



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Thursday, 3 May 2018

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Motions	1
NSW Seniors Festival	1
Hellenic Republic Presidential Guard	1
Cenotaph Chief Custodian Wally Scott-Smith, OAM	2
Barnardos NSW Mother of the Year Competition	2
Granville Historical Society Thirtieth Anniversary	3
Australian Childcare Alliance	3
Lebanese Feast of Annunciation	3
Country Women's Association of NSW Ninety-Sixth Conference	4
Australian Open Softball Team Member Tarni Stepto	4
Lunar New Year	4
Toy Choir Program	4
Biaggio Signorelli Asbestos Foundation	5
Jewish Community Law Service	6
Byron Spirit Festival	6
Hawkesbury Rural Fire Service District Awards Ceremony	6
United Nations Commission on the Status of Women Sixty-Second Session	7
Chinese New Year	7
Greek Orthodox Community Dionysios Solomos Awards	8
Rulings	9
Members of Parliament Conduct	9
Documents	9
Auditor-General	9
Reports	9
Petitions	9
Petitions Received	9
Notices	10
Presentation	10
Business of the House	10
Suspension of Standing and Sessional Orders: Order of Business	10
Order of Business	10
Bills	11
Modern Slavery Bill 2018	11
Second Reading Debate	11
Visitors	32
Visitors	32
Questions Without Notice	32
Powerhouse Museum Relocation	32
Energy Market Reform	33
Powerhouse Museum Relocation	33

TABLE OF CONTENTS—*continuing*

Homophobia.....	34
Drought Assistance	34
Animal Welfare.....	35
Sports Infrastructure.....	36
Aboriginal Language and Culture.....	36
Shoalhaven Road Infrastructure.....	37
Sydney Observatory.....	38
Head on Photo Festival.....	39
Powerhouse Museum Relocation.....	40
Liddell Power Station	40
Bills	41
Modern Slavery Bill 2018.....	41
Second Reading Debate	41
Business of the House	45
Precedence of Business.....	45
Bills	45
Modern Slavery Bill 2018.....	45
In Committee	45
Adoption of Report	58
Third Reading	59
Farm Debt Mediation Amendment Bill 2018	59
Returned.....	59
Adjournment Debate.....	59
Adjournment	59
Child Sexual Assault Victims	59
National Road Safety Week.....	60
Oatley Electorate Infrastructure	61
Regional Sports Facilities	61
Powerhouse Museum Relocation.....	62
Syrian Refugees	63
Powerhouse Museum Relocation.....	64

LEGISLATIVE COUNCIL

Thursday, 3 May 2018

The PRESIDENT (The Hon. John George Ajaka) took the chair at 10:00.

The PRESIDENT read the prayers.

Motions

NSW SENIORS FESTIVAL

The Hon. NATASHA MACLAREN-JONES (10:02): I move:

That this House notes that:

- (a) the 2018 NSW Seniors Festival was held from 4 April to 15 April 2018;
- (b) the theme for this year is "Let's Do More Together", and the aims of the week are to provide senior Australians with an opportunity to be active, healthy, independent and be recognised for their involvement in the community;
- (c) this year we are celebrating the sixtieth anniversary of NSW Seniors Week and the eighteenth anniversary of the Premier's Gala Concert;
- (d) the Government has provided more than \$200,000 in funding to support more than 100 local events across New South Wales, and the Premier's Gala Concerts were held on 5 and 6 April 2018 at the International Convention Centre, Sydney, alongside the Seniors Festival Expo;
- (e) the Seniors Festival Expo, which is free and open to the public, will feature more than 50 exciting exhibitors tailored especially for seniors; and
- (f) NSW Seniors Week is the largest festival for seniors with over 500,000 seniors participating in a variety of activities run across the State including art workshops, food safaris, weekends away, sporting days, exhibitions, computer classes, walking tours, music performances, a film festival, dance classes and talks.

Motion agreed to.

HELLENIC REPUBLIC PRESIDENTIAL GUARD

The Hon. COURTNEY HOUSSOS (10:03): I move:

(1) That this House notes that:

- (a) the Presidential Guard of the Hellenic Republic, the Evzones, is an elite infantry unit of the Hellenic army, that has its beginnings in 1868 as a formal group, yet their uniform and name have their origins in Homeric times;
- (b) the Evzones wear a ceremonial uniform that is deeply symbolic, including a foustanela skirt, containing 400 pleats to signify the 400 years of Ottoman occupation, and also have different uniforms to pay tribute to different regions in Greece, including Crete and Pontos;
- (c) the Evzones guard the tomb of the Unknown Soldier outside the Hellenic Parliament and the official residence of the President in Athens, Greece; and
- (d) the Evzones visited Sydney from 23 to 30 April 2018, their third visit in as many years to Sydney.

(2) That this House notes that the Presidential Guard of the Hellenic Republic attended a large number of events during their visit to Sydney including:

- (a) the Hellenic Club's annual Anzacs of Greece luncheon;
- (b) the dawn service at Bondi Beach on Anzac Day;
- (c) the Anzac Day march through Sydney's central business district;
- (d) standing guard at the Martin Place Cenotaph;
- (d) a ceremonial friendship wreath laying at Camden Bicentennial Equestrian Park;
- (e) a march from North Bondi RSL to Bondi Pavilion;
- (f) visits to the St Spyridon Greek Orthodox Church, Kingsford and St George Greek Orthodox Church, Rose Bay, and St Basils Aged Care Facility; and
- (g) a reception at AHEPA House, Rockdale.

