New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Seventh Parliament
First Session

Tuesday, 12 May 2020

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

TABLE OF CONTENTS—*continuing*

TABLE OF CONTENTS—*continuing*

LEGISLATIVE COUNCIL

Tuesday, 12 May 2020

The PRESIDENT (The Hon. John George Ajaka) took the chair at 14:30.

The PRESIDENT read the prayers and acknowledged the Gadigal clan of the Eora nation and its Elders and thanked them for their custodianship of this land.

Bills

COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES) BILL 2020

TREASURY LEGISLATION AMENDMENT (COVID-19) BILL 2020

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

Assent

The PRESIDENT: I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

Presiding Officers

ASSISTANT PRESIDENT OF THE LEGISLATIVE COUNCIL

Resignation

The PRESIDENT: I inform the House that on Monday 6 April 2020 the Hon. Shaoquett Moselmane, MLC, resigned from his position of Assistant President and I accepted the resignation. The position of Assistant President is now vacant.

Vacancy

The PRESIDENT: According to the resolution of continuing effect establishing the office of Assistant President, the vacancy in the office is to be elected in the same manner as the President. Standing Order 12 for the election of the President provides that a member must be present when nominated. It is also practice that a member must be present in order to decline a nomination. The resolution of continuing effect, which established the position of Assistant President, provides that the Assistant President will be elected in a similar manner as the President. Due to the current circumstances, where members are not attending the House due to social distancing requirements, I advise that the election of the Assistant President will not take place until the next "normal" sitting of the House when all members are able to be present and are able to accept or refuse a nomination.

Documents

LAW ENFORCEMENT CONDUCT COMMISSION

Reports

The PRESIDENT: In accordance with the Law Enforcement Conduct Commission Act 2016, I table the following reports:

(1) Report of the Law Enforcement Conduct Commission entitled *Operation Cusco*, dated April 2020, received out of session and authorised to be made public on 16 April 2020.

(2) Report of the Law Enforcement Conduct Commission entitled *Operation Tabarca*, dated May 2020, received out of session and authorised to be made public on 8 May 2020.

(3) Report of the Law Enforcement Conduct Commission entitled *Operation Brugge*, dated May 2020, received out of session and authorised to be made public on 8 May 2020.

(4) Report of the Law Enforcement Conduct Commission entitled *Operation Gennaker*, dated May 2020, received out of session and authorised to be made public on 8 May 2020.

(5) Report of the Law Enforcement Conduct Commission entitled *Operation Karuka*, dated May 2020, received out of session and authorised to be made public on 8 May 2020.

(6) Report of the Law Enforcement Conduct Commission entitled *Operation Sandbridger*, dated May 2020, received out of session and authorised to be made public on 8 May 2020.

(7) Report of the Law Enforcement Conduct Commission entitled *Operation Mainz*, dated May 2020, received out of session and authorised to be made public on 8 May 2020.

The Hon. DAMIEN TUDEHOPE: I move:

That the reports be printed.

Motion agreed to.

OFFICE OF THE CHILDREN'S GUARDIAN

Reports

The PRESIDENT: In accordance with the Electoral Act 2017, I table a report of the Office of the Children's Guardian entitled *Further report into the investigation into child protection declarations made by elected members of the NSW Legislative Council*, dated 5 May 2020, received out of session and authorised to be made public on 6 May 2020.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

REGISTER OF DISCLOSURES

The PRESIDENT: In accordance with the Constitution (Disclosures by Members) Regulation 1983, I table a copy of the Register of Disclosures by Members of the Legislative Council: Supplementary Ordinary Returns for the period 1 July 2019 to 31 December 2019, together with the Primary Returns and Discretionary Returns submitted since October 2019 furnished to me by the Clerk.

The Hon. DAMIEN TUDEHOPE: I move:

That the document be printed.

Motion agreed to.

Business of the House

LEGISLATIVE COUNCIL ADMINISTRATIVE PROCEDURES

The Hon. DAMIEN TUDEHOPE: By leave: I move:

That, notwithstanding anything to the contrary in the standing or sessional orders, and until ordered otherwise, the following protective health measures be adopted:

(a) logs and notices prepared for members by the Clerk and the Procedure Office will be forwarded to members by email and no printed copies will be provided in the House;

(b) after giving notice of a motion, members must forward by email to the Legislative Council Procedure Office mailbox a copy of the notice given, dated and signed electronically, for publication in the *Notice Paper* in the order given;

(c) formal business requests, dated and signed electronically, must be lodged with the Clerk by email to the Legislative Council Procedure Office mailbox by the deadline set by sessional order; and

(d) members must lodge amendments to bills to the Legislative Council Procedure Office mailbox for processing by the Procedure Office, which will make copies for the Chamber.

Motion agreed to.

Committees

SELECTION OF BILLS COMMITTEE

Reports

The Hon. NATASHA MACLAREN-JONES: I table report No. 31 of the Selection of Bills Committee, dated 12 May 2020. I move:

That the report be printed.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES: According to paragraph 4 (1) of the resolution establishing the Selection of Bills Committee, I move:

That the following bills not be referred to a standing committee for inquiry and report this day:

(a) COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020;

(b) COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020; and

(c) COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020.

Motion agreed to.

Documents

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. DAMIEN TUDEHOPE: According to Standing Order 59, I table a list indicating that no papers were tabled and not ordered to be printed since 24 March 2020.

PAPERS PRESENTED OUT OF SESSION

The CLERK: I announce receipt of the following reports presented since the last sitting of the House and ordered to be printed:

(1) Transport Administration Act 1988 and Passenger Transport Act 1990—Report of the Office of Transport Safety Investigations entitled *Bus Incidents in New South Wales in 2019*.

(2) State Owned Corporations Act 1989—

(a) Report of Essential Energy for the six months ended 31 December 2019;

(b) Report of Hunter Water Corporation for the six months ended 31 December 2019;

(c) Report of Landcom for the six months ended 31 December 2019;

(d) Report of Port Authority of New South Wales for the six months ended 31 December 2019;

(e) Report of Sydney Water Corporation for the six months ended 31 December 2019; and

(f) Report of Water NSW for the six months ended 31 December 2019.

(3) Surveillance Devices Act 2007—Report of the Inspector of the Law Enforcement Conduct Commission entitled *Report under Section 49(1) of the Surveillance Devices Act 2007 for the period ending 31 December 2019*, dated March 2020.

AUDITOR-GENERAL

Reports

The CLERK: According to the Public Finance and Audit Act 1983, I announce receipt of the following reports:

(1) Performance Audit report of the Auditor-General entitled *Integrity of data in the Births, Deaths and Marriages Register*, dated 7 April 2020, received out of session and authorised to be printed on 7 April 2020.

(2) Performance Audit report of the Auditor-General entitled *Local Schools, Local Decisions: needs-based equity funding*, dated 8 April 2020, received out of session and authorised to be printed on 8 April 2020.

(3) Performance Audit report of the Auditor-General entitled *Destination NSW's support for major events*, dated 9 April 2020, received out of session and authorised to be printed on 9 April 2020.

(4) Performance Audit report of the Auditor-General entitled *Train station crowding*, dated 30 April 2020, received out of session and authorised to be printed on 30 April 2020.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

The CLERK: According to the Legislation Review Act 1987, I announce receipt of the following reports:

(1) Report of the Legislation Review Committee entitled *Legislation Review Digest No. 11/57*, dated 24 March 2020, received out of session and authorised to be printed on 24 March 2020.

(2) Report of the Legislation Review Committee entitled *Legislation Review Digest No. 12/57*, dated 22 April 2020, received out of session and authorised to be printed on 22 April 2020.

(3) Report of the Legislation Review Committee entitled *Legislation Review Digest No. 13/57*, dated 5 May 2020, received out of session and authorised to be printed on 5 May 2020.

STANDING COMMITTEE ON SOCIAL ISSUES

Reports

The CLERK: According to standing order, I announce receipt of report No. 56 of the Standing Committee on Social Issues entitled *Modern Slavery Act 2018 and associated matters*, dated March 2020, together with transcripts of evidence, submissions, tabled documents, correspondence, answers to questions taken on notice and supplementary questions, received out of session and authorised to be printed on 25 March 2020.

The Hon. SHAYNE MALLARD (14:42:23**):** I move:

That the House take note of the report.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE

Reports

The CLERK: According to standing order, I announce receipt of report No. 11 of Portfolio Committee No. 6 - Transport and Customer Service entitled *Sydenham-Bankstown Line Conversion*, dated April 2020, together with transcripts of evidence, tabled documents, correspondence, answers to questions taken on notice and supplementary questions, received out of session and authorised to be printed on 9 April 2020.

Ms ABIGAIL BOYD (14:43:10**):** I move:

That the House take note of the report.

Debate adjourned.

PUBLIC ACCOUNTABILITY COMMITTEE

Reports

The CLERK: According to standing order, I announce receipt of report No. 6 of the Public Accountability Committee entitled *Regulation of building standards, building quality and building disputes: Final report*, dated April 2020, together with transcripts of evidence, tabled documents, correspondence, answers to questions taken on notice, supplementary questions and a summary report of responses to the online questionnaire, received out of session and authorised to be printed on 30 April 2020.

Mr DAVID SHOEBRIDGE (14:44:22**):** I move:

That the House take note of the report.

Debate adjourned.

REGULATION COMMITTEE

Government Responses

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 5 of the Regulation Committee entitled *Local Land Services Amendment (Critically Endangered Ecological Communities) Regulation 2019 and Local Land Services Amendment (Allowable Activities) Regulation 2019*, tabled on 21 October 2019, received out of session and authorised to be printed on 20 April 2020.

SELECT COMMITTEE ON THE USE OF BATTERY CAGES FOR HENS IN THE EGG PRODUCTION INDUSTRY

Government Response

The CLERK: According to standing order, I announce receipt of the Government's response to the report of the Select Committee on the Use of Battery Cages for Hens in the Egg Production Industry, entitled *Use of Battery Cages for Hens in the Egg Production Industry*, tabled on 12 November 2019, received out of session and authorised to be printed on 30 April 2020.

STANDING COMMITTEE ON LAW AND JUSTICE

Government Response

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 72 of the Standing Committee on Law and Justice entitled *Mining Amendment (Compensation for Cancellation of Exploration Licence Bill 2019*, tabled on 12 November 2019, received out of session and authorised to be printed on 30 April 2020.

Documents

TRANSPORT ASBESTOS REGISTERS

Further Return to Order

The CLERK: According to the resolution of the House of 27 February 2020, I table documents relating to paragraph (4) of a further order for papers regarding transport asbestos registers, received on Thursday 26 March from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

Correspondence

The CLERK: I further table correspondence received from the secretary, dated 30 April 2020, advising that the Rail Entities require further time to produce the documents required under paragraph (4) (a) of the order. The secretary advised those documents are now expected to be received in four weeks' time.

MAULES CREEK COALMINE

Return to Order

The CLERK: According to the resolution of the House of 27 February 2020, I table documents relating to an order for papers regarding the operator of the Maules Creek coalmine and biodiversity offsets, received on Thursday 9 April 2020 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

PAYROLL TAX COMPLIANCE

Correspondence

The CLERK: According to the resolution of the House of 24 March 2020, I table correspondence relating to an order for papers regarding the payroll tax compliance further order received on Thursday 9 April 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, except Revenue NSW, which will be producing documents in due course.

Committees

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Correspondence

The CLERK: On 24 March 2020 the House was informed that on Thursday 19 March 2020, as part of the inquiry into budget estimates for 2019-20, Portfolio Committee No. 7 - Planning and Environment ordered under Standing Order 208 that the draft Liddell task force report and a related paper be produced by 5.00 p.m. on Monday 23 March 2020. On Wednesday 1 April 2020 correspondence was received from the Secretary of the Department of Premier and Cabinet advising that in the view of the department it would only be appropriate for these documents to be provided pursuant to a formal order made under Standing Order 52 and noting that on 24 March 2020 Mr Justin Field had given a notice of motion for the production of the documents under that standing order.

Petitions

RESPONSES TO PETITIONS

The CLERK: According to sessional order, I announce receipt of the following response to a petition signed by more than 500 persons:

> Government response from the Hon. Rob Stokes, MP, Minister for Planning and Public Space, to a petition presented by Mr David Shoebridge on 26 February 2020 concerning a moratorium on all clearing for development in bushfire-affected areas and to review all planned subdivisions in light of recent bushfire destruction and community safety concerns.

The CLERK: The response has been authorised to be printed. **Bushfire Area Development**

PETITIONS RECEIVED

Petition noting the impact of the recent bushfires and calling on the Government to declare an immediate moratorium on all clearing for development in bushfire-affected areas and to review all planned subdivisions in light of recent bushfire destruction and community safety concerns, received from **Mr David Shoebridge**.

Abortion Law Reform Legislation

Petition expressing concern 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, received from **Reverend the Hon. Fred Nile**.

Assisted Suicide and Voluntary Euthanasia

Petition expressing strong opposition to the introduction of legislation that would permit assisted suicide and/or a euthanasia regime and request that the House reject all legislation that would enact such a regime, received from **Reverend the Hon. Fred Nile**.

Notices

PRESENTATION

[*During the giving of notices of motions*]

The Hon. Damien Tudehope: Point of order: The Government has received advice that indicates that the special determination made by the Statutory and Other Officers Remuneration Tribunal in relation to the Commissioner of Police is not subject to disallowance under the terms of the Statutory and Other Offices Remuneration Act. The determination made by the tribunal was made under part 3B of the Act. Such a determination made under part 3B of the Act is not subject to disallowance by the Houses of Parliament. Accordingly, as there is no statutory power for the House to disallow the determination, the notice of motion given by Mr David Shoebridge should be ruled out of order.

Mr David Shoebridge: To the point of order: Mr President, given the time available to us today, I invite you—if you wish to deal with this matter—to seek written submissions from the Government and any other member within a time frame you think appropriate. We can then address the ruling when Parliament returns.

The PRESIDENT: I am happy to hear briefly from any other member who wishes to speak to the point of order, but I had intended to reserve my determination on the matter. The suggestion of submissions is very good. Does the Leader of the Government wish to say anything?

The Hon. Damien Tudehope: No, I am very comfortable with that arrangement.

The PRESIDENT: I will reserve my ruling. If any member wishes to forward to me a submission on the matter they should do so by no later than 4.00 p.m. on Monday 18 May. I will give my determination on the next sitting day, which I understand will be 2 June 2020.

Business of the House

POSTPONEMENT OF BUSINESS

Ms ABIGAIL BOYD: I move:

That business of the House notice of motion No. 1 be postponed until 15 September 2020.

Motion agreed to.

Committees

PUBLIC ACCOUNTABILITY COMMITTEE

Extension of Reporting Date

Mr DAVID SHOEBRIDGE (15:24:10): By leave: I move:

That the reporting date of the Public Accountability Committee inquiry into budget process for independent oversight bodies and the Parliament of New South Wales be extended to 30 September 2020.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 2 - HEALTH

Extension of Reporting Date

The Hon. GREG DONNELLY: According to paragraph 6 of the resolution estabishing the portfolio committees, I inform the House that on 4 May 2020 Portfolio Committee No. 2 – Health resolved to extend the reporting date for its inquiry into health impacts of exposure to poor levels of air quality resulting from bushfires and drought to the last sitting day in September.

SELECT COMMITTEE ON THE IMPACT OF TECHNOLOGICAL AND OTHER CHANGE ON THE FUTURE OF WORK AND WORKERS IN NEW SOUTH WALES

Membership

The PRESIDENT: I inform the House that the Clerk has received the following nominations for membership of the Select Committee on the Impact of Technological and other Change on the Future of Work and Workers in New South Wales from the Leader of the Government and the Leader of the Opposition:

Government:	Mr Farraway
	Ms Maclaren-Jones
	Mr Mallard
Opposition:	Ms Houssos
	Mr Searle

Members

MINISTRY

The Hon. DAMIEN TUDEHOPE: I inform the House that on 15 April 2020 Her Excellency the Governor accepted the resignation of the Hon. Don Harwin, MLC, as Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, Vice-President of Executive Council and as a member of the Executive Council.

I further inform the House that on the same day Her Excellency the Governor appointed the Hon. Damien Francis Tudehope, MLC, as Vice-President of the Executive Council and Leader of the Government in the Legislative Council.

On the same day Her Excellency the Governor appointed the following persons to the offices indicated:

The Hon. Gladys Berejiklian, MP
Premier

The Hon. (John) Giovanni Domenic Barilaro, MP
Deputy Premier, Minister for Regional New South Wales, Industry and Trade

The Hon. Dominic Francis Perrottet, MP
Treasurer

The Hon. Paul Lawrence Toole, MP
Minister for Regional Transport and Roads

The Hon. Andrew James Constance, MP
Minister for Transport and Roads, Leader of the House

The Hon. Bradley Ronald Hazzard, MP
Minister for Health and Medical Research

The Hon. Robert Gordon Stokes, MP
Minister for Planning and Public Spaces

The Hon. Mark Raymond Speakman, SC, MP
Attorney General, and Minister for the Prevention of Domestic Violence

The Hon. Victor Michael Dominello, MP
Minister for Customer Service

The Hon. Sarah Mitchell, MLC
Minister for Education and Early Childhood Learning

The Hon. David Andrew Elliott, MP
Minister for Police and Emergency Services

The Hon. Melinda Jane Pavey, MP
Minister for Water, Property and Housing

The Hon. Stuart Laurence Ayres, MP
Minister for Jobs, Investment, Tourism and Western Sydney

The Hon. Matthew John Kean, MP
Minister for Energy and Environment

The Hon. Adam John Marshall, MP
Minister for Agriculture and Western New South Wales

The Hon. Anthony John Roberts, MP
Minister for Counter Terrorism and Corrections

The Hon. Shelley Elizabeth Hancock, MP
Minister for Local Government

The Hon. Kevin John Anderson, MP
Minister for Better Regulation and Innovation

The Hon. Dr Geoffrey Lee, MP
Minister for Skills and Tertiary Education

The Hon. Anthony John Sidoti, MP
Minister for Sport, Multiculturalism, Seniors and Veterans

The Hon. Bronwyn Taylor, MLC
Minister for Mental Health, Regional Youth and Women

The Hon. Gareth James Ward, MP
Minister for Families, Communities and Disability Services

The Hon. Damien Francis Tudehope, MLC
Minister for Finance and Small Business, Vice-President of the Executive Council and Leader of the Government in the Legislative Council

REPRESENTATION OF GOVERNMENT IN THE LEGISLATIVE COUNCIL

The Hon. DAMIEN TUDEHOPE: I inform the House that in the representation of Government responsibilities in this Chamber I will act in respect of my own portfolios, and will represent the following Ministers:

The Hon. Gladys Berejiklian, MP
Premier

The Hon. Dominic Francis Perrottet, MP
Treasurer

The Hon Victor Michael Dominello, MP
Minister for Customer Service

The Hon. Stuart Laurence Ayres, MP
Minister for Jobs, Investment, Tourism and Western Sydney

The Hon. Kevin John Anderson, MP
Minister for Better Regulation and Innovation

The Hon. David Andrew Elliott, MP
Minister for Police and Emergency Services

The Hon. Matthew John Kean, MP
Minister for Energy and Environment

The Hon. Sarah Mitchell, Minister for Education and Early Childhood Learning, will act in respect of her own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. (John) Giovanni Domenic Barilaro, MP
Deputy Premier, Minister for Regional New South Wales, Industry and Trade

The Hon. Mark Raymond Speakman SC, MP
Attorney General, and Minister for the Prevention of Domestic Violence

The Hon. Anthony John Roberts, MP
Minister for Counter Terrorism and Corrections

The Hon. Dr Geoffrey Lee, MP
Minister for Skills and Tertiary Education, Acting Minister for Sport, Multiculturalism, Seniors and Veterans

The Hon. Shelley Elizabeth Hancock, MP
Minister for Local Government

The Hon. Gareth James Ward, MP
Minister for Families, Communities and Disability Services

The Hon. Bronnie Taylor, Minister for Mental Health, Regional Youth and Women, will act in respect of her own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Bradley Ronald Hazzard, MP
Minister for Health and Medical Research

The Hon. Robert Gordon Stokes, MP
Minister for Planning and Public Spaces

The Hon. Melinda Jane Pavey, MP
Minister for Water, Property and Housing

The Hon. Adam John Marshall, MP
Minister for Agriculture and Western New South Wales

The Hon. Paul Lawrence Toole, MP

Minister for Regional Transport and Roads

The Hon. Andrew James Constance, MP
Minister for Transport and Roads

Committees

PUBLIC ACCOUNTABILITY COMMITTEE

Reference

Mr DAVID SHOEBRIDGE: According to parargraph 9 of the resolution of the House establishing the Public Accountability Committee, I inform the House that the committee resolved on 27 March 2020 to adopt the following reference:

That the Public Accountability Committee inquire into and report on:

(a) any matter relating to the NSW Government's management of the COVID-19 pandemic;

(b) any other related matter; and

(c) that the committee reports by 30 June 2021, or such other date as the committee decides.

Announcements

JOHN YOUNG

The PRESIDENT (15:27:14**):** Today is the last sitting day for one of the key officers in the Procedure Office, who I know has assisted many members over the years. John Young, who first joined the department in 2002, has been recruited to the Legislative Assembly to fill the position of Director of the Table Office. I am sure all members will join me in wishing John all the best for this promotional opportunity and thanking him for his wonderful service to all of us over the last 18 years.

REBECCA MAIN

The PRESIDENT (15:27:59): After our last sitting day, committee director Rebecca Main resigned to take up a promotion as the commission secretariat for the Australian Energy Market Commission. Rebecca was with us for almost 15 years and many members would have appreciated her advice and support in committee inquiries on which they have worked. I am sure I speak on behalf of all members as I wish Rebecca well and thank her for the contribution she has made to the work of the Legislative Council.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of the business of the House this day.

Motion agreed to.

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That the precedence and routine of business on Tuesday 12 May 2020 and Wednesday 13 May 2020 be conducted as follows:

(a) Questions occur immediately after formalities for 40 minutes with no government questions this day;

(b) there be no questions on Wednesday 13 May 2020;

(c) there be no take note of answers debate this day or Wednesday 13 May 2020;

(d) there be no debate on committee reports and government responses this day;

(e) that on receipt of the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020 and cognate bills, the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 and COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020, from the Legislative Assembly, proceedings on the bills take precedence of all other business on the *Notice Paper* until concluded or disposed of;

(f) following conclusion of debate on the Government bills, the following items of business be considered until concluded or disposed of:

(i) item No. 375 outside the order of precedence standing in the name of Mr Shoebridge relating to an order for papers regarding the Minister for Police and Emergency Services;

(ii) a notice of motion in the name of Mrs Houssos relating to an order for papers regarding education supplies, notice of which was given this day;

(iii) a notice of motion in the name of Mr Searle relating to an order for papers regarding TAFE underpayment, notice of which was given this day;

(iv) a notice of motion in the name of Mr Searle relating to an order for papers regarding allegations of corrupt conduct and maladministration concerning the Long Service Corporation, notice of which was given this day;

(v) item No. 435 outside the order of precedence standing in the name of Mr Latham relating to the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill;

(vi) a notice of motion in the name of Mr Veitch relating to an order for papers regarding road asset maintenance plans, notice of which was given this day;

(vii) a notice of motion in the name of Mr Borsak relating to an order for papers regarding the *Ruby Princess*, notice of which was given this day;

(viii) a notice of motion in the name of Mr Shoebridge relating to an order for papers regarding the remuneration package of the New South Wales police commissioner, notice of which was given this day;

(ix) a notice of motion in the name of Mr Mookhey relating to an order for papers regarding tax reform, notice of which was given this day;

(x) a notice of motion in the name of Ms Hurst relating to an order for papers regarding Get Wild Pty Ltd, notice of which was given this day;

(xi) item No. 139 outside the order of precedence standing in the name of Revd Mr Nile relating to the Crimes Amendment (Zoe's Law) Bill 2019;

(xii) a notice of motion in the name of Mr Graham relating to a further order for papers regarding the Western Harbour Tunnel and Beaches Link Business Cases, notice of which was given this day;

(xiii) a notice of motion in the name of Mr Field relating to the drought record, notice of which was given this day;

(xiv) item No. 388 outside the order of precedence standing in the name of Mr Borsak relating an order for papers regarding the Powerhouse Museum;

(xv) a notice of motion in the name of Mr Searle relating to the commencement of the Modern Slavery Act 2018, notice of which was given this day;

(xvi) a notice of motion in the name of Mrs Maclaren-Jones relating to the seventy-fifth anniversary of Victory of Europe Day, notice of which was given this day;

(xvii) a notice of motion in the name of Mr Banasiak relating to an order for papers regarding the taxi industry, notice of which was given this day;

(xviii) a notice of motion in the name of Mr Farraway relating to mental health, notice of which was given this day;

(xix) a notice of motion in the name of Mr Mookhey relating to an order for papers regarding workers compensation, notice of which was given this day;

(xx) a notice of motion in the name of Mr Borsak relating to an order for papers regarding personal protective equipment, notice of which was given this day;

(xxi) item No. 409 outside the order of precedence standing in the name of Mr Banasiak relating to the Water (Commonwealth Powers Amendment) Termination of References Bill; and

(xxii) a notice of motion standing in the name of the Leader of the Government relating to the sitting calendar during the period from 12 May to 17 September 2020, notice of which was given this day.

Motion agreed to.

The PRESIDENT: Order! According to sessional order, proceedings are now interrupted for questions.

Questions Without Notice

COMMISSIONER OF POLICE

The Hon. ADAM SEARLE (15:37:17**):** I direct my question to the Leader of the Government. Does the Minister stand by his Government's decision to provide an $87,000 pay rise to the police commissioner—an amount roughly equivalent to the annual salary of a nurse—at the same time that the Treasurer is advocating an effective cut in the wages of all other public sector workers, including nurses, other healthcare workers and the cops on the beat who are keeping our streets safe?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:37:55**):** It is important to note that the Statutory and Other Offices Remuneration Tribunal [SOORT] made a determination pursuant to the Statutory and Other Offices Remuneration Act 1975 in relation to the remuneration of the Commissioner of Police. This followed a direction from the Premier to make a determination on the commissioner's salary. However, it is important to note that this tribunal makes determinations that are completely independent of the New South Wales Government. If any member is unsure of this fact, I encourage them to check the SOORT website. In regard to the determination made regarding Commissioner Fuller, I note that his

remuneration determination was based on the responsibilities of the office, the remuneration paid to senior law enforcement officers in other jurisdictions and Mr Fuller's skills and experience.

Commissioner Fuller is one of the State's most senior office holders and—to echo the words of the police Minister—he has played lead roles during the summer bushfires and in the Government's response to COVID-19. All members in this place ought to be very thankful to have a police commissioner of the calibre of Commissioner Fuller and be grateful for the service that he provides to the people of our State.

SMALL BUSINESS GRANTS

The Hon. PENNY SHARPE (15:40:04**):** My question is directed to the Minister for Finance and Small Business, and Leader of the Government. Given that there are more than 400,000 sole traders in New South Wales, why has the Government decided to exclude sole traders from the $10,000 small business grant?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:40:37**):** I welcome the opportunity to talk about the Government's record in relation to New South Wales small business. The New South Wales Government has provided unprecedented support to small business in this health crisis. The Government has been on the front foot in support of those businesses. We have launched a 24-hour hotline to give businesses greater access to advice and support on non-health-related COVID-19 matters. We provided cash grants of up to $10,000 to businesses below the payroll tax threshold with up to 19 staff, with more than $100 million out the door in the first 10 days of the program. We have deferred payment of payroll tax for six months for all businesses to assist with cash flow. We have waived three months' worth of payroll tax for businesses whose—

The Hon. Penny Sharpe: Point of order: I have been listening very carefully to the Minister. He is required to be directly relevant. The question was about sole traders and their inability to access the $10,000 grant. I ask that the Minister be asked to respond to the question.

The PRESIDENT: The Minister is entitled to start with some foundation but he must within a short period of time link it to being directly relevant to the question. I believe that the Minister has had more than enough time. He really needs to link his answer directly to the question.

The Hon. DAMIEN TUDEHOPE: I say this in relation to sole trader businesses: Sole traders do, in fact, have an entitlement to JobKeeper access. Primarily the Government sought to make sure that all those businesses that may not have been entitled to JobKeeper or the like were covered. Sole traders do have access to benefits. I point out to the honourable member that in talking about the Government's response to small business, we have sought to take an even-handed approach to making sure that small businesses bridge the gap and get through to the other side. I note that there is some discussion and I am sure there will be a comment later on, but I will leave it there for the moment. [*Time expired.*]

COMMISSIONER OF POLICE

Mr DAVID SHOEBRIDGE (15:43:35**):** My question is directed to the Leader of the Government and Minister for Finance and Small Business, including in his capacity representing the Premier. Does the Minister stand by the Premier's statement today that the $87,000 pay rise to police commissioner Mick Fuller was in order because "he oversees the largest police force on the planet", given that the New South Wales Police Force has just over 16,000 sworn police, the New York Police Department has over 36,000 sworn police, and the New South Wales police commissioner is now paid $649,500 per annum while the New York Police Department police commissioner is paid less than half of that, being US$205,000 or A$315,000?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:44:27**):** I have already given an answer in relation to the process by which the Government has come to a position in relation to the remuneration payable to the police commissioner. If, in fact, the Premier has made those comments in relation to the New South Wales—

Mr David Shoebridge: She was wrong.

The Hon. Trevor Khan: Point of order: Mr David Shoebridge has asked the question and then seeks to interject. I ask that he be called to order or at least told to be quiet.

The PRESIDENT: I indicate that the clock does not seem to be stopping when points of order are being taken. It has now, thank you. Members are well aware that interjections are disorderly at all times. Mr David Shoebridge asked the question and the Minister is answering it. The member has an opportunity to ask a supplementary question if he so wants. I ask him to cease interjecting.

The Hon. DAMIEN TUDEHOPE: I have given an answer in relation to the process by which a determination was made in relation to the commissioner's wage remuneration. If, in fact, the Premier has made

comments relating to his entitlement based upon him being the commissioner of the largest police force in the world, it is not something I am aware of. In deference to the question that has been asked, I will refer the matter to the Premier and I will ask her to provide some clarification.

Mr DAVID SHOEBRIDGE (15:46:15**):** I ask a supplementary question. Will the Minister also seek some elucidation as to whether that erroneous information was provided to her by the New South Wales police commissioner, Mr Mick Fuller, to justify his outrageous pay rise?

The Hon. Trevor Khan: Point of order: I do not think Mr David Shoebridge's question falls within the context of a supplementary question. It is more in the nature of a new question.

Mr David Shoebridge: To the point of order: The Minister quite rightly sought to take some further advice and, having provided some gloss in relation to the answer, says that he will be seeking further elucidation from the Premier. It is well within the scope of supplementary questions to seek some further elucidation regarding what he is asking of the Premier, which is why I put the question in the form I did.

The Hon. Trevor Khan: To the point of order: Actually, that is not what the ruling says. Mr President, you have often referred to what the nature of a supplementary question is. It is not simply an opportunity to supplement the initial question asked; it must relate specifically to the question asked and the answers given.

The PRESIDENT: I remind members that I have said this on a couple of occasions. This comes, in effect, from an earlier decision of then President Burgmann on 4 April 2000. I have indicated clearly that for a supplementary question to be in order, it needs to satisfy three aspects: it must be actually and accurately related to the original question; it must relate to and arise from the answer given; and it must seek to elucidate a part of the answer given. I do not believe Mr David Shoebridge satisfied requirement number three. He was entitled to seek an elucidation on part of the answer given, but he went beyond that in adding a part (b) that was, in effect, a new question. The supplementary question is out of order.

COMMERCIAL FISHING INDUSTRY

The Hon. MARK BANASIAK (15:48:50**):** My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. Is the Minister aware that many submissions to the 2016 inquiry into commercial fishing outlined the negative socio-economic impacts the reforms had on fishing communities and, as a result, this Government agreed to conduct an independent assessment of the socio-economic impacts of that reform? Given that the Minister's office received a copy of the Barclay report in early February this year, what is the justification for withholding the report? Will the Minister commit to its public release and, if so, on what date?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (15:48:59**):** I thank the honourable member for his question, which refers to a Minister in the other place whom I represent. I will refer the question to the Minister for Agriculture and Western New South Wales and provide the member with an answer in due course.

COVID-19 AND SCHOOLS

The Hon. WALT SECORD (15:49:48**):** My question is directed to the Minister for Education and Early Childhood Learning. Will the Minister guarantee that all schools in the Illawarra and Sydney's west and south-west have the adequate hand sanitiser, head thermometers and other associated cleaning products that the Government promised they would receive?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (15:50:21**):** I thank the member for his question about the essential supplies and hygiene products that are going to our schools to make sure that they are well prepared for living with COVID-19. As of yesterday students are coming back into the classroom on a regular basis. Part of the work that we have been doing over the past couple of weeks has been to make sure that we have access to essential supplies right around the State, and specifically in the areas that the member mentioned in his question. Essential supplies includes items such as soap, toilet paper, paper towels, disinfectant wipes, gloves, masks, glasses and gowns. I can inform the honourable member that as hygiene measures have increased, so too has the demand for essential supplies of hygiene products.

In March 2020 we received some significant feedback from schools that they were unable to purchase essential supplies due to limited stock or maximum buying limits. I think we all saw the frenzies that took place in our local supermarkets over accessing items such as toilet paper and hand sanitiser. Schools reported to us some issues around procurement. Prior to COVID-19 the department did not hold a central stockpile or system-wide record of supplies, and supplies were managed at a local school or service level. I am pleased to let the Hon. Walt Secord know that the department now has a centralised distribution centre and it is providing essential supplies to schools. A process to maintain system-wide stock status has been developed. Commencing from week one of term

two, procurement requests, warehouse deliveries and dispatch will be managed through a single source-of-truth reporting system. This also includes stock-tracking software. It records stock levels and movements for reporting purposes.

There is also a dashboard tracking system, which we can use to monitor current and projected supplies. Supplies are being delivered to our schools through a number of different approaches. Standard supplies, including soap, toilet paper, paper towels and sanitiser will continue to be delivered at intervals, and one-off first aid room supply packs are being distributed to all schools. For critical supply level requests schools now have a dedicated contact email to use to restock specific supplies. Our supply schedule ensured that all schools received the critical deliveries. We had them ready for week three of term two and I am advised that that has been the case. We have also had additional teams of packers come onboard to support the process.

I have a few other figures that may be of interest to the member. As at the end of April 2020 the department had dispatched to schools 20,000 rolls of toilet paper, 42,000 bottles of hand sanitiser—which the member mentioned in his question—2,000 litres of hand soap, 10,000 bars of soap, 11,000 rolls of paper towels, 3,900 bottles of surface spray and 16,000 packets of disinfectant wipes. In total we had more than 550,000 items dispatched in preparation for students returning to school. That will continue throughout the term. The supplies will keep coming for schools on a rolling basis and as they are needed. [*Time expired.*]

The Hon. WALT SECORD (15:53:21**):** I ask a supplementary question. Will the Minister elucidate her answer with regard to the intervals she referred to involving the centralised distribution centre. What is the length of the interval or the wait to receive supplies?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (15:53:44**):** As I said in my original answer, the staff of the department have been working around the clock to get that sheer number of items—550,000—dispatched in preparation for students returning to schools this week. They were the initial packs that went out to schools, based on what they needed. This is something we will continue to do. As I said, principals can get in touch with the department through that dedicated line when they are running low on supplies.

We have amassed a lot of stock in our storerooms that is ready to go so we can have a proactive approach and can adapt. When schools need extra supplies they will be able to be delivered. We will work closely with our principals to ensure that throughout the term whatever they need in terms of hygiene supplies is dispatched. I feel very confident that we have good processes in place. As I said, we want to hear from our schools. If they are running low or there are any concerns about any supplies they need or do not have, we now have very good systems in place to ensure that they have the hygiene supplies they need.

The Hon. Walt Secord: Second supplementary question.

The PRESIDENT: Order! The Hon. Walt Secord is seeking to ask a second supplementary question. Standing Order 64 (4) indicates that at the discretion of the President, one supplementary question may be immediately put by the member who asked the question to elucidate an answer. One further supplementary question may then be immediately put by another non-government member to elucidate the same answer. As the Hon. Walt Secord was first on his feet seeking the second supplementary question, the second supplementary question is out of order.

The Hon. Walt Secord: Point of order: I was mistaken when I shouted out. I did not mean to say "second supplementary question". It was a mistake on my part. I turned and noticed that the Hon. Courtney Houssos was getting ready to ask a second supplementary question. I inadvertently blurted that out when I realised that she was going to ask the second supplementary question.

The PRESIDENT: The second mistake the Hon. Walt Secord has made is arguing with my ruling. I warn the member to not make a third mistake.

RECREATIONAL HUNTING

The Hon. ROBERT BORSAK (15:56:14**):** My question without notice is directed to the Minister for Finance and Small Business, representing the Minister for Police and Emergency Services. Given the reopening of State forests for recreational hunting on 6 May 2020, will the Minister guarantee that no person will be penalised by New South Wales police for travelling to regional areas to undertake recreational hunting?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:56:34**):** The member would of course be aware of the public health orders that exist—all members in this Chamber are aware of the public health orders that exist. The circumstances surrounding whether someone is charged with an offence, as the Hon. Robert Borsak should well know, is a matter for the police; it is not a matter for me or anyone else. I cannot give that assurance and neither, for that matter, can the police Minister. That is a matter for the police

who detect a potential offence. If someone was travelling to a State forest and the police formed the view that they were in breach of a public health order they would be entitled to bring charges against that person, as that person would be entitled to defend those charges. In the circumstances, the complete answer to the question is that it is a matter purely for the police who are charged with the responsibility of—

The Hon. Daniel Mookhey: An operational matter.

The Hon. DAMIEN TUDEHOPE: It is an operational matter. They are charged with the responsibility—

The Hon. Robert Borsak: Point of order: Answers are supposed to be directly relevant. The Minister is waffling. It is not a matter purely for the police. The question was simple: Would you or would you not get fined by the police? Will the Minister please take the question on notice so I can get a proper answer, rather than waffle?

The PRESIDENT: The Minister was being directly relevant. At times it was difficult to hear the Minister over the continued interjections coming from the members on the Opposition benches. I remind the Minister that he is required to be directly relevant.

The Hon. DAMIEN TUDEHOPE: I conclude by saying that the complete answer to the question is that this an operational matter for the police. They will make decisions about the public health orders that exist and the persons who should be charged in relation to them.

The Hon. ROBERT BORSAK (15:59:29**):** Mr President—

The PRESIDENT: Is the member seeking to ask a supplementary question?

The Hon. ROBERT BORSAK: A supplementary question, yes.

The PRESIDENT: If members could first indicate that they seek to ask a supplementary question, I could give them the call. When all other members cease interjecting, I will give the member the call.

The Hon. ROBERT BORSAK: With respect, Mr President, I sought the call, but there was too much interjecting for you to hear me.

The PRESIDENT: That proves my point. I will wait until members have concluded their discussions because the Hon. Robert Borsak is entitled to be heard in silence. Does the member seek the call to ask a first supplementary question?

The Hon. ROBERT BORSAK: Thank you, Mr President. I ask a supplementary question. Will the Minister please elucidate his answer to say exactly what generally an "operational matter" means?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:00:21**):** The operational matter would be those facts and circumstances that the police would take into account in making a decision about whether they charge someone pursuant to a public health order.

SCHOOL SOCIAL DISTANCING

The Hon. DANIEL MOOKHEY (16:00:46**):** My question is directed to the Minister for Education and Early Childhood Learning. How does her Government reconcile advice on social distancing in New South Wales when her Federal education counterpart, Dan Tehan, says that social distancing requirements are not appropriate and not required in schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:01:18**):** I thank the Hon. Daniel Mookhey for his question, which refers to comments made by the Federal Minister for Education, Dan Tehan, in relation to social distancing. I can inform the House that we follow the advice that comes from the Australian Health Protection Principal Committee [AHPPC] as to what we need in terms of schools and how they are operating. Clearly the health advice is that the risk in our school communities is very low and that the need for the four-metre square rule compared to the one and a half metres for the rest of society when social distancing is not required for children in the classroom. That is based on the health advice that has come out of the AHPPC, but they do talk about putting measures in place where possible. A list is publicly available and I am sure that members would have seen it on the AHPPC's website. Members can inspect the suggested advice in relation to social distancing within a school setting.

