

NEW SOUTH WALES LEGISLATIVE COUNCIL



HOUSE IN REVIEW

Volume 56/54

*Sitting period
1 to 3 May 2018*

The *House in Review* provides regular updates of the activities of the New South Wales Legislative Council. Further information is available via the NSW Parliament website www.parliament.nsw.gov.au

Information on all bills can be accessed [here](#). House papers, Hansard, tabled documents and questions and answers for each sitting day are accessible [here](#).

Overview

The House agreed to three government bills and deliberated on a disallowance motion. There was also substantial discussion relating to an order for papers regarding the Powerhouse Museum relocation business case. However, it was debate on a private member's bill – the Modern Slavery Bill, introduced by Mr Green of the Christian Democratic Party – that evoked the most debate in the House this week.

The bill was the only item of business debated on Thursday. The bill was developed by the Parliamentary Working Group on Modern Slavery, a cross party group comprising Mr Green, Mr Khan (The Nationals), Mr Mason-Cox (Liberal Party) and Mr Brown (Shooters, Fishers and Farmers Party), which was brought together in an attempt to implement the findings of the report of the Select Committee on Human Trafficking in New South Wales. Debate on the bill lasted the whole day before the bill, as amended, was agreed to unanimously. The bill will now go to the Legislative Assembly for consideration.

Returns to order

Note: The Council has a common law power to order the Government to produce State papers.

Sydney Stadiums

As discussed last sitting week, documents have been progressively returned to an order for papers regarding Sydney Stadiums made by the House on Thursday 15 March 2018 (see [House in Review 56/52](#) and [House in Review 56/53](#)). On Thursday 19 April an additional return was received from the Department of Premier and Cabinet.

Furthermore, on Tuesday the President informed the House that a dispute as to the validity of the claim of privilege over certain documents had been received and that the disputed documents had been released to the independent legal arbiter, the Honourable Keith Mason AC QC, for evaluation and report.

The full indexes to documents received in each return can be accessed via the website:

- [Return to Order received Thursday 5 April 2018](#)
- [Return to Order received Friday 6 April 2018](#)
- [Return to Order received Wednesday 11 April 2018](#)
- [Return to Order received Thursday 19 2018](#)
- [Additional updated index for documents received on Thursday 5 April 2018](#)

Powerhouse Museum relocation business case

On Thursday 26 April 2018 correspondence was received from the Department of Premier and Cabinet relating to an order for papers regarding the Powerhouse Museum relocation business case made by the House on Thursday 12 April 2018 (see [House in Review 56/53](#)). The correspondence stated that no documents covered by the terms of the resolution are held by the offices and agencies referred to in the order.

There was much discussion of the Powerhouse Museum relocation business case in the House this week, including during Question Time. On Tuesday the Leader of the Opposition (Mr Searle) gave a notice of motion (which is yet to be moved) in response to the correspondence received. The motion would, if moved and agreed to, result in the censure of the Leader of the Government for the Government's failure to comply with the order for papers made by the House on 12 April.

The correspondence received on Thursday 12 April 2018 can be accessed via the [website](#).

Government business

House of origin: Legislative Council

Farm Debt Mediation Amendment Bill 2018

The bill amends the *Farm Debt Mediation Act 1994* to clarify and extend certain definitions and provisions of the principal Act and make further provisions relating to the mediation required before action may be taken to enforce the mortgage securing a farm debt. Additionally, the bill introduces further provisions concerning the process for mediation, mediator accreditation and the processes and powers of the Rural Assistance Authority.

Debate on the second reading of the bill resumed on Tuesday (see [Hansard](#) for details of the debate). The second and third readings were agreed to and the bill was forwarded to the Legislative Assembly for concurrence.

House of origin: Legislative Council

Coal Industry Amendment Bill 2018

The bill extends the application of the *Coal Industry Act 2001* with respect to workers compensation to all workers employed in or about a coal mine.

Employers in the coal industry are required to obtain workers compensation insurance from an approved workers compensation company. Currently that requirement only applies to employers directly engaged in the coal industry and not to employers who are engaged in another industry and merely provide services to the coal industry. The bill requires all employers whose employees work in or about a coal mine to obtain workers compensation insurance from an approved workers compensation company.