(3) That this House:

- (a) recognises the long history of military collaboration between Greece and Australia; and

- (b) notes that the two countries have only fought together and never on opposing sides; including:
 - (i) the use of the island of Lemnos to provide key logistical support and also a place of respite during the Gallipoli campaign during World War I; and
 - (ii) the role of Australian soldiers on the Greek mainland and Crete during World War II, who are often known as the "Forgotten Anzacs".
- (4) That this House congratulates the many organisations and people who made the visit of the Presidential Guard of the Hellenic Republic possible, in particular:
 - (a) the Government of the Hellenic Republic, in particular the Consul General of the Hellenic Republic in Sydney, Mr Christos Karras;
 - (b) the Hellenic Club, under the leadership of the President Nick Hatzistergos;
 - (c) the Joint Committee for the Commemoration of the Battle of Crete and the Greek Campaign and their President James Jordan;
 - (d) AHEPA and their President John Kallimanis;
 - (e) Waverly Council, and Councillor Paula Masselos;
 - (f) the Returned Services League of Australia, and the North Bondi sub-branch and their President Rob de Graaf; and
 - (g) the many members of the Greek and broader Australian communities who attended the many events during the visit of the Evzones.

Motion agreed to.**CENOTAPH CHIEF CUSTODIAN WALLY SCOTT-SMITH, OAM****The Hon. NATASHA MACLAREN-JONES (10:03):** I move:

- (1) That this House acknowledges that Mr Wally Scott-Smith has served as an attendant of the Cenotaph in Martin Place for 78 years and as Chief Attendant of the Cenotaph since 1946.
- (2) That this House notes that 25 April 2018 marked Mr Scott-Smith's last official guard of the Cenotaph.
- (3) That this House thanks Mr Scott-Smith for his 78 years of service and unwavering dedication, and wishes him all the best in his retirement.

Motion agreed to.**BARNARDOS NSW MOTHER OF THE YEAR COMPETITION****The Hon. COURTNEY HOUSSOS (10:04):** I move:

- (1) That this House notes that the annual Barnardos Mother of the Year competition is now in its twenty-third year and showcases the work of everyday mums and the positive difference that they make in the lives of children.
- (2) That this House notes that:
 - (a) the New South Wales winner of the Barnardos Mother of the Year competition was announced at a reception at Parliament House on Tuesday 17 April 2018; and
 - (b) the attendees included:
 - (i) His Excellency General the Honourable David Hurley, AC, DSC (Ret'd), the Governor of New South Wales, and his wife, Mrs Linda Hurley;
 - (ii) the Hon. Sarah Mitchell, MLC, Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, representing the Premier, the Hon. Gladys Berejiklian, MP;
 - (iii) the Hon. Courtney Houssos, MLC, representing the Leader of the Opposition, Luke Foley, MP; and
 - (iv) Jacinta Tynan, who was also the master of ceremonies.
- (3) That this House:
 - (a) congratulates the 2018 Barnardos NSW Mother of the Year, Noeline Lever, and thanks her for years of service as a foster carer; and
 - (b) notes that Ms Lever is a Worimi Aboriginal woman who was widowed at 37 with five children of her own, and went on to foster more than 50 children, with the philosophy that every child was always welcome in her home.
- (4) That this House:
 - (a) congratulates Barnardos Australia and Marie Umbraunus on their successful 2018 Mother of the Year Awards;

- (b) recognises all New South Wales finalists; and
- (c) wishes Noelene Lever all the best for the upcoming Barnardos Australian Mother of the Year Awards.

Motion agreed to.

GRANVILLE HISTORICAL SOCIETY THIRTIETH ANNIVERSARY

The Hon. NATASHA MACLAREN-JONES (10:04): I move:

- (1) That this House notes the thirtieth anniversary of the Granville Historical Society, which was founded by Barry Bullivant, OAM, and June Bullivant, OAM, ahead of bicentenary celebrations in 1988.
- (2) That this House commends the work of volunteers to preserve the area's local history by collecting artefacts, records and photographs of the Granville area as well as organising guest speakers for community organisations and groups and assisting students and historians.

Motion agreed to.

AUSTRALIAN CHILDCARE ALLIANCE

The Hon. COURTNEY HOUSSOS (10:04): I move:

- (1) That this House notes that the Australian Childcare Alliance (NSW) is a not-for-profit, member-funded organisation advocating for the future of children, representing long day care owners and operators.
- (2) That this House:
 - (a) notes that the Australian Childcare Alliance (NSW) held the inaugural 2018 International Early Childhood Symposium [IECS 2018] from 20 to 22 April 2018 at the International Convention Centre, Sydney, which focused on incorporating Australian and international perspectives on early childhood education;
 - (b) notes that as part of IECS 2018, Parliamentary Panel discussions were held on Friday 20 April 2018, the panels included:
 - (i) the Hon. Sarah Mitchell, MLC, Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education;
 - (ii) the Hon. Courtney Houssos, MLC, representing Kate Washington, MP, shadow Minister for Early Childhood Education;
 - (iii) the Hon. Scott Farlow, MLC;
 - (iv) Chris Minns, MP, shadow Minister for Water;
 - (v) Mr Justin Field, MLC; and
 - (vi) Senator David Leyonhjelm.
 - (c) congratulates Lyn Connolly, President of Australian Childcare Alliance NSW, on the successful inaugural International Early Child Symposium.

Motion agreed to.