Certainly for adults on a school site—teachers and parents who drop off—we have given advice to our school communities that social distancing should still apply. That is why we talk to schools about things like staggering drop-off and pick-up times. Many schools have told parents that it is not appropriate for them to be on the school site unless they really need to and if they go to the front office they should be mindful of the school staff. We need to look after the adults on our school sites when it comes to social distancing. The health and

medical advice in relation to students remains that those measures are not necessary. I am not aware of the specific comments to which the Hon. Daniel Mookhey refers in relation to what Dan Tehan may or may not have said.

The Hon. Walt Secord: What?

The Hon. SARAH MITCHELL: It is specific. I know he has made general comments in relation to it.

The Hon. Walt Secord: Oh, come on!

The Hon. SARAH MITCHELL: He has done a lot of media over the last few days. I am really confident with the measures that we have in place in New South Wales. I know that where possible schools are implementing social distancing as an added precaution for their students. I am sure many people saw in some media footage last night that schools are separating children from desks. We are encouraging them to do that where possible, but it is not technically a requirement based on the health advice. It says, where possible, these are extra measures that can be put in place: limiting the number of children in classrooms; not having congregations at school gates and the like, as I said; not having assemblies; and not having organised sport—those sorts of measures that we know are in line with community sentiment. But, as I said, most of the focus on social distancing at our school sites is in relation to adults.

The Hon. DANIEL MOOKHEY (16:03:45**):** I ask a supplementary question. Will the Minister elucidate that part of her answer where she said she is unaware of the specific comments made by her Federal counterpart? Does she mean that she is unaware of the press release issued by the Federal Minister on 24 April titled "Updated advice on social distancing at school" in which he said that social distancing requirements are not appropriate and not required in schools? Has she had any conversations with the Minister about his statement that social distancing requirements are not appropriate and not required in schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:04:19**):** What I said was that I was not aware of the specific—the member's question did not reference that specific press release. He made a comment about words that Minister Tehan's had said in relation to social distancing. He did not provide information or context around a press release. I did not know if that is what he meant or if he meant an interview. The Minister has been doing quite a bit of media lately, as the Hon. Walt Secord pointed out.

The Hon. Walt Secord: Apologising alot, too, lately.

The Hon. SARAH MITCHELL: He did. My point is, as I said, I think I have answered the question in terms of the New South Wales context. The Hon. Daniel Mookhey asked me whether I have had a conversation with Minister Tehan about that statement he put out and the answer is no, I have not.

The Hon. COURTNEY HOUSSOS (16:04:59**):** I ask a second supplementary question. Will the Minister elucidate her answer where she spoke about the advice provided by the AHPPC and that that was the basis upon which schools have been reopened? She said that social distancing was not technically required. Why then were children returning to school yesterday seated a metre and a half apart?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:05:36**):** I reiterate what I said in my earlier answer. There is clear advice from the AHPPC in relation to schools and measures that schools can put in place where it is practical and where possible—it literally says the words "where possible" on the website. I encourage members to have a look at that. Schools are doing that where they are able to in terms of the physicality of their classrooms, as I said. We have a 2,200 public schools in New South Wales, with schools ranging from 2,000 down to as few as 10 students. We know that within each individual school context and school community they are taking those appropriate measures.

We have certainly provided guidance to our school communities about how to adapt to living with COVID-19. It is something that obviously will be with us for a period of time. We know that it is safer for our children to be at school. We know the medical advice has been for a long time, and further evidence has come to light over the last few weeks that further made the point, that the transmission risk is very low between students and from students to teachers. But we need to make sure that we have those social distancing measures in place for adults on the school sites. I said that in my original answer.

COVID-19 AND SCHOOLS

Mr DAVID SHOEBRIDGE (16:06:47**):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Are there any arrangements in place to test asymptomatic school students for COVID-19 to provide a credible database to determine the risk to student health and any spread of COVID-19 as schools progressively come back online, including any arrangements for consent in testing asymptomatic students?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:07:18**):** I thank Mr David Shoebridge for his question in relation to the testing for students. I will take the question on notice and seek some advice because obviously, as he would appreciate, any testing for COVID-19 is handled by the Health department, not the Department of Education. Obviously we work very closely with the Health department in relation to any matters that might affect our school students, but I will seek some specific advice in relation to that part of the question because it is not technically an area that the Department of Education has carriage of.

Mr DAVID SHOEBRIDGE (16:07:49**):** I ask a supplementary question. I appreciate the Minister seeking that advice. In seeking that advice, given the approach taken for testing the loosening of arrangements in the general population, which is to loosen arrangements for a month, then test the population over a monthly period to determine the effect of loosening those arrangements and then review the next step, is it intended to take the same approach in schools or is there a different approach in schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:08:19**):** I again refer to my earlier answer. I will seek some advice in relation to any specific testing for our school students. What I can tell Mr David Shoebridge is that we know from the health advice that we have received, not just from the Chief Health Officer in New South Wales but from the AHPPC as the national body of health representatives, that the risk at school is very low for students. That has consistently been the advice. We want to have a measured and staggered return in our approach to schools so that we can put those extra measures in place, as I said in my earlier answer—social distancing for adults, staggered drop-off and pick-up times and play times, and all the rest of it. We will be monitoring how that first two weeks goes. I said that publicly in the media with the Premier earlier today. In terms of any specifics around health and testing in those conversations, I am happy to provide some more information to Mr David Shoebridge on notice.

SCHOOL SOCIAL DISTANCING

The Hon. MARK BUTTIGIEG (16:09:21**):** I direct my question to the Minister for Education and Early Childhood Learning. Given her department's directive on 15 March that schools will implement social distancing measures and the Government's phase 3 and phase 4 return to school plans, how is social distancing going to operate in classes with 30 students?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:09:46**):** I have covered this quite extensively in my answers to earlier questions and in the two supplementary questions in relation to this. The measures that we are putting in place around social distancing are certainly focused on the adults at our school sites—our teachers, our principals, school support staff and any parents who, for whatever reason, may need to be on or near a school site around drop-off and pick-up time. The health advice is very clear in relation to our students. They have clearly said that children do not need to adhere to the same social distancing rules but we appreciate when schools are in a position to distance students in a classroom that that is what they are doing. Like I said, I am confident in the measures that we have in place and I think I have covered this quite extensively already.

The Hon. MARK BUTTIGIEG (16:10:40**):** I ask a supplementary question. In the Minister's answer she specifically referred to the focus being on adults. Does that mean that this is an optional measure for students and has she made that crystal clear in the communications with schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:10:58**):** As I have said in earlier answers, we and the Department of Education have been communicating with our principals and our teachers many, many times over the past few weeks. A lot of information has gone out to principals to provide them with the advice they need for students returning to the classroom. There have been live question-and-answer sessions. There have been a lot of opportunities for principals to ask any questions they may have in relation to students returning to the classrooms. As I have said, that is something that we all want to see. The health advice is clear: the risk in our schools is very low. We think it is important that we have students back in our classrooms. I am confident with the processes that we have in place with our school communities around the return of students to school and, as I said, around living with COVID-19.

The Hon. WALT SECORD (16:11:48**):** I ask a second supplementary question. Will the Minister elucidate her answer in regard to information provided to principals and advice on student plans? What is the advice provided to principals about students who have mobile phones and the COVIDSafe app?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:12:13**):** I thank the member for his question. It is a good question. It is quite specific in relation to the COVID app and mobile phones in schools. Obviously, as the member knows, we have a policy in place in relation to mobile phones in our primary schools. In secondary schools it is a matter for individual schools to determine. I will seek advice

from the department to see if anything specific has been provided in relation to mobile phones and that particular app.

TOXIC SHOCK SYNDROME

Mr DAVID SHOEBRIDGE (16:12:44**):** I direct my question to the Minister for Education and Early Childhood Learning. Noting the reported cases of inflammatory-related toxic shock syndrome, or Kawasaki disease, in children in the United Kingdom and the United States, will the Minister please provide the House with what, if any, advice she has received concerning the risks to students in New South Wales from this particular health risk as they return to school?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:13:11**):** I thank the member for his question. I am aware of those reports coming out of the United Kingdom.

Mr David Shoebridge: And the United States.

The Hon. SARAH MITCHELL: And the United States as well. It is something the Health department is looking at. Dr Kerry Chant has sought some advice and is monitoring that situation—she expressed that to me in a conversation that we had just a couple of days ago. In terms of any formal advice that may have flowed between the Education and Health departments, as I said, we are talking and working together very closely throughout this, as the member would expect. If the member would allow me the indulgence, I will take the question on notice and provide him with any formal documentation or representations that have come from NSW Health in relation to that matter.

SCHOOL SOCIAL DISTANCING

The Hon. COURTNEY HOUSSOS (16:14:14**):** I direct my question to the Minister for Education and Early Childhood Learning. Given that students were socially distanced in classrooms yesterday, will students still be required to socially distance when all students return to school by 25 May?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:14:30**):** I think this is an answer that I have already given to an earlier question today. As I said, systems and processes are in place in terms of our school communities and the return of children to school. The focus on social distancing is certainly for adults in our school communities. Where it is possible, schools are putting social distancing measures in place, with extra precaution in classrooms where they can. These are the sorts of issues that we are working through with our school communities with a staggered return to school. We want parents and students to feel confident that students are back in the classroom. We want to reassure them that schools are safe spaces, which they are—the health advice backs that up. We have said—and we have been very open with the community and with parents in relation to this—that we wanted to have a managed return to school. That started yesterday.

We hope that we have a good two weeks where we have strong attendance, which is what we have seen over the past couple of days. We know that parents are comfortable with starting to send their children back to school—this is a very different community sentiment to that at the end of term one. We have said that we will monitor how things go, particularly over this first week. We anticipate this staggered approach to last two weeks and, all going well, we hope to have children back by the end of May. That continues to be the case. I think it is important that students get back in the classroom. As I said, it is a good opportunity for our schools to put the systems in place that their school communities feel comfortable with. The Australian Health Protection Principal Committee [AHPPC] advice is clear in relation to social distancing for children and what is not required. This is about making sure that we have that support in place for the adults on our schools sites; that is why we have this approach.

The Hon. COURTNEY HOUSSOS (16:16:15**):** I ask a supplementary question. Will the Minister elucidate her answer and outline in how many schools it is actually possible to implement social distancing procedures?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:16:30**):** As I said in my earlier answers, schools are asked to have those social distancing requirements place in relation to adults in their school communities. Obviously with the number of teachers we have, this is about saying to our teachers in particular, our school support staff, our principals who are on site and the rest of society, "You need to be cognisant of social distancing measures." We have said to our school communities that things like staff meetings taking place in staff rooms without social distancing cannot happen. For example, I have seen video footage of schools having their staff meetings in the school hall where the seats are spread out a metre and a half apart to enable social distancing. Our schools, principals and teachers have done an amazing job in dealing with COVID-19. They are articulate, smart adults who know how to put these measures in place in their school

communities. Each and every school across New South Wales, when it comes to the social distancing measures required for adults, will be able to implement what has been asked of them.

The Hon. DANIEL MOOKHEY (16:17:49**):** I ask a second supplementary question. Will the Minister elucidate that part of her answer where she said she is confident that schools will be able to implement this for adults? In how many schools is it possible to implement social distancing procedures for students?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:17:59**):** As I said in my earlier answers throughout question time, the AHPPC advice is clear in relation to social distancing for children: there is not the same requirement. That has come from the chief medical officers themselves in relation to this. The advice is clearly and publicly available on the website in relation to what measures should be in place. I think I have covered this extensively.

BUSHFIRES AND FORESTRY INDUSTRY

Mr JUSTIN FIELD (16:18:31**):** I direct my question to the Minister for Finance and Small Business, representing the Minister for Energy and Environment. Given that more than 60 per cent of coastal forests north of Coffs Harbour and 80 per cent of South Coast forests were burnt in this season's fires, what evidence—including post-fire surveys, updated habitat information and updated species information—did the Environment Protection Authority [EPA] rely on in giving approvals to Forestry Corporation of NSW to log 45 burnt sites across the State to ensure it was meeting the obligations under the New South Wales logging rules to protect species, communities and their habitats from the impacts of the Forestry Corporation?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:19:12**):** I thank the member for his question and his patience. The recent bushfires have had a significant impact on local communities and also on the landscape of our great State, including our forests. The impact on forests naturally has implications for the local forestry industries. The New South Wales Government remains committed to the long-term and environmentally sustainable management of our native forests. As part of the recovery from the bushfires, work is underway to ensure regional jobs, economies and timber for rebuilding communities can be secured in an environmentally safe manner. The NSW Environment Protection Authority [EPA] works closely with all stakeholders to identify burnt State forest sites where the risks of conducting forestry operations can be reasonably mitigated while balancing social, economic and environmental needs.

Any harvesting of native timber within State forests must comply with the relevant Integrated Forestry Operations Approval [IFOA]. This sets out conditions designed to manage the impact of native forestry operations on the environment. When operating in fire-affected forests, additional conditions are required to manage the increased environmental risks resulting from the bushfires. The EPA is imposing additional site-specific conditions on forestry operations in burnt State forests on a case-by-case basis where the environmental risks can be reasonably mitigated. Conditions may include requiring a lower intensity of logging than would normally be permitted; ensuring that unburnt forest is protected; and providing for additional protection of streams, hollow-bearing trees and feed trees for koalas, birds, bees and gliders. The EPA will be closely monitoring these forestry activities to ensure the IFOA requirements and the additional site-specific conditions are being met and remain appropriate. I am happy to take the specifics of the question on notice and give the member a more detailed answer from the Minister for Energy and Environment.

I ask that any further questions be placed on notice.

Deferred Answers

BUSHFIRES AND THREATENED SPECIES

In reply to **Ms CATE FAEHRMANN** (25 February 2020).

The Hon. DON HARWIN (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 Minister provided the following response:

> Fires during the 2019-20 bushfire season were the most widespread and extreme that New South Wales has experienced and have resulted in significant impacts on biodiversity.
>
> The Government has been undertaking extensive impact assessment to understand the extent and severity of the 2019-20 fires and is implementing actions to support recovery of our wildlife and conservation values.
>
> Information about the Government's recovery efforts can be found at www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/fire/park-recovery-and-rehabilitation/recovering-from-2019-20-fires

BUSHFIRES AND FORESTRY INDUSTRY

In reply to **Mr JUSTIN FIELD** (25 February 2020).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

With fires impacting large areas of native forests, hardwood plantations and softwood plantations, Forestry Corporation has declared force majeure on a number of contracts and advised many of its customers and contractors that it may not be able to meet some of its contractual commitments in fire-affected areas for the remainder of this financial year.

Force majeure has been declared for long-term wood supply agreements for timber from native forests and hardwood plantations on the north and south coast and softwood customers accessing timber as part of their supply from the Grafton, Tumut and Bombala management areas.

GREYHOUND WELFARE & INTEGRITY COMMISSION

In reply to **the Hon. MARK PEARSON** (25 February 2020).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

2020 incidents

I am advised by the Greyhound Welfare & Integrity Commission [Commission] that its Race Injury Review Panel examined the death of two greyhounds at Lismore on 21 and 28 January 2020, respectively, and determined that track related factors did not contribute to either incident.

2019 incident

I am advised by Greyhound Racing NSW [**GRNSW**] that:

- it investigated the death of a greyhound at Lismore on 8 January 2019 and found that track related factors did not contribute to the incident
- nevertheless, it was recommended that GRNSW, the Commission and the University of Technology Sydney [**UTS**] work collaboratively to identify factors contributing to the number of injuries at the venue
- on 18 January 2019, an expert panel with representatives from UTS, Greyhound Racing Victoria and GRNSW, conducted an inspection of the Lismore track and concluded that the track was suitable for greyhound racing and trialling.
- GRNSW undertook remedial works at the venue over the following months to reduce the likelihood and consequences of future injuries at the Lismore track.

WILLOW GROVE HERITAGE BUILDING

In reply to **the Hon. PENNY SHARPE** (26 February 2020).

The Hon. DON HARWIN (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 Minister provided the following response:

I refer to my answers previously provided to the House.

BUSHFIRES AND TAFE NSW

In reply to **Mr DAVID SHOEBRIDGE** (25 February 2020).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

I am advised that TAFE NSW is, at my direction, running otherwise unviable courses to support communities and help people in bushfire affected areas get back on their feet as quickly as possible.

I am further advised that TAFE NSW is now offering additional targeted training in practical skills such as Fencing, Maintenance and Counselling in bushfire-affected areas — with plans to roll out even more courses in consultation with local communities.

GREYHOUND WELFARE & INTEGRITY COMMISSION

In reply to **the Hon. ROBERT BORSAK** (26 February 2020).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

I note that pursuant to the *Greyhound Racing Act 2017*, the Chief Executive Officer of the Greyhound Welfare & Integrity Commission (Commission) is responsible for the day-to-day management of the affairs of the Commission, including the employment and management of Commission staff.

The Commission has advised that:

- Mr Tutt is a senior executive and general counsel at the Commission, responsible for the Commission's effective and efficient delivery of stewarding functions and services in addition to Commission's legal service functions.

- Mr Tutt has significant experience in race stewarding in thoroughbred racing and does assist with greyhound stewarding functions as part of his integrity role to ensure that race meetings are properly conducted by Commission stewards.
- In addition to fulfilling his functions as legal counsel and head of the Commission's legal services, Mr Tutt has been attending race meetings as part of the development of a range of enhancements to the Commission's delivery of stewarding functions.
- The Commission is satisfied that there is no conflict between Mr Tutt's position as Director Legal and his assistance with stewarding processes at race meetings.

LAKE MACQUARIE MINING

In reply to **Ms ABIGAIL BOYD** (27 February 2020).

The Hon. DON HARWIN (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 Minister provided the following response:

This seismic testing uses a low impact pulse which is commonly used in sensitive environments.

Under the conditions of the mining lease, the leaseholder is required to conduct biannual community consultation meetings.

NARRABRI GAS PROJECT

In reply to **Mr JUSTIN FIELD** (27 February 2020).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

I am advised:

The independent economic expert providing this advice is Dr Brian Fisher of BAE Economics.

Dr Fisher was asked to:

- review the economic assessment of the Narrabri Gas Project (including any relevant submissions and Santos's response to these submissions) and provide advice to the Department on whether this assessment had been carried out in accordance with the applicable guidelines and whether its findings were robust; and
- provide advice to the Department of Planning, Industry and Environment [the department] or Independent Planning Commission [IPC] on any other economic matters that may arise during the assessment or determination of the application.

Dr Fisher completed his first task in September 2018. However, the Department or the IPC may seek further advice from Dr Fisher over the next few months during the public hearings and determination of the development application for the project.

The review will be included in the Department's assessment report which will be published when the development application is referred to the IPC for determination. Any other advice provided during the remainder of the process will be published on the Department or the IPC's website.

SCHOOL STUDENT ASSESSMENT RESULTS

In reply to **the Hon. WALT SECORD** (27 February 2020).

In reply to **the Hon. MARK LATHAM** (27 February 2020).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

Has the NSW education system closely examined the Finnish model for education and gleaned any lessons from the Finnish model?

The Centre for Education Statistics and Evaluation [CESE] publications incorporate evidence and best practice examples from international jurisdictions, including Finland. For example, Finnish studies and/or examples of good practice are included in CESE literature reviews about professional experience in teacher education, qualifications for early childhood educators, anti-bullying interventions and language participation in secondary schools.

What other international jurisdictions is the department examining?

The department is focussed on ensuring that teachers understand and implement the most effective evidence-based teaching practices. CESE has developed resources for principals, teachers and policymakers across a range of evidence-based practices. These resources include guidance for principals and teachers in implementing evidence-based practices in schools.

CESE makes use of international studies, comparisons and best practice examples in many of its evidence-based research papers. Three examples include: (i) the report "School improvement frameworks": The evidence base considers research and practice from jurisdictions including Finland, Singapore, Japan, Hong Kong, China, United Kingdom, United States and the Netherlands; (ii) the "Effective reading instruction in the early years of school": and, (iii) CESE's literature review about anti-bullying interventions includes four in-depth examples of evidence-based whole-school anti-bullying interventions, from Norway, Spain, England and Finland.

Given that NSW has a cross curriculum priority for Asian integration in our syllabus, why do we not also have a priority to look at Asian academic results in comparison to ours and, in particularly, try to work out why Chinese 15 year olds are four years ahead of ours in maths?

We are committed to improving results for all students. We are working towards improvement everywhere. The department has set the goal of becoming Australia's best education system and one of the finest in the world. To achieve this, we have a plan to deliver improvements in our schools. We are building a system that can lift student outcomes over the longer-term with a capable and committed workforce delivering education for a changing world.

The department is focused on an evidence-based school improvement strategy that enables all students to aspire and achieve. Using this evidence based methodology we look to all jurisdictions across the world to see what works. For example, recent reports on the impact of mobile digital devices in schools and classroom management both included evidence from China. CESE's What Works Best paper incorporates examples of teacher collaboration in Singapore and Japan, and the School improvement framework literature review refers to practices from Japan, China, Singapore and Hong Kong.

Supplementary Questions for Written Answers

SCHOOL SOCIAL DISTANCING

The Hon. COURTNEY HOUSSOS (16:22:10**):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister provide an answer on what advice has been provided to primary school students and secondary school students in relation to social distancing and outline whether there has been a difference in the advice for social distancing at a primary school or at a secondary school level?

Bills

COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES—ATTORNEY GENERAL) BILL 2020

COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES—TREASURER) BILL 2020

COVID-19 LEGISLATION AMENDMENT (EMERGENCY MEASURES—MISCELLANEOUS) BILL 2020

First Reading

Bills received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Damien Tudehope.

The Hon. DAMIEN TUDEHOPE: I move:

That standing orders be suspended to allow the passing of these bills through all their remaining stages during the present or any one sitting of the House.

Motion agreed to.

Second Reading Speech

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:24:15**):** I move:

That these bills be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The last three months have been a time of unprecedented pain for members of our community. It's been the hope of our Government, and of governments across the world, that by everyone sacrificing a small amount, the number of those that lose everything will be at a minimum. Even one death given to this terrible virus is too many; let alone the 97 individuals that have died across our country. New South Wales has seen the lion's share of deaths, with 44 lives lost. All our thoughts are where they've ever been during this crisis – with the families, friends and communities of those lost. But this time of suffering has been matched by the resilience of the Australian spirit – a resilience demonstrated time and time again through the courage of our convictions; the strength of our community ties; and the willingness – the eagerness, to sacrifice to do what's right.

While there have been outliers, their number has been small. By an overwhelming majority, our citizens have met the call. The comparatively low infection and death rates that our country has seen are a testament to your efforts. I thank all those doing their public duty—from our brave frontline health and police and emergency services workers; to our workers in grocery stores and supermarkets who've been up at the crack of dawn each morning; to every one of you, who's done and continue to do your part by staying home; and to the many more that have gone unsaid. I make special note today of our nurses on International Nurses Day— the 200th anniversary of Florence Nightingale's birth. We're not through this crisis. As the Premier said this week, complacency is our enemy just as much as the virus.

While the decline in the rate of infection rightly means that restrictions can be relaxed, the virus has not been eradicated. We don't yet have a vaccine. The last thing that we want to see are fresh outbreaks and a spike in the rate of infections. And as we come through this health crisis, we must deal with the hard economic times that lie ahead. It's easy to feel overwhelmed by the strife that we've already suffered and the struggles to come. But I take strength from the unity that's characterised the Australian response to

date, and I'm filled not with doubt but with the confidence, the certainty that we will re-emerge—bruised, but stronger, kinder and wiser.

Firstly, I will deal with COVID-19 Legislation Amendment (Emergency Measures – Attorney General) Bill 2020, or the "first bill", which amends Acts that I administer. The first bill amends the Court Security Act 2005 to enable court security officers to use thermal imaging scans or contactless thermometers to check a person's body temperature if they are entering or on court premises. Security officers will also be able to require those individuals to answers questions about their health in relation to symptoms of COVID-19, or whether they are likely to have been at risk of exposure to COVID-19. If an individual has a temperature of greater than 38 degrees Celsius or exhibits or reports other common signs of COVID-19, the security officer may deny them entrance to court premises or require them to leave.

Where a security officer identifies that someone who is required to be in court that day is exhibiting or reporting a sign of illness, the security officer must immediately advise the court that the person has been required to leave the premises or been refused entry. The security officer must also give the person a written notice stating that he or she was the subject of a requirement to leave the court premises, or was refused entry. The person may use this notice as evidence to demonstrate that he or she attempted to attend court but could not access or remain on premises, in any action, order, judgment or application taken in the person's absence. Where a security officer identifies a juror who has been selected for a panel is exhibiting or reporting a sign of illness, the security officer must refer the juror to the relevant judge or coroner to determine whether he or she should be discharged from jury duties.

Individuals who have been summoned for jury service, but not selected for a panel, won't need to be referred to a judge or coroner. Many people are compelled to attend court, but might fear attending due to the risk of exposure to COVID-19. Introducing temperature checks and other screening questions will improve public confidence in the safety of attending court. These amendments sit within a suite of measures taken to ensure our courts are a safe place to be. Section 182 of the Criminal Procedure Act 1986 allows an accused person who has been served with a Court Attendance Notice [CAN] to lodge a plea in writing. However, section 182(4) states that the section does not apply to an accused person who has been granted or refused bail, or in relation to whom bail has been dispensed with. This means that, currently, only defendants served with a "future" CAN, or non-bail CAN, can submit written pleas, while those who have had bail granted, refused or dispensed with must make their plea in person at the court.

The first bill will amend the Criminal Procedure Act 1986 to temporarily allow the existing written plea provisions to apply to persons about whom a bail decision has been made during the COVID-19 pandemic. Temporarily removing this exclusion will reduce the number of people required to physically appear in the Local Court to enter pleas, and will allow for matters to progress without undue inter-personal contact or proximity. The amendment has a sunset period of six months from commencement of the First Emergency Act, with the ability to extend this sunset period by regulation for a total period of 12 months from the commencement of that Act.

The First Emergency Act inserted a temporary regulation-making power into the Electronic Transactions Act 2000 for altered arrangements for signature, witnessing and attestation of documents. On 22 April 2020 the Electronic Transactions Amendment (COVID-19 Witnessing of Documents) Regulation 2020 was made, enabling, among other matters, the witnessing of documents to occur by audio visual link [AVL]. The first bill amends the regulation-making power in section 17 of the Electronic Transactions Act 2000 to also allow for the making of regulations: That modify or suspend requirements, permissions or arrangements in relation to certification, execution, signature, production, filing, lodgement, service or witnessing of documents; and imposing requirements relating to the form and content of a document, or processes for making a document, and other related matters.

The regulation-making power is being expanded because restrictions on interpersonal contact during COVID-19 may impact a range of processes beyond the matters covered by the existing power in section 17. This expansion of the regulation-making power is necessary to effectively respond to COVID-related limitations. The Department of Communities and Justice consults relevant stakeholders to identify types of documents that may be appropriately executed and filed in electronic form during the COVID-19 emergency. My intention is that, if Parliament has resumed its normal sitting routine once those appropriate types of documents have been identified, I will introduce a bill to Parliament proposing amendments to the substantive law, rather than seek the making of a regulation under section 17.

The First Emergency Act's amendments facilitated increased use of audio visual links in New South Wales court proceedings during the pandemic for accused detainees, witnesses and legal representatives. The first bill further amends the Evidence (Audio and Audio Visual Links) Act 1998 to include a new power to direct an accused person who is not in custody to appear via AVL. This power is subject to the direction being in the interests of justice, having regard to the public health risk posed by the COVID-19 pandemic, the efficient use of court resources and any other relevant matter. The requirement that AVL facilities be available and that a party must be able to communicate with their legal representative privately will also apply.

For matters excluded from the COVID-19 AVL provisions by regulation (currently, indictable trials and fitness hearings), the court will also be given the power to direct AVL for accused not in custody. In these matters, a presumption against AVL applies unless the accused consents, or the court otherwise directs, following application of the same interests of justice test. The bill also clarifies that the presumption in favour of AVL for government agency witnesses in section 5BAA of the Act will continue to apply. This restores the status quo after an inadvertent change in presumption arising from the drafting of the First Emergency Act.

Sheriff's officers regularly assist other New South Wales agencies to fulfil their various functions, particularly in times of emergency. For example, Sheriff's officers have been assisting the NSW Police Force with the quarantine of individuals in hotels in New South Wales. To assist sheriff's officers to prevent and respond to assaults, damage to property, and unlawful exit or entry to restricted premises while performing these duties, the first bill amends the Sheriff Act 2005 to temporarily grant officers powers to: issue directions; enter rooms or quarantine facilities; arrest and detain persons for the purpose of handing them into police custody; and use reasonable force to exercise the new entry, arrest, and detention powers. These powers are consistent with the functions sheriff's officers already have in their civil law enforcement and court security roles.

These powers will only be available in connection with premises at which a person is required to reside pursuant to an order under the Public Health Act 2010 relating to COVID-19, or other premises prescribed by the regulations. Individuals will be given two opportunities to comply with any directions issued by sheriff's officers. Where a person is directed to do something under these amendments and that person fails to comply, the sheriff's officer can then give that direction a second time. At the time of giving the second direction, the sheriff's officer must tell the person he or she is a sheriff's officer and the reason for the direction, as well as warn them that failure to comply could be an offence. If the person does not have a reasonable excuse for not complying with

the second direction, they may be guilty of an offence of up to 10 penalty units. The powers will have a sunset date consistent with those in the First Emergency Act.

The first bill will make a number of minor amendments to the Subordinate Legislation Act 1989 to postpone the staged repeal of: the Environmental Planning and Assessment Regulation 2000 from 1 March 2021 to 1 March 2022; and the Poisons and Therapeutic Goods Regulation 2008 (which, with its parent Act, is currently under review) to 1 September 2022. I turn now the COVID-19 Legislation Amendment (Emergency Measures – Treasurer) Bill 2020, or the "second bill", which makes amendments to legislation administered by the Treasurer.

The second bill makes a number of amendment to the Government Sector Finance Act 2018. The second bill clarifies the circumstances in which the Treasurer is authorised to issue certificates confirming variations in appropriations for Commonwealth specific purpose payments. On 20 March 2020 the New South Wales Government announced that the 2020-21 New South Wales budget would be deferred, consistent with the Commonwealth budget and other Australian jurisdictions. The second bill also amends the Government Sector Finance Act 2018 to allow for this deferral of the 2020-21 New South Wales budget from June until no later than 31 December 2020, or a day prescribed by regulation. This allows the Government to allocate resources based on a more complete picture of the impact of COVID-19 on the State's fiscal and economic position.

To ensure agency funding is available until the budget is tabled, the second bill amends the Act to extend the ability of the Treasurer to authorise payments from the Consolidated Fund on the lapse of appropriations made by the 2019-20 budget (subject to a cap of 75 per cent of the amount previously appropriated) and, with the Governor's approval, to authorise payments out of the Consolidated Fund for exigencies of government resulting from the COVID-19 pandemic until the 2020-21 budget is enacted. This allows the Treasurer greater flexibility to use funds received late in the financial year from the Commonwealth in the next financial year. The second bill also makes a number of amendments to Treasurer, Minister and agency reporting deadlines to align with the deferred 2020-21 New South Wales budget.

The Government Sector Finance Act 2018 is also amended to "modify" the annual reporting obligations of the Public Finance and Audit Act 1983, the Annual Reports (Statutory Bodies) Act 1984 and the Annual Reports (Departments) Act 1985. Specifically, the second bill will extend the period for departments and statutory bodies to prepare financial and annual reports for the 2019-20 reporting period, enabling agencies more time to prepare these reports as a result of the impacts of COVID-19 pandemic. Where these amendments defer the legally required end date for certain reporting requirements, NSW Treasury will continue to work with the sector to deliver these requirements as soon as practicable. The second bill includes amendments to the Payroll Tax Act 2007 to provide a payroll tax exemption for "additional wages" that are paid to employees to satisfy the wage condition for the Commonwealth's JobKeeper scheme.

"Additional wages" include wages for workers who have been stood down but are receiving a wage subsidised by the JobKeeper scheme. The full $1,500 fortnightly wages would be exempt from payroll tax. In the case of employees who earn less than the amount of the JobKeeper payment, the extra amount paid to reach the $1,500 wage condition will be considered additional wages and be exempt from payroll tax. This additional payroll tax relief will help keep people in jobs and support businesses who sign up to the Commonwealth's Job Keeper scheme, by ensuring they do not have extra out-of-pocket costs in passing on the JobKeeper payments. Many of the 38,000 businesses that pay payroll tax in New South Wales are expected to benefit from this exemption over the six months the JobKeeper scheme is scheduled to operate.

The second bill amends the Public Finance and Audit Act 1983 to enable the Treasurer flexibility in relation to tabling or publication of certain reports during the 2019-20 and 2020-21 reporting period for the New South Wales Government. These amendments provide planned relief for certain departments and statutory bodies from financial reporting requirements for the 2019-20 reporting period. This includes certain small agencies, Crown land managers, special purpose staff agencies and retained State interests. This relief will produce sector-wide time savings, which is particularly crucial in the current circumstances. I turn finally to the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Bill 2020, or the "third bill", which includes amendments to legislation administered by other Cabinet colleagues.

The third bill includes amendments to the Annual Holidays Act 1944 to permit the cashing out and taking of annual leave for employees in the local government sector at half pay or double pay, subject to conditions. Local government sector employees derive their annual leave entitlement from the Annual Holidays Act 1994, which prohibits the cashing out of annual leave, except in very limited circumstances. This amendment would mean all local government sector employees would have a statutory right to cash out their annual leave subject to conditions in the regulations. The third bill will amend the Associations Incorporation Act 2009 to allow charities and not-for-profits to conduct meetings using technology, and for members to vote on resolutions via post or electronic means, even if their constitutions either don't allow or don't specifically provide for this.

The third bill will amend the Biodiversity Conservation Act 2016 to allow authorised officers to authorise a person who the officer suspects on reasonable grounds has knowledge about a certain matter to answer questions about the matter using an audio link or audio visual link. This will help ensure that investigations and interviews can be conducted during the pandemic in compliance with social distancing practices. The third bill also makes equivalent amendments to the Crown Land Management Act 2016, Environmental Planning and Assessment Act 1979, Fisheries Management Act 1994, Mining Act 1992, Protection of the Environment Operations Act 1997 and Water Management Act 2000.

Section 9 of the Children (Community Service Orders) Act 1987 requires that, before imposing a community service order, the Children's Court must be satisfied that there is community service work available, having regard to a report from a Youth Justice officer that outlines the availability and suitability of that work for a young person to do. The third bill will amend the Act to enable the Court, where a community service order would be appropriate, but for COVID-19 restrictions affecting the availability of suitable work, to make a community service order if satisfied that work will become available during the term of the order. This change will allow greater flexibility for the Children's Court, and will ensure that community service orders continue to be available as a sentencing option during the pandemic. The third bill amends section14 of that Act.

Section 14 (1) requires a young person to present themselves at a nominated place to commence their community service. In practice, this generally takes place at a Youth Justice community office. The amendment will make it clear that, during the COVID-19 pandemic, a young person may to report a Youth Justice officer via telephone or AVL for the purposes of section 14 (1). These amendments have a sunset period of six months from commencement of the First Emergency Act, with the ability to extend this sunset period by regulation for a total period of 12 months from the commencement of that Act. The third bill amends the Children's Guardian Act 2019 to extend the operation of existing regulations made under the Adoption Act 2000, Children and Young Persons

(Care and Protection) Act 1998, Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Ombudsman Act 1974 from 30 June 2020 to 1 March 2021.

The Children's Guardian Act 2019 consolidated and expanded upon the functions of the Children's Guardian, which were previously spread across several Acts and their regulations. The savings and transitional provisions of the Children's Guardian Act 2019 provide for existing regulations to continue operating until 30 June 2020, with the intention that they would be replaced before that date by a new Children's Guardian regulation. Due to current circumstances and competing priorities, key stakeholders are not currently able to meaningfully engage in such a consultation process. Extending the operation of the existing regulations until 1 March 2021 will ensure that the Children's Guardian Regulation can be developed with appropriate regard given to stakeholders' views.

The third bill will insert a temporary regulation-making power into the Community Land Management Act 1989, which will allow for regulations to be made to assist community land schemes to manage and fulfil their functions during the pandemic. The temporary powers will be subject to an automatic six months sunset clause and enable the regulations to override a limited set of provisions of the Act for that limited period. This will ensure that, as necessary, provision can be made for schemes to carry out essential functions during the pandemic in a way that is compliant with public health orders and social distancing. By way of example, the powers would allow for regulations to be made to allow for meetings and voting to be conducted remotely, rather than other than in person, or for statutory time periods within which certain actions must be taken to be extended.

The third bill amends the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 to remove the legislated 20-week wait period for payment of entitlements to contract cleaning workers upon leaving the industry. This measure will assist workers facing financial hardship due to COVID-19, and will apply for six months. The benefits that will be paid to these workers under this measure have already been costed in the estimate of future liabilities, and can be met from within the Contract Cleaning Industry Fund. The proposal carries no additional costs. While the amendment is not retrospective, the Long Service Corporation will be able to assist those workers who have already lost their jobs to lodge a fresh claim for long service benefits in order to remove the 20 week wait time.

The third bill amends the Crimes (Administration of Sentences) Act 1999 [the CAS Act] to provide the State Parole Authority [the Authority] with the power to make parole orders for offenders sentenced to 3 years imprisonment or less with a non-parole period in two scenarios: first, where the offender's statutory parole order has been revoked; and, second, where a parole order made by the Authority under this power has been revoked. The Authority will exercise this power in the same way it makes parole decisions for an offender sentenced to over three years' imprisonment where a non-parole period has been set. Notably, this means that the same community safety test, which requires the Authority to be satisfied that releasing an offender on parole is in the interests of the safety of the community, will apply for any consideration of parole under this new power. It also means that these offenders will be subject to the annual review provisions and the Authority will be able to consider parole for these offenders under circumstances that constitute manifest injustice.

Offenders who are released under the is power will be subject to the standard conditions of parole as well as any conditions the Authority considers appropriate. If the Authority determines it is not in the interests of community safety to release an offender on parole, the offender will remain in custody. The amendment will have retrospect effect to validate anything done or omitted to be done by the Authority under the previous assumption that the Authority's power operated in this way. The Parole Legislation Amendment Act 2017, which commenced on 26 February 2018, may have unintentionally removed the Authority's ability to make parole orders for these offenders and it is appropriate to ensure that the Authority retains this power, particularly in light of the impact of the COVID-19 pandemic.

The amendment will only validate decisions if they would have been validly made under these amendments. This will provide certainty to offenders who were granted parole following commencement of the 2017 parole reforms and prior to these amendments without compromising community safety.

The third bill amends the Electricity Supply Act 1995 to reconstitute the Energy Savings Scheme as the energy security safeguard by creating a regulation-making power to establish schemes that encourage the consumption, contracting or supply of energy in particular ways. The Energy Savings Scheme supports about 1,600 jobs in the energy efficiency industry and projects under the existing scheme are expected to deliver about $5.6 billion in energy bill savings for households and businesses. It is of critical importance during these uncertain times to provide confidence to the energy industry and their employees and support them to access new business opportunities on the other side of the pandemic. One of the first schemes intended to be established is a peak demand reduction scheme that supports the rollout of smart appliances, storage and equipment that helps households and businesses to use or store energy at times when it is cheap.

The Government will also investigate such other schemes that are consistent with the object of the safeguard, especially those that support the COVID-19 economic recovery. The regulation-making power will expire on 31 December 2021.

The third bill amends the Environmental Planning and Assessment Act 1979 to extend the dates upon which consents for development would otherwise have lapsed to at least five years from the date that consent was granted. This will help support businesses and land owners whose businesses may be shutdown, or who are facing difficulties in securing development finance, materials and labour during the COVID-19 pandemic to undertake approved developments once economic conditions have improved. Where property owners who rely on existing and continuing use rights have been forced to cease using their property, the bill also allows the use to be abandoned for up to three years, enabling businesses to recommence once the pandemic has passed. The third bill doubles the period for lodging merit appeals on development application decisions. This will extend the appeal period to 12 months for applicants and to 56 days for objectors.

The third bill introduces new provisions to the development contributions regime to encourage councils and developers to invest in critical local infrastructure and to help manage cash flows. The amendments will allow the Minister for Planning and Public Spaces to make directions allowing local infrastructure contributions to be pooled both within and across contributions plans, and specifying when contributions are to be paid by developers. The third bill will amend the Fair Trading Act 1987 to specify which pecuniary penalties in the Australian Consumer Law apply to a contravention of proposed section 47A and section 47B of the Fair Trading Act 1987, which are being inserted by schedule 1.1 [3] of the Fair Trading Legislation Amendment (Reform) Act 2018.

