

c2021-115C
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Modern Slavery Amendment Bill 2021

First print

Proposed amendments

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- No. 1 **Retention of commercial organisations**
Page 3, Schedule 1[2], lines 5 and 6. Omit all words on those lines.
- No. 2 **SOCs and other government corporations**
Page 3, Schedule 1[4], lines 10 and 11. Omit all words on those lines.
- No. 3 **Retention of non-government agencies**
Page 3, Schedule 1[5], lines 12 and 13. Omit all words on those lines.
- No. 4 **Retention of non-government agencies**
Page 3, Schedule 1[8], lines 21–23. Omit all words on those lines. Insert instead—
 [8] Section 5(1), definition of “modern slavery risk order”
 Omit the definition.
- No. 5 **Status of Anti-slavery Commissioner**
Page 3, Schedule 1. Insert after line 28—
 [9A] Sections 6–6F
 Omit section 6. Insert instead—
 6 Appointment of Commissioner
 (1) The Governor may appoint an Anti-slavery Commissioner.
 (2) The Commissioner holds office for such term not exceeding 5 years as may be specified in the instrument of appointment, but is eligible, if otherwise qualified, for re-appointment.
 (3) A person is not eligible to be appointed for more than 2 terms of office as Commissioner, whether or not consecutive terms.
 (4) The Commissioner may be appointed on a full-time or part-time basis. If the Commissioner is appointed to office on a full-time basis, the Commissioner is required to hold the office on that basis except to the extent permitted by the Governor.

6A Remuneration

The Commissioner is entitled to be paid—

- (a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and
- (b) travelling and subsistence allowances determined from time to time by the Minister.

6B Vacancy in office

The office of Commissioner becomes vacant if the holder—

- (a) dies, or
- (b) completes a term of office and is not re-appointed, or
- (c) resigns the office by instrument in writing addressed to the Governor, or
- (d) is nominated for election as a member of the Legislative Council or of the Legislative Assembly or as a member of a House of Parliament or a legislature of another State or Territory or of the Commonwealth, or
- (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the holder's creditors or makes an assignment of the holder's remuneration for their benefit, or
- (f) becomes a mentally incapacitated person, or
- (g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
- (h) is removed from office under section 6C.

6C Removal from office

- (1) The Governor may remove the Commissioner from office on the address of both Houses of Parliament.
- (2) The Governor may suspend the Commissioner from office—
 - (a) for misbehaviour, or
 - (b) for incapacity, or
 - (c) if the Commissioner is absent from duty for a period in excess of his or her leave entitlement as approved by the Governor unless the absence is caused by illness or other unavoidable cause.
- (3) The Minister is to lay or cause to be laid before each House of Parliament, within 7 sitting days of that House after the Commissioner has been suspended from office, a full statement of the grounds for the suspension.
- (4) The suspension is to be lifted unless each House of Parliament, within 21 sitting days from the time when the statement was laid before it, declares by resolution that the Commissioner ought to be removed from office.
- (5) If each House does so declare within that period, the Commissioner is to be removed from office by the Governor.
- (6) For the purposes of this section, sitting days are to be counted whether or not they occur in the same session.

6D Filling of vacancy

If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

6E Commissioner a statutory officer and not Public Service employee

The office of Commissioner is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office.

6F Appointment of acting Commissioner

- (1) The Minister may, from time to time, appoint a person to act in the office of the Commissioner during the illness or absence of the Commissioner or during a vacancy in the office of the Commissioner.
- (2) The person, while acting as Commissioner, has all the functions of the Commissioner and is taken to be the Commissioner.
- (3) The Minister may, at any time, remove a person from office as acting Commissioner.
- (4) An acting Commissioner is entitled to be paid remuneration, including travelling and subsistence allowances, determined from time to time by the Minister.

No. 6 **Independence of Commissioner**

Page 3, Schedule 1. Insert before line 29—

[9B] Section 7 Independence of Commissioner

Omit “section 9 (1) (a) or (c)”. Insert instead “this Part”.

No. 7 **Retention of non-government agencies**

Page 3, Schedule 1[10], lines 29 and 30. Omit all words on those lines.

No. 8 **Retention of commercial organisations**

Page 3, Schedule 1[11], lines 31 and 32. Omit all words on those lines.

No. 9 **Retention of non-government agencies**

Page 3, Schedule 1[12], lines 33 and 34. Omit all words on those lines.

No. 10 **Retention of non-government agencies**

Page 4, Schedule 1[17], proposed section 14(1), line 16. Insert “and non-government agencies” after “State”.

No. 11 **Retention of non-government agencies**

Page 4, Schedule 1[20], lines 24 and 25. Omit all words on those lines.

No. 12 **Retention of non-government agencies**

Page 5, Schedule 1[22], lines 8 and 9. Omit all words on those lines.

No. 13 **Supply chain reporting**

Page 5, Schedule 1[24] and [25], lines 27–31. Omit all words on those lines.

No. 14 **Supply chain reporting**

Page 5, Schedule 1[27], lines 35 and 36. Omit all words on those lines.

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- No. 15 **Supply chain reporting**
Page 6, Schedule 1[29], proposed section 26(3)(a), line 6. Insert “and commercial organisations” after “government agencies”.
- No. 16 **Retention of non-government agencies**
Page 6, Schedule 1[30], lines 9 and 10. Omit all words on those lines.
- No. 17 **Retention of non-government agencies**
Page 6, Schedule 1[31], lines 11 and 12. Omit all words on those lines.
- No. 18 **Local government audit**
Page 10, Schedule 1[50], lines 29–36. Omit all words on those lines.
- No. 19 **SOCs and other government corporations**
Page 11, Schedule 1[52], lines 12 and 13. Omit all words on those lines.
- No. 20 **Local government procurement**
Page 11, Schedule 1. Insert after line 13—
 [52A] Schedule 5.6[1A] and [1B]
 Insert after Schedule 5.6[1]—
 [1A] Section 162, definition of “government agency”
 Insert before paragraph (d)—
 (c2) a council, county council or joint organisation within the meaning of the *Local Government Act 1993*, other than a council, county council or joint organisation, or a class of councils, county councils or joint organisations, excluded from this definition by the regulations,
 [1B] Section 163 Application of Part
 Omit section 163(2)(a).
- No. 21 **Status of Anti-slavery Commissioner**
Page 11, Schedule 1. Insert before line 14—
 [52A] Schedule 5.6A
 Insert after Schedule 5.6—
 **5.6A Amendment of Statutory and Other
 Offices Remuneration Act 1975 No 4 of
 1976**
 Schedule 1 Public offices
 Insert in alphabetical order—
 Anti-slavery Commissioner
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