



LEGISLATIVE ASSEMBLY

2019

FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT

VOTES AND PROCEEDINGS

No. 25

TUESDAY 24 SEPTEMBER 2019

1 **MEETING OF THE HOUSE**

The House met at 12.00 noon pursuant to adjournment. The Speaker took the Chair, read the prayer and acknowledged the traditional owners, thanking them for their custodianship of country.

2 **NOTICES OF MOTIONS (GENERAL NOTICES)**

3 **JUSTICE LEGISLATION AMENDMENT BILL**

The order of the day was read for the resumption of the adjourned debate, on the motion of Mr Mark Speakman, That this bill be now read a second time.

Question again proposed and debate resumed.

Mr Ron Hoenig obtained an extension of time.

It being 1.15 pm, debate interrupted.

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

The Assistant Speaker left the Chair at 1.15 pm.

The Speaker resumed the Chair at 2.17 pm.

4 MINISTERIAL ANNOUNCEMENT

Mr Constance informed the House that on 18 September 2019 in accordance with section 36 of the Constitution Act 1902, Her Excellency the Governor authorised:

The Honourable Dr Geoffrey Lee, to act for and on behalf of the Honourable John Sidoti, MP, as Minister for Sport, Multiculturalism, Seniors and Veterans.

5 NOTICES OF MOTIONS**6 NOTICE OF MOTION FOR PUBLIC INTEREST DEBATE**

The Speaker announced receipt of a notice of motion for the public interest debate regarding water restrictions (Mrs Melinda Pavvey).

7 QUESTION TIME

Following a request from Mr Peter Sidgreaves pursuant to standing order 131 (3), the Premier provided additional information.

Following a request from Mr Christopher Gulaptis pursuant to standing order 131 (3), the Deputy Premier, Minister for Regional New South Wales, Industry and Trade provided additional information.

Following a request from Mr James Griffin pursuant to standing order 131 (3), the Minister for Transport and Roads provided additional information.

Following a request from Mr Dugald Saunders pursuant to standing order 131 (3), the Minister for Police and Emergency Services provided additional information.

Following a request from Ms Steph Cooke pursuant to standing order 131 (3), the Minister for Water, Property and Housing provided additional information.

8 SURVEILLANCE DEVICES ACT

The Clerk, in accordance with section 45 of the Surveillance Devices Act 2007, announced receipt of the report by the Attorney General entitled "Report by the Attorney General of New South Wales pursuant to section 45 of the Surveillance Devices Act 2007 for the period ended 30 June 2019" (received 23 September 2019).

9 LEGISLATION REVIEW COMMITTEE

Ms Felicity Wilson, Chair, tabled the report of the Legislation Review Committee entitled "Legislation Review Digest No. 5/57", dated 24 September 2019.

Order to be printed.

Ms Felicity Wilson also tabled the minutes of the committee meeting regarding Legislation Review Digest No. 4/57.

10 STATUTORY RULES AND INSTRUMENTS

The Clerk tabled notices of the making of the following statutory rules and instruments published on the Legislation Website (LW) or in the Government Gazette (GG):

For the week beginning 16 September 2019—

Liquor Act 2007—Liquor Amendment (Miscellaneous) Regulation (No 2) 2019 (2019-463) (LW 20 September 2019).

Natural Resources Access Regulator Act 2017—Natural Resources Access Regulator Amendment Regulation 2019 (2019-464) (LW 20 September 2019).

Protection of the Environment Operations Act 1997—Protection of the Environment Operations (Waste) Amendment Regulation 2019 (2019-465) (LW 20 September 2019).

Road Transport Act 2013—Road Amendment (Stationary Emergency Vehicles) Rule 2019 (2019-466) (LW 20 September 2019).

11 **ROAD TRANSPORT AMENDMENT (MOBILE PHONE DETECTION) BILL**

Mr Andrew Constance moved, pursuant to notice, That a bill be now introduced for an Act to amend the Road Transport Act 2013, and the Road Rules 2014, with respect to mobile use offences.

Bill introduced and read a first time.

Mr Andrew Constance moved, That this bill be now read a second time.

Debate adjourned (Mr David Mehan) and the resumption of the debate made for an order of the day for a future day

12 **JUSTICE LEGISLATION AMENDMENT BILL**

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

Question again proposed and debate resumed.

Question put and passed.

Bill read a second time.

Mr Mark Speakman having requested the bill be considered in detail—

The Deputy Speaker, by leave, proposed the bill in one group of clauses and schedules.