The third bill will amend the Fair Trading Legislation Amendment (Reform) Act 2018 to prevent the automatic commencement of schedules 2.13, 4.1 and 4.2 [2] of the Fair Trading Legislation Amendment (Reform) Act 2018. These schedules insert new

provisions into the Home Building Act 1989 and the Surveying and Spatial Information Act 2002 relating to the terms of authorities, licences, registrations and certificates (the relevant authorities), and the periods within which the relevant authorities may be restored, under those Acts; and the amount of the fee that must accompany an application for the continuation of particular relevant authorities. The amendments instead provide for those schedules to commence on a day or days to be appointed by proclamation to enable the registration system to be updated to facilitate the new terms.

The third bill will amend the Human Tissue Act 1983 to allow lawfully removed tissue to be used for testing, research, analysis or investigation relating to COVID-19 without written consent, if approved by the Health secretary. This will allow NSW Health to use retained blood samples for testing, research, analysis or investigation into community members' levels of antibodies to COVID-19, as necessary, where it would not be practicable to obtain donors' consent. The third bill will amend the Industrial Relations Act 1996 to include a time-limited regulation-making power to allow time periods relating to elections to be modified. The exercise of this regulation-making power must be with the consent of the Electoral Commissioner and in response to the public health emergency caused by COVID-19. This measure will ensure that, if elections are delayed because of COVID-19, the period within which elections of officers in industrial organisations must be conducted can be extended.

The third bill amends the Interpretation Act 1987 to create a regulation-making power to enable all time periods contained in any Act to be extended, suspended or otherwise modified during the public health emergency. It also extends all existing powers to modify or waive time periods to include the power to take action on the ground that it is reasonable to do so for the purpose of responding to the public health emergency caused by the COVID-19 pandemic. Most limitation and other time periods continue to apply across all New South Wales legislation. However, if emergency and social distancing measures delay or suspend processes and procedures, these provisions will allow the Government to respond more quickly and flexibly if it becomes difficult for action to be taken within prescribed time periods. These amendments are subject to sunset clauses, and any regulations made under the powers may only be made for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.

Furthermore, a regulation to modify time periods may only be made if Parliament is not sitting, and is not likely sit within two weeks, due to the COVID-19 pandemic or the response to it. The third bill will repeal the Landlord and Tenant Regulation 2015. The third bill makes a number of amendments to the Local Government Act 1993. The third bill will allow Local Councils to "catch up on" any shortfall in general income (if they have not taken the full rate peg increase) over a ten-year, rather than two-year, period. The bill will also modify the Minister for Local Government's existing powers to cap councils' general income, so that it can be expressed as a dollar value, or based on the income from a previous year. Currently, capping orders must be expressed in percentage terms. This change will also continue beyond the pandemic period. The third bill will provide that councils cannot commence debt recovery for unpaid rates or charges unless they have first considered whether: the payment of the rate or charge could be made in instalments or by way of some other financial arrangement; the person should be referred to a financial counsellor; mediation or alternative dispute resolution should be attempted first; and interest on the unpaid amount should be deferred or waived.

This change will be limited to the pandemic period. The third bill will also prohibit councils from entering into new contracts for improvements to their administrative buildings during the pandemic. Emergency works can still go ahead, and regulations can be made to set out exemptions to the ban. The third bill amends the Long Service Leave Act 1955 to allow for accrued long service leave to be taken over multiple periods of not less than one day during a prescribed period. Further amendments will be made to the Long Service Leave Act 1955 to clarify that a worker will continue to accrue long service for the period they are stood down by their employer due to the COVID-19 pandemic. I acknowledge the Hon Adam Searle, MLC, for raising this amendment. This will mean that during a stand-down period an employee remains employed and subject to their contract of employment where they remain ready, willing and able to perform work. If the employment relationship has not ceased, then a stand-down period will not disturb the continuous service of an employee and the period will count towards the calculation of long service leave.

The third bill will amend the Mental Health Act 2007 to allow the required examinations of patients under section 27 to be conducted via audiovisual link, if necessary as a result of the COVID-19 pandemic, only if the examination can be carried out with sufficient skill or care to enable an opinion about the patient to be formed. The third bill will amend the Private Health Facilities Act 2007 to allow the Health secretary to include additional conditions on a private health facility's licence, if necessary as a result of the COVID-19 pandemic. These additional conditions may include limiting the types of elective surgeries that can be undertaken. This may be necessary to manage resources or coordinate health services to ensure an appropriate supply of personal protective equipment for more serious cases across the entire NSW health system, both public and private, during this crisis.

New property industry reforms under the Property and Stock Agents Act 2002 commenced on 23 March 2020. These reforms introduced a requirement that assistant agents can only hold a certificate of registration for a maximum of 4 years. If they do not obtain a full agent licence by the end of this period, they are prohibited from applying for a certificate of registration again for 12 months. The third bill will amend the Property and Stock Agents Act 2002 to provide that, despite this general prohibition, an application for a certificate of registration may be made if: The application is made within one year after the reforms commencing; and The applicant previously held a certificate that expired or was cancelled within one year before the commencement of the reforms. This will ensure that people who were the equivalent of assistant agents prior to the reforms commencing, but have inadvertently let their certificate lapse in the year prior to the reforms, are able to transition to the new regulatory arrangements as planned.

The third bill will make a number of minor amendments to the Public Health Act 2010. Although not exclusively related to the COVID-19 pandemic, they will help enhance the way our Health services can deal with pandemic situations. The third bill will amend section 62 to allow public health orders to require a person who has, or has been exposed to, a category 4 or 5 medical condition, including COVID-19, to undergo testing or an examination. This will ensure that individuals' infection status can be confirmed, risks to public health can be better managed, and appropriate treatment plans can be devised. Section 62 is currently subject to a statutory review, as required by section 136. Following concerns raised by the member for Sydney, Mr Alex Greenwich, and stakeholders, I can reassure the House that should the proposed amendment to section 62 pass the Parliament, it will be considered as part of the review.

The third bill will amend section 98 to allow the Health secretary to approve classes of persons who can disclose information to a health record linkage organisation for the purpose of a public health register. The third bill will insert a new section 129A to require the Registrar of Births, Deaths and Marriages to notify the Health secretary of all deaths, not just those relating to scheduled medical conditions, to help identify clusters of incidents that may not otherwise be readily associated. The third bill will amend the Registered Clubs Act 1976 to include a time-limited regulation-making power to allow time periods relating to elections to be

modified. The exercise of this regulation-making power must be with the consent of the Electoral Commissioner and in response to the public health emergency caused by COVID-19. This measure will ensure that, if elections are delayed because of COVID-19, the period within which elections for the governing body of a club must be conducted can be extended.

The third bill will expand earlier temporary emergency measures under the Residential Tenancies Act 2010 to allow tenants who are in financial hardship due to COVID-19 to apply to end a fixed-term agreement. The provisions allow a tenant to apply to NCAT to end a fixed-term agreement where a landlord has failed to engage in a rent negotiation process, or where the landlord and tenant are not able to agree on new arrangements that would avoid financial hardship to the tenant. If NCAT issues a termination order, the tenant will be required to pay two weeks rent to the landlord as compensation for the early termination of the agreement. The third bill amends the Residential Tenancies Act 2010 with the effect that Landlord and Tenant Regulation 2015 continues to apply to prescribed premises to which the repealed Landlord and Tenant (Amendment) Act 1948 continues to apply. Section 1D of the Landlord and Tenant Act 1899 provides for the repeal of the Landlord and Tenant (Amendment) Act 1948 five years after the commencement of section 1D (which was 29 June 2015).

The third bill makes related definitional updates to the Residential Tenancies Regulation 2019. The third bill will amend the Retirement Villages Act 1989 to permit the Minister for Innovation and Better Regulation to issue orders exempting retirement villages, operators, residents, or the Secretary of the Department of Customer Services from certain requirements under that Act during the COVID-19 pandemic. The Act provides for the administration and operation of retirement villages. This includes rules about in-person meetings, votes conducted by written ballot at in-person meetings and various other requirements which, if adhered to, would be contrary to public health orders and could risk the health of residents. Alternative arrangements which may be suitable in other situations, such as use of AVL, may not be suitable, due to residents' lack of access to or experience with necessary technology.

This amendment will allow orders to be made for limited exemptions to Public Health Order requirements or variations to the requirements of the Act, subject to conditions for the protection of residents and staff, to ensure that villages can continue to operate safely and effectively. The proposal recognises the vulnerability of citizens living in retirement villages. Offence provisions will apply to assist compliance with orders and conditions. The third bill amends the Strata Schemes Management Act 1989 to insert a temporary regulation-making power into the Act to allow regulations to be made to assist strata schemes to manage and fulfil their functions during the pandemic. The temporary power will be subject to an automatic six-month sunset clause and enable the regulations to override a limited set of provisions of the Act for that limited period. This will ensure that necessary provisions can be made for schemes to carry out essential functions during the pandemic in a way that is compliant with public health orders, such as allowing meetings and voting to be conducted remotely.

The third bill will amend the Valuation of Land Act 1916 to exempt the Valuer-General from ascertaining land values for the 1 July 2020 rating year. The exemption will provide the Valuer-General with the discretion not to provide 1 July 2020 land values should restrictions due to the pandemic impact on the ability to determine land values with the required level of confidence. This exemption will allow the 1 July 2019 land value to be used for valuation and land tax legislation for the current year. This will also relieve the Valuer-General of the need to provide updated valuations to the Chief Commissioner of State Revenue under s45 of the Act. The third bill amends the Waste Avoidance and Resource Recovery Act 2001 to provide the Environment Protection Authority with an emergency exemption power during the pandemic, consistent with similar arrangements in other legislation it is responsible for regulating (e.g. the Pesticides Act 1999, Protection of the Environment Operations Act 1997 and Radiation Control Act 1990).

The bill will commence on assent, and provides for transitional arrangements that will ensure action taken under these extraordinary powers remains valid after the sunset period. These measures will help us to continue to evolve, adapt and thrive in these extraordinary times. They will help ensure that Government and other instructions in our society can continue to deliver services to the community and continue operating safely and in accordance with the advice of our health experts. I commend the bill to the House.

Second Reading Debate

The Hon. ADAM SEARLE (16:24:54**):** I lead for the Opposition on what was originally the COV1D-19 Legislation Amendment (Emergency Measures) Bill (No. 2) 2020 but is now, for reasons that are not entirely clear or transparent, broken into three cognate bills: the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020, the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 and the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020. I indicate at the outset that the Opposition will not oppose the bills, but we are not uncritical of some of the measures contained in them. We will move a number of amendments, some of which are directed to things not dealt with in the legislation that we feel ought to be.

For clarity, I flag that the issue of residential tenancies—a matter that was debated on the last occasion—will be again debated. On the last occasion, with some resistance from the Government, we gave the Executive regulation-making power to deal with residential tenancies and retail leases. That power has been used but, in the Opposition's view, inadequately to address the hardship faced by many landlords. The Government proposal will address the concerns of only 16 per cent of landlords and benefit only the tenants of that 16 per cent of landlords, so the matter does need to be revisited.

The resumption of Parliament on this day to deal with these measures has not been achieved without some difficulty. In fact, the Opposition wrote to the Government on 20 April and again on 23 April, seeking not only the recall of Parliament but also the re-establishment of regular sittings of the Parliament and a sitting calendar. I note that the Government has moved to reinstate the sitting calendar. The Opposition also asked that we deal with the building reforms legislation that has been languishing in this Parliament since last year. Those bills were the subject of some partisan dispute about what they did not contain—in particular, the registration of engineers and

other matters. But in recent months there has been, I think, an agreement of a kind reached between the Opposition, the Government and other parties in this Chamber about what shape those reforms should take.

Given that part of the Government's economic strategy to address the pandemic is to fast-track the assessment of a number of projects—infrastructure, commercial buildings, residential dwellings and the like—and given the need to avoid the kind of shoddy work that we saw in Mascot Towers, Opal Towers and other buildings, the Opposition thought it would be prudent for the Parliament to debate those bills this week. The Government did not, but I place on the record my party's understanding that when Parliament resumes in early June, those matters—the registration of engineers, the amendments to the Design and Building Practitioners Bill and the as yet unseen legislation providing the NSW Building Commissioner with powers and real teeth to enforce higher standards—will all be available and tabled and up for debate in the first week on June. I place that understanding on the record.

In response to the Opposition's letter to the Government, we received very short shrift, frankly. I do not blame the Leader of the Government in this place, although he was a co-signatory; another party, who is no longer in the role, may have been responsible. Originally, it was a complete rejection of Parliament resuming regular sittings, save that with health advice the Government would reconsider the matter.

I am glad that we have been able to work with the Government—again, with some difficulty—to achieve a regular sitting pattern to be established. If the Government says it is safe for our children to go back to the classroom and teachers to resume work—acknowledging that health workers and retail workers have been at work all along—how can we as a Parliament not return to our full range of duties. I acknowledge that our work in this place is not the only work members do; there are multiple tasks that members in this place fulfil both in this Chamber and outside of it. I note that committee work has been ongoing.

Whilst the Public Accountability Committee inquiry into the Government's handling of the COVID-19 pandemic has now commenced and held its first hearing—and I thank the Leader of the Government for his agency in ensuring government cooperation with that—it is with some sadness that I note that the Commonwealth Senate established its oversight committee well after we did but managed to commence its hearings earlier. Why? For all the criticisms my side of politics might level at the Morrison Government, it did fully cooperate with the oversight of its upper House. Until the last few weeks—and my criticism is not levelled at the present Leader of the Government—the Government of this State as a whole was reluctant to cooperate with this oversight committee inquiry. That has now been remedied but not without some difficulty. I place those observations on the record as some background to how we came to be here.

One of the important and vital actions the Opposition requested was that, given the expected breadth of the legislation Parliament could be expected to deal with, it would not be unreasonable for the Opposition or indeed the Parliament as a whole to be given the legislation at least a week out. We received the legislation, as did every other member of this and the other place, at 9.19 p.m. on Saturday. Since receipt of the legislation, my shadow ministerial colleagues and I have been working diligently with our opposite numbers in the Government and their staff and agencies to try to understand the full suite of measures being brought to the House and, in the short time frame permitted, to engage with external stakeholders whose members are directly and significantly impacted by the legislation.

We are operating under severe constraints. Given my understanding of all the amendments that not only the Opposition but also other parties and members have proposed, as well as the interaction we have had with the Government, a lot has been achieved in a short space of time. I acknowledge that the Government has taken on board some of the concerns that the Opposition has raised. For example, I raised with the Attorney General concerns we had around long service leave. We were concerned that workers who were stood down without pay should be permitted to accrue long service entitlements while their employment continued but they were not getting paid. I acknowledge that the Government took that on board in the legislation that has been introduced.

I also raised concerns with the Government about the situation facing New South Wales registered trade unions whose elections fall this year. The Electoral Commission has advised them that those elections are unable to be conducted by that body due to COVID-19. It is similar to the situation councils faced when the Electoral Commission was unable to do their elections in September of this year. There was a need to create legislation to defer those elections. I note that in the legislation before the House the Government has a regulation-making power to permit that. I may move an amendment that fine-tunes that and provides a supplementary mechanism but, nevertheless, I acknowledge that the Government has addressed that concern in the legislation. Conversations with the Government about other aspects of the legislation are ongoing. I apprehend that those conversations will continue.

The Parliament must seriously consider this legislation, which will impact the lives of the eight million people we collectively represent. Of course there is huge pressure on us, given that the Government has chosen,

contrary to our expectations and wishes, to resume the Parliament for only one day to deal with these bills. That was, of course, the Government's intention. I acknowledge that this House may deal with not only these bills. This House will proceed to deal with other matters after the discharge of the bills and possibly even tomorrow if we do not deal with all the required matters. But we do need to ensure that this House resumes normal transmission. This week schools have returned and, apparently, beauty salons are once again open. Auctions, open houses and the NRL have all resumed. It is high time this House resumed normal business. There are many questions that need to be answered by the Government. We have had our first question time but there will be more matters that we need to interrogate.

The Public Health Act has proven to be an important tool to respond to the pandemic. We support amendments to ensure that it is fit for purpose to respond to COVID-19. Without knowing the details, it seems to me that at least some of the Government's proposals in the legislation before the House address concerns that the Opposition raised around the Newmarch House issue. We advocated for the Government to use the public health orders power to ensure that Anglicare met the standards that its residents and their families expected when there was a clear failure by the organisation to do so. I note the Federal regulator has stepped in and that the State Government's position is that this is a Federal regulatory matter. Nevertheless, the health care of those residents is a matter for New South Wales. We apprehend that at least some of the amendments may be directed to improve the mechanisms and tools at the disposal of the State government.

By international standards we are in an enviable position. Of course, we owe this success to the community, who have been prepared to disrupt their lives, to seek testing and to sacrifice their freedom in the quest to flatten the curve—the phrase that everyone uses in relation to this matter. The people of New South Wales have risen to the challenge of COVID-19. On behalf of the Opposition, I thank them all. Having met the challenge in locking down, it is important that the community is able to look forward to a path back to a set of lives more like the ones we led before the pandemic. I note the partial lifting of restrictions in the past week or so and that the Premier has flagged the lifting of further restrictions. The community trust in politicians and health and law enforcement officials, and we need to trust in them too.

The community deserves a clear and transparent plan for the State that includes an outline of the stages, the sequencing and information benchmarks and the statistics that will matter most in the coming months. We acknowledge and welcome the Federal Government's outline of a roadmap and note that other States and Territories have followed suit, as has New Zealand. We hope that New South Wales will soon release a roadmap and that the Premier will follow the leadership of her colleagues around the National Cabinet table. By a roadmap, we do not mean only a time line. We understand that it is not about "This will happen in a week; this will happen in a fortnight." We understand that it is related to benchmarks achieved by the community to ensure that restrictions can be lifted safely and in a sustainable way. But we also think that the disclosure of that information to the wider community is necessary to secure their understanding and support.

Several amendments will be moved that will help us prepare for a potential second wave of the pandemic, including further changes to the Human Tissue Act to allow testing, research and investigation and changes to the Private Health Facilities Act to ensure that both public and private hospitals can respond where needed. We acknowledge those changes. The risk of a second wave is real. We all know that 100 years ago it was the second wave of the Spanish flu that was the most dangerous and devastating. It seems that Japan, South Korea and Singapore have overlooked the potential health risk of vulnerable migrant worker communities, which has been a real problem for the whole of their societies. Given our multicultural communities here, that is something we must be very mindful of in providing outreach services and supportive health services.

We understand that the catchcry from the World Health Organization from the beginning has been test, test, test. The Opposition notes that the Government has set ambitious testing targets that have not always been met, but the Opposition would like to understand the Government's roadmap. What is the benchmark of the aspirational number of tests and the sustained number of actual tests per day that will sustain a proper reopening of the economy and more regular interaction? The Opposition needs to understand that.

The legislation makes changes to the economic and budget reporting processes, which my colleague the shadow Treasurer, the Hon. Walt Secord, will address. I will not dwell on those matters except to query page 5 of the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020, clauses 6 and 7 in part 2. Clause 7 appears to me to be as close to being a completely unrestrained blank cheque to government as is possible. I understand these are extraordinary circumstances, but it would be good if the Minister in reply addressed in more detail the need for clause 7. It seems to me to be a novel provision. While the Opposition acknowledges that we are in extraordinary times, the management of this crisis cannot come at the expense of proper budgeting and financial oversight.

The Opposition acknowledges that we are facing an economic crisis but the Government must be transparent with the public about the state of its finances. I am sure the Hon. Walt Secord will address the lack of

an economic statement but the point is that the Opposition knows that more action needs to be taken. We need support for international students and temporary visa workers who have fallen between the cracks in the safety net. The Opposition acknowledges that they are struggling and are barely able to feed themselves. That is a clear and present risk not only for those people but also for the whole of our society. We cannot allow them to suffer.

Sufficient support is needed for tenants and landlords. I floated the idea of a rental hardship fund to relieve the pressure on tenants who are suffering hardship—and the pressure on landlords, 84 per cent of whom are not assisted by the Government. The Opposition also believes there should be grants for local councils that have been forced to shoulder more of the burden of job creation and local maintenance projects. The Opposition also calls for support for some of the worst hit sectors of our society, including those businesses that have been forced to close in fields such as hospitality, arts and entertainment. Much more needs to be done. I could go on.

I turn now to deal with some of the changes floated in relation to the first bill, which is the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020. There is evidence that the audio and audiovisual link [AVL] amendments were inserted by the previous emergency measures legislation on 24 March this year—provisions that are the subject of some controversy. At a practical level the current facilities are clearly not fit for purpose and are not designed for the magnitude of use that is now being required of them—much like the facilities in this Parliament, I dare say. In relation to the AVL access by the District Court and Supreme Court, one senior counsel has described the current system as "an unmitigated shambles". It typically takes many more attempts and over more than an hour to establish a link and sometimes links fail. I understand it was for one of those reasons that the Obeid and Macdonald trial recently was stood over until the end of August—simply because of a technology failure.

A broader group of people experienced those types of problems on the opening day of hearings of the special commission of inquiry into the *Ruby Princess* fiasco. That is a matter of public interest if there ever was one, but there has also been controversy about the requirement for a witness to be cross-examined before the Crown opened its case. The shadow Attorney General has had a practitioner express concern that a complainant giving evidence to court via AVL did so from their lounge room with no court officers of any sort in attendance. The provisions of this bill will amend section 22C of the principal Act and should clarify that the already existing provisions of the Act continue to apply to those proceedings that are now excluded from the new COVID-19 related proceedings. Also in excluded proceedings are the current provisions about ordering a defendant in custody to appear by AVL being extended to defendants not in custody. Non-exclusive criteria that are to be taken into account by courts making these orders are set out. The provisions make clear that presumptions about government witnesses and AVL remain.

The bill also has provisions extending the powers of sheriff's officers when they are assisting other agencies. This has happened from time to time and is happening now. These provisions deal with the fact that sheriff's officers in this context do not have the power of direction, such as directing someone to stay in a room or not enter premises. Provisions for arrest, detention and so on—granted that sheriff's officers were assisting the police with the quarantining of people in New South Wales hotels—seem very sensible. The provisions come into effect when the sheriff is assisting another agency in connection with the COVID-19 related public health order. The provisions are time limited and are only able to be used when there has been agreement between the sheriff, with the approval of the Secretary of the Department of Communities and Justice and the head of other public service agencies. Officers will have the power to enter a room.

Another set of changes relate to the Court Security Act—the simple version of which is that it gives security officers at courthouses the power to require someone to be temperature tested. They are also empowered to ask about the health of people in courthouses. Failure to comply can result in a direction that the person has to leave the court premises. A failure to do so is a criminal offence. Jurors who fail to comply are subject to a referral to the presiding officers. A security officer can require a person with a sign of illness to leave the court premises. The basis for these changes is said to be to recommence jury trials. Granted the chaos and delay in District Court criminal trial lists over a lengthy period, I understand the enthusiasm with which the Government will embrace any resumption of jury trials. If that is set to happen anytime soon, much more will have to be done than just this. One problem that comes to mind is the issue of empanelling a jury and the steps prior to that. It would be necessary to have more than 100 people congregating in response to a jury notice and then other still significantly sized groups go off to different rooms. Letting sheriff's officers take temperatures will not be enough to deal with potential problems in this scenario.

The Criminal Procedure Act will be amended to expand for the emergency period the categories of people who can enter a plea in writing. The expansion of this scheme in present circumstances seems to be sensible. The bill proposes amendment to the Electronic Transactions Act by adding a number of categories to those about which regulations can be made. Section 17 was inserted by the emergency legislation in March and sets out three topics about which regulations can be made. This amendment amends that amendment by adding a range of

categories, including the creation, filing, production and retention of documents or information. The regulation would also be able to modify requirements of personal service of documents and all of these provisions are time limited. In relation to the changes that specifically relate to my portfolio, I have floated changes to the Annual Holidays Act allowing council employees, by agreement between worker and council, to cash out annual leave entitlements to receive money rather than to take leave as long as the worker retains at least four weeks leave entitlement and can take holiday leave at double or half pay on certain conditions.

The Opposition understood that all of the stakeholders in the sector supported this. I understand that maybe some of the local government unions favour further liberalisation of the regime beyond what is encompassed in the government legislation. That is something of which I have only just become aware and the Opposition will need to have further discussions with the Government about that. I acknowledge the changes the Government had made in relation to annual holidays. We have asked the Government to consider amendments to annual holidays reflective of the changes it made to long service leave to ensure that workers stood down without pay during the pandemic will continue to accrue those entitlements. I will continue to have that discussion with the Government. In relation to changes proposed by Minister Kean to the Electricity Supply Act, the truth is that this does not seem to really be a COVID-19 related measure; nor does it seem to be a matter of any emergency. I am not critical of the proposals—the Opposition will support them for reasons I will shortly outline—but the Government is really having a lend if it thinks this is an emergency measure. But I think it is probably a sign that this Parliament is now resuming normal work, and that is a good thing.

Essentially, these measures seek to rebadge and extend the existing Energy Savings Scheme in three ways: extending the closure date from 2025 to 2050; expanding the scope of the scheme or a scheme established by the regulations under the amendments to include demand management and peak response mechanisms, not merely reductions in overall energy use, which is the current focus and limitation of the existing scheme; and, very importantly, it renames it. It is no longer the Energy Savings Scheme; it is the energy security safeguard.

Essentially, the utility of these changes will be that at the moment people can access the scheme where they wish to install equipment that is energy efficient and will lead to a reduction in the use of energy. The Government now seeks to expand this to include demand response mechanisms. In other words, if a person wants to include a battery in conjunction with their solar panels they can, under this scheme, in theory, get rebates for the installation if they agree to a third party managing the demand response. For example, they may have their use of air conditioning curtailed by agreement at certain times of the day. This seems to be a sensible set of measures.

In the planning space there are very significant changes proposed. The short version is this: We know that there are lots of uncertainties occasioned by the pandemic. We know that construction is a long pipeline business, and when it slows down it can be slow to start up again. At the moment if you get a development consent, or deferred commencement, the normal lapsing period is five years. The Government says, "Well, some people may be having some trouble with that. Let's extend it for new approvals during the prescribed period to seven years."

Originally we had thought that the prescribed period was going to be a period from March to September this year, but it is a two-year period. I am not personally cavilling with that proposition from the Government. I understand the reasons behind that decision, but it is a much longer period of time. In that circumstance I do not think this side of the House can support extending the lapsing period for new development consents for a period of seven years. We will move an amendment to address that. But where we do think it is sensible is where a development consent lapses during the prescribed period, there should be an automatic extension of two years. We know that is perhaps needed for those proposals where people just have not been able to get it together to commence construction or to make a substantial commencement—

The Hon. Damien Tudehope: I know it would.

The Hon. ADAM SEARLE: I acknowledge that interjection. We do not object to that measure, although in the usual course we do not favour measures like this, and that is for this reason: we are very concerned about so-called zombie development approvals [DAs]. It is a matter I have spoken to the Minister about and I understand the Minister is giving this some careful consideration. Full declaration: Not too far from my place in the Blue Mountains 30 years or 40 years ago a DA for a crocodile sanctuary was approved. One would think after 30 years or 40 years that DA should have expired, but there is enough commencement to keep this alive. Commencement, as understood by the courts, has been at a very low threshold. It can be clearing a block, putting a few pegs in—you do not actually have to construct anything. It is a very low threshold.

The issue we are very concerned about is the many zombie DAs still in the system. I urge the Minister and this Government to address that in the near future. But we do not disagree with the extension by two years of the lapsing period in the circumstances. We also note the extension of the current six-month period for applicants to lodge an appeal against refusal or deemed refusal of a DA from six months to 12 months. We support that. We

also support extending the current 28-day period for objectors to lodge an appeal against a decision relating to a development application from 28 days to 56 days. We also think extending the current 12-month period after which an existing lawful use is considered abandoned to three years for the prescribed period is also sensible. For example, existing use rights are where you have had a use, maybe it is a small business, and due to the economic conditions the business has had to cease trading—I think the current parlance is "hibernate".

If the hibernation goes on for too long that business operator may lose the existing use rights and then to recommence their business there would be a further barrier to get new approvals. We think that would be unfortunate and we support these measures. We also support the amendment to the Subordinate Legislation Act to postpone the repeal of the Environmental Planning and Assessment Regulation 2000 until March 2022, rather than 1 March 2021. We also support the amendment to a variety of provisions in a variety of Acts to permit compulsory interviews to be conducted remotely. The most obvious examples are in the Environmental Planning and Assessment Act at section 9.23, but there are also equivalent provisions in the Mining Act, the Protection of the Environment Operations Act, the Water Management Act, the Crown Land Management Act, the Biodiversity Conservation Act and the Fisheries Management Act as well.

We think it is sensible where we do not want the usual investigative functions of agencies to be completely compromised by the pandemic. I note that the Government has made a regulation relating to the functions of the planning system, allowing planning panels and the Independent Planning Commission to use modern technological platforms to conduct their business. I understand that the Government had received advice that that was not strictly speaking legally required, but nevertheless, to avoid legal disputation on that point alone, the Government has made the regulation. I note there is a disallowance proposed for that, and if that ever sees the light of day we will address that. Not only for the reasons of the pandemic, but also as technology becomes better, notwithstanding some of the difficulties that we experience with it from time to time, how can we say that those mechanisms cannot or should not be used to facilitate the ordinary, everyday business of government?

We will engage constructively with the Government. We have a range of amendments. Our focus, as always, is on the health and safety of the public and the road map out of the continuing health and economic crisis. The last few months have been some of the hardest that our State has faced. On top of years of drought, there were the bushfires. Some places then experienced floods, and then we have all had to watch the unfolding wave of the pandemic across the planet, even coming to our own shores. Political leaders have asked much of their communities and the communities of this State have responded magnificently. Because of the actions and sacrifices of the people of this State, we have flattened the curve and so far we have avoided the catastrophe of the kind we have seen in Spain, Italy, the United States of America and, of course, Great Britain.

It was almost like watching a train wreck in slow motion. You could see what was happening, you could see what was coming and you could see governments in different parts of the world just not taking it sufficiently seriously. Now their communities are paying the price. That has not happened in this country, we acknowledge that, but people have changed the way they live their lives fundamentally. They have done so willingly and admirably. The restrictions have saved lives, but they have also caused a lot of pain for many—economic pain and social and emotional turmoil for people who are already vulnerable. The additional social isolation, the lack of community and social interaction has taken a profound toll. We understand the need to reopen businesses, reopen the economy and reopen interaction within the community, but it must be sustainable, it must be safe and it must be led by the science. To take the community with us, all of the bases for government decisions should be disclosed.

The Government should trust the people and take them into their confidence. That is why we think Parliament must come together to ease the burden. As we move to unwind restrictions and look towards recovery, we must support everyone across New South Wales, leave no-one exposed, worse off or left out completely. We must leave nobody behind. We have to protect people against a second wave and protect their jobs and businesses from the unfolding economic crisis. We must rebuild our State and our economy better than it was. We stand ready, willing and able to work with the Government and the community to do this. We say to the Government, "Trust us as a partner in this process." I acknowledge that the Government is now reaching out and working with us on the issues in this legislation, but it was too hard a battle in the circumstances for the Government to take our requests and our suggestions seriously. We urge it earnestly to not make that mistake going forward.

Mr DAVID SHOEBRIDGE (16:58:15**):** On behalf of The Greens I contribute to debate on what was the COVID-19 Legislation Amendment (Emergency Measures) Bill (No. 2) 2020 but is now three cognate bills: the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020, the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 and the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020. My colleague Ms Abigail Boyd will take the lead on the Treasurer's bill. I note that we are engaging in social distancing and that we are endeavouring to deal with these matters as quickly as we can, so I will not deal with every single aspect, particularly those matters that we

will address in Committee, including a number of matters on planning, retail and residential leases, and public health. I will go through the most relevant and important features, starting with the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill.

The COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill makes a number of amendments to the Court Security Act such as measures to exclude any potentially sick people, including as jurors, and imposing requirements for temperature checks or thermal imaging scans. It provides that the security officers administering those checks will also have additional power and people can either be refused entry to court premises for a day or required to leave for the remainder of the day—five penalty units are in place for that. It provides a significant amount of oversight, including the safeguards in the Court Security Act and a general oversight by the presiding officers of courts. If a person is required to be in court but is sent home, they will receive a notice that can be used as evidence in any proceedings relating to their non-attendance in court.

The Greens always have concerns about excluding the public from courts. It is a key fundamental of our court system that justice is not only done but is seen to be done, and it happens in public courts. We understand the concerns that many people have about any limiting of access to courts, but we are also in the middle of the pandemic. At this moment we may be thinking that we have got through this pandemic, and hopefully have avoided the terrible loss of life that we have seen in other jurisdictions, but we should acknowledge the public health advice: wherever we are now, the risks of a second wave are very real. We need to be mindful of the devastation—emotional, personal and financial—that would come about from a second wave. In balancing those public health considerations and our views about the administration of justice, we will support the amendments to the Court Security Act.

I make those observations generally in relation to a number of the changes in the Justice portfolio that were brought forward by the Attorney General. We understand the rationale for them and I will not repeat that argument, but they apply generally to those matters. A key change to the Criminal Procedural Act is to allow written pleas from people who are in custody. Obviously we are deeply concerned that some of those pleas may be written and provided without legal advice. We seek some assurance from the Minister as to what checks and balances are in place to ensure that any written plea from an inmate is given with the benefit of legal advice and to ensure that nobody's rights are prejudiced in that way. Obviously a written plea will not contain the same power as there would be in an oral plea but, at a minimum, we would seek advice and comfort from the Government that those pleas will be given with at least the availability of legal advice, even if it is rejected, before those written pleas are accepted.

We note the changes to the Electronic Transactions Act 2000 expanding the regulation-making power in relation to electronic transactions under the COVID-19 legislation amendment emergency measures. It primarily expands the regulation-making power to cover new arrangements that might be needed for the creation, amendment, execution, certification, production, filing or service of a document under the Electronic Transactions Act. In working from home I have witnessed firsthand, with the benefit of my partner, some of the difficulties with exchanging complex financial transactions. This area clearly needs some additional work. It requires ongoing and constant observation. I am grateful that was never the type of law I chose to do—it looks far too complex for me.

As to the changes in the Evidence (Audio and Audio Visual Links) Act 1998, in our initial contributions I outlined our concerns about video evidence and videoconferencing in the courts. It is not and should not be seen as a replacement for attendance in person, and the ability of a court to hear the evidence in a court room. Nevertheless, the amendments are necessary in the circumstances of a public health pandemic. The amendments expand video attendance in court proceedings. There is, however, no consent to having the hearings via audiovisual and audio links, let alone informed consent. It does allow for bail proceedings, and other proceedings that can be expanded in the regulations, to occur via audiovisual link if the court directs or the parties to the proceedings consent. Again, I ask the Minister to indicate what checks and balances are in place to ensure unrepresented litigants give that informed consent when they are agreeing to audiovisual links. What is intended to ensure that people's rights are protected in that regard, especially for those who are not represented?

The bill also provides for other non-bail matters where the proceedings cannot take place by way of audiovisual link, unless the court directs or the parties to the proceedings consent. It also changes the limit so that COVID special provisions under this section only apply if it is in the interest of justice and not inconsistent with health advice. It allows more general consideration to the use of audiovisual links, including considerations such as the efficient use of judicial and administrative resources and any other relevant matter that the party puts before the court. I have never seen a statutory provision that picks up any relevant matter provided by a party; it is a very novel approach.

We were quite troubled by that provision because it appears to be providing little, if any, principle guidance and allows for what might be very idiosyncratic decisions being made in relation to audio and audiovisual links.

There have already been some concerns raised about the very idiosyncratic approaches taken by different judges in different jurisdictions in relation to hearings by affidavit only and hearings by audiovisual links. I am interested to know what, if any, oversight the Attorney General is intending to ensure that we do not get idiosyncratic justice as a result of those amendments. We need a principled approach where we have equal justice for all, not depending on whether they get judge X, Y or Z.

Amendments to the Sheriff Act will allow the sheriff's officers to act as security officers at any public sector agency, subject to a signed agreement with the agency for the purposes of a restricted access premise under the public health orders. As I understand it, this is intended to put sheriff's officers in place of police and the army in relation to restricted premises. It is far preferable to have sheriff's officers, rather than the army and police policing restricted premises. It is hoped this indicates that we will not see the army called out again in this public health crisis and that we would look to have our traditional civilian agencies dealing with public health; not have a militarised response to public health.

Those uniformed sheriffs can direct people to leave premises, remain on premises, go to specific parts of premises or refrain from specified conduct. A first and second direction can be given, but a failure to comply with a second direction can result in a 10 penalty unit fine. The provisions also grant extended powers to sheriff's officers who may enter premises for the purpose of arresting or detaining a person who has failed to comply with a direction. We note again the circumstances in which these powers are given. We note also that there are protections where there are warnings and directions for vulnerable people in the legislation. There is a postponement of a significant number of regulations, some of those are important regulations that require urgent attention. Again, we note that we are in a public health crisis and we understand the rationale for the postponement of the automatic repeal of those regulations.

I turn now to deal with a number of matters in the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020. There a number of changes to the Annual Holidays Act, primarily in relation to the local government sector, which allow local council workers to cash in their accrued annual holiday leave over and above four weeks. It allows workers to also take certain leave at double pay or at half pay. They can either double up the pay and chew into some accrued leave or to take leave for twice as long but at half pay, as long as four weeks is left. We have been consulting on that. We understand that an arrangement was reached between the United Services Union and Local Government NSW in the course of previous award negotiations. I note our very real concerns at allowing the cashing out of annual leave. The Greens are opposed to it in principle. We believe this is a poor precedent to start.

If excessive annual leave balances are being held on the books in local councils—and we understand there are—the answer is to properly deal with annual leave in the first place. Management should put in place arrangements to ensure that staff have adequate replacements so that they can take their leave. The answer is not to buy out annual leave. I would hope that we get a clear commitment from the Government that this will not be used as a precedent in any other part of the public sector or the private sector to go down the path we see in the Fair Work Act. That is taking us towards a very American approach, where people can be paid an often derisory additional amount at the commencement of their employment and they effectively sell out two of their four weeks of annual leave. The Greens think that is a troubling matter and we note our concerns in relation to that.

We note as well the changes to the Children (Community Service Orders) Act, which allow orders to be made even where there is not currently work available but there would have been except for the pandemic, and where the suitable work can be carried out before the end of the relevant maximum period. They also allow a person to present for work via audio or audiovisual link to enable the order to commence. That is obviously necessary to ensure that those community service orders can continue to be part of the framework in dealing with children's justice in this State. The Greens understand the rationale for it and we appreciate it being included in the bill. This House will no doubt remember the significant amount of debate in relation to the Children's Guardian Act. One of the issues was requiring an extended time for transitional arrangements to be put in place. Those transitional arrangements were initially up to June 2020 and the Government is proposing to extend those transitional arrangements to March 2021. With some very preliminary consultation with the sector, we understand that is broadly supported and we support the thrust of those amendments.

Changes are proposed to the contract cleaning industry portable long service leave scheme, providing that a contract cleaner with five years of service who has permanently left the industry can get payment instead of long service leave during the COVID-19 pandemic. Currently the registered worker would only be entitled to this payment if 20 weeks had passed since the worker left the industry and the worker had not been credited with service in the Long Service Corporation workers register for any days during that period. Again, The Greens note our reservations about allowing the cashing out of long service leave. We think long service leave is a fundamentally important industrial right and should provide for a break from work—as in, time off work. However, these are extraordinary circumstances. We understand that a number of unions have sought this kind of

amendment to provide workers with some funds now while they desperately need it. In these very unusual circumstances we will not be opposing it but we note our concerns.

Amendments to the Crimes (Administration of Sentences) Act 1999 will allow for the release on parole of offenders sentenced to less than three years whose non-parole period has been revoked. The parole authority, in granting any potential parole, will also be required to consider releasing an offender on parole at least 60 days before the offender's parole eligibility date, except in the case of an offender whose statutory parole order is revoked prior to release. This must be part of our consideration for dealing with the pandemic. We have dreadfully overcrowded prisons in New South Wales. We have a record prison population and that prison population is especially vulnerable and at risk during the pandemic. Whatever we can do to reduce that risk, provided the safeguards and checks are in place, will be supported by The Greens.

I note the changes to the Electricity Supply Act 1995. Stakeholders raised a significant number of concerns with The Greens about the changes and the creation of the energy security safeguard. I can say that we were grateful for a briefing yesterday from the Minister's office and the department, which allayed many of our concerns in that regard. We note that The energy security safeguard is the Energy Savings Scheme, plus any other schemes that will be created by regulation. The scheme is intended to improve the affordability, reliability and sustainability of energy by providing money to encourage the consumption, contracting or supply of energy in particular ways.