LEBANESE FEAST OF ANNUNCIATION

The Hon. COURTNEY HOUSSOS (10:05): I move:

- (1) That this House notes that the Feast of Annunciation is a public holiday in Lebanon as both Christians and Muslims recognise the deep significance of Mary, the mother of Jesus, and her ability to bring people together.
- (2) That this House notes that:
 - (a) an interfaith gathering was held on 4 April 2018 to celebrate the Feast of the Annunciation to Mary at the Australian Catholic University, Strathfield;
 - (b) the event highlights the role of all religions spreading love, peace and encouraging prayer, harmony and tolerance;
 - (c) the event aims to build bridges of communication and collaboration between the Christian and Islamic communities; and
 - (d) had a number of attendees, including:
 - (i) Ms Dina Kavar, Ambassador of Jordan;
 - (ii) Mr Saad Zakhia, Consul General of Lebanon;
 - (iii) the Hon. John Ajaka, MLC, President of the New South Wales Legislative Council;
 - (iv) the Hon. Shaoquett Moselmane, MLC, Opposition Whip in the New South Wales Legislative Council;
 - (v) the Hon. Courtney Houssos, MLC, representing the Leader of the Opposition, Luke Foley, MP;

- (vi) Bishop Antoine-Charbel Tarabay, Eparch of the Maronite Diocese of St Maroun; and
 - (vii) a large number of religious leaders from both the Christian and Muslim community.
- (3) That this House congratulates the Interfaith Organising Committee, under the leadership of Bishop Antoine-Charbel Tarabay, OLM, and the Australian Catholic University on their fourth successful celebration of the Feast of Annunciation.

Motion agreed to.

COUNTRY WOMEN'S ASSOCIATION OF NSW NINETY-SIXTH CONFERENCE

The Hon. BRONNIE TAYLOR (10:05): I move:

- (1) That this House notes that the ninety-sixth annual conference of the Country Women's Association of NSW was held from 30 April to 4 May 2018.
- (2) That this House notes that up to 800 delegates, members, observers and visitors attended the conference in Armidale in the electorate of Northern Tablelands.
- (3) That this House acknowledges the significant contribution of the Country Women's Association of NSW to regional New South Wales over its long history.

Motion agreed to.

AUSTRALIAN OPEN SOFTBALL TEAM MEMBER TARNI STEPTO

The Hon. LOU AMATO (10:05): I move:

- (1) That this House notes:
 - (a) teenage Indigenous athlete Tarni Stepto has been selected for the Australian Open Softball team to compete in the Open World Cup in Japan and is pushing for a win at the next Olympics;
 - (b) Tarni, whose family heritage is from Brewarrina and Sydney's northern beaches, has been playing softball since she was 11 years of age and has competed at State, national and international levels, and also represented the Australian School Girls' Team for three years; and
 - (c) the teenager has been an inspiration and role model to other young Indigenous athletes, girls and women across Australia, and achieved greatly as a pitcher at the World Cup in Florida in the under 19 Australian team and led all pitchers with 31 strikeouts in 18.1 innings pitched, only allowed just two earned runs for the tournament, both coming against China.
- (2) That this House congratulates and commends Tarni Stepto on her selection to represent Australia at the Open World Softball Cup in Japan and wishes the team well in its competition.

Motion agreed to.

LUNAR NEW YEAR

The Hon. DAVID CLARKE (10:06): I move:

- (1) That this House notes:
 - (a) on Saturday 17 February 2018, a Lunar New Year celebration dinner, hosted by the Association of Overseas Taiwan Alumni in Australia, was held at Zilver Spoon restaurant, Canley Heights and attended by approximately 500 members and friends of the Taiwanese-Australian community; and
 - (b) special guests in attendance included: Mr Paul Huynh, President, Association of Overseas Taiwan Alumni in Australia; Ms Constance Wang, Director, Taipei Economic and Cultural Office, Sydney; the Hon. Scott Farlow, MLC, Parliamentary Secretary to the Premier representing the Hon. Gladys Berejiklian, MP, Premier; the Hon. Ray Williams, MP, Minister for Multiculturalism; the Hon. David Clarke, MLC, Parliamentary Secretary for Justice and Mrs Marisa Clarke; Mr Mark Coure, MP, Parliamentary Secretary for Transport and Infrastructure; Dr Geoff Lee, MP, Parliamentary Secretary to the Premier, Multiculturalism and Western Sydney; Reverend the Hon. Fred Nile, MLC, Assistant President of the Legislative Council and Mrs Silvana Nile; the Hon. Paul Green MLC, and Mrs Michelle Green; Councillor Christine Tuon, Willoughby City Council; and representatives of numerous Taiwanese-Australian cultural, social and business organisations.
- (2) That this House:
 - (a) extends warm greetings to the Taiwanese-Australian community on the occasion of the 2018 Lunar New year; and
 - (b) commends the Taiwanese-Australian community for its ongoing positive contribution to the State of New South Wales and Australia.

Motion agreed to.

TOY CHOIR PROGRAM

The Hon. BEN FRANKLIN (10:06): I move:

- (1) That this House notes:
 - (a) Toy Choir is a program which aims to "enliven and empower girls to create and share their own music";
 - (b) since February 2018, the young girls who make up the choir have worked on both contemporary and original music, including writing their own music;
 - (c) Danielle O'Keefe both founded the program and directed the choir with a focus on developing the musical and vocal skills for the girls; and
 - (d) the Toy Choir launched their album on 18 April 2018.
- (2) That this House congratulates:
 - (a) Danielle O'Keefe on all her work in establishing the program, directing the choir and helping these young girls explore and expand their musical talents; and
 - (b) the members of the Toy Choir for producing this outstanding album:
 - (i) Sylvie Woodhouse;
 - (ii) Kittu Hoyne;
 - (iii) Lydia Beaumont-Cankaya;
 - (iv) Jayden Selvakumaraswamy;
 - (v) Thu Tran;
 - (vi) Brie Harris;
 - (vii) Natalie Richards;
 - (viii) Holly Riva;
 - (ix) Harper Pollard;
 - (x) Grace Campbell;
 - (xi) Emily Pincock;
 - (xii) Maddy Calcott;
 - (xiii) Tallulah Simposon;
 - (xiv) Sofia Goulding;
 - (xv) Juliet Sigsworth;
 - (xvi) Elektra Blinder;
 - (xvii) Isobel Mosse-Robinson; and
 - (xviii) Maryann Wright.
- (3) That this House wishes all the members of the choir the very best as they continue on their musical endeavours.

