



LEGISLATIVE COUNCIL

FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT

MINUTES OF PROCEEDINGS

No. 39

TUESDAY 24 MARCH 2020

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1 MEETING OF THE HOUSE

The House met at 2.30 pm according to adjournment. The President took the Chair and read the prayers.

The President acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

2 MESSAGES FROM THE LEGISLATIVE ASSEMBLY

The President reported receipt of the following messages from the Legislative Assembly:

(1) Evidence Amendment (Tendency and Coincidence) Bill 2020

MR PRESIDENT

The Legislative Assembly having this day passed a bill with the long title "An Act to amend the Evidence Act 1995 in relation to tendency evidence and coincidence evidence" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
4 March 2020

JONATHAN O'DEA
Speaker

(2) COVID-19 Legislation Amendment (Emergency Measures) Bill 2020

MR PRESIDENT

The Legislative Assembly having this day passed a bill with the long title "An Act to amend a number of Acts to implement emergency measures as a result of the COVID-19 pandemic" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 March 2020

JONATHAN O'DEA
Speaker

(3) Treasury Legislation Amendment (COVID-19) Bill 2020

MR PRESIDENT

The Legislative Assembly having this day passed a bill with the long title "An Act to amend the Long Service Leave Act 1955 and Payroll Tax Act 2007 as a result of the COVID-19 pandemic" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 March 2020

JONATHAN O'DEA
Speaker

(4) Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020

MR PRESIDENT

The Legislative Assembly having this day passed a bill with the long title "An Act to amend various Acts and regulations administered by the Minister for Better Regulation and Innovation and the Service NSW (One-stop Access to Government Services) Act 2013 to provide for the waiver, reduction, postponement or refund of fees in particular circumstances; to amend the Service NSW (One-stop Access to Government Services) Act 2013 to extend the functions to which the Act applies; and for related purposes" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
24 March 2020

JONATHAN O'DEA
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 motion of Mr Harwin, read a first time, printed, standing orders suspended according to sessional order for remaining stages and second reading of the bills set down as orders of the day for a later hour of the sitting.

3 INFORMATION AND PRIVACY COMMISSION—REPORT

The President, according to the Government Information (Information Commissioner) Act 2009, tabled a report of the Information Commissioner entitled "Report on the Operation of the Government Information (Public Access) Act 2009, 2018-2019", dated March 2020, received out of session and authorised to be made public on 18 March 2020.

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

4 LAW ENFORCEMENT CONDUCT COMMISSION—REPORT

The President, according to the Law Enforcement Conduct Commission Act 2016, tabled a report of the Law Enforcement Conduct Commission entitled "Operation Dukono", dated February 2020, received out of session and authorised to be made public on 18 March 2020.

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

5 DOMESTIC VIOLENCE DEATH REVIEW TEAM—REPORT

The President, according to the Coroners Act 2009, tabled a report of the Domestic Violence Death Review Team for the period June 2017 to June 2019, received out of session and authorised to be made public on 18 March 2020.

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

6 STATEMENT BY PRESIDENT—WORK HEALTH AND SAFETY AMENDMENT (REVIEW) BILL 2020

The President made a statement concerning the receipt from the Legislative Assembly on 27 February 2020 of, and moving of procedural motions relating to, the Work Health and Safety Amendment (Review) Bill.

7 NEPALESE COMMUNITY BUSHFIRE SUPPORT (Formal Business)

Mrs Maclaren-Jones (on behalf of Mr Amato) moved, according to notice:

- (1) That this House notes the:
 - (a) contribution of the South West Nepalese Community Sydney, during the 2019/2020 bushfires in the Southern Highlands region in preparing and distributing over 360 meals to RFS and SES volunteers and affected residents, and
 - (b) significant emotional support the South West Sydney Nepalese community provided by visiting many of those affected by the devastation of the fires.
- (2) That this House acknowledges:
 - (a) the friendship that exists between Australia and Nepal,
 - (b) the contribution to Australia that the Nepalese people have made, and

- (c) the following people who organised the distribution of meals during the recent bushfires:
 - (i) Devendra Sapkota,
 - (ii) Surya Khanal,
 - (iii) Bhupai Sitoula.

Question put and passed.

8 RABBI ZALMAN KASTEL OAM (Formal Business)

Mrs Maclaren-Jones (on behalf of Mrs Ward) moved, according to notice:

- (1) That this House notes that:
 - (a) on Australia Day 2020, Rabbi Zalman Kastel was appointed a Member of the Order of Australia for his work teaching tolerance and interfaith understanding to school children through the organisation Together for Humanity, and
 - (b) Together for Humanity has provided significant service to interfaith and intercultural understanding and acceptance in New South Wales.
- (2) That this House thanks:
 - (a) Rabbi Kastel OAM on this significant recognition of his ongoing commitment to interfaith understanding, and
 - (b) the Board and staff of Together for Humanity for their commitment and hard work promoting tolerance.

Question put and passed.

9 TABLED PAPERS NOT ORDERED TO BE PRINTED

According to standing order, Mr Harwin tabled a list of all papers tabled and not ordered to be printed in the previous month.

10 PAPER—TABLED BY MINISTER

Mr Harwin, according to the Workplace Injury Management and Workers Compensation Act 1998, tabled the report of the Workers Compensation Independent Review Office for year ended 30 June 2019.

Ordered: That the report be printed.

11 STANDING COMMITTEE ON LAW AND JUSTICE—REPORT

Mr Donnelly (on behalf of Mr Fang) tabled Report No. 73 of the Standing Committee on Law and Justice entitled "2019 Review of the Dust Diseases Scheme: Silicosis in the Manufactured Stone Industry", dated March 2020, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice and supplementary questions.

Ordered: That the report be printed.

Mr Donnelly moved, according to standing order: That the House take note of the report.

Motion made (Mr Donnelly on behalf of Mr Fang speaking) and question: That this debate be now adjourned until next sitting day—put and passed.

12 PUBLIC ACCOUNTABILITY COMMITTEE—REPORT

The Chair, Mr Shoebridge, tabled Report No. 5 of the Public Accountability Committee entitled "Budget process for independent oversight bodies and the Parliament of New South Wales: First Report", dated March 2020, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice.

Ordered: That the report be printed.

Mr Shoebridge moved, according to standing order: That the House take note of the report.

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

13 PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE—REPORT

The Chair, Ms Moriarty, tabled Report No. 49 of the Portfolio Committee No. 1 - Premier and Finance entitled "Work Health and Safety Amendment (Review) Bill 2019", dated March 2020, together with transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice and supplementary questions, responses to online questionnaire and summary report of responses.

Ordered: That the report be printed.

Ms Moriarty moved, according to standing order: That the House take note of the report.

Debate ensued.

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

14 WORK HEALTH AND SAFETY AMENDMENT (REVIEW) BILL 2020

According to resolution of the House of 19 November 2019, Work Health and Safety Amendment (Review) Bill 2020, on motion of Mr Harwin (on behalf of Mr Tudehope), read a first time and ordered to be printed.