We understand the expanded remit of that scheme, dealing particularly with reducing peak power demand. The current legislative provisions provide a very narrow remit for the existing scheme and these changes will provide greater flexibility for reducing peak energy demand and increasing energy efficiency. The cheapest way to keep power prices down in the future is to reduce peak energy demand because that has enormous savings in the construction, maintenance and operation of new generating capacity in the State. The Greens support the increased flexibility and we support those changes to the Electricity Supply Act.

The two final matters I deal with relate to the Local Government Act and the Long Service Leave Act more generally. The COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020 makes a number of changes to the Local Government Act that The Greens do not oppose, including the catching up of shortfall in general income in the proposed new sections 511 and 511 (1), but I highlight two provisions that that we oppose and will seek to amend and remove from the bill. The first is proposed new section 747AC of the Act, which will ban all expenditure on council administrative buildings above $1 million for the next two years unless it is an emergency or maintenance measure. The Greens have consulted on that measure with groups such as Local Government NSW, many of our Greens councillors and councillors across the State. They, as one, oppose the measure.

If we want to have a construction-led recovery from this terrible pandemic, then why would we be limiting the capacity of councils to spend money on their administrative buildings and construction in their home towns? This is certainly overreach by the Minister for Local Government. It appears the Minister wants to become, effectively, a de facto council authority. The Greens have faith in local councils. We have faith that local councils will make the right decisions. In fact, many local councils have existing arrangements in place—quite detailed ongoing arrangements—for the replacement of their administrative centres and the expansion of other public facilities. Putting this provision in place potentially will prejudice all of those arrangements, costing councils and ratepayers millions of dollars going forward. The Greens will not be supporting it. Unlike this Government, we have faith in local government to make decisions.

The second provision we will oppose is proposed new section 747AD, which allows the Minister to issue orders limiting the capacity of local councils to gather general revenue. Again, The Greens do not believe that it is a positive way forward to substitute a democratically elected council's decision on general revenue with a decision of the local government Minister. Again, we think it is disrespectful of councils. We do not see the cause for it and we have not seen the argument for it. Whilst the argument in relation to council administrative buildings may be that Ray Hadley wants it, we do not believe that that is an appropriate reason to put the measure in place. He is not a Minister and we do not believe the Government should be responding in this way to that kind of provocation. The Greens will oppose both of those provisions.

Lastly, I speak to changes proposed to the Long Service Leave Act 1955. The Government proposes these changes to allow long service leave to be taken with more flexibly in the next six months by statute or 12 months if the period is extended by regulation, allowing single days to be taken rather than the leave being taken in two or three larger parts. The Greens have consulted on this. Again, we note our concerns: long service leave should be for long leave—a decent break after a long period of working for an employer. But we note that a number of unions have said that this may be the only way that some wages can be paid, particularly for small employers that are doing it very, very tough at the moment. Given that it is only for the period contained in the emergency provisions, The Greens will not oppose those amendments. These are long and complex bills. There are many more matters we could address but I note the time. I look forward to the brief discussion in committee.

The Hon. WALT SECORD (17:17:57**):** As shadow Treasurer and shadow Minister for the Arts, I contribute to the second reading debate on the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020, COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 and the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020. My comments will relate mainly to the Treasurer bill. Labor will provide general support; however, we will be moving a variety of amendments to the Treasurer bill in pursuit of transparency and accountability for New South Wales communities, especially in relation to the budget, the half-yearly review and the cancellation of monthly statements. Those financial statements have been provided to New South Wales taxpayers and the community for a generation. In fact, when I was chief of staff to the Treasurer they were often sought after when they were released in the first week of each month. They would give an indication to the community whether the Government was in deficit or had a surplus. The scrapping of that vital information is a complete overreach by the Berejiklian Government. It is simply a bridge too far.

In these uncertain times we have allowed the Government quite a bit of latitude. Labor's amendments to the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 relate to scrutiny and openness of the Government and also make sure that it presents a true state of the economy to the community. For the record, my contribution will be a bit different to that of my colleague and Leader of the Opposition, the Hon. Adam Searle. The time spent in lockdown, living in North Bondi in Sydney's east—the nation's hotspot—was often a time for reflection. Labor's concern about the Berejiklian Government is that it is trying to delay telling the community the true state of economic affairs in New South Wales. It is trying to hide the truth. Before proceeding, I note that on 24 March, when we last debated COVID-19 in this Chamber, I said that I hoped to see all members in September, when we were scheduled to return.

Therefore it is wonderful to see members in the Chamber now we have returned. I know that we have been trying in our own ways to restore and rebuild New South Wales after the health crisis. Let us pray that we are through the worst of the health aspect of the pandemic and that we do not see a deadly second wave like we have seen in many other countries. COVID-19 has turned the entire world on a different axis. After almost 30 years of non-interrupted economic growth, we now see tens of thousands of Australians who never thought they would be unemployed in the dole queue. We see tens of thousands who have never set foot inside a Centrelink, and never thought they would, and they have no idea how to even fill out forms for assistance. We see generations in their late teens and early twenties worry for the first time about their future—about whether they will have a job or if they can afford to attend TAFE or university.

We also see parents in their late thirties who most likely lost jobs during the 2007 global financial crisis now being hit for a second time, but they now have the responsibility of children and mortgage debt. We also see people in their forties worried about whether they can still afford to pay school fees as they often want to send their children to the private system for a religious education. We see an older generation who will now have to work longer than they wanted to out of simple necessity because their superannuation and investments have been greatly reduced. Through our various electorate offices we know of cases throughout the State of elderly people who own a modest investment unit—say, a $550,000 unit—and are relying on that unit to support them in their retirement. Their tenant, through no fault of their own, is now completely unemployed and unable to pay the rent. Neither of them qualify for a program under this Government. This is happening in parts of our State.

Elsewhere, charities are finding that they no longer have the benefactors they used to rely on as those benefactors have had a significant income loss and can no longer give as they used to. As I said earlier, my colleague and Labor spokesperson for family and community services, the Hon. Penny Sharpe, has repeatedly reminded me that COVID-19 means the most vulnerable are even more vulnerable. We must face the fact that far too many families, tenants, landlords, casual workers, carers, small- and medium-size businesses, sole traders and people in the gig economy, hospitality, retail, tourism, arts, culture and entertainment sectors have been impacted by this crisis and have been overlooked by the Berejiklian and Morrison governments. As shadow Minister for the Arts, I know that a whole section of the creative arts community will never return. It has been hit by a double whammy. In many cases people have lost their venue to perform in and they have also lost their hospitality job. They have received nothing from the Berejiklian Government, which I will return to.

I turn to the bill's lack of transparency. I acknowledge the Berejiklian Government released the bill for comment late on Saturday night—at 9.19 p.m. The Premier was effectively embarrassed into disclosing the bill after much public criticism of the lack of transparency. We thank her for providing the bill. I acknowledge that the office of the Treasurer responded to inquiries about Treasury aspects of the bill, especially the timing of the delayed State budget. I hear their argument. Originally they told me that it would be in October and I know from my experience of being chief of staff to a treasurer that a budget is calibrated based on the Federal budget. Now the Federal Government says it is looking at releasing the budget in October, I understand this Government's necessity to delay its budget even further to November.

I am pleased that the Government has accepted Opposition calls for payroll tax exemption on additional payments subsidised by the Commonwealth JobKeeper Payment scheme. I am happy to acknowledge these positive steps because NSW Labor is taking a constructive and bipartisan approach to responding to the COVID crisis. That is what our communities expect and we will deliver when the Government makes it possible. Sadly, there remains a cloak of secrecy surrounding the Berejiklian Government's response to the financial impacts of COVID. Our communities might have changed but the bad habits of the Government remain. My colleague the shadow Minister for Finance and Small Business, the Hon. Daniel Mookhey, and I have repeatedly sought economic briefings from the Treasurer, the finance Minister and Treasury Secretary Michael Pratt, AO, on the state of the economy, especially after the credit rating agency Standard & Poor's revised the outlook of the New South Wales economy from stable to negative. Those requests were ignored.

Those actions are in complete contrast to Canberra. Today in Canberra we saw the Federal Treasurer, Josh Frydenberg, provide an economic update. We did not see that in New South Wales. We asked the Treasurer and the finance Minister to take the opportunity with Parliament coming back today to provide a similar economic statement. We wrote to them twice suggesting they make a statement on the State's finances but the only response we received was on 9 April, when the Treasurer appeared on *Sky News* with Sharri Markson and said that he did not want to give workers the modest 2.5 per cent pay rise. This morning the Premier refused to rule that out. The economic crisis we now have is the result of, and is proportional to, the scale of the health crisis that has preceded it.

As a rule of thumb, economies that handled the health challenge most successfully are those that stand in a better position to recover. So it is directly relevant to our discussion that we acknowledge the response by this Government. While this matter has been canvassed extensively by my colleagues in the Legislative Assembly and by the Leader of the Opposition, I will comment briefly on the Berejiklian Government's response to the COVID crisis. It is an inescapable fact that if the Berejiklian Government had handled the *Ruby Princess* cruise ship crisis properly, there would have been fewer cases and fewer deaths in Australia. Any credit to the New South Wales response must go to the hardworking frontline health and hospital workers—doctors, nurses, paramedics and allied health workers—not the Government. The models of that are all around us.

I point to the leadership in Western Australia, which acted promptly and decisively, protecting its local economy and its local communities, especially the Indigenous community, by locking down its borders. The McGowan Government rightly decided that mining was essential and should continue. I also acknowledge the Victorian, Northern Territory and Queensland governments. They all responded with timely and appropriate stimulus packages. Those jurisdictions are getting back to business and working towards some normalcy. However, my biggest thanks goes to the members of the community who responded to the need to socially distance and do the right thing. I know that not everyone did—I made public remarks about the foolishness at Bondi Beach in March, which are on record. At one point there were almost 281 positive cases in my local suburb.

The vast majority of New South Wales citizens did the right thing. In doing so, they saved lives. They may not know the person whose life they saved, and they may never know that person. But anyone who understands the maths of a pandemic knows that each time a New South Wales citizen decided to do the right thing—to stay home, to follow the rules—they contributed to another citizen being alive today who might not have been otherwise. By contrast, my mother in rural Canada reports to me—I speak to her on an almost daily basis—how easily this virus can get away and tear communities apart. Her community has been devastated. The nearest town of 2,200 has had 24 deaths. In Australia I believe we have had 97 deaths. Thankfully my mother is safe and in lockdown.

The Opposition has also expressed its concerns about New South Wales being the least generous jurisdiction in Australia on a per capita basis. Even the Trump Government was more generous than the Berejiklian Government. Federal Treasurer Josh Frydenberg said that overall Australia is spending 16.4 per cent of the gross national product on stimulus measures. Despite being the highest-taxing State in Australia, New South Wales is the most measly and stingiest in the Commonwealth. I will speak briefly on the 31 March monthly financial statement, which showed that in early April the State had a $320 million surplus. I submit that the surplus came at considerable human cost to the people of New South Wales because the Berejiklian Government ignored huge sections of our community.

While New South Wales stands by and watches its arts and culture sector struggle, Victoria and Queensland have rushed to save arts organisations. New South Wales completely ignored the arts sector. It also ignored the local government sector and did not provide a stimulus infrastructure package, which other jurisdictions did. Finally, whilst COVID has brought out the best in most Australians, it has also brought out the worst in a minority. While the community pulled together, there was an emergence of ugly racism against the Chinese community and bizarre right wing conspiracy theorists targeting the Jewish community.

As an aside, I sincerely hope the Attorney General, Mr Mark Speakman, follows through on his April promise to undertake an investigation into banning the public display of the Nazi flag. In short, in New South Wales and Victoria there were four occasions when the Nazi flag was flown. On a positive note, we have witnessed the best of Australia throughout this disaster. On the street we have waved at and engaged with our neighbours, whom we have seen in various ways over many years but probably have never spoken to before. We spoke to them from safe distances.

Finally, on a personal note, on Sunday, Mother's Day, my spouse finally got to see her grandsons after weeks in isolation, and they got to see their babushka—the Russian word for grandmother. This all occurred from a safe and appropriate distance. A similar story has been repeated in every household across New South Wales and the nation. On an even more personal note, during the COVID lockdown I got to spend more time with my loved one. I confess that I was secretly worried about spending so much time together in a confined area. Yet at the height of COVID, living in the nation's COVID hotspot, Bondi, I discovered that I did not regret a single minute in isolation with her. In fact, I enjoyed our time together. That bodes well for our retirement in many years to come. I hope she feels the same way.

On that note—and I promise this is the final point—I inform the House that during the COVID lockdown I asked Julia to marry me under the chuppah—the Jewish structure or canopy beneath which Jewish marriage ceremonies are performed. She agreed. She has come from the former Soviet Union, where religious ceremonies were banned. We have both lived in Australia for many years. I arrived here almost 32 years ago and she arrived 29 years ago. We will formalise the marriage as soon as I complete my Hebrew lessons and the Darkeinu course at the Emanuel Synagogue. With my ability to grasp new languages, that could take some time and may stretch well into next year. I beg Emanuel Synagogue chief minister Rabbi Jeffrey Kamins and his rabbinical colleagues to show me patience, as language study was never my forte. Admittedly, I am deeply struggling with the Hebrew alphabet and its complex vowel system of dots and dashes. Yes, "Your God shall be my God, and your people shall be my people." Her god shall be my god, and her people shall be my people. In short, I want to be buried next to her in the Jewish section of the cemetery, and I want to pass away first so that I am not in this world without her.

The Hon. Mark Latham: She said yes?

The Hon. WALT SECORD: She did. Perhaps then, this COVID crisis has been a time for soul searching and realising what is truly important. I thank the House for its consideration. The old Walt will be back in the Committee stage.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): On behalf of the House, I offer my congratulations to the Hon. Walt Secord.

The Hon. EMMA HURST (17:34:37**):** On behalf of the Animal Justice Party I speak to thank the Government for the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill and cognate bills before the House. We generally support the bills, but will obviously consider each amendment as it is debated later tonight. I will speak very briefly about the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020. Given these extraordinary times, we believe that the legislative changes proposed are warranted and have been drafted sensibly to ensure that public functions can continue to operate despite COVID-19. However, I highlight one issue that has come to my attention. The bill will create a new section 85 of the Interpretation Act, which will give Ministers the power to modify or suspend limitation periods for Acts they control up to the period of 31 December 2020, subject to some restrictions. This is a sensible amendment, which the Animal Justice Party supports, particularly in respect to offences under the Prevention of Cruelty to Animals Act [POCTAA], controlled by the Minister for Agriculture and Western New South Wales.

A previous draft of the bill identified several environmental Acts the Government was considering increasing the limitation period for, but it left out the Prevention of Cruelty to Animals Act. At present the limitation period for commencing a prosecution under POCTAA is only 12 months. The Animal Justice Party has consulted with RSPCA NSW and the Animal Welfare League—the two charitable organisations primarily responsible for enforcing POCTAA—and note that both are supportive of increasing the limitation period as part of these amendments. It is easy to imagine the kinds of interruptions that COVID-19 may have to the investigation and prosecution of criminal offences, particularly in the case of animal cruelty, where victims are unable to speak or report their mistreatment to the authorities.

We do not want these cases to fall through the cracks and become statute barred as a result of COVID-19 restrictions. Already we know from the two major charitable organisations upholding POCTAA that there has been a drop in reporting during COVID-19. Those reports may come in later and may be affected by the 12 month statute of limitations. I have liaised with Minister Marshall's office on this issue. His staff have indicated that the Minister is open to discussing this matter further and will introduce regulatory and/or legislative changes as

required. I strongly urge the Minister to do this and to ensure that animal cruelty prosecutions are not hindered under COVID-19. We considered moving an amendment to ensure that POCTAA was included in the changes. However, based on the continued discussions with the Minister's office on this particular issue, we will not be.

The Hon. MARK LATHAM (17:37:32**):** Thankfully for New South Wales and the country, today we are meeting in a very different environment from the last time we gathered to consider emergency measures to respond to COVID-19. Last time we met in this place there was the impending fear and doom of the pandemic, major health problems and a substantial number of deaths. Thankfully, Australia has kept up its reputation as a lucky country. There is international speculation among medical scientists as to why some countries have avoided the worst of the pandemic while others have been hit hard. Some of the circumstances are amazing. In the example of Iran and Iraq, which are right next to each other, Iran has open pits to bury people, while Iraq has hardly been affected.

Thankfully, Australia is an island continent with a dispersed population. With some good government decision-making and a responsible citizenry, we have had 100 deaths—while each of them was tragic and regrettable—and have avoided the early predictions of 150,000 deaths. We have avoided the worst of the public health problems. In preparation, 7,500 ventilators were provided in Australia; we are now in a situation where only 15 people are using them. There were 7,000 intensive care unit beds provided, but just 80 people who have the coronavirus are using them. We are indeed a lucky country. Whether it is through good management, our geography or other factors yet to be identified, we have been blessed to come into this Parliament on this occasion in May and realise that just yesterday in New South Wales not a single new infection was reported. The curve has been well and truly flattened.

The perspective of One Nation on this is that a bigger public health problem has now arisen. We are now well past the tipping point where many more people will die from the deep recession than from the virus. Poverty and long-term unemployment is a killer. We saw earlier in the week the prediction of a 50 per cent increase in the Australian suicide rate. We know that poverty and unemployment bring drug and alcohol problems and an increase in the crime rate. The real problem we face now on both the economic and health front is long-term unemployment and a deep recession. I would very much urge the Government to do everything it can in a responsible way to reopen parts of the economy in New South Wales that have not got an infection.

I heard the story on radio this morning of Cobargo, so devastated by the bushfires but not a single coronavirus infection. They want to reopen the pub. The Australian Hotels Association has put forward protocols and biosecurity advice to say that pubs can be safely reopened—so too clubs. I do not understand why for so long people in regional and country New South Wales have been in lockdown when they have not had the infections. They seem to be paying the economic price for problems in the city. I think the Government needs to move faster on this. We need to understand that the greater threat to public health and wellbeing in this State is a deep recession and the prospect of 10 per cent to 15 per cent unemployment.

We are past that tipping point. It is well and truly time for the Government to act according to the advice that has become so clear on the economic and health front. On behalf of One Nation, I join with other speakers to thank our frontline workers—the nurses, doctors, ambos, health staff and carers—who have very much helped people and helped New South Wales avoid the worst of a potential pandemic. I have recognition and sympathy for the police. I think that their public image has waned somewhat given the TV coverage of the law enforcement they have had to undertake. Let us not forget that they were given the almost impossible task of enforcing martial law powers granted by this Parliament to the Executive Government in March and they have had to go out and do that job.

New South Wales police should be congratulated overall for what they have done. They would probably be the first people in this State to hope the martial law powers and health orders no longer exist. Let us not be too hard on the frontline police who by and large have done an outstanding job. I am somewhat inspired by the Hon. Walt Secord and wish to recognise the families of New South Wales who have been able to use the lockdown period productively. I have sympathy for the families for whom it has not been easy, where there has been a loss of work or a business and people have suffered. We have to recognise that millions of families in New South Wales have taken this quieter, peaceful, more stable time in their life to get closer to family, to share family love and to enjoy the benefits of nuclear family in particular, which remains the backbone of our society.

I am delighted to hear that Walt's bride-to-be said yes, and that love has found its true way into the heart of the Secord family. That is true of families right across New South Wales. We should congratulate them and be mindful of the fact that there were predictions at the beginning of this period of a domestic violence pandemic. Some of the alarmists said that there would be a second pandemic—that if men are locked down in houses with women, domestic violence would go through the roof. The Government even allocated some resources after listening to those so-called advocacy groups. The statistics are now in. The Bureau of Crime Statistics and Research recognised that in the second half of March, the period of lockdown, there was no increase in domestic

violence in New South Wales. Just last weekend the police commissioner said that there were 214 fewer domestic assaults in April 2020 than in April 2019.

Domestic violence incidents reported to New South Wales police have dropped. So far from men being bashers, men in New South Wales are protectors. I have made this point previously: 99 per cent of men are good men and their natural instinct is to protect their loved ones, protect their families. We saw that during the bushfire period and we have seen it again here. There has not been a plague of domestic violence—the numbers dropped in April. That is a great credit to men, their loved ones, their families and everyone in New South Wales who has enjoyed a quieter and more peaceful life during the lockdown and the love that comes with it. It is a magnificent thing and I think it should be recognised in these extraordinary circumstances.

I note there has been a drop in overall violent assaults in New South Wales. We have been a steadier more peaceful society. Maybe that is a product of pubs and hotels being closed. It emphasises the importance of responsible drinking. Out of this period—which has been an amazing social experiment, to lock so many people in their homes—we have found out more about who we are as a State and more about our society, our strengths and weaknesses. Those lessons can be carried forward into the future and these bills are part of that process. They carry the lessons forward, but not in a very satisfactory manner.

One Nation has three types of objections to the cognate bills before the House. The first category is that the bills are ill-conceived. They have not been thought through and I will talk about those problems when we move our amendments during the Committee stage. The second category is the measures that are being rushed through here that are irrelevant to COVID-19. A whole set of these provisions have nothing to do with the health or economic issues facing New South Wales. The third category, where Ministers have put forward proposals that should not be in this format, are those that are plainly not urgent or are not part of any emergency. As I said, we will be pointing those out in the Committee stage when we move our circulated amendments.

I turn now to some of the details in the bills. There are many problems with the legislation, including provisions that should have been dealt with differently in a more careful and thorough manner. In fact, they could be postponed to the sittings starting on 2 June—just weeks away. For example, one of them is the Attorney General's bill at schedule 1.1. A new system is being set up where security officers are to monitor people as they come to the front door of our courts. They will take people's temperature. They will make an assessment about a cough or a runny nose, a sore throat, shortness of breath, loss of taste or smell. What medical qualifications have those security officers got? They are not even the sheriffs who currently work in the courts. The people coming through the front door—be they jurors, witnesses, legal practitioners, a support person or a party to the proceedings—will be greeted by security officers who have not got the medical qualifications to make an assessment about different conditions with regard to coronavirus. I find that extraordinary.

Earlier today every member of this House had their temperature checked and the memo that went out about that said those tests would be conducted by first aid officers qualified in virus control. We had medically qualified people taking our temperature. If anyone had a high temperature, they were asked questions about a cough, a runny nose or a sore throat. I cannot believe that that standard will not be applied to all the major public buildings in New South Wales. Who are the security officers? Why have they not had any first aid or virus detection training? What does it mean? It opens the scenario for an accused people to say, "I have a cough, a sore throat, a loss of taste or smell" and then being turned away from a court. Is that not an obvious thing for accused people to say when they are greeted by unqualified people at the front of a court house? What about those who come in the back door—the staff and the judicial officers? They are not going to be subject to any of these tests. It seems to be a half-baked, half thought through initiative of the Government.

The circumstance of accused people saying things that no security officer could measure effectively about a sore throat or a loss of taste or smell is also unfair to the victims. They could be sitting in the courtroom waiting for their matter to be heard only to be told, "Oh, no, he said he had a sore throat. We had to turn him away. Come back in a couple of months' time." That is no way to run the New South Wales court system. One Nation opposes this provision. The better way is for everyone in the court house—the staff, judicial officers and all the categories through the front door—to be tested by people with some medical qualification, like we were earlier today at Parliament House. That should be the standard in all the major public buildings. This will open up all sorts of problems. It is well know that organised crime, bikie gangs, have tactics that involve bribery and passing money around. These security officers will be susceptible to those members of organised crime who want to keep certain people out of court houses. The Attorney General needs to go back to the drawing board. We cannot support the way in which this provision has been drafted.

I turn now to address the miscellaneous provisions—the real lottery provisions thrown together in the third bill—which I regard as an abomination. It is labelled the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020 but many of its provisions have nothing to do with the virus. For example, in schedule 1.10 [1] Minister Kean has submitted a new so-called energy security safeguard that runs through to

the year 2050. That has been drawn from the electricity strategy, which he released six months ago, and will have huge powers by way of regulation to create a new energy policy for New South Wales. As a Chamber we must ask the obvious question: If the Minister announced this policy in his electricity strategy in November 2019, why is it urgent now? The Minister has had six months in which to put together a standalone bill to be passed by Parliament in the normal fashion—subject to scrutiny, committee processes and report.

There was nothing urgent about it until the Minister saw a chance to slip it into the middle of a bill labelled coronavirus emergency and thought he could get it passed without anyone noticing. It is not urgent. It is not related to the virus. Quite frankly, it is an abuse of the processes of this Chamber. All members would be silly to let it pass through and encourage Ministers to make further attempts to abuse parliamentary process. Perhaps the Minister for Energy and Environment and other Cabinet Ministers are enthused that last time we were here Labor just passed through every measure, until the very last matters relating to landlords and tenants. Maybe they thought that Labor would do that again, so they thought they could slip anything into this legislation, even though it has nothing to do with the virus or the economy and nothing to do with emergency.

Minister Kean announced this safeguard policy six months ago in the electricity strategy. It is not urgent and it has nothing to do with the coronavirus. Rushing a proposal through that is not an emergency and not urgent is a shameless attempt to treat this Chamber as a joke and to avoid proper scrutiny. Minister Kean is attempting to put in place a 30-year policy. How long is the coronavirus going to last? Minister Kean is attempting to include in COVID-19 legislation a policy that will stretch through until 2050. It is nonsensical in the extreme. Shamefully, none of this has been mentioned in the explanatory notes. If Minister Kean was honest with the Chamber he would have said, "I announced this in November. Here is what I said in the policy document and that is what I am trying to have legislated today." The policy document—the *NSW Electricity Strategy*—states on page 12:

> a. an energy efficiency scheme – that will run until 2050,—

so there is no emergency there—

> and include a more ambitious energy savings target and support technologies that—

and here is the clanger—

> reduce the consumption of electricity or gas from the wholesale market.

We are in a deep recession. The objective of policy is not to reduce the consumption of electricity or gas; it is to increase it. We do not want to walk past shopfronts that are blacked out because there are no display lights. We want them to use their electricity, to be productive and employ people.

We do not want to see pubs and clubs close and manufacturing businesses not using gas. We want people to spark up the gas and get their restaurants, cafes, clubs, pubs and their manufacturing businesses going by using the State's natural resources. The whole objective in a deep recession is to increase the use of power because that will help to employ more people. Minister Kean's objective is counterintuitive. It is ridiculous. He wants to reduce the consumption of electricity or gas. What has happened over the past couple of months? The level of consumption has gone through the floor—straight through to the basement. Of course it has, because so many businesses have closed down. It is ridiculous to try to legislate the safeguard at this point in time. The policy announcement goes on to state:

> b. a demand reduction scheme – a new scheme to support technologies like batteries that can shift demand away from peak periods.

It is a renewable energy policy supported by unproven battery storage technology. How do we know it is unproven? In our own country Elon Musk said, amidst much fanfare, that he was building the world's largest storage battery in South Australia. To use a New South Wales equivalent, it would power up the Tomago Aluminium smelter for all of eight minutes. The head of AGL Energy, Brett Redman, said that if we want 100 per cent renewable energy in Australia supported by battery storage, we would need to take 350,000 shipping containers full to the roof of batteries. If the batteries were laid out end to end, they would stretch from Sydney to Perth and into the Indian Ocean.

In this debate we have been told about renewable energy and to follow the science. I am afraid that this is science fiction. It is not going to happen. What the Minister is seeking here is for the Parliament to delegate power for him to use regulations to create an environment in which the technology is not proven. We do not know if this is the best expenditure of public funds and we do not even know what it will cost. There is no costing in the bill. No source of funding is identified. This proposal is a stab in the dark and, more than that, I think it is a sneaky attempt to put through a whole change in energy policy under the cover of the COVID-19 emergency. It is wrong in process, it is wrong in content and it is wrong in principle.

I must say that that proposal has very much raised the ire of One Nation in New South Wales. We think this is so wrong on every front that we will seek to have it deleted at the Committee stage. One Nation members very much urge the Government to rethink this. Is it really government policy in a recession to reduce electricity and gas consumption? You have got to be kidding me. Who would do that? I urge the Minister in charge of the bill in this House, Minister Tudehope, to withdraw the legislation and seriously rethink its content and ramifications for economic policy in New South Wales. In the third bill—the miscellaneous matters have been thrown together randomly—One Nation members share some of the concerns expressed by The Greens in relation to the local government provisions. Who in local government or in the Minister's office came up with the idea that stopping major construction projects is a good thing to do in a recession? Really? There are some councils that over-build their administration centres—the Taj Mahal syndrome—but a job is a job is a job.

The Hon. Shayne Mallard: Liverpool.

The Hon. MARK LATHAM: The Liverpool City Council burned it down and then blamed me. I was totally innocent. I accept the interjection by the Hon. Shayne Mallard, who worked at the great Liverpool council long after I had gone and he knows the history of that. But that was not an example of a Taj Mahal by any means, in the construction or the burning.

The Hon. Adam Searle: That's your story and you're sticking to it.

The Hon. MARK LATHAM: I have many alibis, as the Hon. Adam Searle knows, and I am sticking to all of those. But the serious point is that if a council has determined that its old building is a fire trap, it is ramshackle and falling apart and it has legitimate plans to rebuild the council chambers costing over a million dollars that will create jobs in their municipality, why would the State Government stand in the way of that? If a council is prevented from doing that, the council instead will decide to keep the money in the bank and, when the crisis lifts a couple of years from now, they will proceed with the construction of the building at that stage. The State Government's heavy-handed and unnecessary measure will defer economic growth and jobs.

I believe the same can be said for the provision relating to decreasing rates. The proposition is that we decrease the rates this year and claw them back later on. That is not very good for the stability of business costs. Of course, next year being a local government elections year, we know what the trick will be: Everyone who is seeking re-election will cut the rates leading up to the election and increase them straight after the election. The Hon. Walt Secord is laughing because he knows that that is the advice he would give. That is an obvious political tactic but it is not good policy and it is not good practice. Let us leave local government alone. They have been elected and there will be local government elections next year at which councils will be answerable to their ratepayers and residents. I think someone took a call from the local government Minister who said, "Look, we can get something through here. What have you got in the bottom drawer? Yank it out." That is typical of so many of the provisions in the bill.

The Government has rushed this legislation and has not thought it through. Members of this House should not be mugs by just passing these measures. Some measures in the legislation are legitimate and I will point those out at various stages of the debate, but those that are not legitimate should be deleted and we should tell the Government to go back to the drawing board.

Reverend the Hon. FRED NILE (17:57:26**):** On behalf of the Christian Democratic Party I support the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020, the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 and the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020 which amends 34 Acts. We are all aware of the impact of the coronavirus on the world's population, including what has happened in our State. According to the most recent figures from international medical reporting authorities to date, 4.17 million people have been infected with the coronavirus globally and 285,000 people have died. Members of the Christian Democratic Party express our sympathy to all the families who have lost loved ones, and we are pleased that 1.45 million people who were infected with the coronavirus have recovered. We give thanks to the medical teams—doctors, nurses and others—who have worked so hard to bring about those recoveries so that their patients can once again experience life.

In Australia, 6,927 confirmed cases of coronavirus have been recorded whereas 635 patients have recovered. Only 97 deaths have occurred. Again, we express our sympathy to their families for those losses. On those figures nationally, Australia—and New South Wales in particular—is doing much better than the global average. Australian fatalities are far lower and the rate of recovery appears to be much higher than in other places in the world. Nevertheless, our State is carrying the bulk of the national burden. According to the most recent figures published by NSW Health, our State accounts for 3,053 coronavirus cases. There have been 2,543 recoveries and—we are very pleased—only 46 deaths. Again, we express our sympathy to the families who have lost loved ones. Among those deaths were also two Queenslanders who passed away in New South Wales.

In New South Wales, 315,770 people have been tested for coronavirus and a vast majority of those—315,117—have been cleared, for which we thank God. Those cleared can resume their normal lives. As I have said, that is no doubt a testament to the hard work that government agencies, our hospitals, nurses, doctors and the medical profession have been doing to mitigate the impact of the pandemic and deal with the outbreak. The three bills seek to give effect to further provisions which will allow the authorities to deal with the current pandemic. I congratulate the Attorney General. I had the opportunity of listening to his speech introducing his bill in the other place. The bills have many practical provisions, which is the reason the Christian Democratic Party supports the legislation. I congratulate the Treasurer on the very practical benefits that his bill contains. We are dealing with an emergency—that is why the titles of the bills have the words "emergency measures" in them. My concern is that we must ensure that the provisions do not become permanent legislative changes. There has to be an end date when they lapse or are replaced with other legislation.

The threshold for passing provisions that are not subject to sunset clauses should be high and the Government should clearly discharge its onus of proof as to the need for those provisions. Some of them include amendments to the Retirement Villages Act 1999, which gives additional powers to the Minister to grant exceptions in relation to compliance with a public health order; amendments to the Associations Incorporation Act 2009, which removes the requirement for an association's constitution to have provisions relating to the use of technology for its administrative purposes before those technologies are available; and the Public Health Act 2010, allowing a public health order to compel an individual to undergo testing for risk evaluation. The Act will also be amended to allow for the sharing of information for the purposes of maintaining a public health register. Further amendments to that Act also include a requirement dealing with the manner in which the NSW Registry of Births Deaths and Marriages notifies the Health secretary of a death.

The Human Tissue Act 1983 is amended by the bill so as to allow the use of acquired blood and tissue for testing, research and analysis. Of particular concern to our party is the provision relating to the use of blood. Under the bill, blood can be tested without the consent of the patient. That is an ongoing amendment to the legislation. I believe some serious issues relating to privacy and civil liberties may be impacted by provisions of that kind. I look forward to the Government addressing those issues in more detail, or to at least committing to a review of the legislation at a future point.

The Local Government Act 1993 is amended by giving regulation-making powers to the Minister in relation to a council deriving general income so that the rating system is not abused by any council, which our party supports. The Act is also amended to give relief to councils that may find it difficult to collect rates from residents due to economic downturns. The Children's Guardian Act 2019 is amended so as to extend the operations of the regulations made under related legislation up until 1 March 2021 to give more time for the completion of the Children's Guardian regulation.

The Crimes (Administration of Sentences) Act 1999 is amended to delegate certain powers to sub-ministerial bodies. They include a power to the State Parole Authority to give parole to an individual sentenced to a term of incarceration of no more than three years with a non-parole period. I find it concerning that decisions of that level of importance are being delegated. It is important that elected officials, in whom the community has placed its faith, are the ones exercising such powers, not the bureaucracy. I hope that the Minister will be able to provide detailed information as to how those delegated powers will be used, and that the information can be reviewed, along with the amended legislation, in any future review of the three Acts.

The Government Sector Finance Act 2018 is amended to provide clarity with respect to the Treasury's issuance of certificates relating to appropriations for Commonwealth specific purpose payments. The other amendments made under the bill are rightly all subject to sunset provisions. The reason why I single out the above amendments is that they will become permanent and ongoing after the passage of the bills. While I appreciate the need for such legislation, which I will support given the circumstances under which we are operating, I think it is important that we are careful not to engage in any kind of legislative overreach. Other members, such as the Hon. Mark Latham, have already highlighted some of those areas.

For that reason I am wary of the provisions that will remain ongoing under the legislation, especially the ones relating to the use of blood samples without patient consent and the delegation of powers in the criminal area from the Minister to an unelected administrative body. I hope the Government will turn its attention to those provisions in a future review of the legislation. In closing, I again congratulate the Government, the Premier, the Attorney General and the various Ministers who have been involved in the preparation of the legislation. It has obviously been a lot of hard work, probably late into the night. As I said earlier, I also congratulate our wonderful medical and hospital staff, doctors, nurses and carers on the effort they have made, which has been one of the reasons for our success story in New South Wales. I am very pleased to support the three bills before the House.

The Hon. PETER PRIMROSE (18:07:47**):** For most of us, what we are experiencing as a consequence of the COVID-19 pandemic in our communities, our State, our nation and, indeed, internationally is both terrifying

and immensely destructive. We know from history that it is not unprecedented, but that does not make it any less alarming. That is why in the last sitting period the New South Wales Labor Opposition agreed to not oppose the emergency measures that the Government sought in order to respond quickly at a time when our communities were already reeling from drought and devastating bushfires. But we did not give the Government a blank slate to do whatever it wanted as it saw fit.

We responded as responsible legislators and representatives of our communities at a time of crisis, but we did so with the caveat that the Government and its actions be the subject of scrutiny by the Parliament. To not insist on such scrutiny while also offering cooperation would be not only lazy but, frankly, also irresponsible. Through the current and previous COVID-19 emergency bills, the Parliament has ceded to the Executive Government unprecedented powers. As legislators, we have a commensurate responsibility to also require the unprecedented scrutiny of how the Executive Government uses those powers.

Only now that we can see the devastation overseas can we begin to reflect on and appreciate the measures that were so hurriedly introduced. There were no ethics approval processes, no permission slips, no waivers, no parliamentary inquiries and there was no consultation with any communities across New South Wales before the raft of measures were introduced that would turn people's lives upside down. The pace of the introduction and implementation of these laws and regulations does not justify minimal scrutiny of the actions of the Government. Rather, granting these extraordinary powers to the Executive obliges Parliament to commensurately increase its oversight work and deliver an equally high level of scrutiny over the Government's actions. Not only must Parliament sit, but the Government should facilitate parliamentary oversight of its actions. That would be what a responsible Executive Government would do.

I will speak to the particular amendments that relate to the State budget. These have already been covered in great detail by my colleague the shadow Treasurer. Given that there will likely be an unusual expenditure pattern for the 2021 budget, as there has been in the current financial year, and as there will be a compressed time to scrutinise the budget, I make a simple request to the Government: If it is genuinely satisfied with its performance as economic managers, when the budget comes down it should provide members of Parliament with an easier and more searchable format so they can search, read and investigate what measures it has implemented and what measures it proposes to implement.

Some suggestions would include: Quicker turnaround for the provision of all papers, correspondence, information and documents used to create the budget; at a minimum, making those papers electronic and searchable by all members; providing all members of the Legislative Council with the 93 budget electorate reports that Legislative Assembly members already receive, as the entire State of New South Wales is effectively the electorate for Legislative Council members; and, more generally, ensuring Ministers do not continue to breach the sessional orders of this House when answering written questions on notice by ensuring that answers are directly relevant to the questions that are asked. Given the unprecedented nature of this year, the bill contains extensions and changes to reporting requirements for departments for this coming financial year and the next. I call on the Government to implement these measures at a minimum for the 2020-21 and 2021-22 financial years.

I do not seek to amend this bill to include these measures, but these and other oversight measures are well within the gift of the Executive Government without imposing any legislative requirements. However, the proposal by the Government to hide the State's true economic position by abolishing key financial reporting requirements is going in the wrong direction. For the Government to abolish monthly reporting statements and cancel the half-yearly review is repugnant to good governance. As the shadow Treasurer has indicated, the Opposition will not support it. I make clear that, at this time in particular, when we have granted unprecedented additional powers to Executive Government, members of this House owe it to the people of New South Wales to be even more vigilant in supervising the actions of Ministers more intensely than we normally do.

This current unfolding health and economic crisis, and the twin crises of bushfires and drought, will leave an indelible mark on the lives of everyone in our State in both tangible and intangible ways. It is incumbent on those of us privileged to have been elected to this place to intensely scrutinise the activities of the Government; not to impede essential work but, rather, to ensure that it is in fact happening in the best interests of the people of the State. That is how our parliamentary system works. Our parliamentary system has developed over many centuries. It recognises that the best way to ensure that governments act in the best interests of the people is through what my old constitutional law lecturer called the disinfectant of light. One of the key jobs of members in this place is to shine a torch on what the Executive Government is doing by using the mechanisms of the Parliament to scrutinise its actions.

Government secrecy, obfuscation and refusing to readily provide information creates suspicion in the community, erodes trust and, frankly, never has and never will deliver the best outcomes. That is critical at a time such as we are living through at the moment. Given the crises that we have faced, that we are facing and that we will face, I urge the Government not to impede the work of the Opposition to ensure that the people of

New South Wales always receive the benefit of legitimate scrutiny and to ensure that policies are delivered in the best possible way.

The Hon. MARK BUTTIGIEG (18:15:14**):** I will not labour the point, but at this juncture it is important to note how effective the Government can be when it wants to be. We have had a health crisis and an economic calamity coming from that health crisis. Members on this side of the House are often criticised for overestimating the ability of the Government to intervene to fix problems like economic fallouts. The idea that we should artificially have a construct whereby during normal times if the market fails we are reluctant to intervene on behalf of a minority of the population, but when the market fails because the Government has enforced necessary restrictions to fix the health crisis—and as a result the majority of our population being hurt and impacted—it is somehow justified that the Government can go over and above to fix that calamity. Yet during normal times, or when we emerge from all this, the market will continue to have defects and a minority of our population will continue to suffer—in fact, a considerable minority, given that unemployment is likely to stay stubbornly high.