Debate on the second reading of the bill resumed on Tuesday (see [Hansard](#) for details of the debate). The second and third readings were agreed to and the bill was forwarded to the Legislative Assembly for concurrence.

House of origin: Legislative Assembly

Road Transport Legislation Amendment (Road Safety) Bill 2018

The bill includes cocaine as one of the illicit drugs that are tested during roadside drug enforcement and makes it an offence to have cocaine present in saliva when driving. The bill brings the penalties for driving under the influence of drugs in line with those for driving with a high range prescribed concentration of alcohol. The bill also allows a police officer to issue a driving prohibition of 48 hours to a driver who fails or refuses to undergo a sobriety assessment, and authorises the use of camera-based technology to enforce offences for driving while using a mobile phone.

The House received the bill from the Assembly and read it a first time on Wednesday morning, with debate on the second reading taking place later in the day. See [Hansard](#) for details of the debate.

The second and third readings of the bill were agreed to and the bill was returned to the Legislative Assembly without amendment.

Budget Estimates 2017-2018—Take note

The budget estimates debate takes note of the budget estimates and related papers for the financial year. It is a free ranging debate in which members are afforded wide latitude in their contribution.

Mr Harwin, Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, Vice-President of the Executive Council moved the Budget Estimates 2017-2018 on 20 June 2017. The debate has been ongoing in the House since this time. See previous Hansard for [20 June 2017](#), [14 February 2018](#), [11 April 2018](#). On Wednesday, Government members spoke to the motion. See [Hansard](#) to follow the debate. Debate was adjourned until the next sitting day.

Disallowance

Disallowance motion – Clauses 30, 37, 40 and 72 of the Crown Land Management Regulation 2018 (Mr Veitch on behalf of Ms Sharpe, ALP)

Summary: The Crown Land Management Regulation 2018 supports the operation of the Crown Land Management Act 2016. Clauses 30, 37, 40 and 72 relate to the sale or disposal of Crown land within 20 kilometres of urban area in the Western Division, the prescribed assessment principles for granting consent to remove covenants or restrictions, required considerations in determining purchase applications for Western Land under perpetual lease, and exemptions to certain types of Crown land from the operation of section 5.9 of the Act which relates to restrictions on the sale or disposal of Crown land in the Western Division.

Proceedings: The House agreed to the disallowance motion being considered forthwith, as business of the House, on Wednesday 2 May 2018.

In speaking to the disallowance motion, Mr Veitch argued that the clauses 30, 37, 40 and 72 of the Regulation were not in the public interest and would lead to poor environmental outcomes for Crown land held under perpetual lease in the Western Division. The Greens supported the disallowance and voiced concerns that the regulation would result in economic and environmental damage with no return to the public. The Government opposed the disallowance motion, stating the Act and the regulation provide the right balance between environmental, social and cultural heritage considerations and regional growth and economic development. See [Hansard](#) to follow the debate.

The motion was negated on division (17:22). The Opposition and The Greens voted in support of the disallowance and the Government, Christian Democratic Party and the Shooters, Fishers and Farmers Party opposed the disallowance. The clauses of the regulation remain in force.

Private members' business

Note: Private members' business is business introduced by members of the House other than Government ministers. There are two types of private members' business: private members' bills and private members' motions.

[Modern Slavery Bill 2018](#) (Mr Green, Christian Democratic Party)

The bill seeks to combat modern slavery through the establishment of an Anti-Slavery Commissioner. The bill is also intended to raise awareness of modern slavery, detect and expose risks of modern slavery in supply chains, introduce mandatory reporting, and provide assistance and support to victims. While the bill introduces criminal penalties in relation to forced child marriage and cyber-sex trafficking, the Commissioner is expressly prevented from investigating individual cases. Instead the bill focuses the role

of the Commissioner on strategic planning, providing advice and expertise, and information exchange with law enforcement agencies.