Mr Harwin moved, according to sessional order: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

Ordered: That the second reading of the bill stand an order of the day for next sitting day.

15 SELECTION OF BILLS COMMITTEE—REPORT

The Chair (Mrs Maclaren-Jones) tabled Report No. 30 of the Selection of Bills Committee, dated 24 March 2020.

Ordered: That the report be printed.

Mrs Maclaren-Jones moved, according to paragraph 4(1) of the resolution establishing the Selection of Bills Committee:

(1) That:

- (a) the provisions of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 be referred to Portfolio Committee No. 5 – Legal Affairs for inquiry and report,

- (b) the bill be referred to the committee upon receipt a message, from the Legislative Assembly,
 - (c) that the committee report by Tuesday 22 September 2020, and
 - (d) on the report being tabled, a motion may be moved immediately for the first reading and printing of the bill, and that the bill proceed through all remaining stages according to standing and sessional orders
- (2) That the following bills not be referred to a standing committee for inquiry and report, this day:
- (a) Evidence Amendment (Tendency and Coincidence) Bill 2020
 - (b) Water Management Amendment (Water Rights Transparency) Bill 2020
 - (c) Civil Remedies for Serious Invasions of Privacy Bill 2020
 - (d) Better Regulation Legislation Amendment Bill 2020
 - (e) Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020
 - (f) Anti-Discrimination Amendment (Complaint Handling) Bill 2020
 - (g) Local Government Amendment (Disqualification from Civic Office) Bill 2020
 - (h) COVID-19 Legislation Amendment (Emergency Measures) Bill 2020
 - (i) Treasury Legislation Amendment (COVID-19) Bill 2020.

Question put and passed.

16 PAPER—PRESENTED TO PARLIAMENT OUT OF SESSION

The Clerk, according to the Law Reform Commission Act 1967 announced receipt of Report No. 147 of the NSW Law Reform Commission entitled “Access to Digital Records upon Death or Incapacity”, dated December 2019.

17 STATUTORY RULES AND INSTRUMENTS—TABLED BY CLERK

The Clerk tabled the following statutory rules and instruments, published on the NSW Legislation website or in the Government Gazette to Friday 20 March 2020:

- (1) Building and Construction Industry Long Service Payments Act 1986—Building and Construction Industry Long Service Payments Amendment (Bushfire Relief) Regulation 2020 (LW 20/03/2020)
- (2) Building and Development Certifiers Act 2018—Building and Development Certifiers Regulation 2020 (LW 4/03/2020)
- (3) Building Professionals Act 2005—Building Professionals Amendment (Subdivision Works Certificates) Regulation 2020 (LW 13/03/2020)
- (4) Children's Court Act 1987—Children’s Court Amendment Rule 2020 (LW 20/03/2020)
- (5) Children’s Guardian Act 2019—Children’s Guardian (Transitional) Regulation 2020 (LW 28/02/2020)

- (6) Child Protection (Working with Children) Act 2012—Child Protection (Working with Children) Amendment (Assessment Requirement Triggers and Reporting Bodies) Regulation 2020 (LW 28/02/2020)
- (7) Civil Procedure Act 2005—Practice Note DC (Civil) No. 1—Case Management in the General List (GG No 46 of 13/03/2020, n2020-722)
- (8) District Court Act 1973—
 - (a) District Court Criminal Practice Note 18 (GG No 46 of 13/03/2020, n2020-720)
 - (b) District Court Criminal Practice Note 19 (GG No 46 of 13/03/2020, n2020-721)
- (9) Environmental Planning and Assessment Act 1979—Environmental Planning and Assessment Amendment (Planning for Bush Fire Protection) Regulation 2020
- (10) Fair Trading Act 1987—Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2020 (LW 13/03/2020)
- (11) Poisons and Therapeutic Goods Act 1966—Poisons and Therapeutic Goods Amendment (Supply and Administration by Pharmacists) Regulation 2020 (LW 06/03/2020)
- (12) Plantations and Reafforestation Act 1999—Plantations and Reafforestation (Code) Amendment (Planning for Bush Fire Protection) Regulation 2020 (LW 28/02/2020)
- (13) Rail Safety (Adoption of National Law) Act 2012—Rail Safety (Adoption of National Law) Amendment (Drug and Alcohol Testing) Regulation 2020 (LW 13/03/2020)
- (14) State Debt Recovery Act 2018—Referable Debt Order (LW 13/03/2020)
- (15) Supreme Court Act 1970—
 - (a) Practice Note SC GEN 21—Interpreters in Civil Proceedings (GG No 46 of 13/03/2020, n2020-719)
 - (b) Supreme Court (Amendment No 432) Rule 2020 (LW 17/03/2020)

18 AUDITOR-GENERAL—REPORT

The Clerk, according to the Public Finance and Audit Act 1983, announced receipt of a Financial Audit report of the Auditor-General entitled "Report on Local Government 2019", dated March 2020, received out of session and authorised to be printed on 5 March 2020.

19 PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE—REPORT

The Clerk, according to standing order, announced receipt of Report No. 10 of the Portfolio Committee No. 6 - Transport and Customer Service entitled "Digital Restart Fund Bill 2019", dated February 2020, together with transcripts of evidence, submissions, correspondence and answers to questions on notice, received out of session and authorised to be printed on 28 February 2020.

20 DIGITAL RESTART FUND BILL 2019

According to resolution of the House of 12 November 2019, Digital Restart Fund Bill 2019, on motion of Mr Harwin (on behalf of Mr Tudehope), read a first time and ordered to be printed.

Mr Harwin moved, according to sessional order: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

Ordered: That the second reading of the bill stand an order of the day for next sitting day.

21 STANDING COMMITTEE ON STATE DEVELOPMENT—REPORT

The Clerk, according to standing order, announced receipt of Report No. 46 of the Standing Committee on State Development entitled "Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019", dated March 2020, together with transcripts of evidence, tabled documents, correspondence and answers to questions on notice, received out of session and authorised to be printed on 4 March 2020.

Mr Veitch (on behalf of Mr Martin) moved, according to standing order: That the House take note of the report.

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

22 URANIUM MINING AND NUCLEAR FACILITIES (PROHIBITIONS) REPEAL BILL 2019—RESTORED TO NOTICE PAPER

Mr Latham moved, according to resolution of the House of 6 June 2019: That the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019 be restored to the Notice Paper and the second reading of the bill stand an order of the day for a later hour of the sitting.

Question put and passed.

23 PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT—REPORT

The Clerk, according to standing order, announced receipt of Report No. 1 of Portfolio Committee No. 7 - Planning and Environment entitled "Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019 [Provisions]", dated March 2020, together with transcripts of evidence, tabled documents, correspondence and online submissions process report, received out of session and authorised to be printed on 6 March 2020.