Government members should work with us so that it can proactively intervene when we come out of this to ensure that that minority people can have a decent life and avail themselves of the same remedies that were patently successful during the crisis. I thank the Government for what it has done, because a lot of it has been very well done and very successful. I simply point it out, and it is not to understate the effectiveness of the free market—I am a believer in the free market, but I am also a believer in the mixed economy. When the Government intervenes to fix defects in the market because a minority of the population is suffering as opposed to the majority, as is now the case, it does not mean that the same logic does not apply. I think we should learn from the crisis when we come out the other side and dump the ideology. Let us have a practical intervention when it is required. Thank you.

The Hon. JOHN GRAHAM (18:17:50**):** I join with other members of the House who have expressed their pleasure with where New South Wales is at this moment in dealing with the crisis. I thank the community for its action in getting us to where we are today. The truth is, though, that we face economic damage on a generational scale. We have an economic reconstruction task that will linger for many years, a reconstruction task that will fall to a future generation, to a future government of one political flavour or another. I share the concerns expressed by my colleagues about the New South Wales Treasurer's move in one of these bills to cancel the half-yearly review and cancel monthly reporting statements. The Treasurer's response today was to say, "New South Wales Treasury will continue to publish monthly statements as per usual unless there is an unavoidable delay in data."

Of course, that would be more believable had he been prepared to front the Parliament today to give us a budget statement. I join my colleagues in calling for him to make exactly that statement to the Parliament, to canvass the latest economic modelling and the State's economic outlook, to provide an update on the take-up rate of the State Government's assistance package and to outline the recovery and rebuilding plans. The Federal Treasurer has today updated the Federal Parliament on the state of the Australian economy, as other colleagues have indicated. I commend his statement to this House. The Australian Bureau of Statistics [ABS] has undertaken groundbreaking research with rapid economic survey products that have allowed the Government to monitor the state of the economy far more rapidly than they would have been able to in the past. In contrast, the New South Wales Treasurer has refused to update the Parliament and now, in these bills, seeks to hide the state of the budget and the New South Wales economy from the New South Wales community.

Good economic information—even imperfect economic information—is crucial to the decisions that hundreds of thousands of businesses and workers need to make over this period. The Federal Treasurer knows this, the ABS knows it; the New South Wales Government does not. The reason it is important is this distinction between the budget and the economy. The budget statement does not just provide information about the budget bottom line; it provides information about the state of the New South Wales economy, including forecasts of economic growth, prices and risks. That is essential information for businesses and workers in our State trying to navigate this moment. We know that there is massive economic damage. A report in *The Economist* pointed to Goldman Sachs research that estimated the economic impact of the different styles of lockdowns. It stated:

> It finds, roughly, that an Italian-style lockdown is associated with a GDP decline of 25%. Measures to control the virus while either keeping the economy running reasonably smoothly, as in South Korea, or reopening it, as in China, are associated with a GDP reduction in the region of 10%.

The State is now facing a raft of economic problems: interlinked challenges of supply, demand and the pricing of risk. As a result of this pandemic, global supply chains have been sorely tested. However, generally they have held up, with the obvious exception of toilet paper. Crucially, the world's food supply chain has held—that is, 10 per cent of world gross domestic product. Remarkably, global prices for most staples have actually fallen this year. However, businesses are short of money. Bigger businesses will face strained balance sheets. Smaller businesses will simply run out of cash in this period. Their tenants will fall behind in their rent.

On the demand side, regardless of the lockdown laws, economic demand will be shaped by the individual spending decisions that citizens make. That is why spending patterns have fallen by a similar amount in Sweden and Denmark over recent months, even though their lockdown laws could not be more different. Finally, on risk, we know at this moment that investment will fall, not just as businesses conserve cash but also because of the difficulties of pricing risk at this moment of deep, deep uncertainty.

What can Government do at this moment? The Treasurer's answer was to draw attention to these things: stamp duty, payroll tax, the structure of the Federation and the productivity challenge. In the face of a burning economic issue, he was gazing to the horizon. In the early weeks of a war, he was focused on the long term. I do not underestimate the importance of our productivity problems at the moment. The great productivity driver of modern times is the innovation and dynamism that comes from the rapid sharing of ideas in cities. Cities have been innovation engines, dramatically boosting productivity. Social distancing is a direct threat to that. The Opposition's response to the Treasurer's announcement was positive. The shadow Treasurer stated:

> NSW Labor is willing to work with the Berejiklian Government to help families and businesses. We want to be part of the reform conversation.

I do not want diminish our productivity problems as a State or a nation, but I tend to agree with Ross Gittins, who put this view on 4 May this year. He wrote:

> I can't take seriously all those people saying we mustn't waste a crisis, but seize this great opportunity to introduce sweeping economic reform. It's like telling a baby who hasn't yet learnt to walk it should start training for the Olympics.
>
> …
>
> These urgers have forgotten that micro-economic reform seeks to increase economic growth by making the supply (production) side of the economy work more efficiently. It delivers results only over the medium to long term. It's thus no substitute for macro-economic management, which deals with managing the demand side of the economy in the short term.

That really is the challenge for the Treasurer here. A flotilla of small and large firms are looking for guidance at the moment. They need government forecasts and the expert guidance of the Treasury to calibrate the decisions they will need to make in the next days, weeks and months.

Productivity and supply are issues, but they are dwarfed by the demand and confidence challenges that face the State and the difficulties of pricing risk that threaten to swamp our economy right now. Good economic information reduces that risk. The Treasurer should make the budget statement the Opposition has called on him to make. These issues relate far more to demand, confidence and the pricing of risk than they do to supply and productivity. That is the prescription the Opposition has called for: stimulus and economic guidance to reduce risk before those micro-economic reforms.

The pressing issue here is a leap in unemployment. For people thrown out of work it will take years to recover. In the recession of the 1990s it took almost 14 years before unemployment returned to its previous levels. What else can the Government do? Here is one thing: set out a road map. The National Cabinet met last Friday and set out a plan to open up the economy in three stages. In contrast, the New South Wales Government is yet to set out the order in which restrictions will be lifted. Victoria is operating in stages. The Northern Territory's road map had stages and dates. The United States Government, led by the Centers for Disease Control and Prevention, is doing the same thing. In New South Wales the public do not know what the stages are or what happens at each stage. Citizens of New South Wales are left watching the Premier's 8:00 a.m. press conference to find out if they can go to the beauty parlour or to a property auction. When I put this issue to the health Minister at the first online hearing of the COVID-19 oversight committee, he stated that the Premier "will make sure that she actually gives that information as she has it."

As a result, in New South Wales we are proceeding restriction by restriction and industry by industry, rather than setting out the stages and a road map for the lifting of those restrictions. That has a massive impact on businesses and workers, especially in the night-time economy. That lack of certainty is increasing risks. I turn to the specific impacts on the night-time economy. The Australian economy is being restructured before our eyes. We know the workers who will be affected are more likely to be young, to be women, to be low-income workers or to be immigrants. On 9 May George Megalogenis wrote:

> Almost a third of the 950,000 jobs lost across the economy since March 14 have been in accommodation and food services.
>
> ...
>
> Before the coronavirus, accommodation and food services was the sixth-largest employer in the country with 940,000 workers ... Today, it sits in ninth place, with around 630,000 workers.
>
> ...
>
> Before the lockdown, the arts had been ranked 15th of the 19 sectors measured by the ABS, with 250,000 jobs in total. To put that part of our lives in perspective, we had more people in the arts than in mining, or real estate, or information media and

> telecommunications. Now the arts are ranked second last, with only the electricity sector below it, after losing a quarter of its workforce since March 14.

That is the scale of the challenge in the night-time economy. The ABS has gone on to produce these new rapid surveys to assess the impact of the pandemic. Those surveys confirm that these were the largest changes recorded by any industry. I call on the New South Wales Government to recognise the sharp impact on these night-time economy sectors, which were the first to be hit and will be the last to have restrictions released. Many in these sectors have missed out on the JobKeeper payment from the Federal Government because of the nature of employment in these industries. These industries will require special attention and special assistance if they are to survive.

I will deal briefly with one other industry: property and construction. In these bills there are property measures, including extending to seven years the time that a development approval might take effect under certain circumstances. The Government has also proposed speeding up construction generally, but there are no powers for the Building Commissioner to maintain building standards across New South Wales despite that construction stimulus. That is a yawning gap that I urge the Government to close as rapidly as possible. I look forward to the Government doing so.

I will speak briefly on health. There are unanswered questions about the Government's health response on testing. On 24 April 2020 the Premier announced a target for testing in New South Wales of 8,000 tests per day. Since then testing has been consistently lower. As of last Thursday we had only hit that target twice—once on 1 May and once last Thursday. Victoria is testing more of its citizens. What is the problem here? Is it a lack of test materials? Is it a lack of laboratory processing facilities? Is it a lack of an appropriately trained workforce? Is it a communication problem with the community or is it a lack of accessible clinics? We simply do not know.

There are further questions around asymptomatic testing. On *The 7.30 Report* on 16 April the Prime Minister spoke about broader testing, including random or sentinel testing. Victoria is doing that—that is how they discovered the cases in the meatworks and in the aged-care facility which they subsequently closed. Meanwhile testing advice in New South Wales published on 24 April but still current requires patients to show symptoms. Random or sentinel testing could be central to economic recovery. Why is it that nearly four weeks after the Prime Minister discussed this, this practice is not central to the health response in New South Wales? We simply do not know the answer to that question.

Finally, I come to modelling. None of the modelling released in Australia shows a second wave; meanwhile, Imperial College modelling in the United Kingdom—even the early versions—refer to a potential second wave. Why does the Australian published modelling not show a second wave? Has New South Wales modelled a second-wave effect? Why has New South Wales not released its own modelling? They are health questions that still are unanswered.

Returning to the economy and the night-time economy, I support the call made by my colleagues for the Treasurer to update the Parliament. I believe the Treasurer should do so in relation specifically to the night-time economy, given the scale of the economic impact on those workers and businesses. I support the call for a road map detailing the path out of lockdown, but I call for a specific road map for the night-time industries, given the scale of the challenge. I support the call for proper parliamentary oversight; it should bolster not seek to diminish the Government's response. I have no doubt that it will bolster and support the community response to this crisis.

If there was a single moment that brought home the scale of the economic damage to the night-time economy it was the announcement that Carriageworks was going into administration. It was a devastating blow. Sitting on the former site of the largest industrial workshop in the Southern Hemisphere, a key site in the great railway strike of 1917, and now a groundbreaking contemporary arts institution, it was reportedly sent into administration after its routine funding was not guaranteed next financial year.

The Hon. Don Harwin: That is rubbish, complete rubbish.

The Hon. JOHN GRAHAM: Reportedly. If that is true, that is terrible.

The Hon. Don Harwin: Yes, but it is rubbish.

The Hon. JOHN GRAHAM: A proud Labor government initiative now in economic ruins, Carriageworks faces an uncertain future, including a potential takeover by the Opera House. There is an irony in that, of course. The Opera House itself was a part of the reconstruction efforts in the shadow of that other great economic shock, the Second World War, and it was the work of Premier Cahill, who led New South Wales from 1952 to 1959. Nationally it was Curtin and Chifley who led post-war reconstruction. In New South Wales the task fell to McKell up to 1947, to McGirr between 1947 and 1952, and then to Premier Cahill, each of whom led the reconstruction here. We now face an economic challenge on the scale of the challenge they faced.

Those leaders understood the damage that long-term unemployment causes. Bill McKell learnt that lesson as the newly elected member for Redfern in 1917, representing many of the striking families during the Great Strike. Joe Cahill worked at the Carriageworks site in Eveleigh. Those Premiers would have been upset to hear of the uncertain future now facing the Carriageworks site, but their first concern would have been the uncertain future facing millions of workers and hundreds of thousands of businesses stalked by the spectre of unemployment and bankruptcy. Those pressing concerns should be our first thought too.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:34:31**):** In reply: I begin by thanking all members who have contributed to the debate on the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020, the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020 and the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020. Clearly some members are interested in expediting the process for and the approval of these bills—subject to agreed amendments, which I am sure the Leader of the Opposition will say. I am grateful for the way the debate has been conducted and specifically for the contributions of the Hon. Adam Searle, Mr David Shoebridge, the Hon. Walt Secord, the Hon. Emma Hurst, the Hon. Mark Latham, Reverend the Hon. Fred Nile, the Hon. Peter Primrose, the Hon. Mark Buttigieg and the Hon. John Graham. If I miss some issues that members have sought to have clarified I am happy to return to those later. The Leader of the Opposition was concerned about the breadth of proposed clause 7—

The Hon. Adam Searle: The blank cheque.

The Hon. DAMIEN TUDEHOPE: The blank cheque, to continue to draw on consolidated revenue. I am instructed that the amendment is drawn in such a way because on 20 March 2020 the New South Wales Government announced that the 2021 budget would be delayed, consistent with the approach taken for the Commonwealth budget and for the budgets in other jurisdictions. The amendments are required to support the deferral of the budget and to ensure that agency funding is available until the budget and the appropriation bills that accompany it are passed by the Parliament. Additionally, the amendment defers certain budgetary and reporting requirements to align with the deferred budget tabling date. The New South Wales 2021 budget will be required to be handed down by 31 December 2020 and clause 7 gives the Treasurer the opportunity to make drawings on consolidated revenue for the purposes of dealing with issues that the pandemic has raised. I stress that clause 7 is a temporary provision that will enable the Treasurer to continue to cover existing exigencies of government power until the 2021 Appropriation Act is enacted.

Mr David Shoebridge has a concern that vulnerable people who enter written pleas may plead guilty to an offence carrying significant penalties without legal advice. The amendment is proposed only on a temporary basis during the COVID-19 pandemic period. The amendment will, where appropriate, help to reduce the number of people required to physically appear at court. The risk of any disproportionate impact to vulnerable defendants is acknowledged to be an important consideration. During the COVID-19 pandemic period that risk needs to be carefully weighed against public health considerations. The amendment will not affect any accused person's ability to seek legal advice prior to entering written pleas.

Further, the amendment gives an accused person who has been the subject of a bail decision the additional option to submit a written plea during the prescribed period. The amendment does not preclude the accused person from entering their plea in person if that is their preference and it will not affect their ability to seek legal advice prior to entering written pleas. The amendment does not affect any existing appeal rights. Accused persons in non-bail matters are currently able to enter written pleas and, if they do so, they are precluded from making an annulment application under section 4 of the Crimes (Appeal and Review) Act 2001. The amendment will apply the exclusion under section 4 of that Act in the same way to ensure consistency for all accused persons who enter written pleas, regardless of whether it is a bail or a non-bail matter during the prescribed period. The amendment will apply the exclusion under section 4 of that Act in the same way, to ensure consistency for all accused persons who enter written pleas regardless of whether it is a bail or non-bail matter during the prescribed period.

I note also Mr David Shoebridge's comments as to audiovisual link [AVL] amendments and will make some observations. The provisions will ensure that accused persons not in custody who are particularly at risk of COVID-19—for example, due to age or existing medical conditions—are able to attend court via AVL. A number of safeguards apply to the court's power to order that AVL be used. Under the new provisions the court will only have the power to direct that the audiovisual link be used if it is in the interests of justice to do so, taking into account the public health risk proposed by the COVID-19 pandemic, the efficient use of available judicial and administrative resources, any relevant matters raised by a party to the proceedings and any other matter that the court considers relevant. This means that when the court makes an order for use of an AVL all parties have an opportunity to be heard on the matter and raise any issues that arise in relation to a fair trial and the particular circumstances of the case to the accused, including a vulnerable accused. Mr Shoebridge described this test as curious. I do not know how curious, but it is the same expression as is contained in section 5BA of the Act.

The Hon. Mark Latham raised some concerns about the amendments to the Court Security Act. The amendments enable security officers to require persons entering or in court premises to undergo a temperature check and/or answer questions to determine whether a person is suffering from a symptom related to COVID-19. The provisions require that if a person has been selected as a juror the matter should be referred to the relevant judge or coroner. The provisions also require security officers to notify the court where someone has been directed to leave the court premises under this provision and that person was required to attend court on that day.

Many people are compelled to attend court but might have fear of turning up due to the risk of being exposed to COVID-19. To alleviate this fear the use of temperature screening is proposed as a prerequisite to enter all court premises in New South Wales. Where possible, thermal imaging scanners will be installed on court premises. Otherwise, contactless thermometers will be made available. New jury trials in the District Court and the Supreme Court were suspended on 23 March 2020. Introducing temperature checks will serve as a means of gaining juror confidence and ensuring that they attend court for jury duty. This will ensure that jury trials can be recommenced and will support the ongoing operation of the justice system.

These amendments sit with a suite of measures taken to ensure that our courts are a safe place to be, including the fact that courts and tribunals already have measures in place to conduct proceedings without the need for attending, where possible. Further, the Department of Communities and Justice has implemented a cleaning regime in line with NSW Health guidelines. The list of court users is non-exhaustive in the bill. The Hon. Mark Latham raised a number of other concerns, including his concern about the energy security safeguard. Given that he is proposing to make an amendment or speak further to that amendment, I will leave my comments in relation to that bill for when he moves that amendment.

One of the concerns raised by the Hon. Walt Secord, the Hon. John Graham and the Hon. Peter Primrose was in relation to the provisions which at face value appear to suggest that the Treasurer will not provide sufficient information either by way of briefings or otherwise in connection with the state of the economy. Members would potentially be aware of the Treasurer's statement, and I think the Hon. John Graham referred to it, but I think it is important the Treasurer's statement of his position in respect of updating the community as to the state of the economy and providing financial information be read onto the record. He said that media coverage today in regards to the reporting of the New South Wales Government financial information did not accurately reflect the intent of the proposed legislation.

He indicated that under the Public Finance and Audit Act 1983 it is law that the Government provide monthly statements which are sourced from a variety of agencies and consolidated for publication. Due to the possible impacts of the COVID-19 pandemic, under a worst-case scenario it is conceivable that the provision of this data could be delayed. The proposed legislative changes mean that if statements cannot be produced for reasons outside the Government's control this does not cause a technical breach of the law. NSW Treasury will continue to publish monthly statements as per usual practice unless there is an unavoidable delay in data being provided due to the COVID-19 pandemic. A basic reading of the legislation clearly shows the intent is to ensure that financial updates can continue despite the crisis, which is the opposite of what the Opposition has stated. As announced on Friday 20 March 2020, the New South Wales budget will be deferred. It will be handed down by the Treasurer after the Commonwealth budget, which has been deferred until October.

Lastly, Reverend the Hon. Fred Nile raised some concerns in respect to the Human Tissue Act. He was concerned about the use of human tissue in circumstances where it appeared to be an ongoing provision in the Human Tissue Act to allow this to continue. The circumstances of the use of human tissue on the reading of the amendment to the bill is only for the purposes of COVID-19 research. Proposed sections 34 (3) to 34 (5) provide:

> (4) The use of any tissue (other than blood or blood products) for the purpose of carrying out any test, analysis, investigation or research ceases to be authorised under subsection (1) (b5) on the date specified by the Minister by notice published in the Gazette.
>
> (5) In determining that date, the Minister must—
>
> (a) be reasonably satisfied that the date is the earliest possible day that a vaccine for COVID-19 is generally available to members of the public, and
>
> (b) consult with the Chief Health Officer of the Ministry of Health.

The position in the bill is that this has a time limit. The provision contained in the bill is to assist with discovering or, hopefully, enabling a vaccine to be produced. I thank all members who have contributed and I commend the bills to the House.

The PRESIDENT: The question is that these bills be now read a second time.

Motion agreed to.

The PRESIDENT: I shall now leave the chair. The House will resume at 8.00 p.m.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020, COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 and COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020 as a whole. I intend to hand down my copies of the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 and COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020, which only leaves me with the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020 to deal with first. I have one sheet of amendments, being the One Nation amendments on sheet 32.

The Hon. MARK LATHAM (20:03:25**):** I move One Nation amendment No. 1 on sheet 32:

1. Omit Schedule 1.1

As I outlined in my contribution to the second reading debate, the concern here is the inconsistency and unworkability of the new provisions of the Court Security Act 2005 contained in schedule 1.1 to the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020. It is simply not fair to require security officers, who have no medical training or qualifications, to administer those provisions at the front door of the courts. Inevitably they will get into arguments with lawyers about it. Lawyers may say that they are being denied a reasonable opportunity to undertake their work, that they will lose money out of it. They will argue with the security officers as to whether or not the interpretation of their medical condition is valid. Lawyers can be litigious—no surprise in that—so that in itself is a nightmare.

Not all of the staff in the court buildings are going to be tested. Ultimately, the provisions are very unfair on the security officers. Why are we asking people with no specific medical training or qualifications to administer provisions about temperature checks, about whether or not someone has a cough or runny nose, a sore throat, shortness of breath or loss of taste or smell? That is the work of a GP, is it not? No-one in this Chamber who has any of those concerns would go to a security officer to try to sort out their health condition. They would go to a trained professional—at a minimum, a GP. It is true. Why should we agree to the new provisions, particularly when the temperature check that all members had earlier today—evidenced by a sticker on our security passes—was administered by a first aid officer who is trained in coronavirus prevention? I do not understand why the standard applied to parliamentarians today is not the standard for every major public building in New South Wales.

The email sent to members by the great Mark Webb, CEO of the Department of Parliamentary Services, advised that temperature checks would be administered by a trained first aid officer who knows about coronavirus prevention. Why have we not got them at the front door of the courts? At least they have some training and will not get into arguments. The new provisions are unfair on court security officers. They go to work thinking that their job is about bouncing reprobates and troublemakers out of the building—that is what they do. They are not even the sheriffs. They are a new category of person, working at the front door of the courts. There is a way through this: the Attorney General needs to take it away and come back on 2 June with a proposal, similar to the current parliamentary experience, which is much more workable. It should not happen in the way the bill proposes, which will cause trouble and is completely unnecessary. That is why I commend to the Committee the deletion of schedule 1.1 to the bill.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:06:12**):** The Government opposes One Nation amendment No. 1 on sheet 32. The amendments to the Court Security Act 2020 in schedule 1.1 to the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020 allow and enable court security officers to use thermal imaging scans or contactless thermometers to check a person's body temperature if that person is entering or is in court premises. It is interesting that when the Hon. Mark Latham was giving an example, he said that members were temperature-checked when they entered the building today. I want to know whether he checked the qualifications of the person who checked his temperature.

The Hon. Mark Latham: Mark Webb put it in the email.

The Hon. DAMIEN TUDEHOPE: What, that these were medically qualified people? In any event, I am sure he did not ask or check. He accepted the word of Mr Webb that they were medically qualified. He would not have asked them whether they were medically qualified. The important thing is that they were only looking for a temperature, which did not require a medical qualification. It was a temperature check to indicate whether the person ought to be allowed to participate in the function of what are we doing here. That is exactly what we are asking the sheriff's staff to do: measure someone's temperature to see if they have any symptoms that would put other people in the court premises at risk. It is a health-related issue. People entering court premises, whether they are jurors, defendants, lawyers, or other people in the vicinity, would want to know that the people with whom

they are mixing have been assessed, even if it is the lowest common form of testing—a temperature check—and that is what would be occurring.

Courts have reported a significant increase in concern among potential jurors, staff and other court users that courts may not be safe places. The new provisions in schedule 1.1 to the bill provide an opportunity for those people to satisfy themselves that at least some checks are being done. The provisions ensure that we can reduce the risk of infection and reassure the public, court attendees and potential jurors that we are doing everything we can to ensure their safety whilst at court. The provisions are subject to robust safeguards. They are subject to a sunset clause and do not give security officers any additional powers to use force than already exist under the Court Security Act. The court will be informed immediately where a person required to be at court is unable to access the court as a result of the provisions. The person will be given a notice to use as evidence in their favour to demonstrate that they were at court that day but could not remain on the premises in the event any action or order is made in their absence. Schedule 1.1 to the bill is eminently supportable. The Government rejects the amendment.

The Hon. ROD ROBERTS (20:09:44**):** The Chair and many others in this Chamber know how imperative it is that we maintain and preserve the integrity and credibility of the court judicial system. My colleague the Hon. Mark Latham and I understand what the Government is attempting to do, and that is to provide for the health and safety of all courthouse attendees, whether they be employees, witnesses, members of the legal fraternity or others. However, the bill is poor in its execution. Like my colleague the Hon. Mark Latham, I too have concerns about the use of security guards but mine come from a different viewpoint. There are some good, honest, hardworking and reputable men and women in the security industry; however, it is well known that organised crime—in particular outlaw motorcycle gangs—has infiltrated the security industry.

In April this year, just last month, the Victorian Law Reform Commission completed an investigation and published a paper on this matter. In that investigation the Australian Crime Commission stated that it found a number of examples of criminal influence and organised crime within the security industry across all States and Territories, including by members of outlaw motorcycle gangs. My concern is that security guards are placed in a position where they determine whether certain people can or cannot enter a courtroom. That leaves the system open to manipulation and corruption. I state clearly that not all members of the security industry are crooks or spivs. However, it is well known and documented by the Australian Crime Commission that organised crime has infiltrated security organisations.

The base award rate for a level one, full-time security officer is $21.90 an hour. Let us envisage that in the real world of the court system where, as many members know, it is very possible to manipulate the system. I will give an example. Say a security guard is paid a very low wage and works in an industry that has been infiltrated by organised crime. A member of the criminal fraternity approaches him and says, "A gentleman in a charcoal-coloured suit with a red-spotted tie will be coming through the door in five minutes. I want you to tell him that his temperature is a certain degree and I want you to refuse him entry into this courthouse." He may be a victim, a witness or even an exculpatory witness. This is a system that is left open to corruption. Who does the security guard answer to? What checks and balances are there on the security guard who says, "Your temperature is 38 degrees Celsius"?

At the last minute the Government has introduced a change that says a second temperature reading is to be taken on another device, but by the same security guard. Our concerns are for the integrity of the court system and about placing security officers in a position of temptation and/or danger. We do not believe the testing should be undertaken by security officers. Sheriff's officers are officers of the court; they should be charged with the responsibility of testing. I support the Hon. Mark Latham's position on this matter.

The Hon. ADAM SEARLE (20:14:09**):** For the reasons outlined by the Government, we will not be supporting this One Nation amendment.

Mr DAVID SHOEBRIDGE (20:14:19**):** The Greens concur with the Government's position regarding the need for these provisions during the pandemic, and we note the checks and balances. That being said, I agree with every proposition just outlined regarding the security industry and the inappropriateness of having the private security industry providing security in courts in anything other than the most extreme circumstances of a pandemic. I was endeavouring to come up with reasons to disagree with the latest contribution by the Hon. Rod Roberts about his concerns with the security industry and found myself unable to. Save for the fact that we are in a pandemic and for the reasons put by the Government—only in that period and for the shortest possible period—we can see why these measures are unfortunately necessary.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 1 on sheet 32. The question is that the amendment be agreed to.

The Committee divided.

Ayes 4
Noes 18
Majority.....14

AYES

Banasiak	Borsak	Latham (teller)
Roberts (teller)		

NOES

Ajaka	Boyd	Buttigieg
Farlow	Farraway (teller)	Field
Graham	Hurst	Jackson
Maclaren-Jones (teller)	Mitchell	Nile
Pearson	Searle	Secord
Shoebridge	Taylor	Tudehope

Amendment negatived.

The Hon. MARK LATHAM (20:24:02**):** I move One Nation amendment No. 2 on sheet 32:

2. Omit Schedule 1.4

This amendment will omit schedule 1.4 for the reason that we have reservations about the application of audiovisual links to all jury trials. It is true that audiovisual links are becoming very popular out of necessity in this period of social isolation, but whether we are a lawyer or not we can tell that assessing the credibility of a speaker is very different on audiovisual link to in person. We believe it is still prudent for serious matters that go to a jury for the criminal justice system in New South Wales to have that face-to-face observation of body language and how a witness reacts to certain questioning in order to make an in-person assessment of their truthfulness and credibility. If the jury is still gathered, as they will be with social distancing, what is the harm in having the witness in the courtroom instead of via an audiovisual link? For that reason we think this is unnecessary and should be restricted to non-jury matters. We recommend the omission of schedule of 1.4.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:25:20**):** The Government opposes the amendment. Schedule 1.4 contains important amendments to ensure that audiovisual links can be used as appropriate to ensure that criminal trials can proceed safely. Again I emphasise—and it is a similar argument to that made previously—this provision will allow justice to proceed in circumstances where we have a pandemic. In particular, the schedule makes specific provision for audiovisual links to be used to facilitate court appearances for an accused who is not in custody—for example, because they have been granted bail. The existing provisions already cover AVL appearances by accused who are in custody, as well as witnesses and legal representatives. The provisions will fill the gaps so that the court can manage all appearances appropriately to protect public health.

There are a number of safeguards to ensure that AVL is only used where appropriate. The court has power to direct that AVL use is subject to the interests of justice test. Each party must have had an opportunity to raise any matters they consider relevant and be heard on the matter before the direction is made. The use of AVL cannot be required if the required facilities are not available or cannot reasonably be made available. These amendments maintain the requirement that facilities be made available for private communication between a party and their legal representative. This will ensure the accused has appropriate opportunity to give and obtain instructions. The Government opposes the amendment.

The Hon. ADAM SEARLE (20:27:25**):** The Opposition also opposes the amendment posed by One Nation. Although in my contribution to the second reading debate I expressed some scepticism about the ability of technology to fully replace the in-person hearings, under the unfortunate doctrine of necessity in the circumstances in which we find ourselves we have resolved the support these measures today, albeit on the understanding that they are imperfect, because the alternative runs the risk that the criminal justice system would have insuperable problems continuing in these circumstances. That is in the interests of nobody. No-one has suggested that these provisions would work a substantial injustice to the degree that we would be unable to support them. We earnestly hope they work and we give the Government our support on this occasion.

Mr DAVID SHOEBRIDGE (20:28:27**):** I do not think there is any question, for the reasons I gave in my contribution to the second reading debate, that evidence given by audiovisual link is a poor cousin to actual

direct evidence given in court and to that extent there is a degradation in the quality of the justice received. But against that we are in a pandemic and absent these provisions we may see trials delayed potentially 12 months or more. There is a very significant degradation in the quality of justice received if you have those substantial delays. It is a difficult choice, but on balance The Greens accept where the Government's bills have landed. But, again, it is notwithstanding the merits of the proposition put. These are difficult times, it is a public health crisis and we think the audiovisual link is the better of two difficult choices before us.

The Hon. ROD ROBERTS (20:29:35**):** In the last couple of weeks we have all experienced committee work via audiovisual link. We all agree that it is perhaps a necessity but is it the right thing? Is it good? Is it smooth? Is it as good as the real in-person hearings? No. The Chair, Mr David Shoebridge and the Hon. Adam Searle have spent time in courtrooms, as have other members of this House who I do not leave out on purpose.

The Hon. Mark Latham: In the dock?

The Hon. ROD ROBERTS: In the box but not in the dock. We all know how to test the veracity of a witness and/or accused by the way they speak and/or their behavioural traits in person. This is lacking in an audiovisual link. I understand and hear the cry that we are in a pandemic, but One Nation believes that justice comes first. The pandemic does not come first; the service and practice of justice should come first. For that reason I support the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 2 on sheet 32. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The question is that the COVID-19 Legislation Amendment (Emergency Measures—Attorney General) Bill 2020 as read be agreed to.

Motion agreed to.

The CHAIR (The Hon. Trevor Khan): We now move to the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020. There are two sets of amendments. The first set is The Greens amendments on sheet c2020-047 and the second set is Opposition amendments on sheet c2020-048A. We will start with The Greens amendments.

Mr DAVID SHOEBRIDGE (20:32:15**):** By leave: I move The Greens amendments Nos 1 to 16 on sheet c2020-047 in globo:

No. 1 **Extended reporting dates**

Page 3, Schedule 1.1[2], proposed section 10.5(1), line 29. Omit "1 November 2021". Insert instead "1 March 2021".

No. 2 **Extended reporting dates**

Page 4, Schedule 1.1[6], clause 1, lines 21–23. Omit all words on those lines. Insert instead—

extended Budget presentation day means 15 October 2020.

No. 3 **Extended reporting dates**

Pages 4 and 5, Schedule 1.1[6], clause 4, line 37 on page 4 to line 4 on page 5. Omit all words on those lines.

No. 4 **Extended reporting dates**

Page 6, Schedule 1.1[6], clause 8(1), lines 8 and 9. Omit "15 March 2021, or any different day prescribed by the regulations,". Insert instead "15 December 2020".

No. 5 **Extended reporting dates**

Page 6, Schedule 1.1[6], clause 8(2), lines 12 and 13. Omit "22 April 2021, or any different day prescribed by the regulations,". Insert instead "22 January 2021".

No. 6 **Extended reporting dates**

Page 6, Schedule 1.1[6], clause 8(3), lines 18 and 19. Omit "30 April 2021, or any different day prescribed by the regulations,". Insert instead "31 January 2021".

No. 7 **Extended reporting dates**

Page 6, Schedule 1.1[6], clause 10, lines 25–29. Omit all words on those lines.

No. 8 **Extended reporting dates**

Page 6, Schedule 1.1[6], clause 11(1)(a), lines 35 and 36. Omit "31 December 2020, or any different day prescribed by the regulations,". Insert instead "15 October 2020".

No. 9 **Extended reporting dates**

Page 7, Schedule 1.1[6], clause 12(2)(a), lines 9 and 10. Omit "31 December 2020, or any different day prescribed by the regulations,". Insert instead "15 October 2020".

No. 10 **Extended reporting dates**

Page 7, Schedule 1.1[6], Explanatory note, lines 26 and 27. Omit "31 December 2020 or a different day prescribed by the regulations". Insert instead "15 October 2020".

No. 11 **Extended reporting dates**

Page 7, Schedule 1.1[6], Explanatory note, line 51. Omit "1 November 2021". Insert instead "I March 2021".

No. 12 **Extended reporting dates**

Page 9, Schedule 1.4[1], proposed section 39(3B)(c), line 33 and lines 35 and 36. Omit "1 November 2021" wherever occurring. Insert instead "1 March 2021".

No. 13 **Extended reporting dates**

Page 10, Schedule 1.4[2], proposed section 45A(4B)(c), line 9 and lines 11 and 12. Omit "1 November 2021" wherever occurring. Insert instead "1 March 2021".

No. 14 **Extended reporting dates**

Page 10, Schedule 1.4, Explanatory note, line 24. Omit "1 November 2021". Insert instead "1 March 2021".

No. 15 **Extended reporting dates**

Page 12, Schedule 1.5, clause 9, line 21. Omit "1 November 2021". Insert instead "1 March 2021".

No. 16 **Extended reporting dates**

Page 12, Schedule 1.5, Explanatory note, line 26. Omit "1 November 2021". Insert instead "1 March 2021".

Knowing that there is a superior method of presenting the merits of these amendments, I will surrender the lectern to Ms Abigail Boyd.

Ms ABIGAIL BOYD (20:33:54**):** During this pandemic we clearly need to balance the adjustments necessary to protect public health with the continuing need to ensure accountability of the government of the day in order to have a well-functioning and effective democracy. We understand that there will be a delay to the budget process as a result of the extraordinary circumstances that we have found ourselves in. However, the proposed date of 31 December for the budget presentation is too much of a stretch in response to the circumstances. A 31 December date would not allow us to scrutinise the State's finances and budget plans until February or March of next year. Given that schools are now taking students back and the lifting of restrictions will commence from this Friday, it appears that Parliament will be able to sit through the second half of this year. That was not anticipated when we last sat in March. On that basis, an approximate three-month disruption period would logically necessitate a three-month delay to the budget process, not a six-month delay.

Given that the Federal Government budget is not scheduled to be announced until early October, I can see the merit in delaying the announcement date to enable the New South Wales budget to be finalised. For that reason, and in line with what we understand will be the case in a number of other States and Territories, a State budget presentation date of 15 October should be achievable. That is on the assumption that the Federal Government will report on or around 6 October. That would enable budget estimates hearings to be run prior to the end of the year and thus allow all of us to ensure that our State is on the right track to recovery. I also note that with Parliament sitting the Government has the option to request a further delay to the budget timetable if circumstances change and it looks as though we will need to return to more stringent restrictions. On that basis I commend the amendments to the House.

The CHAIR (The Hon. Trevor Khan): The Greens amendment No. 7 on sheet c2020-047 deals with clause 10 on page 6 of the bill and Opposition amendment No. 2 on sheet c2020-048A deals with the same area of the bill. If that amendments is agreed to, it will render Opposition amendment No. 2 defunct. Does the Opposition want to move its amendment No. 2 now?

The Hon. Walt Secord: It might be a bit premature. Why not deal with The Greens amendments first and after the Minister responds I will clarify the situation?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:37:48**):** I will be very short. The Government opposes The Greens amendments.

The Hon. WALT SECORD (20:37:58**):** The Opposition will be opposing The Greens amendments. We believe they are too prescriptive. We have accepted assurances from the Government that the budget presentation will take place in November. I have been involved in the preparation of many budgets at both the State and Federal level. The timetable for getting both the Federal budget and State budget down within a few days is simply not possible. In the spirit of bipartisanship, we realise that it would be impossible for the Government to put a budget

together in such a short time. I foreshadow that my two amendments will cover some of the concerns that Ms Abigail Boyd has raised.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 1 to 16 on sheet c2020-047 in globo. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): We now move to the Opposition amendments.

The Hon. WALT SECORD (20:39:22**):** By leave: I move Opposition amendments Nos 1 and 2 on sheet c2020-048A in globo:

No. 1 **Half-yearly review for 2020**

Page 6, Schedule 1.1[6], line 22. Omit "may (but need not)". Insert instead "is to".

No. 2 **Monthly statements for 2020–2021**

Page 6, Schedule 1.1[6], line 26. Omit "The Treasurer may (but need not)". Insert instead "Unless it is not reasonably practicable to do so, the Treasurer is to".

These amendments involve the monthly statements and the half-yearly review provided by New South Wales Treasury. Throughout this whole process Labor has been bipartisan. We have offered to work with the Government, especially in areas of finance involving COVID. Members may not be aware but there has been some negotiation with the Treasurer's office since the original amendments were circulated this afternoon and there has been some commentary provided on this whole policy area. The Government has agreed to amendment No. 1. That deals with the half-yearly review for 2020 and locks the Government into providing a half-yearly review. The Berejiklian Government's scrapping of the half-yearly review was a clear attempt by the Treasurer to stretch as far as possible the bounds of allowing the COVID emergency to avoid scrutiny. In short, it was an overreach and the Government realised that.

As for the second amendment, we have reached an agreement on a revised amendment on the matter of monthly statements and we have therefore re-circulated a revised version. For the record, monthly statements are simple. Often they are quite simple accounting statements. They detail fine revenue, dividends, Commonwealth general purpose payments, GST revenue, wage payments, duties and levies. They are usually about five pages in length. They are put out on a monthly basis. In the spirit of bipartisanship, I have agreed to insert the words, "Unless it is not reasonably practicable to do so, the Treasurer is to". I have accepted the Government's arguments; we have worked together. It would be an extremely rare circumstance if the Government did not provide a monthly statement. I have heard the arguments from the Treasurer's office. I do not believe that the Treasurer would have been sent to jail if the Government had accepted our original two amendments—that was another example of overreach.

However, I do accept that there might be a circumstance where a monthly statement might not be permissible or able to be prepared—for example, a deadly second wave of COVID. I do accept that situation but the current wording is tight enough for us to hold the Government to account. I have listened to the Government's arguments and accepted new wording of the amendment. It is a sensible compromise. I know there are challenges and responsibilities but I urge my colleagues to support these amendments. However, they do highlight that the Government did try to limit transparency and scrutiny around the budget and the State's finances.

As I said in the second reading debate, the Federal Treasurer and the finance Minister gave similar statements to their respective Houses in which they detailed the state of the finances of the Commonwealth, as well as projections on deficits. For example, what would be the impact of a second wave? What would happen if social distancing failed and it would cost the economy $2 billion a year? So I find myself in a situation where I am praising the Commonwealth Treasurer for revealing that to the community while criticising his State counterpart. It was disappointing that the Treasurer did not use today as an opportunity to spell out the State's finances. These are important issues. If he had, we would know the Treasury's predictions for unemployment. What revenue would be coming in? What would the impact on revenue from pubs and clubs with the closure of pokies have meant to the State coffers? What would have happened with the downturn or the turning off of auctions? I will leave my comments at that and commend the amendments to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:43:40**):** The Government supports the amendments.

The CHAIR (The Hon. Trevor Khan): The Hon. Walt Secord has moved Opposition amendments Nos 1 and 2 on sheet c2020-048A. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the COVID-19 Legislation Amendment (Emergency Measures—Treasurer) Bill 2020 as amended be agreed to.