The bill had been introduced into the Council by Mr Green in the first sitting week in March (see [Hansard](#) for details of Mr Green's second reading speech). Debate on the second reading of the bill resumed on Thursday 3 May (see Hansard for details of the [debate in the morning](#), and [debate later in the day](#)). All speakers, bar one, expressed support for the objects of the bill. A number of speakers highlighted the contribution of by the Select Committee on Human Trafficking and the Parliamentary Working Group. The Parliamentary Secretary (Mr Farlow), speaking first for the Government, described slavery-like practices as unacceptable and abhorrent and acknowledged community support for action on modern slavery and human trafficking. Mr Farlow also foreshadowed the Government's intention to move amendments when the bill was debated in the Legislative Assembly.

The second reading was agreed to.

The Christian Democratic Party moved 15 amendments to the bill and the Greens moved a single amendment. The CDP amendments sought to include government agencies in the provisions for reporting of risks of modern slavery occurring in their supply chains and to ensure that any goods or services they procure are not the product of slavery; establish a statutory joint parliamentary committee to monitor and review the functions of the Anti-Slavery Commissioner; and to include stronger provisions regarding the use of children in the production of child abuse material. The Greens amendment sought to include organ trafficking as a modern slavery offence.

In the committee stage, all of the amendments were agreed to on the voices.

The third reading was agreed to and the bill, as amended, was forwarded to the Legislative Assembly for concurrence.

Petitions received

Modern Slavery Bill 2018 – 4394 signatures (presented by Mr Green)

Modern Slavery Bill 2018 – 691 signatures (presented by Mr Green).

Committee activities

Committee references

Portfolio Committee No. 1 – Premier and Finance: The Chair informed the House that on 31 April 2018 the committee self-referred an inquiry into fresh food pricing.

Committee reports tabled

Legislation Review Committee: 'Legislation Review Digest No. 53/56', dated 1 May 2018.

Selection of Bills Committee: 'Report No. 5 of the Selection of Bills Committee', dated 1 May 2018.

Committee reports debated

Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission:

The House concluded the take-note debate on Report No. 2/56 entitled '2017 Review of the Annual Reports of oversighted bodies', dated October 2017.

The House concluded the take-note debate on Report No. 3/56 entitled 'Review of the Public Interest Disclosures Act 1994', dated October 2017.

Committee on the Independent Commission Against Corruption: The House concluded the take-note debate on Report No. 4/56 entitled 'Protections for people who make voluntary disclosures to the Independent Commission against Corruption', dated November 2017.

Joint Standing Committee on Electoral Matters: The House concluded the take-note debate on Report No. 3/56 entitled 'Inquiry into preference counting in local government elections in NSW', dated November 2017.

Portfolio Committee No. 6 – Planning and Environment: The House continued the take-note debate on Report No. 6 entitled 'Budget Estimates 2017-2018', dated November 2017.

Portfolio Committee No. 1 – Premier and Finance: The House continued the take-note debate on Report No. 45 entitled ‘Budget Estimates 2017-2018’, dated December 2017.

Portfolio Committee No. 2 – Health and Community Services: The House continued the take-note debate on Report No. 48 entitled ‘Budget Estimates 2017-2018’, dated December 2017.

Standing Committee on Law and Justice: The House continued the take-note debate on Report No. 63 entitled ‘Statutory review of the State Insurance and Care Governance Act 2015’, dated December 2017.

Committee membership

Privileges Committee: Mr Mallard in place of Mr Mason-Cox, with Mrs Maclaren-Jones appointed as Chair.

Government responses

Committee on the Independent Commission Against Corruption: The House received a response to Report No. 4/56 entitled ‘Protections for people who make voluntary disclosures to the Independent Commission Against Corruption’, tabled 16 November 2017.

Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission: The House received a response to Report No. 3/56 entitled ‘Review of the Public Interest Disclosures Act 1994’, tabled 23 October 2017.

Interstate visits of inspection

Select Committee on Electricity Supply, Demand and Prices in New South Wales: The House authorised the committee to undertake interstate visits of inspection.

Inquiry activities

Select Committee on Electricity Supply, Demand and Prices in New South Wales

The committee has held three public hearings to date, and will hold further hearings on 8 May and 18 June 2018. The committee will also undertake a number of site visits in May and June 2018.

Select Committee on the State Senate Bill 2015

The committee has received 14 submissions to date.

Standing Committee on State Development

Inquiry into regional development and a global Sydney
The committee expects to report in June 2018.

