



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 5

Drug Supply Prohibition Order Pilot Scheme Bill 2020

Report 56

November 2020

5



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Portfolio Committee No. 5 - Legal Affairs

Drug Supply Prohibition Order Pilot Scheme Bill 2020

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Terms of reference

That:

- (a) the Drug Supply Prohibition Order Pilot Scheme Bill 2020 be referred to Portfolio Committee No. 5 – Legal Affairs for inquiry and report,
- (b) the bill be referred to the committee at the conclusion of the mover's second reading speech,
- (c) the resumption of the second reading debate on the bill not proceed until the tabling of the committee report,
- (d) the committee report by 17 November 2020, and
- (e) the committee report consist of the hearing transcript only. The terms of reference were referred to the committee by the Legislative Council on 10 November 2020

The terms of reference were referred to the committee by the Legislative Council on 10 November 2020.¹

¹ *Minutes*, NSW Legislative Council, 10 November 2020, pp 1544-1545.

Committee details

Committee members

The Hon Robert Borsak MLC	Shooters, Fishers and Farmers Party	<i>Chair</i>
Mr David Shoebridge MLC	The Greens	<i>Deputy Chair</i>
The Hon Mark Buttigieg MLC	Australian Labor Party	
The Hon Rose Jackson MLC	Australian Labor Party	
The Hon Trevor Khan MLC	The Nationals	
The Hon Natasha Maclaren-Jones MLC	Liberal Party	
The Hon Natalie Ward MLC	Liberal Party	

Contact details

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Conduct of inquiry

The terms of reference for the inquiry were referred to the committee by the Legislative Council on 10 November 2020.

The committee received one submission.

Inquiry related documents are available on the committee's website.

Chapter 1 Overview

- 1.1 The Drug Supply Prohibition Order Pilot Scheme Bill 2020 was introduced to the Legislative Council by the Hon Scott Farlow, on behalf of the Hon. Damien Tudehope, on 22 October 2020.
- 1.2 The object of the bill, as set out in its explanatory note, is as follows:

[T]o establish a pilot scheme for drug supply prohibition orders in 4 pilot scheme areas. During the pilot scheme, a police officer will be able to seek the making of a drug supply prohibition order against a person who is over 18 years of age and has been convicted of a serious drug offence. The order, if made, will permit a police officer to stop, detain and search the person and search certain vehicles, vessels, aircraft or premises without the requirement for a warrant. These powers are only able to be exercised in a pilot scheme area.²
- 1.3 The bill was referred to the committee for inquiry and report on recommendation of the Selection of Bills Committee on Tuesday 10 November 2020. The terms of reference for the inquiry stated that the committee report consist of the hearing transcript only. The referral stipulated a reporting date of 17 November 2020, giving the committee 7 days to conduct its inquiry.
- 1.4 When considering the conduct of the inquiry, the committee determined that it was unable to hold a hearing in the relevant timeframe. This was in part due to the unavailability of committee members, as other committee hearings were taking place on Friday 13 November and Monday 16 November. Additionally, there was limited capacity of Hansard to deliver a transcript in the timeframe, due to the other committee hearings and the sittings of the House.
- 1.5 The committee received one submission from the Law Society of NSW on 12 November 2020. However, in the time available, members were unable to consider the merits of the arguments made by the Law Society in relation to the bill.
- 1.6 The committee returns the bill to the House for its consideration.

² Drug Supply Prohibition Order Pilot Scheme Bill 2020, First Print, Explanatory Note, p 1.

Appendix 1 Submissions

No.	Author
1	The Law Society of New South Wales

Appendix 2 Minutes

Minutes no. 31

Wednesday 11 November 2020

Portfolio Committee No. 5 - Legal Affairs

Jubilee Room, Parliament House, Sydney at 2.14 pm

1. Members present

Mr Borsak, *Chair*

Mr Martin (*substituting for Mrs Maclaren-Jones*)

Mr Buttigieg

Ms Jackson

Mr Khan

Mrs Ward

2. Apologies

Mr Shoebridge, *Deputy Chair*

3. Inquiry into the Drug Supply Prohibition Order Pilot Scheme Bill 2020

3.1 Terms of reference

The committee noted the referral on 10 November 2020 of the following terms of reference: That:

- (a) the Drug Supply Prohibition Order Pilot Scheme Bill 2020 be referred to Portfolio Committee No. 5 – Legal Affairs for inquiry and report,
- (b) the bill be referred to the committee at the conclusion of the mover's second reading speech,
- (c) the resumption of the second reading debate on the bill not proceed until the tabling of the committee report,
- (d) the committee report by 17 November 2020, and
- (e) the committee report consist of the hearing transcript only.

3.2 Conduct of the inquiry

The committee discussed the limited availability of members to attend a hearing on either Friday 13 November 2020 or Monday 16 November 2020. The committee also considered the limited capacity of Hansard to transcribe a hearing on either date.

Mrs Ward moved: That the committee adopt the following timeline for the administration of the inquiry:

- Friday 13 November 2020 – 1 half day hearing
- Monday 16 November – transcript circulated when received
- Tuesday 17 November – report (transcript) tabled.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Martin, Mrs Ward

Noes: Mr Borsak, Mr Buttigieg, Ms Jackson

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved on the motion of Ms Jackson: That the Chair of the committee give notice and move in the House that the resolution of the House of 10 November 2020 referring the Drug Supply Prohibition Order Pilot Scheme Bill 2020 to Portfolio Committee No. 5 – Legal Affairs for inquiry and report be amended as follows:

- (1) In paragraph 1(d) omit "17 November 2020" and insert instead "the first sitting day in March 2021".
- (2) Omit paragraph 1(e).

4. **Next meeting**

The committee adjourned at 2.18 pm, *sine die*.

Madeleine Dowd
Clerk to the Committee

Draft Minutes no. 32

Thursday 12 November 2020

Portfolio Committee No. 5 - Legal Affairs

Members' Lounge, Parliament House, Sydney at 9.39 pm

1. **Members present**

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Buttigieg

Ms Jackson

Mrs Maclaren-Jones

Mrs Ward

2. **Apologies**

Mr Khan

3. **Previous minutes**

Resolved on the motion of Mr Shoebridge: That draft minutes no. 31 be confirmed.

4. **Inquiry into the Drug Supply Prohibition Order Pilot Scheme Bill 2020**

4.1 **Submissions**

Resolved on the motion of Mr Shoebridge: That the committee authorise the publication of submission no. 1.

4.2 **Conduct of the inquiry**

Mr Shoebridge moved: That the committee table a report on Tuesday 17 November 2020 explaining that the committee was unable to conduct the inquiry in the time available to the committee and recommending that the House extend the reporting date for the committee to the first sitting day in 2020.

Debate ensued.

Question put.

The Committee divided

Ayes – Mr Borsak, Mr Shoebridge

Noes – Mr Buttigieg, Ms Jackson, Mrs Maclaren-Jones, Mrs Ward

Question resolved in negative.

Resolved, on the motion of Ms Jackson: That

- 1) the committee table a report on Tuesday 17 November 2020 explaining that the committee was unable to conduct an inquiry in the time available to the committee,
- 2) the committee adopt the draft report of the committee by email, but that if necessary, the committee convene at 2.20 pm on Tuesday 17 November 2020 in the Members' Lounge to adopt the report.

5. Next meeting

The committee adjourned at 9.48 pm, *sine die*.

Madeleine Dowd

Clerk to the Committee