Motion agreed to.

The CHAIR (The Hon. Trevor Khan): We now move to the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020. There are a number of proposed amendments to the bill, including: Opposition amendments on sheet c2020-039B and sheet c2020-060; One Nation amendments on sheet 23; Opposition amendments on sheet c2020-035C; The Greens amendments on sheet c2020-051A and sheet c2020-038B; Opposition amendments on sheet c2020-037D; Shooters, Fishers and Farmers Party amendments on sheet c2020-054; Opposition amendments on sheet c2020-034A; The Greens amendments on sheet c2020-049A; Opposition amendments on sheet c2020-042C; The Greens amendments on sheet c2020-052B, sheet c2020-043E, sheet c2020-041E and sheet c2020-044E; Opposition amendments on sheet c2020-055; The Greens amendments on sheet c2020-057B; Opposition amendments on sheet c2020-023B and sheet c2020-023C; and The Greens amendments on sheet c2020-029H, sheet c2020-030H, sheet c2020-045H and sheet c2020-031B. I will work off the running sheet. We will start with Opposition amendment No. 1 on sheet c2020-039B.

The Hon. ADAM SEARLE (20:47:14**):** I move Opposition amendment No. 1 on sheet c2020-039B:

No. 1 **Annual leave—accrual for workers stood down without pay**

Page 3, Schedule 1. Insert after line 2—

[1A] Section 5A

Insert after section 5—

5A COVID-19 pandemic—protection of annual holiday entitlements

(1) The annual holidays of a worker who is stood down by an employer without pay during the prescribed period as a direct or indirect result of the COVID-19 pandemic continue to accrue while the worker is stood down during that period.

(2) This section extends to annual holidays or annual leave under an award, agreement or contract of employment or any other Act.

(3) In this section—

prescribed period means the period—

(a) starting on 25 March 2020, and

(b) ending on—

(i) 26 September 2020, or

(ii) a later day, not later than 26 March 2021, prescribed by the regulations.

Explanatory note

The proposed section ensures that a worker's annual leave or annual holidays continue to accrue during any period in the prescribed period (as defined in the proposed section) in which the worker is stood down without pay as a direct or indirect result of the COVID-19 pandemic.

This amendment deals with a situation that the Government picked up on—for which I am grateful—around long service leave where a worker is stood down without pay and by reason of the amendment the worker continues to accrue long service leave. This is a parallel amendment for the prescribed period of March to September 2020 to provide the same protection to workers in relation to annual holiday entitlements.

Section 126 of the Industrial Relations Act provides for continuity of employment when a standdown occurs with the consent of the Industrial Relations Commission. This is to guard against two possibilities. The first is when the standdown occurs without the sanction of the commission—although that would not be, strictly speaking, lawful—rather than leaving the worker or their trade union to run around to try to fix the issue via some other legal means, it is prudent to provide a legislative fix to prevent a problem arising. Also, given the extensive nature of the Fair Work Act concerning who is a national employer, it is possible that there are employers and employees who are not covered by those provisions. I have not been able to satisfy myself, because of the speed with which we are dealing with this legislation, that there is no risk that some worker may slip between the cracks.

The worst thing that could be said about this proposed amendment is that it is unnecessary. If that is the case, I would be very happy. Nevertheless, I find that prevention is better than a cure. In that spirit, I commend this amendment so that we can safeguard against any worker failing to accrue their annual holiday entitlements if they are stood down without pay during this period as a result of the pandemic. There should not be any objection

in principle to the objective of the amendment; merely a legitimate difference of opinion about whether it is necessary. It is better to be prudent, rather than sorry afterwards.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:49:57**):** The Government will support the Opposition's amendment to the Annual Holidays Act 1944 that would ensure workers who are stood down without pay as a direct or indirect result of the COVID-19 pandemic continue to accrue their annual leave. The Government notes that section 126 of the Industrial Relations Act 1996 already provides that workers still accrue leave during the period in which they are stood down. The Government's view is that this provision should be sufficient to ensure that stood-down employees continue to accrue leave. However, in the interests of certainty and to put the question beyond doubt, the Government will support the amendment.

As members are aware, the Annual Holidays Act only applies to workers in the public sector and the local government sector. The amendment will give these workers, particularly those in the local government sector who have been stood down by their councils because of social distancing measures, some comfort in knowing that their annual leave entitlements continue to accrue at this difficult time.

Mr DAVID SHOEBRIDGE (20:50:56**):** The Greens support the Opposition's amendment. I say first of all that our very clear preference is that workers do not get stood down, that they remain employed and continue to provide productive work. There is a vast amount of productive work to be done. However, in circumstances where they are being stood down, then of course we need to put in place every protection that we can. I commend the local government sector for the work it did on its splinter award to provide a base-level guaranteed living wage for any worker who is stood down. The local government sector has been extraordinarily productive and it is unfortunate that not every council has joined that splinter award; however, the great majority have. If any worker is stood down in local council or otherwise, not only should their long service leave accrue but also their annual leave. I am glad members are on the same page on this.

Reverend the Hon. FRED NILE (20:51:48**):** I put on record the support of the Christian Democratic Party for this Opposition amendment, which supports workers' rights.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet c2020-039B. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. ADAM SEARLE (20:52:32**):** By leave: I move Opposition amendments Nos 1 and 2 on sheet c2020-060:

No. 1 **Annual holidays for local council workers**

Page 3, Schedule 1.1, proposed section 14A (3) (b), lines 18–20. Omit all words on those lines.

No. 2 **Annual holidays for local council workers**

Page 3, Schedule 1.1, proposed section 14A (5), lines 26–31. Omit all words on those lines. Insert instead—

(5) An employer and worker may agree on a worker taking a specified period of annual holiday at double pay only if, after taking the holiday, the worker will have an accrued annual holiday entitlement of not less than 4 weeks.

This is an amendment to proposed new section 14A of the Annual Holidays Act 1944 for council workers on page 3 of the bill. The Government has moved to liberalise access to holiday pay. At the moment in the local government sector the situation is that many councils carry very heavy leave balances and there has been a prevailing policy—and it has in fact been a significant industrial issue for many years in that sector—against the cashing out of leave. The prevailing public policy is that people should take their leave as rest rather than be paid the money. The Government bill liberalises that by saying if the worker retains at least four weeks' annual leave or more, up to two weeks can be cashed out in any one 12-month period. That is a liberalisation. However, it is the view of both the employers and the trade unions in the local government sector that they want all the restrictions on cashing out removed, save for the retention of the four weeks' annual leave. It seems to suit everybody industrially. It seems to be the case that as long as the worker is protected, that it is by genuine consent and that the worker retains at least four weeks' leave there should be no arbitrary restriction on the cashing out of leave to two weeks or any other period.

I understand this will not be a universally held view in this Committee, and it might not always have been the view that I would take about those matters. Nevertheless, as long as the worker retains the protections that are otherwise provided it would seem that on this occasion we can relieve the burden councils have from carrying excess leave balances and also suit the industrial interests of those who work in the sector, providing a more complete solution than is currently provided for in the Government's legislation. I will pause there to hear the

contributions of other members and address in my reply any misgivings or concerns that might arise. I am confident that the view I have put is the view of the entire local government sector.

The CHAIR (The Hon. Trevor Khan): I know that Mr David Shoebridge is busting to make a contribution.

Mr David Shoebridge: I am not busting. I do not see anyone else seeking the call.

The CHAIR (The Hon. Trevor Khan): I am not being rude. If the Minister is not seeking the call then I call Mr David Shoebridge.

Mr DAVID SHOEBRIDGE (20:55:52**):** On behalf of The Greens, I indicate we will not be supporting the Opposition's amendments. For The Greens, annual leave is about taking paid time off. It has been a hard-fought industrial entitlement, first achieved in the manner in which it is in the Annual Holidays Act 1944. A lot of struggle led to the right to have paid time off. Through the Howard Government's WorkChoices bill we saw for the first time a national attack on the concept of paid annual leave, with the ability for employers to buy out annual leave under the Fair Work Act 2009. That was opposed almost unanimously at the time by organised labour and by The Greens.

In the amendments the Government has moved it has allowed for the purchase of annual holidays in the local government sector, apparently as a result of award negotiations between the United Services Union and Local Government NSW. However, the Government has put in what I think is a critical protection, which The Greens back in—that is, no more than two weeks of leave can be purchased in any 12-month period of annual leave. The Opposition's amendment removes that protection and allows unlimited amounts of annual leave to be purchased, provided a base level of four weeks is left after the buyout has happened. If a worker has worked in local government for a good many years and has accrued a substantial amount of untaken annual leave, that is a failure of management to ensure that that leave was taken. It is not in the interests of the worker to have had an extended period of time without a decent amount of annual leave.

I accept that this is an historic problem, and that in order to address some of the financial issues in the pandemic some additional flexibility has been allowed in this very narrow circumstance to buy back some annual leave. However, the Government has quite rightly put a limit on the amount that can be purchased of no more than two weeks. The thought that someone may have worked 15 to 20 years in the local government sector, having hardly taken a day off for annual leave, only to then have it all cashed out without having that decent leave is dead contrary to the very concept of paid leave. It is paid time with your family, paid time off—a paid break. It is unfortunate that Labor has moved these amendments. We will not be supporting them.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:58:48**):** The Government will be supporting the Opposition amendments. The amendments proposed to the Annual Holidays Act 1944 in the bill allow councils to make payments in lieu of annual leave and council workers to take annual leave at double or half pay. The objectives of the amendment are to allow greater flexibility and to allow councils to reduce their excess annual leave liabilities. New section 14A (3) allows an employer and worker to agree to a payment in lieu of a period of annual holiday the worker is entitled to. New subsection 3 (b) limits the total number of weeks that a worker may receive payment in lieu of a period of annual holiday to two weeks in any 12-month period.

New section 14A (5) allows the employer and the worker to agree on a worker taking a specified period of annual holiday at double pay. New subsection (5) (b) limits the period of annual holiday a worker can take at double pay to two weeks in any 12-month period. The Committee has heard that amendments are required to the proposed amendments to remove the two-week limitations on payments in lieu of annual leave and annual leave taken at double pay. The proposed amendments to the bill would see the removal of the two-week limitations on payments in lieu of annual leave and annual leave taken at double pay. This amendment is now supported by the Government.

I am advised that the parties to the Local Government (State) Award have advised that they would like to see the two-week limitations contained in new sections 14A (3) (b) and (5) (b) removed from the bill. The parties to the award have agreed that, given these arrangements can only be made by agreement between the council and the worker, the restrictions to two weeks contained in these provisions are redundant and unduly restrictive. Part of the objective of the proposed provisions is to allow the councils to reduce their excess annual leave liabilities. If councils can fund these arrangements they should have the flexibility to do so without being limited to two weeks. If councils cannot afford to pay more than two weeks they can simply choose not to agree to it. The Government supports the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendments Nos 1 and 2 on sheet c2020-060. The question is that the amendments be agreed to.

The Committee divided.

Ayes 18
Noes 4
Majority.....14

AYES

Ajaka	Banasiak	Borsak
Buttigieg (teller)	Farlow	Farraway
Field	Graham	Latham
Maclaren-Jones (teller)	Mitchell	Nile
Primrose	Roberts	Searle
Sharpe	Taylor	Tudehope

NOES

Boyd (teller)	Hurst	Pearson
Shoebridge (teller)		

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): We will now move on to One Nation amendment No. 1 on sheet 23.

The Hon. MARK LATHAM (21:10:36**):** I move One Nation amendment No. 1 on sheet 23:

1. Omit Schedule 1.10

Clearly this is a matter that should not be part of the bill. It is a matter that should be standalone legislation. It is uncosted. It is unfunded. It has been drafted in a way to make it as opaque as possible for the understanding of the Chamber. It is also a matter that is midstream in public consultation. This story gets worse and worse. I have gathered some extra information to find out that a key component of the Energy Security Safeguard that the Government wants to legislate here is in fact the peak demand response scheme, which is out for public consultation that has not finished.

It is hard to believe we are legislating and providing delegated power by regulation to a Minister who is yet to complete the consultation process. With all the talk about stakeholders we hear around the Chamber, the stakeholders here are being treated disgracefully. If someone has made a submission to the peak demand response scheme, they will not even be given the decency of finalisation of that process before the Parliament passes the legislation. We all remember, of course, at the beginning of this parliamentary term the Premier declared a new era of open, transparent, deliberative parliamentary democracy where there would be improved standards of consultation.

Mr David Shoebridge: How long did that last?

The Hon. MARK LATHAM: It lasted about five seconds and it certainly did not embed itself in the thinking behind this provision, which is not about COVID-19. It is not urgent and it is not part of the emergency. It is not even good economic policy. So it is very hard to understand why a government facing a deep recession in New South Wales has as its first major piece of structural economic reform an attempt under the stated policy released in November to drive down the consumption of electricity and gas. We want consumption of electricity and gas in New South Wales to be going up because it is a driver and a sign of improving economic prosperity.

Those shops turning the lights on, those clubs, pubs and restaurants turning on their gas ovens, and the manufacturing concerns turning on both gas and electricity are signs that they are back to employing more people. This is such a wrong-headed priority. It is so unnecessary. It should have been subject to standalone legislation. It defies the Premier's declaration of a new style of parliamentary process. It treats as trash the stakeholders who have made their submissions to the peak demand response scheme. Can anyone in this place say there is any redeeming feature about this rubbish provision? This has to be a new low standard in the worst amendment or provision that has come before this Chamber in this parliamentary term.

The Hon. Adam Searle: That is a pretty big claim.

The Hon. MARK LATHAM: I think it is a valid claim. I will go through it for the edification of the Leader of the Opposition. I have another 12 minutes. I can run through the problem: uncosted, unfunded, opaque drafting, consultation still underway, not part of COVID-19, not part of the emergency, not urgent and bad

economic policy that wants to drive down electricity and gas consumption when we want that to be lifting as we come out of a recession to create all the jobs. I know the member opposite wanted to hear more of the evidence. The Australian Labor Party needs to be in favour of labour, who want to see electricity and gas consumption growing so they are in work, not be the Australian emissions party, worried about another green energy scheme, supported by the snake-oil, unproven economics of battery technology.

I cannot provide a more comprehensive case of everything that is wrong with this schedule 1.10. In fact, there is nothing right with it. There is nothing anyone could logically, sensibly say that is good about this. So for goodness' sake you have to end this thing. It is just plain wrong. Quite frankly, members opposite are being taken as fools. Because if the Government will do this to them on this provision, it will do it on anything. For the dignity and standards of this Chamber, reject the proposition. Amend it. I think there is another example. I can tell by some of the smirking faces that people know the truth of this—that it is one of those where you win the debate and lose the numbers.

The Hon. ADAM SEARLE (21:15:08**):** We on this side completely oppose the amendment put up by One Nation. I remind members of two things. If this House was being bounced without proper time to consider a matter of great moment, we would of course be very concerned. In this bill there is a number of provisions on which we have been working quite constructively with the Government where we have had significant concerns about the shape of the legislation. Having spoken with the Minister and officials in the department, I think the member is making this section out to be much more than it is. But it is still an important part. I do not for a moment think this will be the answer to New South Wales' energy problem but there is no doubt that part of meeting the continuing challenges of our energy system is not just about having enough electricity in the system; it is about making sure we use the energy we have more efficiently across the time cycle.

The big problems—and people will remember in February 2017, not long after Mr Harwin had become the energy Minister—were those significantly hot days when peak energy demand and very high temperatures put the system under almost unprecedented strain. We managed to avoid blackouts across the State by a combination of curtailing the energy use at Tomago but also making sure that people with air conditioning turned the air conditioning down and so reduced overall demand at that time. Demand management and peak response is a vital part of us meeting the challenges of the future in terms of our energy system.

Mr David Shoebridge: The cheapest energy is that which we do not have to build.

The Hon. ADAM SEARLE: Yes, and making better use of the energy you have in the system means you do not have to build additional capacity. This is at a very early stage. This is not about unproven theories or science fiction or any other derogatory description that members might want to attribute to this. This is a very small step but a useful step to facilitating the power to create schemes to provide incentives not only in relation to saving energy but also demand response. A good example I mentioned earlier in my second reading contribution is the issue of battery storage but a much better, tried and tested example is that of air conditioning.

If you want to install air conditioning in your house, at the moment you cannot get a certificate from a relevant provider and get a rebate on the cost of that installation unless it is about reducing overall energy use. But if you are prepared to enter into a demand management mechanism with your provider you will be able to participate in a scheme like this. Having people who roll out things like air conditioning in their homes agreeing to, if there is a need, have that energy use curtailed at certain points of the day can make all the difference to the State having to construct additional capacity of hundreds or thousands of megawatt hours. That is a very important step to reducing energy emissions and also making better use of the energy we have. I do not wish to engage in the culture wars any further but I think this is a useful if small step taken by the Government and we support it.

The Hon. NATALIE WARD (21:19:09**):** The Government opposes One Nation amendment No. 1 on sheet 23. The Energy Security Safeguard amendment, set out in schedule 1.10, is all about creating jobs, supporting businesses, improving energy affordability and maintaining reliability. Last year, as part of the NSW Electricity Strategy, the Government committed to reconstituting the Energy Savings Scheme as the Energy Security Safeguard to support the rollout of technologies needed to reduce power prices and improve the reliability and affordability of the grid. I do not want to see what happened in other States happen here.

The Energy Savings Scheme reduces household and business bills through energy-efficiency projects. The scheme currently supports over 1,600 jobs in New South Wales and the projects already delivered under the scheme are expected to generate $5.6 billion in energy bill savings over their lifetimes. The Energy Security Safeguard amendment creates a new power that enables new schemes to be established by regulation as soon as possible. Setting up schemes under the Energy Security Safeguard as soon as possible is important to enable business activity, jobs and investment as we recover from the COVID-19 pandemic. Changes to the Energy Savings Scheme, the introduction of a peak demand reduction scheme and improvements in energy affordability are expected to deliver $1.4 billion in net economic benefits.

The Energy Security Safeguard amendment will also send a signal to businesses currently working with the existing Energy Savings Scheme that they still have a strong future, encouraging them to keep their staff on. In short, the safeguard will support jobs. During the current economic downturn we need to do everything possible to create jobs in our economy. One of the objects of the safeguard is to support reliability. Given the scheduled potential closure of the Liddell Power Station in April 2023, it is important that we continue to implement the State's electricity strategy to keep the system reliable. As soon as possible we need to implement schemes under the safeguards that support reliability so that we have the policy tools to make sure we are prepared for Liddell's closure. COVID-19 has not changed that imperative.

As we deal with the COVID-19 crisis the Government's focus is keeping people in jobs and businesses in business. The Energy Security Safeguard amendment does exactly that. It is important to reduce electricity prices, improve reliability and support our economy, particularly now. That is why the Energy Security Safeguard is in the bill.

Mr DAVID SHOEBRIDGE (21:21:58**):** The Greens oppose One Nation amendment No. 1 on sheet 23. The cheapest power station is the one you do not have to build and the purpose of the Energy Security Safeguard measures in schedule 1.10 to the bill is to reduce peak demand and therefore, hopefully, avoid the construction of what could be a multibillion-dollar piece of infrastructure to provide power for maybe one, two, three or four afternoons a year. The object of the safeguard is to improve the affordability, reliability and sustainability of energy through the creation of financial incentives that encourage the consumption, contracting or supply of energy in particular ways. As I understand it, the safeguard broadens the scope of the existing regime from simply dealing with energy efficiency to also dealing actively with demand management by agreement and by contract. It also expands the existing regime's purposes in the manner I outlined.

To not support the Energy Security Safeguard amendment is to support an invitation to the electricity industry to spend another $1 billion, $2 billion, $3 billion or $4 billion to buy new generating capacity, which would be paid for by households and businesses across New South Wales. If that capital expenditure can be avoided by sensible demand management—by agreement and by consent—which almost inevitably will provide financial savings both to the person undertaking it and to electricity consumers across New South Wales, why would you not do it? This is an ideological war again because there is a fear that at some point there may be some renewable energy or someone may have the compressor on their air conditioner turned off for 20 minutes during a peak heatwave in Sydney, even though they will not notice any material difference to the cooling in their house. That, somehow or other, is a kind of Alan Jones culture war that some members in this Chamber want to continue to fight. I am glad to see we are over that. Let us get on and try to do the best we can.

The Hon. MARK LATHAM (21:24:34**):** I will speak briefly in response. The previous three speakers gave very fine speeches—for 2019. I am afraid they are locked in a time warp. It is quite surreal to be talking about "peak demand", as the leader of The Greens did, and "demand management" and "peak response", as the leader of the Labor Party did. What peak? I find it amazing and, indeed, distressing that those leaders of political parties would not know the extent of the economic recession into which New South Wales has entered and the urgency of real job creation for unemployed workers in need.

The Australian Energy Market Operator statistics show that since the lockdown and the beginning of the New South Wales recession, peak morning energy consumption in New South Wales has collapsed by 10 per cent. What peak? The peak that has disappeared! In the evening it is 6 per cent. So do not lecture me about the culture wars because the reality is that members opposite are dealing with a problem that does not exist right now. The peak does not exist because of the collapse in energy consumption, so why is this the priority for the resurrection of the New South Wales economy?

Why would the Government spend a single cent on these measures in the middle of this deep recession to address a problem that does not exist when there are other burning priorities for capital works and real job creation to reboot the New South Wales economy? Do not talk to me about culture wars. Do not talk to me about being locked into a fixed ideological view. You would have to be a first-rate fool to be addressing a problem right now that does not exist at the expense of workers in New South Wales. This has got nothing to do with coronavirus. It has got nothing to do with anything that is urgent. Members can make those fine speeches. They would have sounded great last year. They will probably sound alright in two or three years' time, but not now. It is a sham on the Parliament that this is going to be passed.

Mr JUSTIN FIELD (21:26:36**):** I oppose One Nation amendment No. 1 on sheet 23. Over the past decade we have seen a dislocation between economic output and the energy requirements to deliver that output. In fact, we have seen that dislocation all around the world as renewable energy continues to take up a bigger and bigger share of electricity generation—not only in Australia but also around the world. So how is it that all of a sudden we have seen that dislocation, where we have seen improvements in economic output and improvements in productivity, despite the fact that energy consumption has been flatlining or falling, the prescription here from the

Hon. Mark Latham is that we need more of it to be able to get the economy going? The prescription that he offers is one of more expensive electricity for residents, households and businesses.

The honourable member makes a bit of a joke that it is one of those cases where we win the argument but lose the numbers. If he won the argument, the argument that he has just put forward is that households should pay more money. Members have a good opportunity to consider how we can maximise the efficiency of our electricity network, how businesses can potentially reduce their electricity use when it is not needed and get a financial benefit for that. Is now not the time, when people are under financial pressure, to be looking at opportunities to use energy more efficiently, or are we going to have to spend more money on the networks, more money on generation?

It is a culture war. The Hon. Mark Latham consistently talks down renewable energy in this place because he does not think it works, but it is working all around the world. The cheapest new electricity generation is renewable. The committee inquiries that he has served on have shown that. He comes into this place and pretends it is otherwise, but the prescription that he offers is more expensive electricity for the households he claims to represent. It is wonderful to see the rest of the members in this place come together and recognise that we need to move past that way of thinking about energy because otherwise we will simply continue to stall on this important economic and environmental transition for the New South Wales community and economy.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 1 on sheet 23. The question is that the amendment be agreed to.

The Committee divided.

Ayes 4
Noes 18
Majority.....14

AYES

Banasiak	Borsak	Latham (teller)
Roberts (teller)		

NOES

Ajaka	Boyd	Buttigieg
Farlow	Farraway (teller)	Field
Hurst	Maclaren-Jones (teller)	Mitchell
Mookhey	Nile	Pearson
Primrose	Searle	Secord
Shoebridge	Taylor	Tudehope

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): We now move to Opposition amendments Nos 1 and 2 on sheet c2020-035C. I will then invite Mr David Shoebridge to move The Greens amendments Nos 1 to 5, or parts thereof, on sheet c2020-051A, should he so desire.

The Hon. ADAM SEARLE (21:37:40**):** By leave: I move Opposition amendments Nos 1 and 2 on sheet c2020-035C in globo:

No. 1 **Lapsing of development consent (Environmental Planning and Assessment Act 1979)**

Page 14, Schedule 1.11[1], line 16. Omit "7 years". Insert instead "5 years".

No. 2 **Lapsing of development consent (Environmental Planning and Assessment Act 1979)**

Page 15, Schedule 1.11[2], line 3. Omit "7 years". Insert instead "5 years".

The amendments amend schedule 1.11 to the bill, which contains changes to the Environmental Planning and Assessment Act 1979, particularly in relation to items [1] and [2]. This is part of the economic strategy to bring the State out of the growing economic crisis that we find ourselves in. The Government seeks to provide certainty to the development industry—the building and construction industry—because it is a long pipeline industry and when the pipeline slows or becomes shorter it can be difficult to get it moving again. The changes in the bill deal with what is called the prescribed period, which, unlike other prescribed periods in this omnibus legislation, does not describe the period March to September 2020; it describes a much longer period of March 2020 to March 2022, a two-year period, no doubt reflecting the longer tail nature of the construction industry.

What it is does is twofold. If a development consent is to lapse in that period to give persons holding the benefit of those consents or the deferred commencement, it will provide an additional two years—a two-year bump if you will—to substantially commence the development consent that they hold. For development consents granted within that two-year period, a seven-year lapsing period is provided instead of five years, no doubt to give that additional certainty. The Opposition thinks seven years is excessive and unnecessary. If it ultimately becomes necessary the Government will no doubt return to this place with a renewed proposal. The two amendments advanced by the Opposition omit the seven years and reinstate the existing five years. So whether you are given a consent before, after or during the prescribed period it is a consistent five-year lapsing.

Why does the Opposition say that five years is sufficient? History shows that what is legally required to have a substantial commencement, as I indicated in my second reading contribution, is a very low threshold. It does not require foundations to be poured or construction work to be erected; it can be as low as clearing a block and putting in pegs or something to show that a person has actively engaged with their development consent. That being so, the difficulties believed to be there to make a seven-year period necessary we think are not necessary. We urge the Chamber to stay with the five-year lapsing period.

The Opposition agrees to the two-year extension for those consents that lapse within the two-year period. We think because the two-year period is of such a reasonable length that an additional two-year bump for any consents or deferred commencement that lapse in that period will provide the additional support and certainty that industry requires. As I indicated, should that not prove to be so no doubt the Government will return here and we will have a further dialogue. I urge the Committee to embrace the Opposition amendments.

Mr DAVID SHOEBRIDGE (21:41:53**):** Given the Opposition's amendments, The Greens will not move amendments Nos 1 and 3. Instead, we will be supporting the Opposition's amendments, which cover the same ground. By leave, I move The Greens amendments Nos 2, 4 and 5 on sheet c2020-051A in globo:

No. 2 **Lapsing of consent**

Page 14, Schedule 1.11[1], proposed section 4.53(1)(c), line 18. Omit "2 years". Insert instead "1 year".

No. 4 **Lapsing of consent**

Page 15, Schedule 1.11[2], proposed section 4.53(6)(c), line 5. Omit "2 years". Insert instead "1 year".

No. 5 **Lapsing of consent**

Page 15, Schedule 1.11[3], proposed section 4.53(8), line 23. Omit "2022". Insert instead "2021".

I will not canvass the ground raised by the Hon. Adam Searle. The Greens agree with his propositions. I am glad that Labor is coming to the party on these kind of zombie consents, which have often been granted with a tiny amount of commencement of work. Literally hammering in a white peg or digging a small hole in the corner of a field has been found in different cases to be a substantial commencement and then allows the time to run and the like. One of those examples is happening right now at Manyana. That community has a zombie consent where there was a notional, partial commencement the better part of a decade ago and it has been sitting there ticking away. This provides ongoing uncertainty for the community and allows a consent that may have been appropriate in 2008, which I doubt, to be activated now when the circumstances have fundamentally changed. It is a very bad precedent. The Government's amendments will make this matter worse.

As the Hon. Adam Searle said, the prescribed period in this part of the bill is extraordinarily long. It runs from 25 March 2020 to 25 March 2022. The Greens cannot see a rationale for that. We do not see in any other part of the legislation dealing with a pandemic a prescribed period going beyond 2021. The Greens' amendment No. 5 reduces that period from 25 March 2020 to 25 March 2021—a 12-month period. Consistent with that, The Greens amendment reduces the two-year extensions that are proposed in schedule 1.11 [1], new section 4.53 (1) (c), and schedule 1.11 [2], new section 4.53 (6) (c), to one-year extensions consistent with that position. The Greens do not believe there is a rationale for giving the development industry a two-year gift like this. It is not consistent with any other part of the legislation. For the reasons I articulated earlier about zombie consents, it is bad in principle and bad in practice.

The Hon. ADAM SEARLE (21:44:54**):** For the reasons I outlined in my contribution to the Opposition's amendments, we will not be supporting The Greens' amendments to reduce the two-year extension to those consents that lapse in the prescribed period.

Mr David Shoebridge: What if your amendments do not get up?

The Hon. ADAM SEARLE: That might be a slightly different proposition. If the Opposition's amendments are not successful that may cause a reconsideration. We do accept that the construction and development industry is a long pipeline and we do accede to the need to give some degree of certainty in the economic crisis that is growing around the country. We do not make light of that. It does not give me any great

joy to give the development industry this extension and we would not do so if we did not think it was necessary. Although the Opposition earnestly hopes that, in lock step with the health crisis, the economic crisis will recede as quickly, we cannot bank on it. As I said, because it is a long pipeline industry it may need that additional period of time to facilitate its recovery.

I repeat, if the Opposition's amendments are not successful we could reconsider that position. But I am an optimist by nature and I believe our amendments are likely to succeed. In which case I think the change of seven years to five years, together with the two-year extension, will meet the legitimate needs of industry while providing the safeguards that the community rightly expects.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:46:48**):** The Government will be supporting the Opposition amendments but opposing The Greens amendments in relation to the periods suggested. In fact, I have had a direct experience in relation to this. I had a call from a person about issues arising under the leasing regime. This particular owner had a development consent for something like a duplex, not a massive development, that was about to expire. The Government said he could not get rid of the tenant during the coronavirus period. Therefore, his development consent would have expired but under this regime he will be given an extension of two years to commence the development for which he had consent. It goes to show there are real circumstances that are affected by the bill as drafted, if we accept the amendments put forward by the Opposition.

In relation to The Greens amendments, this pandemic has made it more difficult for industry to secure project finance. It has caused disruption to the supply chain of construction materials. This has created greater potential for development consents to lapse before work on projects can be physically commenced—and that is a real problem. The bill extends the lapsing period for development consents for two years and does the same for the expiry of existing and other lawful uses. This extension will ensure that people who are financially and practically affected by the pandemic have enough time to kick off their building work or wait until resuming an existing use. It acknowledges that the testing times in which we are currently living have imposed immediate public health restrictions and will have longer-term economic impacts.

The Greens amendments will only give people an extra one year on top of their current lapsing period. The Government's concern is that one year will not be enough. It is better to give people more time to get things lined up in order to start work on approved developments once the economic conditions have improved. For those reasons the Government will support the Opposition amendments but will oppose The Greens amendments.

The CHAIR (The Hon. Trevor Khan): Before Mr Justin Field makes his contribution, I remind all members that social distancing should be observed in the Chamber. I am not referring to any members in particular.

Mr JUSTIN FIELD (21:50:24**):** I make a short contribution to the discussion indicating my support for Labor's amendments. I do not intend to support The Greens amendments and I will outline why. I am sure that the Minister in his contribution probably put words in the mouth of the constituent who contacted him. I am sure they did not mean to say, "We were disappointed to see we couldn't get rid of the tenant." I am sure what was actually discussed was an understanding of the changed circumstances for everyone, including people who are relying on the private rental market to ensure they have a home to live in—"During these difficult economic circumstances, we are glad the Government is ensuring that it recognises the challenge for people who are trying to rebuild a home as well as people who live in our homes." I am sure that was the intention.

I was about to say that I understand, and I am no friend of big property developers. Zombie approvals affect coastal communities such as mine more than any other. I see one of the Minister's staff in the gallery tonight. I ask him to take back to the Minister the concerns expressed about those sorts of developments by members on both sides of the Chamber. That should be touched on here but it is not actually dealt with by changing the lapsing of consent. The big property developers get around that stuff. They know what the rules are and they ensure they are not going to be impacted by this. They have the financial ability to kick the dirt and commence those projects and then they sit on them. That is a different problem that we need to address—which is not what this amendment does.

It is not just large property developers that are affected by this; it is also smaller ones. It is not just residential property, it is also business development. It might be a renewable project. Of course, the economics of that have changed and may change for a period of time. There are definitely going to be developments that are positive for the community and important for economic recovery. They might be important for community recovery more broadly than just economic recovery in the sort of economy that we want to create as we transition through this crisis. I do not think we should just lump them all in one basket and say, "Property development is bad. Let's not give it a free kick." I do not think that is what this is. That is why I do not support The Greens amendments but I support the Opposition amendments.

Mr DAVID SHOEBRIDGE (21:52:56**):** Dealing with the contributions by both the Opposition and the Government, I indicate that the propositions they have put is that this pandemic may go into 2022 and have an impact. The good news, at least in that regard, is that we have finally got agreement that the House will continue to sit from June. The initial proposition of adjourning until September, which The Greens opposed, has thankfully washed its way through. If there is concern from June onwards of the effects of the pandemic on the construction industry, there is a vast opportunity between now and March 2021 to extend the period. However, we do not think simply handing a blank cheque—well, a blank cheque with a two-year date period—is appropriate. We can understand a one-year extension, given the effect of the pandemic, but despite listening carefully to the argument for the two-year period we are not persuaded.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendments Nos 1 and 2 on sheet c2020-035C. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 2, 4 and 5 on sheet c2020-051A. The question is that the amendments be agreed to.

Amendments negatived.

Mr DAVID SHOEBRIDGE (21:54:42**):** By leave: I move The Greens amendments Nos 6 and 7 on sheet c2020-051A in globo:

No. 6 **Existing and other lawful uses**

Page 15, Schedule 1.11[4], proposed section 4.66(4), line 28. Omit "3 years". Insert instead "2 years".

No. 7 **Existing and other lawful uses**

Page 15, Schedule 1.11[5], proposed section 4.68(4), line 33. Omit "3 years". Insert instead "2 years".

As with the previous amendments, I give credit to the work of my colleague Jamie Parker from the other place, who has done the heavy lifting in consulting on and drafting these two amendments, which seek to limit the extension of the existing use window. The way existing use laws operate at the moment is that if somebody had a lawful use of a certain parcel of property but the zoning has changed and that use is no longer lawful, they are entitled to continue that otherwise unlawful use while ever it continues. It is called an existing use and it continues while ever you continue to use it. However, for as long as I can recall, the law has said that if you abandon that use for 12 months then you lose your existing use rights.

The Government's bill seeks to extend that window to a three-year window, so that you can abandon the existing use for three years and then come back again. There is a good reason we have a limited window. If the zoning has changed, obviously there has been detailed consultation with the community and you want to change the character of a particular area, and whatever that existing use was is no longer consistent with what the community wants for the character of that particular area. Therefore, having abandoned it for 12 months, I am sorry, the game is up, and we return to what would otherwise be the planning laws that apply to that space.

The Greens understand that there may need to be an extension of the existing use provisions because we are in a pandemic. Instead of increasing that window where you can cease and resume activity from 12 months to three years, the proposal in The Greens amendments drafted by my colleague Mr Jamie Parker is to extend it from 12 months to two years. Again, this is consistent with our view about what the prescribed period is for pretty much every other piece of legislation related to COVID that is coming through. None of these pieces of legislation—other than when it comes to giving benefits to property developers and property owners—have considered a two- or three-year window. We believe this is an appropriate balancing.

The Hon. ADAM SEARLE (21:57:20**):** The Opposition will not be supporting The Greens amendments for the reasons I outlined in my second reading debate contribution. We think existing use rights are very important and we understand that there is a need to give small business people and others with those rights certainty and peace of mind. Again, while it looks for the moment as though the worst of the health situation may have passed, that is not a guarantee. As the Premier has indicated, when restrictions are lifted and people interact more it is very likely that there will be an increase in infections. However, there is no doubt that adjusting to COVID-19 and dealing with it in such a way as to flatten the curve, as New South Wales has managed to achieve, has caused a significant economic impact. That is why we agree the period of three years proposed in the bill is a reasonable measure.

I share many of the concerns advanced by Mr David Shoebridge in his amendments, but on this occasion we will support what is currently in the bill. Unlike zombie development approvals or other development issues, existing use rights are a benign and extremely important part of our planning law regime. We would really only

want to have a deprivation or winding up of those existing use rights in situations where there is a true abandonment of the usage that is granted by law. That is the Opposition's position.

The CHAIR (The Hon. Trevor Khan): Before I call on the Minister, I wonder whether the Hon. Rod Roberts might like to give the nod to the Hon. Mark Latham that soon his appearance in the Chamber is desirable.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:59:37**):** The Government will be opposing The Greens amendments.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 6 and 7 on sheet c2020-051A. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): According to sessional order, it being 10.00 p.m., does the Minister require that I report progress to allow the motion for the adjournment to be moved?

The Hon. DAMIEN TUDEHOPE: No.

The Committee continued to sit.

The CHAIR (The Hon. Trevor Khan): The Government has an amendment.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:01:55**):** I move Government amendment No. 1 on sheet c2020-062:

No. 1 **Directions by Minister**

Pages 15 and 16, Schedule 1.11[6], line 34 on page 15 to line 2 on page 16. Omit all words on those lines. Insert instead—

[6] Section 7.17 Directions by Minister

Insert at the end of section 7.17(1)(f)—

, and

(g) how money paid under this Division for different purposes in accordance with the conditions of development consents is to be pooled and applied progressively for those purposes, and

(h) the time at which a monetary contribution or levy is to be paid.

(1A) A direction under subsection (1)(h) may be given only during the prescribed period within the meaning of section 10.17.

(1B) A provision of a development consent granted before and inconsistent with a direction under subsection (1)(h) is taken to be modified so as to be consistent with the direction, but only for a contribution or levy (or a component of a contribution or levy) that has not been paid before the direction is given.

This is a small amendment contained in paragraph (1A). It provides that a direction under subsection (1) (h) may be given only during the during the prescribed period within the meaning of new section 10.17. The Government moves the amendment to new section 7.17 to ensure that the proposed subsection (h) is time limited to the prescribed period as set out in new section 10.17 of the Environmental Planning and Assessment Act. The prescribed period is defined in new section 10.17 as six months from 26 March 2020, and can be extended by regulation for a further six months. The Government also commits to consult Local Government NSW before issuing any directions under this new direction power. I commend the amendment to the Committee.

The Hon. ADAM SEARLE (22:03:19**):** The Opposition welcomes and supports this amendment. It provides a limitation upon the new section 7.17 directions power to be granted to the Minister. This direction power was an addition to the bill that I became aware of this morning. I know things have been unfolding rapidly in this space for all of us. After talking with the Government and Local Government NSW about the intention behind the provision—and I do not think I am doing disrespect to any of the parties—their descriptions did not meet up. It was like the two parties were describing completely different pieces of legislation.

On the one hand, the Government finds that this provision is necessary in order to unlock the tens of millions or hundreds of millions of dollars in developer contributions currently in bank accounts that are not being applied to infrastructure projects as quickly as the Government would like. On the other hand, Local Government NSW is concerned that the State will reach in and direct local councils how they can apply resources that have already been gathered or allocated notionally for certain infrastructure purposes. It is concerned about the disruption it will create for local government budgeting. A lot of this money is already notionally allocated to projects and there is a concern that the State will step in and disrupt those plans for its own purposes. I understand that there is a number of council projects at issue.

Reaching a landing on such a far-reaching provision in such a short space of time with limited resources, no department and few staff required the Opposition to make a judgement call. Having spoken to as many people as I have been able to in the time allocated, the call that we have made is that this power needs to be circumscribed and narrowed with regard to the time in which it can be applied. In an ideal world we would have longer to consider this provision, but I welcome the positive response of the Government in including paragraph (1A) and providing a narrower window of time in which this direction power may be used. I ask the Government to confirm that before it uses or engages this power it will consult with relevant and affected stakeholders, including Local Government NSW. I look forward to that assurance being given.

Mr DAVID SHOEBRIDGE (22:06:19**):** The Greens will be supporting this amendment, but we do have difficulties with the substantive provision. I think there is an error in the drafting of the substantive provision. It says "section 717" but it should be "section 7.17". That should be picked up in the amendment to make it clear that it is 7.17 and not 717. I also note that the drafting has changed from "or" to "and" in the amendment between (g) and (h). Having had a look at the substantive provision, that was probably intentional, but it would be useful for the Government to double-check that the change from "or" to "and" was intended. The substance of the amendment limits the new direction power for developer contributions—pools of money set aside from developers. They used to be called section 94 contributions, but they are now called section 7.17 contributions. This amendment limits the time within which directions can be made by the Minister to the prescribed period, which, in this case, is not seven or nine years, but six years plus a little more through regulation if needed.