Defence industry in New South Wales

The committee held its final public hearing in April and expects to report in June 2018.

Standing Committee on Law and Justice

Inquiry into the adequacy and scope of special care offences
Following a request by the Attorney General, the terms of reference for the inquiry have been broadened to include examination of adoptive relationships. The closing date for submissions is 30 May 2018.

2018 review of the Compulsory Third Party insurance scheme

The review commenced on 1 May 2018, with submissions closing on 17 June 2018.

2018 review of the workers compensation scheme

The review commenced on 1 May 2018, with submissions closing on 17 June 2018.

Portfolio Committee No. 1 – Premier and Finance

Inquiry into fresh food pricing in NSW

The closing date for submissions is 25 May 2018 and the committee will hold public hearings in June, July and August.

Portfolio Committee No. 2 – Health and Community Services

The provision of drug rehabilitation services in regional, rural and remote New South Wales

The committee is holding hearings in Dubbo and Broken Hill on 9 and 10 May. Further regional hearings will take place in late June.

Portfolio Committee No. 4 – Legal Affairs

Inquiry into museums and galleries

The committee will hold an additional two hearings on 28 May and 1 June 2018.

Emergency services agencies

The committee is currently drafting its final report.

Fire and emergency services levy

The committee has received 24 submissions and will commence hearings in August 2018.

Inquiry into Parklea Correctional Centre and other operational issues

The committee has received 38 submissions and will hold its first hearing on 18 May 2018.

Portfolio Committee No. 5 – Industry and Transport

Inquiry into water augmentation for rural and regional New South Wales

The committee has received 118 submissions and held 11 hearings in Sydney and regional areas. The committee will report by 14 May 2018.

Inquiry into the Windsor Bridge replacement project

The committee's next public hearing will be held on 7 May 2018. The committee is expected to report in June 2018.

Review of the commercial fishing inquiry recommendations
The committee expects to report later in the year.

Portfolio Committee No. 6 – Planning and Environment

Inquiry into the music and arts economy in New South Wales

The committee held its first hearing on 26 March 2018 and will hold further hearings and site visits in the coming months.

Public Works Committee

Inquiry into scrutiny of public works in New South Wales

The closing date for submissions is 31 July 2018.

Inquiry into the Sydney stadiums strategy

The closing date for submissions is 25 May 2018.

Regulation Committee

Environmental Planning and Assessment Amendment (Snowy 2.0 and Transmission Project) Order 2018

The closing date for submissions is 4 May 2018.

Privileges Committee

Inquiry into procedural fairness for inquiry participants

The committee is drafting procedural fairness resolutions for inquiry participants.

Review of Members' Code of Conduct

The committee is required to review the Code of Conduct for Members every four years. The committee is considering next steps for the conduct of the inquiry.

Adjournment debate

Tuesday 1 May 2018

Tribute to Carole Linde Jobling, OAM (Ms Ward); Anzac Commemorations (Mr Moselmane); Climate Change (Mr Field); Byron Bay Butler Street Reserve (Ms Cusack); Blue Mountains Asbestos Management (Mr Searle); Max Potential Young Leaders Program (Mr Green).

Wednesday 2 May 2018

Trade Barriers (Mr Wong); Central West Road Upgrades (Mr Colless); Online Cinema Booking Fees (Mr Secord); Veterinarians' Mental Health (Mr Pearson); Drought Assistance (Mr Brown); Western Sydney Infrastructure (Mrs MacLaren-Jones); May Day (Mr Moselmane).

Thursday 3 May 2018

Victims of Sexual Assault and Violence (Mr Shoebridge); National Road Safety Week (Mr Mallard); Oatley Electorate (Mr Moselmane); North Coast Sport (Mr Franklin); Powerhouse Museum Relocation (Mr Secord); Turkey Visit (Mr Khan); Powerhouse Museum Relocation (Mr Harwin).

Feedback on *House in Review*

We welcome any comments you might have on this publication or any suggestions for improvement.

Please contact us at:

lc.procedure@parliament.nsw.gov.au

A handwritten signature in black ink, appearing to read "DBJ".

David Blunt
Clerk of the Parliaments