy Speaker, pursuant to standing order 260, persons having interrupted the orderly conduct of business were removed from the Gallery.

19 PRIVATE MEMBERS' STATEMENTS

20 COMMUNITY RECOGNITION STATEMENTS

21 ADJOURNMENT

The House adjourned, pursuant to standing and sessional orders, at 6.36 pm, until Tuesday 24 March 2020, at 12.00 noon.

Attendance: All members present except Mr Paul Scully and Mr Ray Williams.

HELEN MINNICAN
Clerk of the Legislative Assembly

JONATHAN O'DEA
Speaker