Again, there are two quite divergent views. In our consultation with Local Government NSW it said that this power is likely to make councils more conservative in their decision-making about how to use and distribute the funds because they will be worried about the Minister coming in and raiding the pot. Therefore, they will want to hold more money back. That is exactly contrary to the Government's intention, which is to allow a more flexible use of the funds in order to encourage construction activity in the near future. It is unusual that this sort of culture war is taking place.

Both sides would like the opportunity to use the funds more rapidly to achieve positive outcomes for the community, as well as the construction sector and economy more broadly. But both sides have a different view about whether it will work. The commitment from the Government to consult broadly with Local Government NSW before it uses the power—which the Minister gave when he moved this amendment—is welcome. That is essential if the provision is to achieve the Government's purpose. We are anxious about the provision, but our anxiety is slightly reduced by the prescribed period and by the commitments made by the Government. For those reasons, we will be supporting the amendment.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:09:06**):** I thank Mr David Shoebridge for alerting us to the typographical error at line 34 and the following line where the section referred to is section 717. It should be section 7.17. I seek to correct that typographical error.

The CHAIR (The Hon. Trevor Khan): I indicate that Standing Order 150 provides:

> Amendments of a formal nature may be made, and the Chair of Committees or Clerk may correct clerical or typographical errors, in any part of a bill.

The Hon. DAMIEN TUDEHOPE: I invite you to do so.

The CHAIR (The Hon. Trevor Khan): And I so do. The Hon. Damien Tudehope has moved Government amendment No. 1 on sheet c2020-062. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. MARK LATHAM (22:10:42**):** I move One Nation amendment No. 2 on sheet 23:

> 2. In Schedule 1.11, omit Item 7 (Section 8.10(2)) on page 16.

I congratulate Minister Stokes on the way in which he has taken a pro jobs attitude to the planning system. If he abolishes the Independent Planning Commission it will be even better, but that is not in this provision. He has tried to provide encouragement for development; for development to be converted into jobs. However, the one anti-job provision, which is the one I am seeking to omit, is where the objectors, who would either be local councils or third parties, have achieved standing in the courts to double their period of appeal time from 28 days to 56 days, or almost two months. That is quite ridiculous. If a council or third-party objector has been following a local issue intensely, has been across all the facts and has made all its representations, 28 days is ample time in which to lodge the objection. To push it out to two months means that they have an unnecessary delay in development.

There is only one issue for New South Wales, and that is jobs. Anything that stands in the way of job creation has to be swept away. Our economic experience in this nation is really one of complacency. For 30 years we were leading the world in continuous economic growth. A lot of that was through pumping up the immigration

numbers. When Tony Abbott was Prime Minister he asked Treasury, "What do you do about economic growth?" It said, "Oh, we just go big immigration." That stymied all other reform, whether it was micro reform, fixing up planning systems, energy policies—all those impediments to growth accumulated. It was a real sediment building up over time.

All those impediments to growth accumulated over a 30-year period and now, all of sudden, unexpectedly, in the most unique of circumstances we need growth to create the jobs to avoid poverty, long-term unemployment, social breakdown and family breakdown. The only thing that matters on every single issue before this Parliament is job creation. In the circumstances, I do not see it as unreasonable to say to the objectors, "Listen, you have followed this intently—you might have even been the consent authority. You can get your objection in within 28 days. You do not need 56 days." The sooner the matter is cleared the more jobs return in New South Wales.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (22:13:16**):** The Government opposes the amendments moved by the Hon. Mark Latham relating to appeal rights. The planning legislation currently gives applicants six months to appeal a development consent decision. Objectors can also appeal certain categories of development consent decisions within 28 days. These are usually high-risk developments that need additional environmental assessment. The bill proposes to double both of these time frames to 12 months and 56 days respectively. This will allow both applicants and objectors to take additional time to compile evidence whilst public health restrictions are in place. It will also relieve the burden on the Land and Environment Court and allow it to spread out remotely held proceedings during the pandemic period.

This amendment will remove the time frame extension for objectors only. It is not the Government's intention to treat the parties to an appeal any differently from how they are treated now. If an extension of time is given to applicants then it should be given to objectors as well. Those measures are fair and reasonable to allow greater access to the Land and Environment Court. Importantly, the provisions will not revive appeal rights that expired before the pandemic began.

Mr DAVID SHOEBRIDGE (22:14:30**):** The Greens will not be supporting the amendment moved by One Nation. The appeal rights for objectors are already derisory under the Environmental Planning and Assessment Act 1979. In most circumstances there are no appeal rights for the community. It is a very one-sided appeal regime. Developers have the right to appeal and keep on appealing and applying until they get what they want, whereas objectors have very few, if any, appeal rights. As the Minister quite rightly said, the appeal rights that are in place for objectors are only in the most high-risk environmentally impacting subclass of developments—we are talking a tiny sliver of developments to which objectors have rights of appeal. If the appeal rights of developers are going to be expanded from six months to 12 months—a doubling—then at a minimum we should be seeing the appeal rights for objectors expanded from 28 days to 56 days.

On the face of it, it looks like they are both being doubled, but given the appeal rights of developers already have a much broader window the bill as drafted again furthers the imbalance in favour of developers. However, I accept that the Government's amendments increase in a necessary fashion the period in which objectors can appeal. They will obviously require that additional time; it is so much harder to do things during a lockdown in a pandemic. For those reasons, we will not be supporting the One Nation amendment.

The Hon. ADAM SEARLE (22:16:05**):** The Opposition will also not be supporting the One Nation proposal. We think if development rights, existing use rights and development consents are being extended by operation of the bill and for the good public policy reasons that we have been discussing, so too should appeal rights be extended in the way proposed by the Government. I agree with many of the comments made by Mr David Shoebridge in relation to the shortcomings of the appeal regimes in the planning system, but now is not the time to address those. The very modest extensions given by the Government are welcomed and we will be supporting the retention of those in the legislation.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 2 on sheet 23. The question is that the amendment be agreed to.

Amendment negatived.

Mr DAVID SHOEBRIDGE (22:17:17**):** I move The Greens amendment No. 1 on sheet c2020-038B:

No. 1 **Ministerial orders**

Page 17, Schedule 1.11. Insert after line 4—

[9] Section 10.17 COVID-19 pandemic—Ministerial orders

Insert after section 10.17(6)—

(6A) The Minister is not to make an order under this section that would extend the times at which building work or demolition may take place in a local government area unless—

(a) the council for the area requests the Minister in writing to make the order, and

(b) the order is in accordance with the request of the council.

(6B) An order made under this section that is in force on the commencement of this subsection ceases to apply to a local government area 7 days after that commencement if—

(a) the order extends the times at which building work or demolition may take place, and

(b) the council for the area has not notified the Minister in writing that the order should continue to apply to the area.

Members may recall that in the passage of the previous emergency measures bills there was provision allowed for effectively 24-hour operation of construction sites across New South Wales. There may be certain areas in New South Wales where that is entirely appropriate. There were very few restrictions on the 24-hour operation of construction work. Those restrictions were about very loud excavation work and the use of explosive tools, but otherwise permitting 24-hour construction work across New South Wales. The Greens believe the complexity of New South Wales requires that to be reconsidered. I again commend the work of my colleague Mr Jamie Parker in his drafting of this amendment. The Greens believe local councils should have some significant say in the expansion of construction work as proposed.

The amendment provides that the Minister may not make an order under this section that would extend the time at which building work or demolition may take place in a local government area unless the council for the area requests the Minister in writing to make the order and the order is in accordance with the request of the council. The reason we do this is construction work in a very densely occupied part of the city, for example, will have far greater potential environmental impacts and far greater impacts on potentially thousands of neighbours in close proximity than will be the case in perhaps more remote parts of New South Wales where there is very limited construction activity. We believe in local council having a say in this. We believe local councils know best what is needed in terms of the economic benefit for their community and what the actual impact of relatively unlimited construction work will be.

We believe the council can have a useful dialogue with the Minister about the scope, the time and the nature of the construction work that can be done outside of hours. Many concerns have been raised with my office and with my colleague Mr Jamie Parker's office about the impact of the 24-hour construction work that has happened to date. Allowing it to continue indefinitely will create potentially very significant disturbances and will have very real amenity impacts across the State. We say give councils a say, take a far more finely grained approach to it, consult with councils and come up with a better solution. That is why I have moved The Greens amendment No. 1 and why I commend it to the Committee.

The Hon. ADAM SEARLE (22:20:28**):** The Opposition will not be supporting this amendment. Reluctantly, we did support the institution of the ministerial orders power in the COVID-19 emergency measures legislation. We accepted the proposition that the need for social distancing in the construction industry in such a way as to facilitate the ongoing operation of such an important part of the economy, which employs around 140,000 people across New South Wales, is vital to continued employment and to such activity as we can maintain in the circumstances. We understand that during the lockdown period people who, once upon a time, were able to go out to work or go to the park or visit friends were not able to do so and were stuck in their homes, cheek by jowl, with construction work going on around them, frankly driving them crazy in many circumstances in a most unfortunate fashion.

We absolutely understand and empathise with people trapped in those circumstances, but there is a need to keep this part of the economy moving for the limited time for which this order is in place—until September. We reluctantly accepted that argument at the time these measures were enacted and we do not see the foundation to go back on that decision tonight. We understand the experience of people in these circumstances and we accept that it is entirely regrettable that there is not some other way forward. We think it would be sending the wrong message and would fundamentally undermine confidence in this industry were this existing power to be unwound in this way. We urge the Minister and the Government to be very cautious in the use of this power.

Beyond that, we say the fact that the provision is limited until September of this year should give the community the expectation that the disruption they are experiencing will end at that time. Obviously we absolutely regret the inconvenience the community has experienced during this period but, during this difficult situation, the whole community has made big sacrifices to flatten the curve and reach the health outcomes we have managed to achieve and the important thing is to keep the economy moving by generating or at least maintaining as many of the existing jobs as is possible.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:23:11**):** The Government opposes The Greens amendment. The amendment would undermine the construction hours orders of

the Minister for Planning and Public Spaces, which allow construction work to be carried out on the weekend, subject to noise and amenity conditions. These orders are made under provisions that this Parliament approved less than two months ago. The Greens amendment seriously undermines the important work the Government has done since then and shows a very short-term view of how to respond in a crisis. The pandemic period is an emergency and it is critical that we strike the right balance between the need for social distancing and the need to keep people employed. The Minister's orders strike this balance and contain provisions that protect amenity.

I assure members of this place that the impact on neighbours of extended construction hours was carefully considered. The Minister for Health and Medical Research was consulted on the terms of the hours and the mitigation measures they contain in accordance with statutory requirements. Allowing councils to opt out of statewide rules as The Greens propose in this amendment would result in an inconsistent, patchwork approach that would send confusing signals to both industry and members of the public. It could also lead to longer construction times with extended completion time frames in order to comply with public health requirements, and the impacts on site may lead to greater unemployment and the mental health and other impacts that follow.

In times of crisis people need one clear set of rules, which the Government has delivered through the ministerial planning orders that have allowed worksites to continue operating safely during the pandemic. I acknowledge the observation made by the Leader of the Opposition about the time-limited nature of these orders and about giving some end date to the nature of the orders. Under those circumstances, the Government opposes the amendment.

Mr DAVID SHOEBRIDGE (22:25:15**):** I can see that, between them, the Opposition and the Government will have the numbers, so I probably will not call a division on this, but I will try one last effort to persuade the Opposition to change its position. This is not just an academic issue. It is quite easy for us in this Chamber to say it is just until September. However, around WestConnex, for example, there is an extremely large amount of very intense excavation happening—streets are closed, heavy machinery is out the front of residents' houses and digging is going on 24 hours a day. The noise is so extreme for some of those residents that the Government has accepted the need to put them up in hotels because they can no longer live in their homes due to the impact of the construction work.

It is very easy for us to say that it is just until September and that we are balancing the economy, but there are people whose lives have become a living misery because of this. That is why we are seeking to have flexibility and to give the councils a say, to give those people essential relief. September is a bloody long time away for those people and we urge the Opposition and the Government to rethink their position on this. September is a long time to wait if people are living 24 hours a day next to extremely heavy construction work with machinery constantly running and their house shuddering and shaking and it is so extreme that the Government is putting some up in hotels because of the impact upon them. We think those people deserve some relief.

The Hon. ADAM SEARLE (22:26:48**):** I understand the genuineness with which Mr David Shoebridge has advanced his argument. In my discussions with the Government around the initial enactment the Government said that if there are examples of excessive or abusive use of these ministerial orders powers we should bring forward specific examples and that where they are egregious the Government would consider taking action in relation to those matters. I note that Mr David Shoebridge has indicated that in some cases people have been put up in hotels. Obviously that is less than desirable, but it is at least an effort by the Government to address this situation. For the reasons I have outlined previously, we are not able to support this amendment, but we do absolutely understand and empathise with those who have been negatively impacted by these measures.

Mr JUSTIN FIELD (22:27:47**):** I support the amendment moved by The Greens. The Government's actions have been based on health advice. In some areas people are trapped in their own homes; they are trapped in their own homes during the day—they have not had an opportunity, until this Friday potentially, to get out other than for a bit of exercise—and, at the same time, they are subject to a pretty significant impact from a development. I understand the economic argument, but I live on the South Coast and to get to the city I have to drive past dozens and dozens of burnt-out homes that are still standing. It is not like there are not other opportunities for construction work to be decentralised around the State and for people to be put to good economic use for the benefit of the rest of the State.

One does not have to put all this energy into those projects where the impacts are so intense on those local communities. I do not believe we are being creative enough in looking at opportunities for both generating economic opportunities for individuals and businesses and ensuring that the impost is not too great on particular communities. Examples have been given of WestConnex. Let us be real. The Government is using this opportunity to try to get through as quickly as possible a project that was behind time and over budget. But the impact on those local communities is really extreme. Those big construction companies have the ability to redeploy assets and workers to places of need and there are other places where there is a need. We could have got the same economic outcome without that really pointed impact on those communities.

We just have not been clever enough about how to deploy the economic resources of the State and the impact has been felt by particular communities. The examples have been given. It seems to me it is not unreasonable to be able to engage constructively with the councils and those communities to ensure those impacts are not going to be visited upon them for another three to four months, particularly when there are so many areas that are in desperate need of those economic resources now for recovery from the bushfires.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 1 appearing on sheet c2020-038B. The question is the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): In a nice way, I invite the Hon. Mark Latham to move amendments Nos 3, 4, 5 and 7 in globo. But of course it is a matter for the member.

The Hon. MARK LATHAM (22:30:46**):** Is the Chair being nice to me? Is that what he has put on the record? I welcome that. It is long overdue. There are different Ministers involved in this. I am happy to move amendments Nos 3, 4 and 7, which are within the remit of the better regulation Minister. They are similar issues in that each of them was lobbed on our desks this morning. They are not related to COVID-19; they are not related to anything that is urgent. I think they are the wrong parliamentary process.

By leave, I move One Nation amendments Nos 3, 4 and 7 on sheet 23 in globo:

3. Omit Schedule 1.12

4. Omit Schedule 1.13

7. Omit Schedule 1.18

These schedules represent the same problem. Whether they are meritorious or not, how can anyone tell? Schedule 1.18 is perhaps the briefest provision in the history of the Chamber. It is the repeal of a regulation. It states:

> The Landlord and Tenant Regulation 2015 is repealed.

One would think the explanatory note would at least explain what the regulation used to do, but all it says is:

> The proposed amendment repeals the Landlord and Tenant Regulation 2015.

The explanatory note is a minimalist repetition of a very minimalist provision. I do not know how anyone can be legislating on this. I always thought it was wrong as a parliamentarian to be voting on things we have not been told about and have no way of understanding in the way they have been presented to the Parliament. They have been lobbed on us this morning and they are not to do with COVID-19 or any economic emergency. I understand from voices inside the Government that there is a willingness to pass them on to 2 June 2020, when they could be presented as a standalone provision and deliberated upon by the Parliament in a mature, sensible way.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:32:36**):** Just to clarify, we are dealing with One Nation amendments that propose to omit schedules 1.12, 1.13 and 1.18. Notwithstanding that they all relate to NSW Fair Trading, they are different provisions. The Government is opposing each of the amendments. The amendment in schedule 1.12 is necessary to provide clarity and certainty about the court's powers to impose pecuniary penalties under the Australian Consumer Law. This relates to two important new reforms that will commence on 1 July 2020 as part of the Government's Better Business Reforms package.

One reform will require a business to take reasonable steps to ensure consumers are aware of the substance and effect of any term or condition that may substantially prejudice the interest of the consumer. The other reform will require a business to disclose the existence of any referral fee on commission arrangements. These reforms will be inserted in the new sections 47A and 47B of the Fair Trading Act 1987 upon the commencement of the Fair Trading Legislation Amendment (Reform) Act 2018. However, due to a drafting oversight the provisions do not specifically refer to which pecuniary penalty in section 224 of the Australian Consumer Law will apply to a breach of the new provisions.

As section 224 contains a wide range of penalties for various offences under the Australian Consumer Law, without a specific penalty it will be unclear as to what penalty applies. The amendment in the bill will clarify that item [2] of section 224 (3) of the Australian Consumer Law will apply to breaches of these provisions. This is the penalty that can be imposed for a breach of any of the provisions of part 3-1 of the Australian Consumer Law relating to unfair practices. If this amendment is omitted as proposed by One Nation the enforcement of these important reforms will be unworkable. If the court is unable to determine which penalty to apply, it is likely not to impose a penalty at all. Businesses that breach these provisions could then walk away unpunished.

In relation to the amendment to omit schedule 1.13, again the Government opposes the amendment. This amendment was to be included in the Statute Law (Miscellaneous Provisions) Bill 2020 (No 1), which had not been introduced before Parliament was prorogued. Section 2 (2) of the Fair Trading Legislation Amendment (Reform) Act 2018 currently provides that the provisions of the Act that did not commence on assent will commence on 1 July 2020 unless commenced earlier by a proclamation. Most of the remaining provisions have been commenced by a proclamation. Of the over 35 amendments in the Act only nine remain uncommenced. The amendment in paragraph 1.13 of the bill seeks to defer commencement of two of those uncommenced amendments. The remaining seven amendments will commence on 1 July 2020.

The two reforms in the Fair Trading Legislation Amendment (Reform) Act 2018 that the amendment is seeking to defer commencement for are, first, schedule 2.13, which applies the new blanket one-, three- and five-year terms for licences in the portfolio of the registration system for spatial surveyors, and schedule 4.1 and 4.23, which create the new special trade category of trade home building licences. The amendment will provide that these reforms will commence by proclamation. While the new one-, three- and five-year terms for all other licences in the portfolio will commence on 1 July 2020, there are unresolved financial and technical issues for the spatial surveying registration system.

In particular, the current funding arrangement to run the registration system is predicated on an annual registration process. There has been no resolution as to how the varying licence terms will be accommodated in the current funding framework. In addition, New South Wales is party to a memorandum of understanding with the Australian Capital Territory where New South Wales collects registration fees for Australian Capital Territory registered spatial surveyors. The Australian Capital Territory registration system is annual. Finally, the licensing platform for the registration system does not currently accommodate different licence terms and there are insufficient time and resources to make the necessary changes prior to 1 July 2020.

Schedules 4.1 and 4.2 of the reform Act create a new special trade category for 13 of the existing trade licences in the Home Building Act 1989. This means those licensees will not be required to renew their licence on a one-, three- or five-year basis. Instead, they will only need to advise that they wish to continue to hold their licence every five years. Many licensees, however, hold licences in one of those categories—for example, a splashback installation licence—as well as other categories not subject to the changes, like a carpentry licence, which means they have to renew and notify on different years. An entirely new mechanism and new forms are needed to separate/manage licensees that occupy multiple categories.

This will significantly impact on the operation of the current home building licensing platform. Provision will also need to be made on the platform for new licences issued in the special trade category without an expiry date. There is currently no capacity to make those major changes to the licensing platform to commence this reform. If it commences on 1 July 2020 the agency will not be able to manage these licences under this new category. The proposed amendment to the Act to enable commencement on proclamation would afford NSW Fair Trading more time to consider the implications and practicality of the amendments and further assess technical and financial impacts before the reforms commence.

Finally, the Government opposes amendment No. 7 on sheet 23—the omission of schedule 1.18 to the bill. Schedule 1.18 repeals the Landlord and Tenant Regulation 2015. If it is not repealed now, the regulation will automatically be repealed on 1 September 2020 under the sunset provisions of the Subordinate Legislation Act 1989. The regulation cannot be remade because its parent Act, the Landlord and Tenant (Amendment) Act 1948, has been repealed. That was done on 1 July 2019 as part of the Government's Better Business Reforms package, which identified and repealed a number of outdated laws. Appropriate savings provisions were inserted into the Residential Tenancies Act 2010 at the time. The Landlord and Tenant Regulation 2015 will therefore not have a practical application other than where certain provisions have been saved in order to support the remaining protected tenancies. The reasons are clear and practically articulated and enunciated. I think the Hon. Mr Latham is shaking his head and will probably withdraw his amendments.

Mr DAVID SHOEBRIDGE (22:41:16**):** The Greens oppose amendments Nos 3, 4 and 7 on sheet 23. In some parts the bill is a miscellaneous provisions amendment bill. Parliamentary Counsel has seen an opportunity to effectively slot in some miscellaneous provisions amendments like the one in schedule 1.18. The Greens are comfortable with having protected tenancies remain on foot but they were already protected in savings provisions. We do not need the 2015 regulation to remain on foot. I do not think we need a discrete, bespoke definition of the Malaysian emergency, as currently exists in that 2015 regulation, because all of that is currently picked up in the savings provisions that were put through in 2019. To the extent that the Hon. Mark Latham is pointing out that the bill is not essentially about COVID-related matters and is more of a miscellaneous provisions bill, he is probably right. But for the lengthy reasons the Minister gave, each of the provisions seem meritorious.

The Hon. ADAM SEARLE (22:42:12**):** For the reasons outlined by the Government, the Opposition opposes the amendments. For reasons of brevity and the need to try to get this legislation finished, Opposition members will not speak further on it.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendments Nos 3, 4 and 7 on sheet 23. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. MARK LATHAM (22:43:10**):** I move One Nation amendment No. 5 on sheet 23:

5. Omit Schedule 1.15

It is extraordinary that so many miscellaneous matters have lobbed in. We have found out that some of them have been put in by Parliamentary Counsel. It has gone beyond Executive Government and ministerial Cabinet meetings. Apparently the Parliamentary Counsel are throwing them in willy-nilly. This one is a proposition to delete schedule 1.15 because it seems plain wrong to One Nation that people, whether living or deceased, would have their tissue used for medical research without their permission. It runs contrary to provisions the Government has elsewhere, such as in the statewide NSW Health Statewide Biobank Consent Toolkit, which requires, quite sensibly, that living people give consent to the use of their tissues for medical research. For those who are deceased, consent needs to come from immediate family. That is a decent standard of humanity in our society.

I do not think any member would think tissues should be removed from living people and used for any form of medical research without their consent. The tissue is owned by the individual. It is a basic denial of individual rights and ownership to have that happen. Whatever happened to small-l liberal principles of the freedom of the individual to have control of at least their own body? Under this Government people have lost control of their movement, their freedoms, their right to protest out the front of this building and all manner of things under health orders. At least we should maintain the dignity of control over a person's own body. In this example a person would have to give consent for their tissues to be used and immediate family would have to consent for the tissues of deceased people to be used.

Having opposed the passage of the original delegation by the Parliament to Executive Government, which enabled the health Minister to make extraordinary health orders, we do not trust what he did. We did not support it in March. We think there are flaws in what has happened and we certainly do not want to trust him and his department with this extraordinary authoritarian measure to be taking tissue from people without their consent. We did not trust the health Minister in the delays to get to the truth of the *Ruby Princess*. We did not trust him when he abused his health powers in making flu jabs mandatory for people to visit their grandparents in a nursing home.

The flu jab does not deliver immunity to the flu, let alone to coronavirus. A big stretch has occurred. I have said publicly that I think it is the dictatorship of the health bureaucrat. So many of these powers have gone to the heads of people that they are using them in a way that was not intended by the Parliament, does not meet normal human standards of decency, and we get to the point where tissue is taken from human beings for use in medical research without their consent. It has gone many bridges too far.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:46:17**):** Normally I would share many of the sentiments expressed by the Hon. Mark Latham but on this occasion the Government opposes his proposed amendment. The amendments to the Human Tissue Act 1983 in schedule 1.15 allow tissue that has been lawfully removed—not unlawfully removed—to be used for the purpose of testing, research, analysis or investigation relating to COVID-19 in situations where it may have been removed for a different purpose. Currently the Act generally requires written consent before blood or other tissue can be used for a different purpose. However, as part of the COVID-19 pandemic it may be necessary for NSW Health to use retained blood or other tissue for testing, research, analysis or investigation without specific consent.

It may be necessary, for example, to analyse retained blood samples to determine the level of antibodies to COVID-19 of people in the community. It is not practical to obtain consent after blood has been taken, particularly if it is months later, if it is considered necessary to use the samples to undertake public health testing. Schedule 1.15 has a number of important limitations. The test, analysis, investigation or research must be "required in connection with managing or monitoring the risks to public health arising from COVID-19". The test, analysis, investigation or research must be "approved, either generally or in a particular case or class of cases, by the Health Secretary" and "the use of any tissue (other than blood or blood products) for the purpose of carrying out any test, analysis, investigation or research ceases to be authorised…on the date specified by the Minister by notice published in the Gazette."

As I pointed out to Reverend the Hon. Fred Nile earlier, in determining that date the Minister must be "reasonably satisfied that the date is the earliest possible day that a vaccine for COVID-19 is generally available

to members of the public" and "consult with the Chief Health Officer of the Ministry of Health". The New South Wales Government acknowledges that amendments of this nature naturally involve a balancing act between individual rights and public health benefits. However, this amendment is worthy of support, given the restrictions in the bill and the potential life-saving benefits of COVID-19 medical research. Members should be mindful that, at this time, 286,000 deaths have been recorded around the world as a result of COVID-19. We need to give our medical researchers the best chance of defeating the pandemic. The Government opposes the amendment.

The Hon. ADAM SEARLE (22:49:32**):** For the reasons outlined by the Minister we also oppose the amendment.

Mr DAVID SHOEBRIDGE (22:49:43**):** We are in a pandemic and part of this legislation is to deal with that. If during a pandemic a hospital takes some tissue lawfully this legislation in no way expands those powers to take tissue from anybody, ever, whether living or deceased. If in the course of providing medical assistance to somebody some tissue is taken for testing to try to understand the nature of this terrible pandemic and provide a response that would help everybody and public health then this allows that. The suggestion that it is expanding the power, that bureaucrats can reach in and take tissue, is plainly wrong. It in no way expands the powers for any bureaucrat or health professional to take any tissue. In prescribed circumstances it allows that tissue to be used for medical research that will hopefully help us all address this terrible pandemic.

The Hon. MARK LATHAM (22:50:46**):** I clarify one thing: I am surprised that a party such as The Greens would be at the point where if we say the word "pandemic" it justifies any authoritarian action of government. The truth is there is a global pandemic, but not in Australia. Australia has had fewer than 100 deaths. Australia has 7,500 ventilators, with 14 people using them. Yesterday New South Wales had no new infections. There are large tracts of our big country that have not had a single infection. We should be very grateful for that. We should not be alarmist and in the realm of hyperbole by calling this an Australian pandemic when clearly, by good fortune or good management, it is not.

Legislation must be made on the basis of reality. We cannot pretend we are Italy, Spain, the United States of America, Iran or the United Kingdom. We are not. The Australian condition is very different and we are past the point where saying the word "pandemic", which is not the reality in Australia in May 2020, justifies any authoritarian action of government. I would have thought one of the important roles of this house of review is to be naturally suspicious about the authoritarian role and functions of government, particularly when so many provisions in the bill have been jammed through where Ministers, excited by the possibility of putting it under the banner of COVID-19 emergency measures, think they can do just about anything. On the track record of the Chamber this evening, they are pretty well getting away with it. I think that is a great shame for the Parliament.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 5 on sheet 23. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. ADAM SEARLE (22:53:18**):** I move Opposition amendment No. 1 on sheet c2020-037D:

No. 1 **Deferral of election of officers of unions**

Page 20, Schedule 1.16. Insert after line 1—

413 COVID-19 pandemic—deferral of elections

Despite section 412 but without limiting the operation of that section, the Industrial Registrar may, on application by a State organisation, defer an election for an office of the organisation for a period of up to 12 months if the Electoral Commission is unable to conduct the election because of the COVID-19 pandemic.

There is at least one significant industrial union under whose rules an election would be held in the second half of this year. The Electoral Commission is unable to conduct those elections due to COVID-19 restrictions. In a parallel situation involving local government, the Government enacted a provision to permit the deferral of the elections by you to 12 months. I have raised this matter with the Government and I am gratified that on page 19 of the bill at schedule 1.16 there is a provision 412 where the Government creates a similar regulation-making power. We are very grateful for that. The only issue is that it requires the regulation to be made. My amendment short-circuits that by enacting a more definitive provision, still leaving a discretion in the registrar to make the decision on application but removing from the Government the need to worry about drafting and enacting a regulation after the passage of the bill.

The Government should be reciprocal in its affections and embrace this amendment because it will save it the trouble. There may be more than one union affected; we do not know at this stage. While deferring elections is undesirable, in the circumstances it is necessary. It is also necessary because currently the Industrial Relations Act does not require the Electoral Commission to conduct elections, although all State-registered unions use the

Electoral Commission. In theory, they could go to a third-party commercial provider but, as can be seen in the local government example, only two councils took that option for reasons of electoral integrity, and the unions feel the same way. I urge honourable members to embrace our amendment.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:55:26**):** The Government opposes the amendment. The Government says that there is regulation-making power in the Industrial Relations Act 1996 to enable time to hold the elections for State organisations to be extended by up to 12 months. The Government intends to rely on the regulation-making power.

Mr DAVID SHOEBRIDGE (22:55:54**):** I note the Government's proposition about the regulation-making power. In the time available to us The Greens have not been able to confirm that that is sufficient in the circumstances. Given that, we will be supporting the Opposition amendment, noting that it allows a discretion in the Industrial Registrar. It is not an automatic application by the secretary or any existing administration in a State industrial organisation. We would not want to entrench power in the existing administration to give itself an additional 12 months in office. Because there is a discretion in the registrar we will be supporting the amendment. We have not had time to sufficiently satisfy ourselves of what the Government's proposition is that the regulation-making power is otherwise there, therefore we support the Opposition's amendment. There has been a lot of preparation in getting this ready and it is unfortunate that we have not been able to determine for ourselves the assertions made by the Minister. If the Minister could identify where that regulation-making power is found, matters could be easier.

The Hon. ADAM SEARLE (22:57:07**):** The provision that the Government will rely upon is at page 19 of the bill. I ask the Government what the time frame is for the enactment of the regulation and where the drafting is at? Perhaps to make the Minister's job easier, will the Minister give a commitment that the regulation will be proclaimed and in operation before we return in June? The reason for this is that the elections are close and if this matter is not resolved by the time the Parliament returns it may be problematic logistically to have it addressed at that point.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:58:38**):** I cannot give the commitment that the Leader of the Opposition seeks.

The CHAIR (The Hon. Trevor Khan): Is that because there is not time?

The Hon. DAMIEN TUDEHOPE: Time, it is not my portfolio and I have no instructions in relation to it. Put the amendment; it will go through on the voices.

The CHAIR (The Hon. Trevor Khan): We could always move on.

The Hon. Adam Searle: No, we have resolved it.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet c2020-037D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. MARK LATHAM (23:00:28**):** I move One Nation amendment No. 6 on sheet 23:

6. Omit Schedule 1.17

I have moved this amendment for the same reason I put earlier. This is a four-page legislative effort that was dropped on us this morning. It is not part of due process. It does not seem to be particularly related to the COVID-19 arrangements to make sweeping powers under delegated power to the Interpretation Act but it does give the Attorney General extraordinary powers. I do not see the justification; it could wait until 2 June.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:01:20**):** The Government opposes the amendment. As the Attorney General explained, these measures are a proportionate response to the COVID-19 pandemic and are subject to sufficient safeguards.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 6 on sheet 23. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): There is some issue with regard to One Nation amendment No. 8 that I will explain shortly. If the Hon. Mark Latham moves amendment No. 9, we will work it out.

The Hon. MARK LATHAM (11:02:30**):** What is the problem with amendment No. 8? I have omitted everything except a clause that cannot stand by itself.

The CHAIR (The Hon. Trevor Khan): There is a complexity.

The Hon. MARK LATHAM (23:02:40**):** I defer then to your judgement. I move One Nation amendment No. 9 on sheet 23:

9. Omit Schedule 1.23

Again, this is an extraordinary health power granted to the health Minister to effectively take control of the licensing provisions of all private health facilities in New South Wales. We are talking private hospitals, clinics, research centres, GP clinics, private community health facilities, radiology, pathology—the whole box and dice. I do not think the health Minister needs to have that reach of power at this stage of the health issues. Given the way in which the curve has been flattened, New South Wales is on top of the health situation. I do not see the justification for Minister Hazzard becoming a commissar of all the private health facilities in New South Wales. It is quite an extraordinary sweeping power that has not been properly justified.

I mentioned earlier the dictatorship of the health bureaucracy; this is the ultimate expression of it. It is way beyond the constitutional arrangements in health care that we have always had where by and large the Federal Government looks after private sector matters and the States look after public health. I move the amendment to omit schedule 1.23 safe in the knowledge that in light of the failings of the *Ruby Princess* and other matters that I have mentioned the health department would not be trusted with this particular sweeping power, which is unjustified at this time.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:04:32**):** The Government opposes the amendment.

The Hon. ADAM SEARLE (23:04:46**):** The Opposition also opposes it.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 9 on sheet 23. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): With the indulgence of the Committee, I will return to the Shooters, Fishers and Farmers Party amendment No. 1 on sheet c2020-054. We have moved past it but I do not think it will do damage to any party if I invite the Hon. Robert Borsak to move his amendment now.

The Hon. ROBERT BORSAK (23:05:44**):** I move Shooters, Fishers and Farmers Party amendment No. 1 on sheet c2020-054:

No. 1 **Regulation-making power to modify or suspend limitation and other statutory time periods (Interpretation Act 1987)**

Page 21, line 16, "election.". Omit those words. Insert instead—

election, or

(c) a period under the *Biodiversity Conservation Act 2016.*

In the briefing late last week the clear intention was to extend the Native Vegetation Act and Biodiversity Conservation Act prosecution time frames by six months. This has massive implications for procedural fairness in prosecutions that have had ample time to take place pre-COVID-19. In my opinion, an extension moves the goalposts for people who are already caught up unfairly in a confusion between the old and the new laws. This confusion seems to continue. The Shooters, Fishers and Farmers Party has already placed its position on record and its opposition to the old law prosecutions. It appears at this stage that only the Native Vegetation Act is excluded. This amendment simply seeks to ensure that the Biodiversity Conservation Act 2016 is also excluded.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:06:36**):** The Government supports the amendment.

The Hon. ADAM SEARLE (23:07:14**):** The Opposition does not support this amendment. The Opposition believes the modification to the statutory time limits in the bill is the right balance. This amendment sends the wrong signal. I perhaps understand why the Government is supporting the amendment but nevertheless the Opposition does not support it.

Mr DAVID SHOEBRIDGE (23:07:47**):** Even if it were removed there is a broader regulation-making power that would allow it to be put back in afterwards if the Government so intended. To be clear, The Greens do not support the removal and we do not support the amendment.

Mr JUSTIN FIELD (23:08:08**):** I oppose the amendment. It seems to me that the provisions in the bill do not allow the statutory time frame for investigations of the sorts of offences that concern the Shooters, Fishers and Farmers Party to be extended. It is my understanding that it gives broader powers to officers to be able to

change the time frames for a range of different aspects of those investigations. It may well give more time for landholders to provide a response with regard to an investigation. It seems to me that the Shooters, Fishers and Farmers Party may be tying its constituents in knots and making it harder for them to engage with statutory officers about issues arising from potential offences relating to the Biodiversity Conservation Act.

I am not sure whether that is its intention but, despite that fact, I do not support this amendment. It seems that the Government can rely on other provisions. Playing petty politics when we know of land clearing and other issues on the land around biodiversity conservation is absurd when we are trying to come together and find the best way through this time of crisis.

The CHAIR (The Hon. Trevor Khan): The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 1 on sheet c2020-054. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): We will now move on to One Nation amendment No. 8. Relevant to that amendment are The Greens amendments Nos 1 to 4 on sheet c2020-049A and Opposition amendments Nos 1 to 5 on sheet c2020-034A. I will invite the Hon. Mark Latham to move his amendment first.

The Hon. MARK LATHAM (23:10:39**):** I move One Nation amendment No. 8 on sheet 23:

8. Omit all of Schedule 1.19 except 747AB on page 25

I think there is a fair bit of overlap here, and agreement. At schedule 1.19 I am trying to exempt all the provisions except the one listed at amendment No. 8, which is 747AB, the recovery of unpaid rates. The rate recovery hardship provision is acceptable, but we are trying to take out the other matters, two of which are of particular concern to One Nation. One is the ridiculous proposition that in a deep recession you can create jobs by knocking off a major construction project in the local government sector.

There are undoubtedly councils with a legitimate need to replace their council buildings—they might be fire traps or they might be falling apart, rat infested or have all sorts of problems—and the council has been planning, hopefully with due prudence, to replace its administrative centre with a new building. But, according to the Government, if it costs over a million dollars the council cannot do it. That is not going to create jobs; that is going to freeze the construction industry in those towns. It is a major project and should go ahead on the principle that a job is a job is a job. Whether you are building an administrative centre or a childcare centre or a road or a railway line, if it is a job that puts a family back into work and provides an income in New South Wales it is a very good thing.

I understand there is a particular concern at Coffs Harbour about a local municipal issue, a contest there. That will be sorted out at the next municipal elections. I do not think the whole State should be knocking over major construction projects because of a localised dispute involving the National Party and some other people in Coffs Harbour. They can fight out their dispute in a democratic way, but the rest of the State has got to get on with capital works construction and job creation. Unfortunately, from time to time there have been examples of councils overbuilding these facilities—the Taj Mahal syndrome—but one would hope that in this environment councils would be prudent.

Mr David Shoebridge: The Glasshouse.

The Hon. MARK LATHAM: The glass house?

Mr David Shoebridge: The Glasshouse—$80 million. That was one where they spent too much.

The Hon. MARK LATHAM: I was not on Liverpool council when it built the facility at Hoxton Park Road, so your glass house just turned into a shithouse. That is your problem essentially. If you are going to make assertions about people at least you could try to be accurate. I got into the council in 1987 and you are completely wrong.

Mr David Shoebridge: I don't think you know what you're talking about. The Glasshouse was in Coffs Harbour, a decade ago.

The Hon. MARK LATHAM: Why are you talking about glass houses to me? I am not from Coffs Harbour and I am certainly not from the National Party up there, so why is it a glass house for me? I am not in their glass house and I am certainly not in your house. Normally when someone says "glass house" it is an assertion of hypocrisy.

Mr David Shoebridge: But I was talking about a notorious project in Coffs Harbour that went $80 million over budget.

The CHAIR (The Hon. Trevor Khan): Order! We have done very well up until this point, but it has fallen apart. It is 11.15 p.m. Can members concentrate and we will see whether we can knock this over in the three-quarters of an hour we have left? I invite all members to show a degree of discipline.

The Hon. MARK LATHAM: We had too much furious agreement because we are united on this proposition—not that you can tell from that exchange.

Mr David Shoebridge: People in glass houses.

The Hon. MARK LATHAM: He is like some demented parrot—he just keeps coming up with the same pointless item. That is what caused the problem before. We will move on to the other concern of One Nation and that is the provision where councils can lower the rates in one year and claw all the money back. It is not really a concession to the business sector or ratepayers in their area to give it one year and take it back the next, and it sets us up for problems. There is a local government election next year; naturally, people seeking re-election are going to heavily cut the rates prior to the election, knowing that they will claw it straight back.

What we are doing is playing into the standard electoral tactic in local government with no net improvement for the economy. It is not going to help businesses. It is not going to help ratepayers to have that merry-go-round of giving the money with one hand and taking it back with the other hand the very next year. These are ill-conceived provisions. I think at some stage the Minister for Local Government has just called for any old thing that the department had in the bottom drawer; it has been regurgitated into the provisions here before the Parliament and, other than the matter of recovery of unpaid rates, they should be deleted from the bill.