Motion agreed to.

BIAGGIO SIGNORELLI ASBESTOS FOUNDATION

The Hon. LOU AMATO (10:07): I move:

- (1) That this House notes:
 - (a) on 30 May 2018, a 10-year gala dinner will be held at Doltone House to celebrate a decade of outstanding work of the Biaggio Signorelli Asbestos Foundation, in the presence of the Premier, the Hon. Gladys Berejiklian, MP, and the Leader of the Opposition, Mr Luke Foley, MP, and over 1,300 corporate, political and community leaders;
 - (b) at the recent Premier's Harmony Dinner, Mr Biaggio Signorelli was honoured and admitted onto the Premier's Memorial Roll in recognition of his outstanding service to migrants, the Australian community and asbestos victims;
 - (c) the Biaggio Signorelli Asbestos Foundation was created in honour of Biaggio Signorelli, founder of the Doltone House Group, who was diagnosed with mesothelioma in October 2007 and died eight months later; and
 - (d) to date, the foundation has raised millions of dollars towards research, equipment and support for patients.
- (2) That this House congratulates and commends the Biaggio Signorelli Asbestos Foundation on the occasion of its tenth anniversary and for its service to patients of mesothelioma and to funding for research and infrastructure of victims.

Motion agreed to.

JEWISH COMMUNITY LAW SERVICE

The Hon. DAVID CLARKE (10:07): I move:

- (1) That this House notes:
 - (a) on 7 February 2018, Rabbi Dr Benjamin Elton, Chief Minister of the Great Synagogue, Sydney and Justice Stephen Rothman, AM, President of the Great Synagogue, Sydney, hosted the Jewish Community Law Service for the opening of the 2018 law term;
 - (b) the annual service which has been conducted in the Great Synagogue, Sydney, for over 60 years was held in the distinguished presence of the Honourable T. F. Bathurst, AC, Chief Justice of New South Wales, together with representatives of the State and Federal judiciary; and
 - (c) special guests in attendance included: the Hon. Mark Speakman, SC, MP, Attorney General; the Hon. Luke Foley, MP, Leader of the Opposition; the Hon. David Clarke, MLC, Parliamentary Secretary for Justice; Mr Ron Hoenig, MP; Mr Arthur Moses, SC, President, NSW Bar Association; the Hon. Peter Rose, AM, QC, retired judge of the Family Court; Mr Con Ktenas, President, City of Sydney Law Society; Reverend Andrew Sempell, Rector of St James Anglican Church, Sydney; Professor Stephen Schach, Gabbai, The Great Synagogue, Sydney; Reverend Joshua Weinberger and the Choir of the Great Synagogue, Sydney; and members of the New South Wales legal fraternity.
- (2) That this House acknowledges the fine efforts of the Great Synagogue over 60 years in organising an annual celebration of the opening of the law term in New South Wales.

Motion agreed to.

BYRON SPIRIT FESTIVAL

The Hon. BEN FRANKLIN (10:07): I move:

- (1) That this House notes:
 - (a) the Byron Spirit Festival was held from 20 April to 22 April 2018 in Byron Bay;
 - (b) the festival was an opportunity for people to explore and choose their own spiritual journey in the idyllic surrounds of the northern rivers; and
 - (c) the festival offered over 60 workshops and panels on yoga, music, dance, healing, sustainability and wellbeing, as well as uplifting music concerts.
- (2) That this House congratulates festival co-directors Alex Grant and Kate Little on all their work in making this year's festival an outstanding success.
- (3) That this House acknowledges the important role community events play in showcasing the best and unique attributes of regional communities and for driving regional tourism.

Motion agreed to.

HAWKESBURY RURAL FIRE SERVICE DISTRICT AWARDS CEREMONY

The Hon. DAVID CLARKE (10:08): I move:

- (1) That this House notes:
 - (a) on Thursday 15 February 2018, the Hawkesbury Rural Fire Service District held a Long Service Awards Ceremony at Panthers North Richmond Club to honour the cumulative 1,118 years of service of 48 outstanding members;
 - (b) special guests in attendance included:
 - (i) Assistant Commissioner Rebel Talbert, representing Commissioner Shane Fitzsimmons, AFSM;
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice representing the Hon. Troy Grant, MP, Minister for Police and Emergency Services;
 - (iii) Mrs Susan Templeman, MP, Federal member for Macquarie;
 - (iv) Councillor Robyn Preston, The Hills Shire Council, representing the Hon. Dominic Perrottet, MP, member for Hawkesbury and Treasurer;
 - (v) Councillor Paul Rasmussen, Hawkesbury Council representing the Mayor of Hawkesbury, Councillor Mary Lyons-Buckett;
 - (vi) Councillor Sarah Richards, Hawkesbury City Council;
 - (vii) Chief Superintendent Jayson McKellar, AFSM, Assistant Regional Manager East, NSW Rural Fire Service;
 - (viii) Superintendent Karen Hodges, AFSM, Manager, Hawkesbury District, NSW Rural Fire Service;
 - (ix) Majors Ian and Kerry Spall, NSW Rural Fire Service Chaplaincy; and
 - (x) local chaplains, Cheryle and Greg Symons, NSW Rural Fire Service.