24 REGULATION COMMITTEE—GOVERNMENT'S RESPONSE TO REPORT

The Clerk, according to standing order, announced receipt of the Government's response to Report No. 4 of the Regulation Committee entitled "Liquor Amendment (Music Festivals) Regulation 2019 and Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019", tabled on 17 September 2019, received out of session and authorised to be printed on 28 February 2020.

25 RETURNS TO ORDERS

(1) Transport Asbestos Registers – Further order

The Clerk, according to the resolution of the House of 27 February 2020, tabled:

- (a) Documents relating to paragraph 3 of an order for papers regarding Transport Asbestos Registers – Further order, received on Wednesday 4 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.
- (b) A return identifying documents received on Wednesday 4 March 2020 which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

- (c) Additional documents relating to paragraph 3 of an order for papers regarding Transport Asbestos Registers – Further order , received on Monday 9 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.
- (d) A return identifying documents received on Monday 9 March 2020 which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

(2) Documents prepared by Monash University in relation to road safety – Further order

The Clerk, according to the resolution of the House of 27 February 2020, tabled:

- (a) Documents relating to an order for papers regarding Documents prepared by Monash University in relation to road safety – Further order, received on Thursday 5 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.
- (b) A return identifying documents received on Thursday 5 March 2020 which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

(3) List of current TAFE courses

The Clerk, according to the resolution of the House of 27 February 2020, tabled documents relating to an order for papers regarding List of current TAFE courses, received on Thursday 5 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

(4) Western Harbour Tunnel and Beaches Link Business Cases – Further order

The Clerk, according to the resolution of the House of 27 February 2020, tabled correspondence relating to the Western Harbour Tunnel and Beaches Link Business Cases received on Thursday 5 March 2020 from the Secretary of the Department of Premier and Cabinet, stating that the relevant offices and departments hold no documents covered by the terms of the resolution.

(5) Proposal for a cruise ship terminal at Yarra Bay

The Clerk, according to the resolution of the House of 27 February 2020, tabled documents relating to an order for papers regarding Proposal for a cruise ship terminal at Yarra Bay received on Thursday 12 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

(6) Floodplain harvesting

The Clerk, according to the resolution of the House of 27 February 2020, tabled:

- (a) Documents relating to an order for papers regarding Floodplain harvesting, received on Thursday 19 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.
- (b) A return identifying documents received on Thursday 19 March 2020 which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

(7) Scope 3 emissions or downstream emissions of coal mines

The Clerk, according to the resolution of the House of 27 February 2020, tabled:

- (a) Documents relating to an order for papers regarding Scope 3 emissions or downstream emissions, received on Thursday 19 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.
- (b) A return identifying documents received on Thursday 19 March 2020 which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

(8) Biodiversity assessment of the proposal to raise the Warragamba Dam wall

The Clerk, according to the resolution of the House of 27 February 2020, tabled correspondence relating to the Biodiversity assessment of the proposal to raise the Warragamba Dam wall received on Thursday 5 March 2020 from the Secretary of the Department of Premier and Cabinet, stating that the relevant offices and departments hold no documents covered by the terms of the resolution.

(9) Payroll tax compliance

The Clerk, according to the resolution of the House of 27 February 2020, tabled:

- (a) Documents relating to an order for papers regarding Payroll tax compliance, received on Thursday 19 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.
- (b) A return identifying documents received on Thursday 19 March 2020 which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

(10) Operator of Maules Creek coal mine and biodiversity offsets

The Clerk, according to the resolution of the House of 27 February 2020, tabled documents relating to an order for papers regarding Operator of Maules Creek coal mine and biodiversity offsets received on Thursday 19 March 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

26 ORDER FOR PAPERS BY COMMITTEES—LIDDELL TASKFORCE REPORT AND RELATED PAPER

The Clerk informed the House that, on Thursday 19 March 2020, as part of the inquiry into Budget Estimates 2019-2020, Portfolio Committee No. 7 – Planning and Environment, ordered under standing order 208 that the draft Liddell Taskforce Report and a related paper be produced by 5.00 pm on Monday 23 March 2020

27 SPECIAL ADJOURNMENT

Mr Harwin moved: That this House at its rising today do adjourn until Tuesday 15 September 2020 at 2.30 pm unless the President, or if the President is unable to act on account of illness or other cause, the Deputy President, prior to that date, by communication addressed to each member of the House, fixes an alternative day or hour of meeting.

Debate ensued.

Mr Shoebridge moved: That the question be amended by omitting "Tuesday 15 September 2020" and inserting instead "Tuesday 28 April 2020".

Debate continued.

Question: That the amendment of Mr Shoebridge be agreed to—put and negatived.

Original question put and passed.

28 PETITION

Repeal of the Abortion Law Reform Act 2019

Revd Mr Nile presented a petition from 405 citizens of New South Wales expressing concerns with the passage of the Abortion Law Reform Act 2019 and requesting that the House introduce legislation to repeal the Abortion Law Reform Act 2019.

Petition received.

29 NOTICES OF MOTIONS

30 CONDUCT OF BUSINESS—PRECEDENCE OF BUSINESS

Mr Harwin, by leave, moved: That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the precedence and routine of business this day.

Question put and passed.

Mr Harwin then moved: That:

- (a) there be no question time or debate on committee reports this day,
- (b) Government business relating to the COVID-19 Legislation Amendment (Emergency Measures) Bill 2020, the Treasury Legislation Amendment (COVID-19) Bill 2020 and the Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020, take precedence of all other business on the Notice Paper until concluded or disposed of,
- (c) following conclusion of debate on the Government bills, the following items of business, notice of which was given this day be considered:
 - (i) sessional order to authorise the President to postpone a scheduled meeting of the House
 - (ii) sessional order to vary standing order 36 to include a designated representative as a person who can request a recall of the House on behalf of a party
 - (iii) amendment to sessional order for electronic participation in committee proceedings
 - (iv) extension of reporting date for the Regulation Committee inquiry into the Impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting Regulation 2020
 - (v) extension of reporting date for the Select Committee inquiry into Animal Cruelty laws in NSW
 - (vi) extension of reporting date for the Regulation Committee inquiry into making of delegated legislation
 - (vii) referral to the Privileges Committee of the role of the House relating to disputed claims of privilege
 - (viii) further order for papers relating to payroll tax exemptions
 - (ix) leave of absence for members
 - (x) e-petitions
- (d) following consideration of the items of business, notice of which was given this day, the following items of business, be considered:

- (i) private member's business item no 467 outside the order of precedence relating to a select committee to inquire into and report on the impact of technological and other change on the future of work and workers in New South Wales,
- (b) business of the House order of the day relating to the Code of Conduct for Members.

Question put and passed.