The Hon. TARA MORIARTY (23:15:56**):** We are in agreement in principle on these amendments, but I draw the attention of the House to the Opposition amendments on sheet c2020-034A. I do not know whether what the Hon. Mark Latham has proposed deals with all of those.

The CHAIR (The Hon. Trevor Khan): One Nation has moved its amendment No. 8. My understanding is that The Greens amendments Nos 1 to 4 on sheet c2020-049A and Opposition amendments Nos 1 to 5 on sheet c2020-034A all traverse the same area. I assumed that somebody was going to move Opposition amendments Nos 1 to 5 on sheet c2020-034A.

The Hon. TARA MORIARTY: That would be me. I will soon move Opposition amendments Nos 1 to 5 on sheet c2020-034A. In supporting the comments of my colleague on a couple of the amendments, the first that I will draw attention to is the proposal by the Government to prohibit councils from making decisions or continuing with decisions they have already made about spending money on council-owned administration buildings. Opposition amendment No. 4 seeks that the amendment proposed by the Government be omitted from the bill. The Opposition does not support the Government's position on this matter. It is not relevant for it to be included in the emergency measures legislation and it sets a dangerous precedent for councils and undermines their independence. Councils are democratically elected community representatives with local knowledge and understanding of local needs and we should not be taking away their ability to choose which local projects are needed in their local communities.

The proposal has implications for not just council chambers and administrative buildings but also community facilities such as libraries, galleries, performing arts centres, youth centres and tourism information centres. We need shovel-ready projects to assist us out of the economic impact of this crisis. A number of councils would be caught out by this amendment; not only would they miss out on the jobs and the economic stimulus that projects like these would provide to their local communities but also some councils are likely to suffer financial losses after investing considerable time and money over many years to progress and design building work. There is no need for the overreach. I argue that this proposal by the Government is political opportunism. It should be omitted from the bill. Should I move the Opposition amendments now?

The CHAIR (The Hon. Trevor Khan): The Greens amendments were received first. The Greens can move their amendments and then we can come back to that.

Mr DAVID SHOEBRIDGE (23:19:45**):** By leave: I move The Greens amendments Nos 1 to 4 on sheet c2020-049A in globo:

No. 1 **General income derived by council**

Page 24, Schedule 1.19[1], lines 13 and 14. Omit all words on those lines.

No. 2 **General income derived by council**

Page 24, Schedule 1.19[4], lines 28 and 29. Omit all words on those lines.

No. 3 **Expenditure on council buildings**

Page 25, Schedule 1.19[8], proposed section 747AC, lines 17–26. Omit all words on those lines.

No. 4 **General income derived by council**

Page 25, Schedule 1.19[8], proposed section 747AD, lines 27–33. Omit all words on those lines.

The Greens agree with much of what was put by One Nation. However, we do acknowledge that there may be some work to do with some elements within schedule 1.19, which includes allowing the catch-up over 10 years rather than two years. There may be some work to do there that may benefit local government. That is why we have not sought to delete that in these amendments and why we oppose One Nation's wholesale amendment, notwithstanding that we agree with about 80 per cent of what the One Nation amendment seeks to achieve.

I will indicate what we do agree with. The Greens amendments are fundamentally directed at the deletion of proposed new sections 747AC and 727AD. New 747AC is an attempt by the Government to step in and take over some pretty critical decisions that local councils make around the expenditure on their administration buildings. I accept that there have been cases where councils have engaged in infrastructure projects that have blown out, but the State Government has also done that—and on a scale that would dwarf any local council infrastructure project blowout. These things happen. The example I inadequately sought to give by way of interjection while the Hon. Mark Latham was speaking was the Port Macquarie-Hastings Council Glasshouse project.

The Hon. Sam Farraway: Coffs were going to build their own glasshouse?

Mr DAVID SHOEBRIDGE: I may have wrongly indicated Coffs, but it was the Port Macquarie-Hastings Council Glasshouse project. That started off as an acceptable project but ended up costing something like $80 million. The fact that one council project blew out like that is no reason to step on top of local government in this way. The idea that councils could not do any work on council buildings that exceeded $1 million throughout the pandemic is plain ridiculous. We want councils to do construction work. I could read onto the record a list of councils up and down the coast that have long-term plans for administrative projects and critical work to do in their towns. That kind of work is needed right now in regional economies. That is why we are seeking to delete new section 747AC.

The views of Local Government NSW have been very strongly communicated to us. Linda Scott, on behalf of Local Government NSW, has been a very clear advocate for the sector in seeking the deletion of new sections 747AC and 747AD. Local communities elect their councillors to make these kinds of decisions about income, rates and spending. They have not elected the local government Minister to make these decisions and reach over the top of elected councils in the way proposed in new section 747AD. I commend the advocacy of Local Government NSW. As a result of that advocacy and The Greens councillors across the State and a number of councils that have reached out to us individually, we propose to amend new section 747AD. I indicate that that is the extent to which The Greens amendments will operate in this part of the bill.

The CHAIR (The Hon. Trevor Khan): There is a conflict between some of The Greens amendments and the Opposition amendments. If the Opposition moves its amendments we can sort that out when the question is put. It depends whether people fall behind the Hon. Mark Latham. At this stage the Opposition should move its amendments.

The Hon. TARA MORIARTY (23:24:47**):** By leave: I move Opposition amendments Nos 1 to 5 in globo:

No. 1 **General income derived by council**

Page 24, Schedule 1.19[1], lines 13 and 14. Omit all words on those lines.

No. 2 **Catching up of shortfall in general income**

Page 24, Schedule 1.19[2] and [3], lines 15–27. Omit all words on those lines.

No. 3 **General income derived by council**

Page 24, Schedule 1.19[4], lines 28 and 29. Omit all words on those lines.

No. 4 **Expenditure on council buildings**

Page 25, Schedule 1.19[8], proposed section 747AC, lines 17–26. Omit all words on those lines.

No. 5 **General income derived by council**

Page 25, Schedule 1.19[8], proposed section 747AD, lines 27–33. Omit all words on those lines.

Amendments Nos 1, 3 and 5 are joined and relate to the same issue. They are almost exactly the same as what has just been proposed by The Greens. The amendments are a response to a proposal by the Government to amend the Local Government Act to provide a regulation-making power to allow the Minister to make an order that applies to one or more councils that either specifies or limits the amount of general income that the specified council can derive in 2021 and the subsequent rating years. We do not support the Government's proposal. There

is no need or relevance in this bill. It is a bill that deals with emergency measures in one of the biggest crises we will ever face. For the Government to use the opportunity to attempt to undermine the independence of democratically elected councils is unacceptable.

These proposals would remove the financial independence of elected councils around how they derive income and make financial decisions based on local needs. There is no need for this intervention by the Government. It is overreach at best and political opportunism at worst. The proposal by the Government seeks to hand unnecessary power to the Minister, which is not appropriate in these circumstances. During this time the Government should be supporting local councils, not undermining their decision-making powers. These amendments seek to omit those proposals from the bill. Amendment No. 4 is similar to the One Nation amendment that I addressed earlier. Amendment No. 2 deals with the Government's proposal to amend the Local Government Act to provide that where a council does not apply the full percentage increase of the rate peg or any applicable special variation in a year, the council can set rates in a subsequent year to return it to the original rating trajectory.

We do not support the Government's proposal in the bill. Again, it has no relevance to the emergency measures in this emergency bill. There is no need for the Government to intervene in local government powers in this way. There is no need for the Government to interfere in the financial decision-making powers of democratically elected councils that do the right thing by their communities and understand their own local needs. Councils have sought assistance from the Government during this COVID crisis, as have other businesses, but they have been left to fend for themselves. That the Government would leave them without support and then propose that councils try to recoup costs from their communities is not good enough. This amendment seeks to omit that proposal from the bill.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:28:37**):** Perhaps I can add some clarity to this debate. I indicate that the Government will be supporting The Greens amendments Nos 1 to 4 on sheet c2020-049A and the Opposition amendments Nos 1, 3, 4 and 5 on sheet c2020-034A, which are in identical terms. We will be opposing One Nation amendment No. 8 on sheet 23 and opposing Opposition amendment No. 2.

Mr DAVID SHOEBRIDGE (23:29:17**):** I indicate that, for the reasons I stated earlier in relation to One Nation's wholesale removal, The Greens will not be supporting Opposition amendment No. 2, which is about the catch-up of the shortfall in general income. We think that has some utility and will benefit local government. I think the balance of the Opposition amendments repeat those we have moved.

The Hon. MARK LATHAM (23:29:45**):** To facilitate the convenience of the House, and given the three-party overlap, I am willing to withdraw the One Nation amendment. If it does come to a vote, our position will be accommodated by a combination of The Greens amendment and Opposition amendment No. 2. I withdraw One Nation amendment No. 8 on sheet 23.

Amendment withdrawn.

The CHAIR (The Hon. Trevor Khan): In those circumstances, I will now put the question on The Greens amendments. Mr David Shoebridge has moved The Greens amendments Nos 1 to 4 on sheet c2020-049A. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): I will now deal with what is remaining of the Opposition amendments, Nos 1, 3, 4 and 5 having lapsed. The Hon. Tara Moriarty has moved Opposition amendment No. 2 on sheet c2020-034A. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. ADAM SEARLE (23:32:17**):** I move Opposition amendment No. 1 on sheet c2020-042C:

No. 1 **Use of Property Services Compensation Fund to assist residential landlords and tenants suffering hardship**

Page 28, Schedule 1.24. Insert after line 43—

[1] Section 232

Insert after section 231—

232 Use of Property Services Compensation Fund to assist residential landlords and tenants suffering hardship

(1) Parliament recommends that this Act be amended to allow the Secretary to establish a scheme to provide financial assistance from money held in the Property Services Compensation Fund to landlords who are suffering financial hardship caused directly or indirectly by the COVID-19 pandemic, being a scheme that provides for the following—

(a) the landlord demonstrating that a tenant—

(i) has suffered a loss of income of 25% or more, and

(ii) has less than $5,000 in savings, and

(iii) is paying more that 30% of the tenant's income in rent to the landlord,

(b) a maximum payment of $2,500 per landlord per tenancy is available to a landlord,

(c) the landlord being required to reduce the tenant's rent by the amount of any payment under the scheme.

(2) Terms used in this section that are not defined in this Act have the same meanings as they have in the *Residential Tenancies Act 2010*.

This amendment to the bill is part of a suite of measures we propose to implement the Labor Party's four-point plan to deal with residential tenancies. By way of short background, the last time this Parliament was debating the emergency measures it attached to the legislation a regulation-making power for the Government to deal with problems in residential tenancies as well as retail leases. The Government did not want that power but ultimately used it. However, the way in which it has used it is not effective. We felt that legislation was needed to address a range of issues.

We felt that break fees terms should not be enforceable during a moratorium period. We believe there should be a prohibition on claiming unpaid rent from bonds during the moratorium period. We think there should be an ability for tenants to request fair and reasonable rent reductions at the NSW Civil and Administrative Tribunal. All of that will be covered by other amendments. Importantly, we believe there should be a fund for a rental hardship package for financially impacted landlords and tenants. Why? It is because the Government's mechanism to deal with this situation through the land tax rebates would only benefit a minority of landlords and their tenants—the estimate is that only 16 per cent of landlords would benefit, leaving 84 per cent of landlords and their tenants not supported by the Government's plan. Therefore, we propose this amendment.

The amendment is in this form because there is some debate about the extent of powers of this House. Obviously, this House does not have the ability to initiate appropriations bills. In my view and that of some academic observers, this is not an appropriations bill because it does not raise a tax, impose a levy or raise any additional funds. What it really seeks to do is to say there is an existing fund governed by existing legislation with existing criteria about how moneys can be applied out of that fund; we just want the range of applicable purposes to which the money could be applied widened. However, rather than embroil this Parliament in a constitutional crisis, and taking the precedent of funding regarding disability legislation that this House adopted last year, the amendment is framed as a recommendation for the Act to be changed in a particular way.

The way in which we propose the Act be amended is to allow the secretary to establish a scheme to provide financial assistance from money held in the Property Services Compensation Fund to landlords suffering financial hardship caused directly or indirectly by the pandemic. The landlord would have to demonstrate that a tenant suffered a loss of income of 25 per cent or more, has less than $5,000 in savings and is paying more than 30 per cent of income in rent to the landlord. The landlord would be able to claim no more than $2,500 in a year per tenancy from the fund. Of course, the landlord would be required to pass on absolutely every dollar received from the fund to benefit the tenant. The tenant would be the ultimate beneficiary, but it would also assist the landlord in ensuring that they do not lose that income from their tenants.

That is the proposal, because we feel the missing ingredient in the Government's response is a financial hardship package similar to that of Victoria and Queensland to help both tenants and landlords. If this amendment were passed, we would hope that the Government would take it on board and would implement this scheme. We have taken this approach simply because of the constitutional arrangements between the Houses and, rather than debate that, we would urge all honourable members and parties to embrace this. We understand that the Real Estate Institute of New South Wales supports this measure. We think all the stakeholders in this space would support this measure and that it would be of general benefit to the wider community. We urge parties to support this amendment.

The Hon. ROD ROBERTS (23:37:08**):** I will be brief, bearing in mind the time of night and how long the day has been. One Nation supports the Opposition's amendment. First of all, I state clearly that at no time did my colleague the Hon. Mark Latham or I want to see any tenants who are suffering genuine hardship being thrown out on the street. However, we believe there was always a need for more equality in the balance between the interests of landlords and tenants. There is a misconception about landlords that they are all wealthy property owners. The truth of the matter is that approximately 80 per cent of landlords own one property only. These people are usually mum-and-dad investors who aspire to not be a burden on the social welfare scheme when they are old and who want to supplement their income.

Throughout this whole thing at no stage has the Government looked at anything in terms of an impacted landlord. I praise the Opposition for having the foresight to come forward with this amendment. There was a concession from the Government that it would offer a land tax concession to private landowners. As all members know, only 14 per cent of property owners pay land tax and are entitled to any form of rebate. This is not enough to assist landlords. I will not continue on with this because of the time of night, but I want Government members to remember the famous words from their Federal leader on his election in May 2019, "If you have a go, you will get a go." These landlords are having a go, yet what go have they got back from this Liberal Government? None whatsoever. I praise the Leader of the Opposition for having the foresight to move this amendment.

Ms ABIGAIL BOYD (23:39:09**):** The Opposition's amendment, which we will be putting forward later this evening, is similar to The Greens amendment on sheet c2020-045H, which seeks to address the situations in which, through hardship caused by the COVID-19 pandemic, a tenant is unable to pay their entire rent. But, as the Hon. Rod Roberts just pointed out, landlords come in different shapes and sizes and we cannot have a one-size-fits-all solution for them. Not all landlords can afford to enter into those negotiations, and we fully understand that. However, the provision that we will be putting forward seeks a better balance between the interests of the tenant and the landlord in that it allows both landlords and tenants to show hardship and to be able to take advantage of that funding to cover the gap. We will not oppose the Opposition's amendment—we think it is a step forward—but we would prefer the more even-handed amendment that we will be putting forward later on.

The Hon. SCOTT FARLOW (23:40:52**):** The Government does not support the amendment moved by the Hon. Adam Searle. The New South Wales Government recognises the challenges facing some tenants and landlords due to the impacts of COVID-19 and it is committed to helping the community navigate this challenging time. The New South Wales Government has introduced a range of significant measures to support both tenants and landlords, including helping to make sure impacted tenants are not evicted due to rental arrears; extending certain termination notice periods to minimise community movement during the pandemic period; providing a Fair Trading dispute resolution service to support landlords and tenants in reaching agreement on temporary changes to rental arrangements; introducing a land tax relief package to support residential landlords in managing their rental properties, which was noted by honourable members; and seeking to enable impacted tenants to apply for an early end to their fixed-term tenancy in cases where they have been unable to reach a financially viable solution with their landlord.

The New South Wales Government has also provided a one-off increase of $2.5 million to tenants advice and advocacy services across the State to help support tenants during this difficult time. The Property Services Compensation Fund was set up under the Property and Stock Agents Act 2002 to assist people who are out of pocket because a property agent or conveyancer has failed to account for money or other valuable property held in trust. Essentially, the compensation fund thus acts as a last resort to protect consumers who have suffered a loss due to the negligence or criminal conduct of an agent or conveyancer and the Commissioner for Fair Trading is satisfied that the money is otherwise unrecoverable for that consumer.

It is important to note here that "consumer" includes landlords in relation to their dealings with property agents. For example, a landlord who suffers a loss because their agent failed to lodge a rental bond with Fair Trading, as required under the residential tenancies laws, would be able to make a claim on the compensation fund. Contributions to the compensation fund principally come from a levy added to the fees payable for licences under the Property and Stock Agents Act 2002 and the Conveyancers Licensing Act 2003. As at 11 May 2020 the compensation fund balance stood at just over $9.1 million—we are not talking about big bickies here. As claims on the fund can be unpredictable it is vital to maintain a healthy balance to ensure against possible future consumer losses. Drawing on the fund for a new landlord and tenant rental assistance scheme would imperil the purposes for which the fund was set up.

The Property and Stock Agents Act also establishes a Property Services Statutory Interest Account. Contributions to that account are made by banks, which are required by law to deposit a percentage of the interest earned on trust accounts held by licensed agents and conveyancers into the statutory interest account. The Act provides that one of the uses to which money from the statutory interest account can be put is to top up the compensation fund. However, with a balance today of just over $232 million, the statutory interest account could very quickly be reduced to zero balance if the proposed landlords and tenants assistance scheme, as devised by this amendment, were adopted and funded in the way proposed.

Even if assistance was capped at $2,500 per landlord per tenancy, as the amendment states, with potentially 150,000 to 250,000 landlords eligible, the scheme could end up costing between $375 million and $625 million—far exceeding the balance of the statutory interest account. The New South Wales Government has demonstrated its commitment to helping both landlords and tenants during this difficult time. This proposed approach is not

feasible and risks undermining a vital consumer safety net for people involved in the property sector, including landlords, tenants and property purchasers.

The Hon. ADAM SEARLE (23:44:40**):** The Government has already pointed out that the statutory interest account is well set, with a couple of hundred million dollars. We do not accept the Government's accounting for the potential impact of the proposal that we are putting. We note that there is already a facility in the legislation to transfer money from the statutory interest account to the compensation fund, so there is no issue there. We do take issue with the Government's claim to have done enough to assist landlords and tenants. The measures the Government has put it place collectively do not add up to a great deal of support, and the support that is afforded is only for a small minority. We need to provide support to the majority of people who may be facing hardship at this time. We note the potential catchment of the provisions but we have no way of telling necessarily the rate of that take-up.

This amendment is framed as a recommendation by the Parliament to the Government. If the Government responds positively obviously there can be fine-tuning around the precise details of the hardship fund, but it is important that this amendment provides clear parameters of what we expect the Government to do. I thank the Government for its contribution and I thank the Hon. Rod Roberts and Ms Abigail Boyd for their contributions. We note that The Greens amendments and our amendments are travelling on the same road, with some differences. Nevertheless, a bit like the JobKeeper package it is not perfect, but it is important to get the assistance out where it is needed as soon as possible. I urge honourable members to support the Opposition amendment in this regard.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet c2020-042C. The question is that the amendment be agreed to.

The Committee divided.

Ayes 14
Noes 7
Majority.....7

AYES

Banasiak	Borsak	Boyd
Buttigieg (teller)	Field	Hurst
Latham	Moriarty	Pearson
Primrose (teller)	Roberts	Searle
Secord	Shoebridge	

NOES

Farlow	Farraway (teller)	Maclaren-Jones (teller)
Mitchell	Nile	Taylor
Tudehope		

PAIRS

Pair not provided	Ward
D'Adam	Ajaka
Donnelly	Amato
Graham	Cusack
Houssos	Fang
Jackson	Franklin
Mookhey	Harwin
Moselmane	Mallard
Sharpe	Mason-Cox
Veitch	Martin

Amendment agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That the Chair do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

Motion agreed to.

Adoption of Report

The Hon. DAMIEN TUDEHOPE: I move:

That the report be adopted.

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS

The Hon. DAMIEN TUDEHOPE: I seek leave to suspend standing and sessional orders to allow the moving of a motion forthwith that paragraph 2 (a) of the sessional order for the motion for the adjournment at midnight be suspended this day.

Leave not granted.

Adjournment Debate

ADJOURNMENT

The PRESIDENT: According to sessional order, it being midnight proceedings are interrupted. I propose:

That this House do now adjourn.

LIVE PERFORMANCE SPACES

The Hon. DON HARWIN (00:00:11**):** Live performance spaces have a positive impact on the wider economy. For example, we know that each major musical theatre production creates 200 direct jobs and is estimated to bring $25 million in visitor expenditure over the first six months of a season, supporting our accommodation and hospitality sectors. In recent years Sydney has missed out on those benefits because it has lost too many theatres. We lost the Regent Theatre in 1988 and Her Majesty's Theatre in 2000. We lost the first Theatre Royal—Australia's oldest theatrical institution—when it burned down in 1840. It came back in 1875 on a different site. We almost lost it again in 1971 when that site was redeveloped for the construction of the MLC Centre. Regrettably, recent redevelopment proposals by its owners led to the theatre's closure in 2016. For all of my three years as arts Minister—from January 2017 until recently—I was determined to secure its reopening.

With a lot of help, Dexus was finally convinced that a reopened theatre would contribute to the revitalisation of the MLC Centre. In March 2019 I signed a heads of agreement with Dexus giving the New South Wales Government an exclusivity period in which to establish whether a reopened theatre was viable. An expressions-of-interest process took place during that period, which provided the New South Wales Government with the assurance it could proceed to sign a 55-year head lease for the Theatre Royal. In late 2019 a competitive tender process began for the theatre in which potential operators from Australia and abroad participated. At the end of that process in March, shortly before I left the Arts ministry, it was my great pleasure to sign off on the recommended operator. I wish the team from Trafalgar Entertainment well. Sir Howard Panter and Dame Rosemary Squire and their Australian managers Tim MacFarlane and Torben Brookman have a formidable reputation and I know they will be great custodians of the Theatre Royal.

The Theatre Royal's revival, along with my proposals for a joint venture to enhance the Riverside Theatres at Parramatta and to include a 1,500-seat lyric theatre in the Ultimo Creative Industries Precinct, have underlined my determination to help revive live performance in Sydney. They match the commitment I was honoured to make to new and upgraded performance spaces across New South Wales through the New South Wales Government's Regional Cultural Fund. We need more performance spaces and it should be easier. Sadly, live performance spaces tend to have a low return on capital despite the large multiplier effect on the economy, in particular, of the immediate precinct. That is a problem, given that securing another site in Sydney and building a theatre like the Theatre Royal could exceed $200 million.

The New South Wales Government and local councils should prioritise cultural infrastructure in their planning. As arts Minister, I pursued that and wrote to planning Minister Rob Stokes. Issues that should be looked at include making floor space ratio and height concessions available for developments that provide theatre and performance spaces. We have certainly seen important examples of that working in the past, such as the City Recital Hall. The Environmental Planning and Assessment Act 1979 must be amended in relation to developer contributions so that developers can help fund the capital costs of cultural spaces. Changes in this respect made during the last term of the previous government were regrettable and must be reviewed.

New South Wales Government restrictions on local councils who pair with the private sector to develop cultural space must also be reviewed. Those restrictions are there for good reason but they must be fine-tuned because there are times when councils responsibly pair, through public-private partnerships, to build facilities that

are immensely valuable to local communities. Those changes could deliver more live performance spaces in Sydney and regional New South Wales in the future. I plan to continue campaigning on these issues from the backbench.

ECONOMIC INEQUALITY

The Hon. MICK VEITCH (00:05:14**):** We have waited nine years for that adjournment. Before the COVID-19 pandemic, the recent floods, the horrendous bushfires and even before the devastating drought that still exists in many parts of the State, people living in regional New South Wales have faced a deep and persistent trend. That trend is the disproportionate economic disadvantage they live with compared with our city cousins. Indeed, the numbers seriously contradict the hype and gloss the Government has been purveying up until now about the economic state of regional New South Wales. The reality is that a person who lives outside Sydney has an increased likelihood of being unemployed, having a lower income or, unfortunately, living in poverty.

The *Mapping Economic Disadvantage in NSW Report* produced in 2019 by the NSW Council of Social Service [NCOSS] and the National Centre for Social and Economic Modelling highlights the deeply embedded structural issues behind economic disadvantage and poverty in regional New South Wales. By breaking down the data into categories such as age, sex, employment, family arrangements and housing tenure, it clearly shows how poverty differs across our communities. The report also highlights that more people across more categories face economic disadvantage if they live in rural or regional New South Wales compared with metropolitan Sydney. At the time of the report's publication, Sydney's poverty rate was 12.6 per cent while the rate for the rest of New South Wales was 14.6 per cent.

What does this mean in reality for people living in regional New South Wales? It means lower incomes—the weekly median income in Sydney is $800 to $999 compared with $500 to $649 regionally—and a higher rate of unemployment, especially youth unemployment. At the last census, regional youth unemployment sat at unacceptably higher rates when compared with youth unemployment in Sydney. It also means dealing with the increased cost of essential items. The 2019 fresh food pricing inquiry conducted by Portfolio Committee No. 1 uncovered the significant variance in the affordability of healthy, fresh food between metropolitan and rural areas. In its *Foodbank Hunger Report 2018* the respected food relief charity, Foodbank, stated:

> Australians living in the country, therefore, are 33% more likely to have experienced food insecurity in the last 12 months than those living in cities.

Single-parent families living in the regions experience higher rates of poverty. Single-parent households in five regional locations experienced poverty rates of over 50 per cent, including the Murray-Darling Basin where it was as high as 65.6 per cent. This is not new territory for NCOSS, which has long advocated that regional policies developed by government must take into account the impact of distance and sparse population density. Failure to account for those substantial factors translates into substandard service and policy provision that further impacts upon those who are already disadvantaged. Indeed, poor public policy development and implementation exacerbate all aspects of life for those living in disadvantage in regional New South Wales.

Why is economic disadvantage so distinctly rural? If we couple the NCOSS data with a recent briefing from the NSW Parliamentary Research Service entitled *Regional NSW: A demographic and economic snapshot,* a picture of that disadvantage starts to emerge. The population in regional New South Wales is shrinking and ageing. Some 20.6 per cent of the population in regional New South Wales is aged 65 or over, compared with 13.5 per cent in Greater Sydney. The starkest regional variation is within the working population age bracket of 25 years to 34 years, which is an important demographic required for robust economies with depth. Some 11 per cent of people in that age bracket live and work in the regions and 16.4 per cent live in Sydney. Migration from the regions is occurring. A number of factors account for that but it is largely due to ineffectual government policies. More people are moving out than in, especially regional students who relocate to capital cities for tertiary education and employment but do not return to the country. This is a phenomenon known as "brain drain".

There is a serious lack of depth, or layers, to many regional economies. They simply lack diversity. They have less market resilience and adaptive capacity compared to the rest of New South Wales. That means that many regional economies lack the capacity to react and respond to national and global change. In 2017, 10 functional economic regions—or FERs—in New South Wales were rated as having below average levels of market resilience. All 10 were located in regional New South Wales. Another indicator that highlights the widened disparity between Sydney and the regions is business growth. Australian Bureau of Statistics business count data in 2019 shows that in Sydney growth was 16.2 per cent compared with 8.4 per cent in regional New South Wales. Who knows what this will be like post the COVID-19 pandemic?

How do we build resilience in our regional economies? This is a complex issue and not an easy one, but we certainly need the perspective and input from people in rural and regional New South Wales. We have a real opportunity right now to undertake the essential and fundamental rebuilding of our regional economies. There

will be serious hurt in regional New South Wales before things get better. We have an opportunity to undertake some valuable economic reconstruction in regional New South Wales—let's do it.

RECREATIONAL HUNTING

The Hon. ROBERT BORSAK (00:10:16**):** On 6 May the Minister for Agriculture and Western New South Wales reopened State forests to restricted game hunting licence holders. This was one of the restriction relaxations that the Government announced as a result of New South Wales playing its part in self-isolation and flattening of the curve. The Shooters, Fishers and Farmers Party had sought clarity for our constituents on this matter. We contacted the Minister and were pleased when the announcement was made. However, an email sent from the Minister's office last Friday to the Sporting Shooters Association of Australia [SSAA] advised that hunters are to limit their travel to State forests that do not require them to stay overnight and that camping in State forests is not permitted. Provided that hunters abide by social distancing restrictions there should be no difference in what a hunter does compared with, say, someone visiting a home of a friend or loved one. But there is a difference because we are hunters and the Government's treatment of us is always different.

It took multiple representations to the Minister before we could find out whether a hunter was able to go alone to the thousands of acres of State forests to look after their mental health, get a feed for their family and get some exercise. Obviously this Liberal-Nationals Government does not consider hunting and fishing to be as important as golf. The most common place to seek clarity on what a hunter, shooter or fisher can or cannot do is the Department of Primary Industries [DPI] website. It is an interesting read. Under fishing, there is an interesting sentence that reads something like the blackboard in *Animal Farm*. The question is posed, "Can I go fishing?" The DPI response reads, "Exercise is important for physical and mental health." The list of exercise types is endless and it is not possible to list them all. Here is the Orwell line, "… and some forms of exercise are more active than others". What the bloody hell does that mean—some forms of exercise are more active than others? Can I go fishing or not? Can we get an answer to the question?

The Government has made it very clear throughout the coronavirus pandemic that it has no understanding of hunters in this State. The Shooters, Fishers and Farmers Party made that apparent to the Minister for Agriculture and Western New South Wales when we told him that the majority of restricted licence holders live in metro areas. The money that hunters pay to visit State-gazetted public land declared for hunting in rural and regional areas and to stay overnight is integral to many rural and regional economies. The same goes for fishing. In 2018 the SSAA report noted hunting contributes $1.8 billion to the New South Wales economy. Yet under the cover of COVID-19 the Premier and her cronies are attacking us again.

The Government has now sanctioned aerial shooting in gazetted hunting areas, which means hunters will be blocked from entering those areas. The Government can sanction this inhumane form of culling under the guise of nil tenure, but we know from the experience of the recent bushfires that nil tenure means all the agencies involved start naval-gazing when the proverbial hits the fan. No-one wants to take responsibility. The attack continues through the moronic Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020, where any person who possesses a lathe or is standing next to someone who possesses a lathe automatically becomes a criminal in waiting. The Government thinks by attacking our constituents it is attacking us, that if it stymies the success of our party the people of New South Wales will forget the failures of The Nationals. I am here to tell it that will not happen.

COVID-19

The Hon. SCOTT FARLOW (00:13:47**):** A little under three months ago I visited small businesses throughout Burwood and Eastwood with the Minister for Finance and Small Business. We went with the message that it was safe to visit businesses in Burwood and Eastwood. There were no coronavirus cases in those areas. It was a faraway risk that was not rife on our shores. We visited businesses that had suffered 80 per cent drops in their turnover. We were astounded by the stories of people not emerging from their homes, sending out one masked person to do the shopping, with the rest of the family sheltering in place. Residents told us they were watching what was happening in China, reading stories on WeChat and speaking with family and friends on the ground. They were scared and they could foresee the virus taking hold on our shores.

At the time those stories seemed bizarre to us, but nearly three months later we have all lived it ourselves. We no longer hug or shake hands, there is no such thing as eating in at our local restaurants and terms such as "social distancing" have become so engrained in our vernacular that while getting coffee the other day I heard a bloke say to another patron, "Would you mind your social distance, mate?" But while we have had this impost, not just socially but also with huge economic consequences, we have to take stock of the success in this country and our State of flattening the epidemic curve. That success was epitomised today in achieving zero new cases in New South Wales. That success has been won and earnt by the sacrifice and sensibility of our citizens and one

that has been charted by the best health advice, with governments acting, taking the virus seriously and working together.

This success has been achieved without restrictions as significant as other jurisdictions around the world such as our neighbour New Zealand. The early decision by Prime Minister Morrison to close our borders to China was decried by several sectors and across the country. The decision was condemned by the World Health Organization and the Chinese Government. It was the right decision and has put Australia in the best position to combat the virus. Travel bans for South Korea and Iran soon followed. If the rest of the world had taken similar action to Australia, this pandemic would have been contained, but sadly that was not the case as the virus took hold across Europe and was exported to the world. At those early times, as the Prime Minister has rightly proclaimed, it was our Asian-Australian community that was at the fore in fighting the virus.

I stand in this place and add my condemnation of racially motivated attacks that have occurred during this pandemic. They are completely reprehensible and have no place in our society. Our Chinese, Korean and Iranian communities were cut off from their families abroad and most that I have talked to were happy to do so in order to protect and preserve our nation. While we can rightly question the Chinese Government's transparency and handling of the pandemic, it has absolutely nothing to do with our vibrant Asian-Australian community that deserves our support. The Minister for Finance and Small Business and I saw that in Burwood and Eastwood. One good thing to come of the past few months has been the creation of the National Cabinet. I came to this place declaring myself a State's righter and nothing has changed. The National Cabinet has allowed a framework for the Commonwealth Government and the States to work together and chart a course forward.

While cooperation is always important, the primacy of the States should be protected. During this period Prime Minister Morrison has respected that and Premier Berejiklian has stood up for the best interests of our State. The challenges that have faced densely populated areas of New South Wales with high international exposure are very different from those that face the Northern Territory, which has slightly more than 200,000 people across 1.42 million square kilometres. While those differences may be acute when it comes to the coronavirus, when it comes to the economy we are all in the same boat. The Federal Treasurer outlined yesterday that unemployment is expected to reach 1.4 million and gross domestic product will fall by 10 per cent in the June quarter.

Thankfully, prior to this pandemic New South Wales had already been working on a plan. Last year Treasurer Perrottet had the foresight to task David Thodey, AO, and a star-studded panel with looking at Federal financial relations from the State's perspective. The panel will deliver its report soon and there will be a road map to turbocharge our nation's economy. Now is the time to undertake the reform that we have all known is right and can get people back into jobs. We have a national opportunity to encourage reform to unlock our economy. We can reform stamp duty to rid Australia of one of its least efficient taxes that distorts the market. We can axe payroll tax to get Australians back to work, in a job, and get business moving. We can remove regulation to improve our domestic supply chain and encourage Australian manufacturing for the future. [*Time expired*.]

COMMUNITY AND DISABILITY SERVICES

The Hon. PETER PRIMROSE (00:18:58**):** Before we were confronted with COVID-19 many communities, particularly those in rural and regional New South Wales, were dealing with the trauma of months of ongoing drought, fires, smoke and in some instances flood. Coming at the end of a summer of natural disasters it is likely that the current health crisis in rural and regional New South Wales will now overlap with the commencement of the next fire season. Tragically, the lessons learnt from months of drought, bushfires and floods is that disaster does not end the day the fires go out and nor will it end on the day that the last positive COVID-19 test is recorded. Recovery takes months, if not years, of slowly rebuilding fractured lives and communities. The injury and pain for many goes beyond fire or water damage. In fact, community leaders are telling us that after 10 months of ongoing disasters they have never seen a higher risk of escalated violence in families where there is already violence. They have never seen a higher risk of new violence and sexual assault, particularly directed at children.

Escape from violence has become increasingly difficult for women, children and young people. They have never seen more demand or pressure on organisations and the professionals relied upon to deliver essential services to families with babies and young children. They have never seen a higher risk of unemployment poverty, homelessness, drug and alcohol abuse; and they have never seen a higher level of social and community dislocation. In the current grim circumstances, we confront an extraordinary crisis as we seek to ensure the ongoing provision of essential services to the broader community, and particularly those most vulnerable members of our society.

The Australian Services Union [ASU] represents professional workers in almost every non-government and not-for-profit community-based organisation in New South Wales and Australia. ASU members work in every part of the disability sector, in child protection, aged services, employment services, refuges, rehabilitation and

after care. ASU members also work to protect those same people when they are homeless, living in cars, on the streets and in other dangerous circumstances. They provide casework, crisis intervention, referral, financial and other vital support for individuals of all ages and families experiencing poverty, hunger, isolation and homelessness, gambling, drug and alcohol addictions, disabilities, mental health issues, overwhelming legal and financial problems, very young parents and those who are refugees or have other settlement issues. They work with women, children and young people who are experiencing or escaping violence and those who are trying to deal with their cultural or sexual identity.

While there is no official list of "essential services" as such, there can be no doubt that all those workers are providing essential and often life-saving services in the community. I take this opportunity to thank all of those highly professional essential workers for the extraordinary work they do every day, and particularly over the past 10 months of continuing and rolling disasters. But it is not enough to say thank you. One of the important lessons that we must learn from this year of disasters is that we must be prepared to invest to ensure that we have the services we need, when we need them. Community and disability services is one of the fastest-growing and most sustainable employers in our State and one of the largest employers in regional New South Wales. With the number of employees having more than doubled in the past five years and with ongoing employment growth of more than 11 per cent, the disability services sector has been correctly referred to as "an engine of economic and employment growth" for our State, particularly in regional New South Wales.

We need this Government to consult with the sector now, to talk with those extraordinary workers who have been providing essential and life-saving professional services through the past 10 months of trauma and beyond, to ensure that New South Wales—and especially rural and regional communities—can have the best possible services from the best-trained and qualified professional workers available, while at the same time providing the economic and jobs stimulus that is so very badly needed, particularly in those rural and regional communities devastated by months of natural disasters, now magnified by the current pandemic. This is the best and most practical way to thank those essential professional workers and to ensure that all our communities can look to the future with confidence.

COVID-19

The Hon. EMMA HURST (00:23:25**):** The global outbreak of COVID-19 has caused the deaths of almost 100 Australians and many more people around the world. It has changed the way we live, the way we work and the way we interact with each other. The coronavirus is suspected to have come from wet markets, where animals are held in filthy and stressful conditions. But it is not the first zoonotic disease to come from animals forced to live in filthy conditions. According to the United States of America Centre for Disease Control and Prevention, approximately 75 per cent of new and emerging infectious diseases come from animals. This should come as no surprise to us—think of bird flu, mad cow disease, severe acute respiratory disease, swine flu and Middle East respiratory syndrome. Every major outbreak over the past 50 years has been a zoonotic disease caused by the confinement and consumption of animals. It hardly seems a coincidence that "coronavirus" is an anagram of "carnivorous".

Before we point the finger of blame overseas, we need to take a serious look in our own backyard. In Australia we conduct the largest land-based slaughter of wildlife in the world—the commercial kangaroo meat industry. Every day wild kangaroos are shot in the remote bushland, decapitated, and dragged onto the back of trucks and transported up to eight hours before being refrigerated. Joeys are bludgeoned to death or left to starve. This industry has been linked to serious diseases like toxoplasmosis and salmonella. The risk does not end with Australia's wildlife trade. Animal agribusiness operations all over the country have thousands of animals living in cramped confinement and squalor. Pigs, chickens, ducks, turkeys and other animals are often forced to live in their own waste and the built-up excrement from thousands of other animals. In these conditions, they become the perfect vectors for disease.

For years scientists have warned that the animal agribusiness industry is a breeding ground for new antibiotic-resistant "superbugs". The living environments for animals at animal agribusiness facilities are so revolting that these animals are regularly fed antibiotics just to keep them alive. This regular antibiotic use can cause superbugs. It also causes human antibiotic resistance. While viruses like COVID-19 cannot be treated with antibiotics, there are many health complications that can be treated with them, but our increased use in animal agribusiness and secondary consumption from eating animal flesh is building a resistance to this treatment and risking human health. With those kinds of putrid conditions it is no wonder we have seen clusters of the coronavirus at a meatworks in Victoria, as well as similar facilities in the United States, Canada, Spain and Ireland.

Now more than ever we need to recognise that the disrespectful treatment of animals has consequences. There is no need to continue to support outdated, cruel, environmentally disastrous and human health risking animal agribusiness practices. The future of food is plant based. As Australia is one of the fastest growing markets for plant-based proteins, we have the unique opportunity to be at the forefront of this change.

STANDING ORDER 52 PAPERS ELECTRONIC ACCESS

The Hon. MARK BUTTIGIEG (00:27:40**):** I draw the attention of members to negotiations that are taking place behind the scenes regarding electronic access to calls to papers under Standing Order 52. I urge honourable members to think about this matter seriously—traditionally there has been resistance. It will deliver cost savings as public servants will not have to spend many hours to produce papers and members will not have to go through them. Given they exist in electronic format, it makes sense that they should be delivered in electronic format.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The time for the adjournment debate has expired. The House now stands adjourned.

The House adjourned at 00:30 until Wednesday 13 May 2020 at 10:00.