Clauses 1 to 3 and Schedule 1

Question proposed—That the clauses and schedules be agreed to.

Mr Mark Speakman moved, by leave together:

No. 1 **Membership of terrorist organisation**

Page 9, Schedule 1.6. Insert after line 9—

[2] Part 6B

Insert after Part 6A—

Part 6B Terrorism

310I Definitions

In this Part:

Commonwealth Criminal Code means the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth.

terrorist organisation and *member of a terrorist organisation* have the meaning they are given by section 102.1 of the Commonwealth Criminal Code.

310J Membership of terrorist organisation

(1) A person commits an offence if—

- (a) the person intentionally is a member of a terrorist organisation, and
- (b) the organisation is a terrorist organisation, and
- (c) the person knows the organisation is a terrorist organisation.

Maximum penalty: Imprisonment for 10 years.

(2) Subsection (1) does not apply if the person proves that he or she took all reasonable steps to cease to be a member of the organisation as soon as practicable after the person knew that the organisation was a terrorist organisation.

310K Multiplicity of offences

If—

(a) an act or omission is an offence against both this Part and the Commonwealth Criminal Code, and c2019-168 23/9/19 3:52 pm Page 2

(b) the offender has been punished for that offence under the Commonwealth Criminal Code, the offender is not liable to be punished for the offence under this Part.

[3] Schedule 11 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

Part Justice Legislation Amendment Act 2019**Re-enactment of Part 6B**

(1) Part 6B, as inserted by the amending Act, is taken to have commenced on 13 September 2019.

(2) Accordingly, anything that would have constituted an offence against section 310J, as inserted by the amending Act, during the relevant period had that section been in force is taken to constitute an offence against the section.

(3) In this clause—

amending Act means the *Justice Legislation Amendment Act 2019*.

relevant period means the period—

- (a) commencing on 13 September 2019, and
- (b) ending immediately before the day on which Part 6B is inserted by the amending Act.

No. 2 Membership of terrorist organisation

Part 9, Schedule 1.6, line 11. Omit “The proposed amendment”. Insert instead “Item [1] of the proposed amendments”.

No. 3 Membership of terrorist organisation

Page 9, Schedule 1.6. Insert after line 15—

Item [2] re-enacts Part 6B (Terrorism) of the *Crimes Act 1900*, which was repealed on 13 September 2019. Item [3] provides for the re-enacted Part to be taken to have commenced on the day of that repeal.

Debate ensued.

Question proposed—That the amendments be agreed to—put and passed.

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

Mr Mark Speakman moved, That this bill be now read a third time.

Question put and passed.

Bill read a third time.

13 PUBLIC INTEREST DEBATE—WATER REGULATION

Mrs Melinda Pavey moved, pursuant to notice, That this House:

- (1) Acknowledges the Government on its ongoing management and safeguarding of this precious resource - water, during the worst drought on record.
- (2) Recognises water restrictions as an important water saving tool.
- (3) Calls on councils to ensure they continue to take all actions in their control to support communities and industries during this drought.

Debate ensued.

Upon which, Mr Clayton Barr moved, That the motion be amended by deleting paragraph (1) with view inserting instead:

- (1) Acknowledges local councils and 89 local water utilities across New South Wales on their ongoing management and safeguarding of this precious resource – water, during the worst drought on record.

Question proposed—That the amendment be agreed to.

Debate continued.

Upon which, Mr Dugald Saunders moved, That the proposed amendment be amended by retaining paragraph (1) of the original motion with a view to inserting the words proposed by Mr Clayton Barr as paragraph (2).

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

Debate continued

Upon which, Mrs Helen Dalton moved, That the motion be amended by omitting all words after "House", with a view to inserting:

- (1) Reprimands the Government for its water mismanagement which has made this drought much worse and much longer than it otherwise would have been.
- (2) Recognises water restrictions should apply to government departments.

The Assistant Speaker ruled the proposed amendment out of order as it was proposed to the original motion and did not relate to the current question before the House.

Question proposed—That the amendment to the amendment be agreed to—put and passed.

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

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

14 **PRIVATE MEMBERS' STATEMENTS**

15 **COMMUNITY RECOGNITION STATEMENTS**

16 **ADJOURNMENT**

The House adjourned, pursuant to standing and sessional orders, at 7.58 pm, until tomorrow, at 9.30 am.

Attendance: All members present except Ms Finn, Dr McDermott and Ms Watson.