31 SELECT COMMITTEE ON THE GOVERNMENT'S MANAGEMENT OF THE POWERHOUSE MUSEUM AND OTHER MUSEUMS AND CULTURAL PROJECTS IN NEW SOUTH WALES—MEMBERSHIP

The President informed the House that the Clerk had received the following nominations for membership of the Select Committee on the Government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales from the Leader of the Government in the Legislative Council Leader of the Opposition in the Legislative Council and cross bench members:

Membership

Government: Mr Franklin, Mr Khan, Mr Martin
 Opposition: Ms Jackson, Mr Secord
 Crossbench: Mr Shoebridge

32 PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE—REFERENCE

The Chair (Ms Moriarty), according to paragraph 6 of the resolution establishing the Portfolio Committees, informed the House that on 9 March 2020, Portfolio Committee No. 1 - Premier and Finance resolved to adopt a reference in relation to the Budget Estimates 2019-2020, and on 12 March 2020 resolved to amended reference. The amended reference is as follows:

Inquiry into Budget Estimates 2019-2020 relating to the portfolios of Jobs, Investment, Tourism and Western Sydney and the Legislature

- (1) That Portfolio Committee No. 1 – Premier and Finance inquire into and report on the Budget Estimates and related papers for the financial year 2019 – 2020 relating to the portfolios of:
 - (a) Jobs, Investment, Tourism and Western Sydney,
 - (b) The Legislature, and
 - (c) The Premier.
- (2) That for the purposes of the Inquiry:
 - (a) the committee conduct one hearing for the Jobs, Investment, Tourism and Western Sydney portfolios on Tuesday 10 March 2020 from 9.30 am to 12.30 pm with the Minister for Jobs, Investment, Tourism and Western Sydney and from 2.00 pm to 5.30 pm with departmental witnesses only,
 - (b) the committee conduct one hearing for the Legislature portfolio on Monday 16 March 2020 from 9.30 am to 11.30 am,
 - (c) the committee conduct one hearing with the NSW Electoral Commissioner on Monday 16 March 2020 from 11.30 am to 12.30 pm,
 - (d) the committee must hear evidence in public,

- (e) the committee may ask for explanations from the Minister, officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure,
- (f) witnesses, including the Minister, may not make an opening statement before the committee commences questions,
- (g) members of the Legislative Council may lodge supplementary questions with the committee clerk by 5.00 pm within two days, except Saturday and Sunday, of the day of receipt of the transcript of the hearing,
- (h) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members, and
- (i) the committee tables its final report by 30 June 2020.

33 STANDING COMMITTEE ON SOCIAL ISSUES—REFERENCE

Mr Mookhey (on behalf of Mr Mallard), according to paragraph 8 of the resolution establishing the Standing Committees, informed the House that on 11 March 2020 the Standing Committee on Social Issues resolved to inquire into the following reference from the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council, the Honourable Don Harwin MLC:

Inquiry into State Records Act 1998 and the Policy Paper on its review

That the Standing Committee on Social Issues inquire into and report on the State Records Act 1998 (the Act) and the Policy Paper on its review, with particular reference to:

- (a) the role and purposes of the State Records Authority of NSW and Sydney Living Museum,
- (b) the adequacy of the Act in meeting citizens' needs,
- (c) factors constraining public access to and use of the documentary and material heritage of New South Wales,
- (d) the operation and effect of the proposed reforms in the attached Policy Paper, in particular:
 - (i) the effect of the proposed reforms on New South Wales public offices, including government agencies, local councils, public health organisations and state-owned corporations,
 - (ii) whether the proposed reforms support digital government,
 - (iii) whether the proposed reforms will increase public knowledge and enjoyment of the stories that shape our social, historical and cultural identity, enhancing social outcomes for the people of New South Wales,
 - (iv) whether the proposed reforms will enhance the protection of the key cultural assets of New South Wales, and
- (e) any other related matter.

34 STANDING COMMITTEE ON LAW AND JUSTICE—REFERENCE

Mr Donnelly (on behalf of Mr Fang), informed the House of the commencement of the Standing Committee on Law and Justice's 2020 Review of the Workers Compensation Scheme, in accordance with the State Insurance and Care Governance Act 2015.

35 PORTFOLIO COMMITTEE NO. 4 - INDUSTRY—REFERENCE

The Chair (Mr Banasiak), according to paragraph 6 of the resolution establishing the Portfolio Committees, informed the House that on 17 March 2020 Portfolio Committee No. 4 - Industry resolved to amend the terms of reference for the inquiry into the long-term sustainability of the dairy industry and the role of the Department of Primary Industries and other government agencies in supporting the industry by omitting "on completion of the inquiry into the exhibition of exotic animals in circuses and exhibition of cetaceans in New South Wales," and inserting instead "from 1 July 2020".

36 PORTFOLIO COMMITTEE NO. 4 - INDUSTRY—EXTENSION OF REPORTING DATE

The Chair (Mr Banasiak), informed the House that on 17 March 2020 Portfolio Committee No. 4 - Industry resolved to extend the reporting date for its inquiry into exhibition of exotic animals in circuses and exhibition of cetaceans in New South Wales to 31 December 2020.

37 PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE—REFERENCE

Mr Banasiak (on behalf of Ms Boyd) informed the House that on 16 March 2020 Portfolio Committee No. 6 - Transport and Customer Service resolved to extend the reporting date for its inquiry into the Sydenham-Bankstown Line conversion to 30 June 2020.

38 WRITTEN ANSWER TO SUPPLEMENTARY QUESTION WITHOUT NOTICE

The President informed the House of the publication in today's Hansard of a written answer to supplementary question without notice asked on the previous sitting day and lodged with the Clerk.

39 ANSWERS TO QUESTIONS WITHOUT NOTICE

The President informed the House of the publication in today's Hansard of answers to questions without notice lodged with the Clerk since the last sitting of the House.

40 STATEMENT BY PRESIDENT—CHANGES TO THE DEMONSTRATION POLICY

The President made a statement concerning changes to the Demonstrations Policy.

41 TREASURY LEGISLATION AMENDMENT (COVID-19) BILL 2020

On the order of the day being read, Mr Tudehope 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.

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

Standing orders having been suspended this day —

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

Bill returned to the Legislative Assembly without amendment.

42 BETTER REGULATION AND CUSTOMER SERVICE LEGISLATION AMENDMENT (BUSHFIRE RELIEF) BILL 2020

On the order of the day being read, Mr Farlow (on behalf of Mr Tudehope) 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 this day—

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

Bill returned to the Legislative Assembly without amendment.

43 COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES) BILL 2020

On the order of the day being read, Mr Harwin (on behalf of Mrs Mitchell) 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 President left the Chair and the House sat as a committee of the whole for consideration of this bill.

The Chair of Committees took the Chair.

Leave granted to take the bill as a whole.

Mr Latham moved Pauline Hanson's One Nation Party amendment no. 3—

No.3. Delete section.366 (at pages 9 and 10)

Debate ensued.

Mr Shoebridge, by leave, moved Greens amendments nos 1, 2 and 3 on sheet c2020-013A, in globo—

No. 1 Regulation-making power for criminal proceedings

Page 10, Schedule 1[1], proposed section 366, line 13. Omit "any Act". Insert instead "any relevant Act".