- (c) medals were presented to the following:
 - (i) National Medal and 1st Clasp, Craig Burley;
 - (ii) Long Service Medal 4th Clasp, 60 years: Peter Speet;
 - (iii) Long Service Medal 4th Clasp, 50 years: John Stewart Thompson;
 - (iv) Long Service Medal 3rd Clasp, 40 years: Roberta Colbran, Andrew Jones and Daryl Smith;
 - (v) Long Service Medal 3rd Clasp, 30 years: Sean Killen;
 - (vi) Long Service Medal 2nd Clasp, 30 years: Andrew Rutter, Adrian Reitsdijk, Joseph Dingli, Karen Dolan and Michael Dolan;
 - (vii) Long Service Medal 1st Clasp, 20 years: Gary Jol, Rod Walker, Timothy O'Hanlon, Ray Griffiths, Lisa Dent, John Vernon, Jocelyn Thompson, Fred Diwell, Robert Abell, Stephen Taylor, Ronald Optland, Geoffrey Pearce, Carol Edds, Graham Edds, Noeal Eather, Edward Duck, Ken Parsons, Cathy Jones, Peter Jones, Graham McCoy, Garry Frost and Mark Jol; and
 - (viii) Long Service Medal, 10 years: Sharon Steel, Nicholas Neilson, Michael Totten, David Pennycuik, Brendan Wilson, Robert Hitchens, Stephen Kada, Melanie Thomson, Jasmine Grinyer, Nicholas Waterhouse, Luc Jennison, Leanne Smart, Tim Mulford and Warren Smart.
- (2) That this House congratulates and commends Hawkesbury District Rural Fire Service medal recipients and acknowledges the outstanding service of all volunteer members of the Hawkesbury District Rural Fire Service for their ongoing service to the people of New South Wales.

Motion agreed to.

UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN SIXTY-SECOND SESSION

The Hon. BEN FRANKLIN (10:08): I move:

- (1) That this House:
 - (a) the sixty-second session of the United Nations Commission on the Status of Women was held from 12 to 23 March 2018 at the United Nations Headquarters in New York;
 - (b) the priority theme of the session was "challenges and opportunities in achieving gender equality and the empowerment of rural women and girls";
 - (c) over 4,300 civil society representatives from 130 countries participated in the session;
 - (d) Angela Powditch from Lennox Head was one of 11 women from the National Rural Women's Coalition to take part and present at the conference;
 - (e) the National Rural Women's Coalition New South Wales representatives at the conference included Keli McDonald from Gunnedah, Lisa Shipley from Tamworth and Rechelle Leahy from Armidale; and
 - (f) the National Rural Women's Coalition presented two sessions, one on family violence and one on e-learning to advance rural women.
- (2) That this House congratulates Angela and the National Rural Women's Coalition on representing Australian rural women and girls at the United Nations session and for their leadership in working to achieve gender equality.

Motion agreed to.

CHINESE NEW YEAR

The Hon. DAVID CLARKE (10:08): I move:

- (1) That this House notes:
 - (a) on Friday 23 February 2018, a reception to celebrate the 2018 Chinese New Year was held at the Grand Ballroom, Sofitel Sydney Wentworth Hotel, attended by several hundred members and friends of the Chinese-Australian community;
 - (b) the reception was hosted jointly by the Hong Kong Economic and Trade Office, the Hong Kong Trade Development Council, Invest Hong Kong and the Hong Kong Australia Business Association; and
 - (c) those who attended as guests included members of the New South Wales and Federal parliaments, members of Sydney's diplomatic and consular corps, and representatives of numerous Chinese-Australian community organisations.
- (2) That this House:
 - (a) extends its greetings and best wishes to the Chinese-Australian community on the occasion of the 2018 Chinese New Year;
 - (b) commends the Hong Kong Economic and Trade Office, the Hong Kong Trade Development Council, Invest Hong Kong and the Hong Kong Australia Business Association for their fine organisation of the reception; and

- (c) commends the Chinese-Australian community for its ongoing positive contribution to the State of New South Wales and Australia.

Motion agreed to.

GREEK ORTHODOX COMMUNITY DIONYSIOS SOLOMOS AWARDS

The Hon. DAVID CLARKE (10:08): I move:

