



NSW Jurisdictional Report for the 2021 CPA Australia and Pacific Regional Conference

1. Number of sitting days

- In 2021 to date, the **Legislative Council** has sat for 26 days over ten sitting weeks. Unfortunately, in mid-June an outbreak of the COVID-19 Delta strain occurred in Sydney impacting the sitting calendar. A sitting day scheduled for 25 June was not proceeded with, and sitting days scheduled for 10-12 August and 7-9 September were postponed by the President (according to a sessional order that allows for the postponement of sittings in the event of a public health concern) after consultation with members from all parties. The Council sought to hold a hybrid sitting on 14 September, with quorum to be maintained in person in the House and a further 16 members prepared to 'attend' virtually via remote participation. However, this sitting day did not proceed owing to the absence of a representative of the government in the Chamber, and the House did not officially conduct hybrid sittings until October. To make up the lost sitting hours from June to September the House has varied the sitting calendar by adding an additional sitting day in each of the three remaining sitting weeks for 2021 which includes using the reserve week. Consequently, there are now 12 sitting days scheduled over three sitting weeks in November 2021. The House is then expected to rise for the year.

The Legislative Council currently has 25 active committee inquiries.

- The **Legislative Assembly** has sat for 34 days in 2021 so far, with a significant break in sittings as a consequence of a COVID-19 case on 24 June, the last day of Budget week. The commencement of the sitting that day was delayed due to news that a Minister had tested positive to Covid-19. After COVID-safe arrangements were put in place the House met briefly to pass the primary budget bills. Subsequently the scheduled August and then September sitting weeks were postponed by the Speaker in accordance with Standing Order 47A following a request on each occasion by the Government, based on expert health advice.

The Assembly sat on 12 October, adopting a resolution to permit 'hybrid' sittings – with no more than 24 members in the House including the Speaker, and other members able to participate online through the Parliament's official video facility. Members participating remotely using the official video facility cannot vote; be counted for quorum; call for a division; call for a quorum to be counted; take or speak to a point of order, unless the point of order relates to a question they have asked or answered during Question Time, or the point of order relates to an item of business in their name on the Business Paper; or interject. The House's resolution is in effect until the end of 2021. The hybrid sittings, made possible through installation of screens in the chamber and intensive support from the Parliament's IT and AV/Broadcasting team, worked well.

On the motion of the Leader of the House, the Assembly resolved to sit additional days in November. The 'reserve' week was activated and an additional three Fridays were added to the now-three sitting weeks. Private members' business is expected to take up a significant proportion of the time available on the three Fridays.

The Legislative Assembly currently has 16 active committee inquiries.

- **Virtual proceedings** – Both Houses have conducted both hybrid and fully virtual committee proceedings, including the Legislative Council's Budget Estimates Committee public hearings conducted during lockdown in August 2021.

Each House developed plans for the COVIDSafe conduct of proceedings, with the Legislative Council preparing to conduct sittings scheduled for 7 September 2021 in a hybrid virtual format and in accordance with the COVIDSafe Plan for the sittings of the Legislative Council. As noted above the Council did not sit in full in September. Hybrid sittings, with some members 'attending' via remote participation and others present in the Chamber instead occurred between 12 and 14 October. During this sitting week seven members participated at some point in proceedings remotely, with two members attending entire sitting days exclusively via remote

participation. Thankfully the public health circumstances were such that all Council members could attend the Chamber in person from 19 October. The Legislative Assembly's COVIDSafe Plan in place for the 12 October sittings and for Committees is currently under review in light of the changing COVID situation and is likely to change for November depending on the health orders in effect across New South Wales.

2. **Reviews into harassment, bullying and misconduct by Members**

(a) Compliance Officer Referrals – In November 2020 the Legislative Assembly and the Legislative Council referred to their respective privileges committees a proposal, originally initiated by the Presiding Officers, for the establishment of a Compliance Officer to expeditiously and confidentially deal with low level, minor misconduct matters. The Legislative Council's Privileges Committee reported to the House on 11 May 2021. The Legislative Assembly's Standing Committee on Parliamentary Privilege and Ethics reported to the House on 16 July 2021. A referral has since been made by the President to the Legislative Council Privileges Committee on 16 August, 2021 to inquire into and report, as expeditiously as possible, on the resolution of the remaining differences between the proposals put forward by the two committees, and a draft resolution that would have the support of the committees of both Houses.

(b) NSW Parliament Advisory Group on bullying, sexual harassment and serious misconduct On 23 March 2021, the Presiding Officers announced that a Working Advisory Group would be convened by the Deputy Speaker of the Legislative Assembly, the Hon. Leslie Williams MP, to assist with the Parliament's approach to bullying, sexual harassment and other serious misconduct. The Group, which includes representatives of members, members' staff, parliamentary departmental staff, and the PSA (union), has an ongoing advisory role in providing stakeholder feedback and advice to the Presiding Officers and parliamentary leadership on relevant issues and potential areas for reform.

(c) Elizabeth Broderick review - In August 2021 former Sex Discrimination Commissioner, Elizabeth Broderick AO, was engaged by the Parliament's Executive Group¹ to provide independent, expert advice to the Parliament to ensure a workplace free from bullying, harassment and sexual misconduct. The review should take approximately 6 months and will identify factors and culture that may impact on the NSW Parliament's ability to maintain a safe workplace, and opportunities to strengthen relevant policies and practices.

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¹ The PEG comprises the Presiding Officers, the Clerk of each House, and the Chief Executive of the Department of Parliamentary Services.