No. 2 Relevant Act for regulation-making power for criminal proceedings

Page 10, Schedule 1[1], proposed section 366, line 21. Omit all words on that line.

No. 3 Relevant Act for regulation-making power for criminal proceedings

Page 10, Schedule 1[1], proposed section 366, line 29. Insert "other than this Act" after "Attorney General".

Debate continued.

Mr Harwin moved Government amendment no. 1 on sheet c2020-019A—

No. 1 Regulation-making power

Page 10, Schedule 1[1], Insert after line 13—

(3A) To remove any doubt, subsection (3) does not apply to allow regulations to be made under this section that amend or override this Division.

Debate continued.

Question put: That Pauline Hanson's One Nation Party amendment no. 3 be agreed to—

The committee divided.

Ayes4
Noes 15
Majority.....11

AYES

Banasiak
Roberts (teller)

Borsak

Latham (teller)

NOES

Ajaka
Field
Maclaren-Jones (teller)
Nile
Searle

Buttigieg (teller)
Harwin
Mallard
Pearson
Shoebridge

Farlow
Hurst
Mookhey
Primrose
Veitch

Question resolved in the negative.

Amendment negatived.

Question: That Greens amendments nos 1, 2 and 3 on sheet c2020-013A be agreed to—put and negatived.

Amendments negatived.

Question: That Government amendment no. 1 on sheet c2020-019A be agreed to—put and passed.

Amendments agreed to.

Mr Latham moved Pauline Hanson's One Nation Party amendment no. 1—

No.1. Delete clause 276 (at pages 18 to 19)

Debate ensued.

Mr Shoebridge moved Greens amendment no. 1 on sheet c2020-016—

No. 1 Release of inmates convicted of domestic violence offences

Page 19, Schedule 2.5, proposed section 276. Insert after line 4—

(4A) Also, for an inmate previously convicted of a domestic violence offence, the Commissioner must—

- (a) if practicable, consult with the victim of the domestic violence offence, and
- (b) notify the victim if a Commissioner's order is made releasing the inmate on parole.

Debate continued.

Mr Harwin, by leave, moved Government amendments nos 1, 2 and 3 on sheet c2020-020B—

No. 1 Parole

Page 18, Schedule 2.5 (proposed section 276(1)), line 9. Insert "or any other Act or law" after "regulations".

No. 2 Parole

Page 18, Schedule 2.5 (proposed section 276(3)(a)(ii)), line 30. Insert "or an offence of a sexual nature" after "offence".

No. 3 Parole

Page 18, Schedule 2.5 (proposed section 276(3)). Insert after line 34—

- (b1) a serious offender,

Debate continued.

Question put: That Pauline Hanson's One Nation Party amendment no. 1 be agreed to—

The committee divided.

Ayes4
 Noes17
 Majority.....13

AYES

Banasiak
 Roberts (teller)

Borsak

Latham (teller)

NOES

Ajaka	Buttigieg (teller)	Farlow
Farraway	Field	Hurst
Maclaren-Jones (teller)	Mallard	Mookhey
Nile	Pearson	Primrose
Searle	Secord	Sharpe
Shoebridge	Veitch	

Question resolved in the negative.

Amendment negatived.

Question: That Greens amendment no. 1 on sheet c2020-016 be agreed to—put and negatived.

Amendment negatived.

Question: That Government amendments 1, 2 and 3 on sheet c2020-020B be agreed to—put and passed.

Amendments agreed to.

Mr Latham moved Pauline Hanson's One Nation Party amendment no. 2—

No.2. Delete Part 2.6 Crimes (Domestic and Personal Violence Act 2007 No. 80 (at pages 19 and 20)

Debate ensued.

Question put and negatived.

Amendment negatived.

Mr Shoebridge, by leave, moved Greens amendment no. 1 on sheet c2020-014A and Greens amendment no. 1 on sheet c2020-015A in globo—

No. 1 Postponement of elections (c2020-014A)

Page 23, Schedule 2.12[1], proposed section 318B(1)(a1), line 33. Insert ", having regard to the COVID-19 pandemic," after "that".

No. 1 Council meetings (c2020-015A)

Page 24, Schedule 2.12[3], proposed section 747A(1)(a), line 6. Insert "in whole or in part" after "held".

Debate ensued.

Question put and passed.

Amendment agreed to.

Mr Harwin moved Government amendment no. 1 on sheet c2020-018—

No. 1 Arrest of homeless persons who contravene public health order

Page 26, Schedule 2.16[3], proposed section 71A(2). Insert after line 41—

- (a1) the place specified in the public health order that the person has been ordered to reside, or

Debate ensued.

Question put and passed.

Amendment agreed to.

Mr Shoebridge moved Greens amendment no. 1 on sheet c2020-017B—

No. 1 Regulation-making power for residential tenancies and residential occupancies

Insert on page 27, after line 15—

2.16A Residential Tenancies Act 2010 No 42

Part 13

Insert after Part 12—

Part 13 Response to COVID-19 pandemic

229 Regulation-making power

- (1) The regulations under any relevant Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
- (a) prohibiting the recovery of possession of premises by a landlord, owner or proprietor of premises from a tenant or resident of the premises under the relevant Act in particular circumstances,
 - (b) prohibiting the termination of a residential tenancy agreement, occupancy agreement or site agreement by a landlord, proprietor of premises or operator of a community under the relevant Act in particular circumstances,
 - (c) regulating or preventing the exercise or enforcement of another right of a landlord, proprietor of premises or operator of a community by the landlord, proprietor or operator under the relevant Act or an agreement relating to the premises,
 - (d) exempting a tenant, resident or home owner, or a class of tenants, residents or home owners, from the operation of a provision of the relevant Act or any agreement relating to premises.

- (2) The Minister may recommend to the Governor that regulations be made under this section only if—
- (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
 - (b) in the Minister's opinion, the regulations are reasonable to protect the health, safety and welfare of tenants or residents under the Act.
- (3) Regulations made under this section are not limited by the regulation-making power in a relevant Act.
- (4) Regulations made under this section expire on—
- (a) the day that is 6 months after the day on which the regulation commences, or
 - (b) the earlier day decided by Parliament by resolution of either House of Parliament.
- (5) In this section—

occupancy agreement has the same meaning as in the *Boarding Houses Act 2012*.

operator of a community has the same meaning as in the *Residential (Land Lease) Communities Act 2013*.

proprietor has the same meaning as in the *Boarding Houses Act 2012*.

relevant Act means any of the following—

- (a) *Boarding Houses Act 2012*,
- (b) *Residential (Land Lease) Communities Act 2013*,
- (c) *Residential Tenancies Act 2010*,
- (d) any other Act relating to the leasing of premises or land for residential purposes.

site agreement has the same meaning as in the *Residential (Land Lease) Communities Act 2013*.