- (1) That this House notes:
- (a) on Sunday 25 February 2018 at the MacLaurin Hall, Sydney University, the Greek Orthodox Community of NSW Ltd hosted the annual Dionysios Solomos Awards for students who achieved the highest marks in modern and classical Greek in the 2017 Higher School Certificate;
 - (b) the awards are named after Dionysios Solomos, a famous Greek poet who wrote the *Hymn to Liberty* which became the Greek National Anthem in 1865;
 - (c) those who attended as special guests included: Mr Harry Danalis, President of the Greek Orthodox Community of New South Wales; Mr Christos Karras, Consul General of Greece in Sydney; the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Gladys Berejiklian, MP, Premier; the Hon. Ray Williams, MP, Minister for Multiculturalism; Mrs Katia Gkikiza, Trade Commissioner, Consulate General of Greece; Professor Vrasidas Karalis; Sir Nicholas Laurantus, Chair in Modern Greek and Byzantine Studies at the University of Sydney; and Dr Anthony Dracopoulos, Senior Lecturer of the Modern Greek Department, University of Sydney;
 - (d) award recipients in the Higher School Certificate Modern Greek "Beginners" category were: first, George Giakoumatos, NSW School of Languages; second, Harrison Michael, NSW School of Languages; third, James Alexander Calfas, Newtown College; fourth, Cassandra Tsokos, NSW School of Languages; fifth, Joanna Pritt, NSW School of Languages; sixth, Christos Mavropoulos, Newington College; seventh, Anthea Yasmin, Georges River College; eighth, Violetta Katsaris, Georges River College; ninth, William Ross Cassimatis, Newington College; and tenth, Renee Ioannides, NSW School of Languages;
 - (e) award recipients for the Higher School Certificate Modern Greek "Continuers" category were: equal first, Irene Theodore, Blakehurst High School, and Athanasia-Ellada Vardakis-Vertzayias, Community Languages School St George Girls High School; third Afroditi Symani, Community Languages School St George Girls High School; equal fourth, Panagiotis Fountotos, NSW School of Languages, and Margarita Psaras, St Spyridon College; sixth, Rhea Tsimboukis, St Spyridon College; seventh, Sophia Anastasia Klitorakis, Community Language School St George High School; eighth, Sideroola Kremisis, Community Languages School St George Girls High School; ninth, Joanna Skouteris, St Spyridon College; and tenth, Roxani Papoutsaki, St Euphemia College;
 - (f) award recipients for the Higher School Certificate Modern Greek "Extension" category were: first, Constantinos Karantzias, All Saints Grammar; second, Christos Binos (All Saints Grammar); third, Afroditi Symani (Community Language School St George Girls High School); fourth, Sophia Anastasia Klitorakis (School of Community Languages St George Girls High School); fifth Irene Theodore (Blakehurst High School); sixth, Margarita Psaras (St Spyridon College); seventh, Roxani Papoutsaki (St Euphemia College); eighth, Panagiotis Fountotos (St Spyridon College); ninth, Adriana Andreou (St Euphemia College); and tenth, Georgio Svolos (St Spyridon College);
 - (g) award recipients for the Higher School Certificate Classical Greek "Continuers" category were: first, Hebe Larkin, Pymble Ladies College; second, Patrick Ryan, Sydney Grammar; third, Lachlan James McIntyre, Sydney Grammar; fourth Shakvaan Merl Wijetunga, Sydney Grammar; fifth, Fergus Miller, Sydney Grammar; equal sixth, Michelle Chai, Pymble Ladies College, and Tom Joonas Kennedy, Baulkham Hills High School; eighth, Oliver Harris, St Ignatius College; ninth, Jack Faulder, St Ignatius College, and tenth, William Perry, Sydney Grammar;
 - (h) award recipients for the Higher School Certificate Classical Greek "Extension" category were: first, Hebe Larkin, PLC; second, Fergus Miller, Sydney Grammar; third, Patrick Ryan, Sydney Grammar; fourth, Shakvaan Merl Wijetunga, Sydney Grammar; fifth, Lachlan James McIntyre, Sydney Grammar; sixth, Michelle Chai, PLC; seventh, Tom Joonas Kennedy, Baulkham Hills High School; eighth, William Perry, Sydney Grammar; ninth, Angus Riordan, Sydney Grammar; and tenth, Gregory Lam, Sydney Grammar;
 - (i) recipients of the Minister's Merit Award for Excellence in Modern Greek were: Alexander Heather, Trinity Grammar; Theodore Margaris, Beresford Road Public School; and Conner Omeros, Kyeemagh Infants School;
 - (j) recipients of the Minister's Awards for Excellence in Modern Greek—Commended Junior were: Joi Bounas, Beverley Hills North Public School; Michaela Loukas, McCallums Hill Public School; Alexandros Poulikakos, Dulwich Hill Public School; and Demi Toweel, Clempton Park Public School;
 - (k) recipient of the Minister's Award for Excellence in Modern Greek—Highly Commended Senior was: Agapi Miyakis, Clemton Park Public School;
 - (l) recipients of an Award for Highly Commended—Junior were: Ioanna Androutopoulou, Wilkins Public School; Dorothea Bananis, Danebank Anglican School for Girls, Peter Filippis, Connells Point Public School, Stefan Karakiozis, Peakhurst Public School; and Chloe Demeter Pappas Summer Hill Public School; and
 - (m) recipients of the NSW 2017 High Achievers Award were: Denise Angelopoulos, Clemton Park Public School, Chrystalla Kospetas, Beverley Hills North Public School; Konstantina Kallivretakis, Beverley Hills

North Public School; Anastasia Bebonis, Beverley Hills North Public School; Kristen Servos, Danebanks Public School; Elessa Magiros, Danebank Public School; James Boulougouris, Summer Hills Public School; Ioannis Giannakopoulos, Connells Point Public School; Yiannie Condoleon, Clemton Park Public School; Reece Mihas, Trinity Grammar; Connor Peter Kalis, Trinity Grammar; and Penelope Vissaritis Danebank Public School.

(2) That this House:

- (a) commends the Greek Orthodox Community of NSW Ltd, its President, Mr Harry Danalis and other office bearers for hosting and organising the 2018 Annual Dionysios Solomos awards presentations ceremony; and
- (b) congratulates those students who received awards at the ceremony.

Motion agreed to.

Rulings

MEMBERS OF PARLIAMENT CONDUCT

The PRESIDENT (10:09): During question time yesterday the Hon. Walt Secord sought to ask Minister Harwin a supplementary question:

Will the Minister elucidate his answer by telling us on what calculation he bases the claim that 18,000 square metres is greater than 20,000 square metres?

I ruled the supplementary question out of order:

Order! The Minister did not make that claim in his answer. In fact, he did the opposite. Supplementary questions should be used to seek elucidation of a part of an answer given by a Minister. That is not what the Hon. Walt Secord is doing. The supplementary question is out of order. I call the Hon. Robert Brown to ask his question.

Hansard records the Hon. Walt Secord immediately interjecting with the words:

The tape will show differently, honourable Donald.

The Deputy President, the Hon. Trevor Khan, took a point of order, initially in relation to the Hon. Walt Secord referring to the Minister by names other than his correct title. I ruled on that point of order. However, as debate on the point of order continued, the Deputy President argued that the Hon. Walt Secord had "sledged" the Leader of the Government and that the words he used were "in the nature of a threat". I reserved in relation to those points. Having carefully reviewed the *Hansard* transcript of proceedings I wish to make three points. Firstly, I do not believe the words used by the Deputy Leader of the Opposition to have constituted a threat. Secondly, I turn to the question of sledging. I note that the *Collins English Dictionary* defines sledging as:

The insulting of an opposing player in order to upset his or her concentration.