2.16B Retail Leases Act 1994 No 46

Part 11

Insert after Part 10—

Part 11 Response to COVID-19 pandemic

87 Regulation-making power

- (1) The regulations under any relevant Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
 - (a) prohibiting the recovery of possession of premises by a lessor or owner of premises or land from a lessee or tenant of the premises or land under the relevant Act in particular circumstances,
 - (b) prohibiting the termination of a lease or tenancy by a lessor or owner of premises or land under the relevant Act in particular circumstances,
 - (c) regulating or preventing the exercise or enforcement of another right of a lessor or owner of premises or land under the relevant Act or an agreement relating to the premises or land in particular circumstances,
 - (d) exempting a lessee or tenant, or a class of lessees or tenants, from the operation of a provision of the relevant Act or any agreement relating to the leasing or licensing of premises or land.
- (2) The Minister may recommend to the Governor that regulations be made under this section only if—
 - (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
 - (b) in the Minister's opinion, the regulations are reasonable to protect the health, safety and welfare of lessees or tenants under the Act.
- (3) Regulations made under this section are not limited by the regulation-making power in a relevant Act.
- (4) Regulations made under this section expire on—
 - (a) the day that is 6 months after the day on which the regulation commences, or
 - (b) the earlier day decided by Parliament by resolution of either House of Parliament.
- (5) In this section—

relevant Act means any of the following—

 - (a) *Agricultural Tenancies Act 1990*,
 - (b) *Retail Leases Act 1994*,
 - (c) any other Act relating to the leasing of premises or land for commercial purposes.

Debate ensued.

Question put.

The committee divided.

Ayes 14
 Noes 11
 Majority.....3

AYES

Banasiak	Borsak	Buttigieg (teller)
Faehrmann	Field	Hurst
Mookhey	Pearson	Primrose
Searle	Secord	Sharpe
Shoebridge (teller)	Veitch	

NOES

Ajaka	Farlow	Farraway (teller)
Harwin	Latham	Maclaren-Jones (teller)
Mallard	Mitchell	Roberts
Taylor	Tudehope	

PAIRS

D'Adam	Cusack
Donnelly	Amato
Graham	Fang
Houssos	Franklin
Jackson	Martin
Moriarty	Mason-Cox
Moselmane	Ward

Question resolved in the affirmative.

Amendment agreed to.

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

Ordered: That the Chair of Committees leave the Chair and report the bill to the House with amendments.

The President took the Chair.

The Chair of Committees reported the bill with amendments.

The House adopted the report.

Standing orders having been suspended this day—

Bill, on motion of Mr Harwin (on behalf of Mrs Mitchell), read a third time.

Bill returned to the Legislative Assembly with the following amendments in which the concurrence of the Legislative Assembly was requested.

COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES) BILL 2020

Schedule of the amendments referred to in the Legislative Council's message of 24 March 2020.

No. 1 GOVT No. 1 [c2020-019A]

Page 10, Schedule 1[1], Insert after line 13—

- (3A) To remove any doubt, subsection (3) does not apply to allow regulations to be made under this section that amend or override this Division.

No. 2 GOVT No. 1 [c2020-020B]

Page 18, Schedule 2.5 (proposed section 276(1)), line 9. Insert "or any other Act or law" after "regulations".

No. 3 GOVT No. 2 [c2020-020B]

Page 18, Schedule 2.5 (proposed section 276(3)(a)(ii)), line 30. Insert "or an offence of a sexual nature" after "offence".

No. 4 GOVT No. 3 [c2020-020B]

Page 18, Schedule 2.5 (proposed section 276(3)). Insert after line 34—

- (b1) a serious offender,

No. 5 GRNS No. 1 [c2020-014A]

Page 23, Schedule 2.12[1], proposed section 318B(1)(a1), line 33. Insert ", having regard to the COVID-19 pandemic," after "that".

No. 6 GRNS No. 1 [c2020-015A]

Page 24, Schedule 2.12[3], proposed section 747A(1)(a), line 6. Insert "in whole or in part" after "held".

No. 7 GOVT No. 1 [c2020-018]

Page 26, Schedule 2.16[3], proposed section 71A(2). Insert after line 41—

- (a1) the place specified in the public health order that the person has been ordered to reside, or

No. 8 GRNS No. 1 [c2020-017B]

Insert on page 27, after line 15—

2.16A Residential Tenancies Act 2010 No 42

Part 13

Insert after Part 12—

Part 13 Response to COVID-19 pandemic

229 Regulation-making power

- (1) The regulations under any relevant Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
 - (a) prohibiting the recovery of possession of premises by a landlord, owner or proprietor of premises from a tenant or resident of the premises under the relevant Act in particular circumstances,
 - (b) prohibiting the termination of a residential tenancy agreement, occupancy agreement or site agreement by a landlord, proprietor of premises or operator of a community under the relevant Act in particular circumstances,
 - (c) regulating or preventing the exercise or enforcement of another right of a landlord, proprietor of premises or operator of a community by the landlord, proprietor or operator under the relevant Act or an agreement relating to the premises,
 - (d) exempting a tenant, resident or home owner, or a class of tenants, residents or home owners, from the operation of a provision of the relevant Act or any agreement relating to premises.
- (2) The Minister may recommend to the Governor that regulations be made under this section only if—
 - (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
 - (b) in the Minister's opinion, the regulations are reasonable to protect the health, safety and welfare of tenants or residents under the Act.
- (3) Regulations made under this section are not limited by the regulation-making power in a relevant Act.
- (4) Regulations made under this section expire on—
 - (a) the day that is 6 months after the day on which the regulation commences, or
 - (b) the earlier day decided by Parliament by resolution of either House of Parliament.
- (5) In this section—

occupancy agreement has the same meaning as in the *Boarding Houses Act 2012*.

operator of a community has the same meaning as in the *Residential (Land Lease) Communities Act 2013*.

proprietor has the same meaning as in the *Boarding Houses Act 2012*.

relevant Act means any of the following—

- (a) *Boarding Houses Act 2012*,
- (b) *Residential (Land Lease) Communities Act 2013*,
- (c) *Residential Tenancies Act 2010*,
- (d) any other Act relating to the leasing of premises or land for residential purposes.

site agreement has the same meaning as in the *Residential (Land Lease) Communities Act 2013*.

2.16B Retail Leases Act 1994 No 46

Part 11

Insert after Part 10—

Part 11 Response to COVID-19 pandemic

87 Regulation-making power

- (1) The regulations under any relevant Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
 - (a) prohibiting the recovery of possession of premises by a lessor or owner of premises or land from a lessee or tenant of the premises or land under the relevant Act in particular circumstances,
 - (b) prohibiting the termination of a lease or tenancy by a lessor or owner of premises or land under the relevant Act in particular circumstances,
 - (c) regulating or preventing the exercise or enforcement of another right of a lessor or owner of premises or land under the relevant Act or an agreement relating to the premises or land in particular circumstances,
 - (d) exempting a lessee or tenant, or a class of lessees or tenants, from the operation of a provision of the relevant Act or any agreement relating to the leasing or licensing of premises or land.
- (2) The Minister may recommend to the Governor that regulations be made under this section only if—
 - (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
 - (b) in the Minister's opinion, the regulations are reasonable to protect the health, safety and welfare of lessees or tenants under the Act.

- (3) Regulations made under this section are not limited by the regulation-making power in a relevant Act.
- (4) Regulations made under this section expire on—
 - (a) the day that is 6 months after the day on which the regulation commences, or
 - (b) the earlier day decided by Parliament by resolution of either House of Parliament.
- (5) In this section—

relevant Act means any of the following—

 - (a) *Agricultural Tenancies Act 1990*,
 - (b) *Retail Leases Act 1994*,
 - (c) any other Act relating to the leasing of premises or land for commercial purposes.

44 SESSIONAL ORDER—POSTPONEMENT OF A SCHEDULED MEETING

According to resolution of the House this day, Mr Harwin moved: That, during the current session, in the event of a public health concern the President, or if the President is unable to act on account of illness or other cause, the Deputy President, following consultation with the leader or designated representative of each party and independent crossbench members:

- (a) be authorised to postpone a scheduled meeting of the House by communication addressed to each member, and
- (b) be authorised to fix an alternative day or hour of meeting by communication addressed to each member of the House.

Debate ensued.

Question put and passed.

45 SESSIONAL ORDER—VARIATION TO SO 36 – RECALL OF THE HOUSE

According to resolution of the House this day, Mr Harwin moved: That, during the current session and unless otherwise ordered, standing order 36 be varied to read:

- (1) The President, at the request of an absolute majority of members that the House meet at a certain time, must fix a time of meeting in accordance with that request, and the time of meeting must be notified to each member.
- (2) A request by the leader, deputy leader or designated representative of a party in the Council is deemed to be a request by every member of that party.
- (3) A request may be made to the President by delivery to the Clerk, who must notify the President as soon as practicable.

- (4) If the President is unavailable, the Clerk must notify the Deputy President, or, if the Deputy President is unavailable, any one of the Temporary Chairs of Committees, who must summon the Council on behalf of the President, in accordance with this standing order.

Debate ensued.

Question put and passed.

46 SESSIONAL ORDER—ELECTRONIC PARTICIPATION

According to resolution of the House this day, Mr Harwin moved: That during the current session, the sessional order for electronic participation in committee proceedings be amended by omitting all words after “That,” and inserting instead:

"during the current session, a committee is authorised to conduct proceedings by electronic communication without members of the committee or witnesses being present in one place, provided that:

- (a) when a committee deliberates, members of the committee constituting a quorum are able to speak to and hear each other, and
- (b) when a witness gives oral evidence, members of the committee constituting a quorum are able to hear the witness and to put questions to the witness."

Debate ensued.

Question put and passed.

47 COMMITTEES—EXTENSION OF REPORTING DATE

Mr Harwin, by leave, moved: That standing and sessional orders be suspended to allow the following motions notice of which was given this day to be moved in globo:

- (1) Extension of reporting date for the Regulation Committee inquiry into the Impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting Regulation 2020
- (2) Extension of reporting date for the Select Committee inquiry into Animal Cruelty laws in NSW
- (3) Extension of reporting date for the Regulation Committee inquiry into making of delegated legislation

Question put and passed.

According to resolution of the House this day, Mr Harwin then moved, by leave and without notice:

- (1) That the reporting date for the inquiry into the Impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 be extended until the last sitting day in September 2020.
- (2) That the reporting date for the Select Committee inquiry into Animal Cruelty Laws in New South Wales be extended until 24 September 2020.
- (3) That the reporting date for the inquiry into Making of delegated legislation in New South Wales be extended until the last sitting day in September 2020.

Debate ensued.

Question put and passed.

48 PRIVILEGES COMMITTEE AND INDEPENDENT LEGAL ARBITERS REPORTS

According to resolution of the House this day, Mr Primrose moved:

- (1) That this House notes that the opportunity for the House to sit over the coming months may be limited due to ongoing public health concerns.
- (2) That, until the House orders otherwise, if the House is not sitting due to ongoing public health concerns and is not expected to meet within one week:
 - (a) on receiving a report of the Independent Legal Arbiter appointed to evaluate a disputed claim of privilege on documents returned to the House under standing order 52 the Clerk is to refer the report to the Privileges Committee for consideration,
 - (b) the Privileges Committee is authorised to undertake the role usually performed by the House in dealing with disputed claims of privileges over returns to order under standing order 52, including taking the decision to make public the report of the Independent Legal Arbiter and any documents over which privilege has been claimed but not upheld by the Independent Legal Arbiter,
 - (c) any document authorised to be made public by the committee under this resolution is deemed to have been presented to the House and published by authority of the House, and
 - (d) on the next sitting day, the committee is to report to the House what action, if any, it has taken under this resolution.

Debate ensued.

Question put and passed.

49 ORDER FOR PAPERS—PAYROLL TAX COMPLIANCE – FURTHER ORDER

According to resolution of the House this day, Mr Mookhey moved:

- (1) That this House notes:
 - (a) that on 19 March 2020 the Clerk received a partial return to order of the House of 27 February under standing order 52 relating to payroll tax compliance, and
 - (b) that correspondence from the Secretary of the Department of Customer Service advised that the volume of documents required to be produced by that Department was likely to run into the many hundreds of thousands of pages, that the Department was not been able to produce documents within the relevant time, and that it does not expect to be able to produce the documents until 29 May 2020.
- (2) That under standing order 52, there be laid upon the table of the House within 21 days of the passing of this resolution, the following documents, excluding any documents previously returned under an order of the House, created since 1 May 2015, in the possession, custody or control of the Treasurer, the Treasury, the Minister for Finance and Small Business, the Department of Customer Service or Revenue NSW:
 - (a) any Internal audit reports, correspondence, legal advice and notices of assessment relating to any investigation undertaken by Revenue NSW into the payroll tax compliance of the following companies, any franchise related to the following companies, or any other entity related to, or trading as:

- (i) Wesfarmers
- (ii) Bunnings
- (iii) Sunglass Hut
- (iv) Qantas
- (v) Rockpool Dining Group
- (vi) The Commonwealth Bank
- (vii) Michael Hill Jewellers
- (viii) Subway
- (ix) Woolworths
- (x) 7 Eleven
- (xi) Caltex Australia
- (xii) Dominos Pizza
- (xiii) Coffee Club
- (xiv) Foodco
- (xv) Crust Pizza
- (xvi) Coles Group
- (xviii) Super Retail Group, and

- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Question put and passed.

50 LEAVE OF ABSENCE TO MEMBERS

According to resolution of the House this day, Mr Harwin moved: That due to the COVID-19 virus, leave of absence be granted to every member of the Legislative Council from the rising of the House this day, to the next day of sitting.

Debate ensued.

Question put and passed.