I rule that the Deputy Leader of the Opposition was sledging the Leader of the Government. It is clear that sledging is occurring from members on all sides of the Chamber—Government, Opposition and crossbench. Occasionally witty interjections, whilst technically disorderly, add to the colour of the Chamber and the vibrancy and robustness of debate. There is a stark difference between such occasional interjections and sledging, which seeks to upset the concentration of a speaker by way of a continual barrage of insults. I ask the members of this House, who are role models for the community, to carefully reflect on their own conduct in this regard. I rule that sledging is disorderly. I will be calling members to order if they engage in sledging in the future. Finally, I turn to the interjection of the Hon. Walt Secord, which is recorded in *Hansard* as:

The tape will show differently, honourable Donald.

Given I had just made a ruling in which I—correctly, as it turns out—indicated what the Minister had and had not said, I regard the interjection of the Deputy Leader of the Opposition, whilst directed at the Leader of the Government, as a direct reflection on my ruling. I call the Hon. Walt Secord to order for the first time.

Documents

AUDITOR-GENERAL

Reports

The CLERK: According to the Public Finance and Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General entitled "Grants to Non-government Schools", dated May 2018, received this day and authorised to be printed.

Petitions

PETITIONS RECEIVED

Human Trafficking

Petition denouncing human trafficking as a form of modern slavery and calling on the Government to support the introduction and passage of the Modern Slavery Bill 2018, received from the **Hon. Paul Green**.
[During the giving of notices of motions]

Notices

PRESENTATION

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time, not for her first interjection, not for her second interjection, but for her third interjection on one notice of motion.

[Later,]

The PRESIDENT: Order! I call the Hon. Rick Colless to order for the first time. I remind honourable members that honourable members have a right to give a notice of motion in silence. All honourable members will have an opportunity to debate the motion at the appropriate time. Debate does not take place by way of interjection when the notice of motion is being given.

[Later,]

The PRESIDENT: I call the Hon. Shaoquett Moselmane to order for the first time. I remind the Hon. Walt Secord he is already on one call to order.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: 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. NATASHA MACLAREN-JONES (10:34): I move:

That the order of Private Members' Business for today be as follows:

- (1) Private Members' Business item No. 1872 outside the Order of Precedence standing in the name of the Hon. Paul Green relating to the Modern Slavery Bill 2018.
- (2) Private Members' Business item No. 2080 outside the Order of Precedence standing in the name of the Hon. Penny Sharpe relating to the Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018.
- (3) Private Members' Business item No. 2025 outside the Order of Precedence standing in the name of the Hon. Mark Pearson relating to the live animal export industry.
- (4) Private Members' Business item No. 2051 outside the Order of Precedence standing in the name of the Hon. Ben Franklin relating to Anzac Day 2018.
- (5) Private Members' Business item No. 1842 outside the Order of Precedence standing in the name of the Hon. Ernest Wong relating to a select committee on homelessness.
- (6) Private Members' Business item No. 1956 outside the Order of Precedence standing in the name of Reverend the Hon. Fred Nile relating to violence in South Africa.
- (7) Private Members' Business item No. 1812 outside the Order of Precedence standing in the name of Ms Dawn Walker relating to the Defend TAFE Bill 2017.
- (8) Private Members' Business item No. 1996 outside the Order of Precedence standing in the name of the Hon. Bronnie Taylor relating to agricultural shows in New South Wales.

The Hon. ADAM SEARLE (10:35): The Opposition will be supporting the motion put forward by the Government Whip but we do so with this observation. The informal procedure by which all parties collaborate and facilitate the orderly handling of private members' business on Thursdays has proceeded by way of a convention that the giving of second reading speeches, particularly short ones, is facilitated. On this occasion, the Hon. Penny Sharpe's private member's bill relating to safe access zones has not been facilitated. All parties have agreed to facilitate debate on the Modern Slavery Bill 2018 today to completion, but that need not have prevented the Hon. Penny Sharpe's bill proceeding to a short second reading speech prior to that debate.

The Opposition understands that the Modern Slavery Bill 2018 will take up the bulk, if not all, of private members' business today, but it is regrettable that the Opposition's priority second reading speech was not allowed. Many times the Opposition has allowed second reading speeches to be given in this place by other parties, particularly the Christian Democratic Party, the provisions of which the Opposition vehemently objects to. But in

the spirit by which these matters have been conducted, the Opposition has facilitated those speeches. The same respect was not shown to the Opposition on this occasion, and that is regrettable. I make that point and invite those parties that brought it about to not do so in the future.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (10:37): On behalf of the Government, I thank the Leader of the Opposition for his well-made points. Over the past two weeks there has been a moving away from the convention relating to private members' business day. On the last private members' day, the Government made the same argument as that of the Hon. Adam Searle when the convention and the resolution at the meeting were not honoured. The Leader of the Opposition makes a valid point today. I agree that the convention has been that second reading speeches take precedence. I echo the call that all parties—crossbench, Government and Opposition—reconsider the way in which the convention and the orderly management of the House on private members' days are conducted. The House has steered away from convention on the last two private members' days. The convention facilitates a more orderly way to conduct business on private members' days than had occurred previously. The Government is looking forward to working with the Opposition to ensure that private members' day continues to operate in an orderly manner, as it has particularly over the past 12 months.

Mr JUSTIN FIELD (10:39): As members are reflecting on the conduct of private members' business day, I want to put the position of The Greens, which we have raised during the Wednesday night meetings. The Greens remain concerned about the ability to conclude private members' bills. The prioritisation of second reading speeches and motions means that fewer business items—in particular, bills—are brought to a conclusion. I understand that each member thinks that his or her item is important but we end up doing small chunks of many items rather than concluding a smaller number of items, as may have happened previously. The Greens do not think that the current system is the best method to conclude business, and we will continue to put that position at the Wednesday night meetings. Although that is a separate issue to the point raised by the Leader of the Opposition, I point out that there have been instances where The Greens' items for second reading have not been prioritised. Let us be clear that prioritisation of second readings has not always occurred.