51 E-PETITIONS

According to resolution of the House this day, Mr Shoebridge moved:

- (1) That this House notes that:
 - (a) the Australian House of Representatives, Queensland Legislative Assembly, Australian Capital Territory Legislative Assembly, Tasmanian Legislative Assembly and Council, and Victorian Legislative Council accept e-petitions which are hosted on their own websites.
 - (b) the Department of Parliamentary Services is currently working on a proposed e-petitions infrastructure on the Parliament's website for the Legislative Assembly.
 - (c) In its June 2018 report, the Legislative Council Procedure Committee concluded that: "Given the absence of consensus on the question of whether the House should accept e-petitions, the current financial situation of the parliament with respect to information technology initiatives and the limited number of sitting days prior to the expiration of the current parliament, the report does not include any recommendations regarding e-petitions."
- (2) That this House authorises the President and the Clerk to investigate infrastructure to support the receipt of e-petitions hosted on the Parliament's website and presented to the Legislative Council.

- (3) That the President report to the Procedure Committee on a proposed system for the receipt of e-petitions hosted on the Parliament's website and presented to the Legislative Council, including procedures to allow for their introduction.
- (4) That the Procedure Committee be authorized to initiate a trial of an e-petitions process during the coming recess and until the end of 2020.
- (5) That the Procedure Committee report to the House on the operation of the e-petitions trial by the first sitting day in 2021.

Debate ensued.

Question put and passed.

52 SELECT COMMITTEE ON TECHNOLOGICAL CHANGE ON THE FUTURE OF WORK IN NEW SOUTH WALES

According to resolution of the House this day, Mr Mookhey moved:

- (1) That a select committee be established to inquire into and report on the impact of technological and other change on the future of work and workers in New South Wales, with particular reference to:
 - (a) changes in the earnings, job security, employment status and working patterns of people in New South Wales,
 - (b) the extent, nature and impact on both the New South Wales labour market and New South Wales economy of:
 - (i) the 'on-demand' or 'gig-economy',
 - (ii) the automation of work,
 - (iii) the different impact of (i) and (ii) on regional New South Wales,
 - (iv) the wider effects of (i) and (ii) on equality, government and society,
 - (c) the impact of the 'on-demand' or 'gig economy' and the automation of work on long-term productivity growth, economic growth, as well as the overall attractiveness of New South Wales as an investment destination for the advanced technological sector,
 - (d) the effectiveness of Commonwealth and New South Wales laws in promoting fair competition and preventing monopolies and other anti-competitive behaviour in the 'on-demand' or 'gig-economy',
 - (e) the adequacy of the New South Wales skills and education system in helping people adjust to the changing nature of work,
 - (f) the impact of the 'on-demand' or 'gig economy' and the automation of work on:
 - (i) accident compensation schemes, payroll or similar taxes,
 - (ii) Commonwealth taxes which support New South Wales Government expenditures,
 - (g) the application of workplace laws and instruments to people working in the 'on-demand' or 'gig-economy', including but not limited to:
 - (i) the legal or work status of persons working for, or with, businesses using online platforms,
 - (ii) the application of Commonwealth and New South Wales workplace laws and instruments to those persons, including, superannuation and health and safety laws,
 - (iii) whether contracting or other arrangements are being used to avoid the application of workplace laws and other statutory obligations,
 - (iv) the effectiveness of the enforcement of those laws and regulations,

- (v) regulatory systems in other Australian jurisdictions and in other countries, including how other jurisdictions regulate the on-demand workforce and are adapting to the automation of work,
 - (vi) Australia's obligations under international law, including International Labour Organization conventions,
- (h) whether current laws and workplace protections are fit for purpose in the 21st century, including workplace surveillance laws and provisions dealing with workplace change obligations and consequences,
- (i) whether workers should have agency over the way the data they generate at work is used and, if so, what legal framework is required to provide this,
- (j) how employers and other businesses should manage and use the information generated by the workforce,
- (k) how government as a best practice employer should manage and use the information generated by its workforce,
- (l) whether, and what, legislative or other measures should be taken to:
- (i) reform workplace laws and instruments to account for the emergence of the 'on-demand' or 'gig economy' and the automation of work,
 - (ii) reform the skills and education systems to help people adjust to the changing nature of work,
 - (iii) reform taxation laws to promote economic growth and protect public finances,
 - (iv) reform competition laws to promote fair competition and prevent monopolies in the on-demand or gig-economy,
 - (v) reform accident compensation schemes and other social insurance schemes to account for the emergence of the 'on-demand' or 'gig economy' and the automation of work, and
- (m) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of nine members comprising:
- (a) three government members, being nominated by the Leader of the Government,
 - (b) three opposition members, being the Hon Daniel Mookhey and two members nominated by the Leader of the Opposition, and
 - (c) three crossbench members, being Mr David Shoebridge, the Hon Mark Pearson and the Hon Mark Banasiak.
- (3) That the Chair of the committee be the Hon Daniel Mookhey and the Deputy Chair be the Hon Mark Banasiak.
- (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, unless the committee decides otherwise:

- (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
- (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
- (c) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each,
- (d) transcripts of evidence taken at public hearings are to be published,
- (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
- (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

Debate ensued.

Question put and passed.

53 CODE OF CONDUCT FOR MEMBERS

According to resolution of the House this day, order of the day read for resumption of the adjourned debate of the question on the motion of Mr Primrose:

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.

OPENESS 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 actions being taken by the House in relation to the 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 resumed.

Question put and passed.

54 RULING BY PRESIDENT—VALIDITY OF AN ORDER FOR THE PRODUCTION OF DOCUMENTS

The President gave a ruling, reserved from 27 February 2020, that as police investigation into the circumstances of a car collision involving the Minister for Police and Emergency Services, did not concern the administration of justice, documents relating to the incident could be ordered under standing order 52.

55 INFORMATION AND PRIVACY COMMISSION—ERRATUM TO REPORT

The President tabled an erratum to the report on the Operation of the Government Information (Public Access) Act 2009: 2018-2019, received on 18 March 2020.

Ordered: That the document be printed.

56 ADJOURNMENT

Mr Harwin moved: That this House do now adjourn.

Debate ensued.

COVID-19 Legislation Amendment (Emergency Measures) Bill 2020

The President reported receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly has this day agreed to the amendments made by the Legislative Council in the Bill with the long title "An Act to amend a number of Acts to implement emergency measures as a result of the COVID-19 pandemic".

Legislative Assembly
24 March 2020

JONATHAN O'DEA
Speaker

Question put and passed.

The House adjourned at 9.08 pm until Tuesday 15 September 2020 at 2.30 pm.

57 ATTENDANCE

All members present, except Mr Amato, Ms Boyd, Ms Cusack, Mr D'Adam, Mr Fang, Mr Franklin, Mrs Houssos, Ms Jackson, Mr Martin, Mr Mason-Cox, Mr Moselmane and Mrs Ward.

David Blunt
Clerk of the Parliaments