The Hon. LYNDA VOLTZ (10:40): I will comment on the Deputy Leader of the Government's arguments about the conventions in this House with respect to private members' day. The convention is not that everybody abides by the decision made at the meeting the night before. The convention, which the Government instituted in this parliamentary sitting, is that there will be an informal agreement at the meeting on Wednesday night and the next day it remains for members to change the order if they are not satisfied with the decision.

The convention about second readings is a completely different issue. There has been a convention that members can move the second reading of a bill so that the bill can be placed on the table for members to peruse. That is what was requested in this House about members moving the second reading, particularly in relation to a bill that is the subject of much public concern and discussion and which the public and members of this House have asked to peruse. For the Hon. Penny Sharpe to move her second reading would have taken 15 minutes and it would not have impacted on private members' day in any way. The Government has broken that convention, not a convention on private members' bills, and to say that what occurred two weeks ago is part of that convention is ridiculous.

The PRESIDENT: I note that no amendment has been moved to the motion. The question is that the motion be agreed to.

Motion agreed to.

Bills

MODERN SLAVERY BILL 2018

Second Reading Debate

Debate resumed from 8 March 2018.

The Hon. SCOTT FARLOW (10:42): The Government is strongly opposed to slavery, slavery-like practices and human trafficking. They are abhorrent, unacceptable acts, and it is irrefutable that action is required to combat them and their impact on our communities. At this point, I thank the Hon. Paul Green and all of the members of the New South Wales Parliamentary Working Group on Modern Slavery for their hard work and the passion they have shown in this area. I note that the Government has had and will continue to have constructive conversations with the Hon. Paul Green as we work to develop this bill so that it serves those who are impacted by modern slavery in all its forms. None of this would have come about without the hard work of the honourable member and the Select Committee on Human Trafficking in New South Wales.

The committee was convened to further our understanding of human trafficking and related acts and their prevalence in this State and how that affects our businesses, organisations and individuals in New South Wales. There are more than 4,000 victims of human trafficking in New South Wales and we can do more to protect and support them. The Modern Slavery Bill 2018, introduced by the Hon. Paul Green, implements a mix of recommendations from the New South Wales and Federal parliamentary inquiries on human trafficking and modern slavery.

The Government recognises the community support for action on human trafficking and modern slavery. It will seek to establish a bill that is not only comprehensive but also practicable and accessible. With this in mind, the Government supports the intentions of the honourable member's bill. The Government will, however, reserve its right to make amendments in the other place. I foreshadow here that, in line with the principles of the bill, the Government will introduce amendments in the other place to improve the workability of the bill. These amendments will be made to protect not only victims of modern slavery but also our small business community as well as our jurisdictional responsibilities of the State and those of the courts.

To combat modern slavery and human trafficking, the Government supports the introduction of a commissioner. The need to establish a commissioner was a key finding of the inquiry into human trafficking in New South Wales. The work of the inquiry is invaluable in guiding the decisions made in this place, and we thank all members of the inquiry for their work. However, in the other place the Government will seek to amend the provisions of the New South Wales Anti-slavery Commissioner's establishment. A commissioner should sit within government and produce reports to the Parliament as a public servant, which will allow for resourcing of the commissioner. A commissioner should advocate for and promote action to combat modern slavery and to make recommendations and to provide information, advice, education and training to government and non-government agencies and other bodies about actions to prevent, detect and increase reporting of modern slavery. Importantly, a commissioner should cooperate or work jointly with government and non-government agencies to combat modern slavery and provide assistance to modern slavery, including, possibly, Federal colleagues.

Rather than instituting mandatory burdens upon small-to-medium businesses, a commissioner should develop codes of practice for the purpose of providing guidance for agencies on identifying modern slavery or risks of modern slavery in businesses and supply chains and on steps to remediate and monitor such risks. This could apply not only to commercial agencies but also to government agencies. The Government is concerned about the potential for onerous burdens to be placed on small and medium businesses in our State. Businesses should not have to produce annual reports or prove due diligence in supply chains. Instead, we propose that a commissioner would develop best practice guidance and make training available to those who wish to access it.

I must note the jurisdictional issues with some of the proposals. In order for a supply line to be proved many complex steps need to be taken—many of which can only be facilitated under legislation that is the responsibility of the Commonwealth. The nature of human trafficking, slavery and slavery-like practices, means that such matters are predominantly regulated and enforced by Commonwealth law and Commonwealth agencies. These include the powers to administer our nation's borders, visa programs and most of the corporation regulations in Australia. Accordingly, the Australian Government holds many of the policy levers on this issue.

At this time, the Australian Government is responding to the two Federal inquiries relating to human trafficking and modern slavery. These are the inquiry into human trafficking and the inquiry into establishing a modern slavery Act in Australia. The Australian Government has indicated that the response to these inquiries will be tabled in Parliament in the coming months. The New South Wales Government is committed to strong collaboration with the Australian Government to implement strategies and policy responses to combat human trafficking and modern slavery. We are committed also to bringing forward action on these crimes in New South Wales.

There are a few recommendations for inclusion in the bill which the Government does not support, simply because they are not necessary in New South Wales or they will duplicate existing Federal law and carry the risk of constitutional inconsistency. I thank the honourable member for the amendments he proposes to move relating to the protection of children. Any abuse of children is unconscionable, and the Government looks forward to supporting the introduction of aggravated factors. The Government entirely supports the bill's policy objective of ensuring that such heinous conduct can be appropriately punished and deterred through adequate maximum penalties.

Aggravating factors such as where the offence causes actual bodily harm or where the victim has a physical disability recognise that some factual circumstances significantly increase the seriousness of some instances of the offence. To align with circumstances of aggravation in other child sex offences under the Crimes Act 1900, additional circumstances of aggravation should be included in this bill to strengthen it. The bill should also be amended to ensure consistency in sentencing under the Crimes Act. Using a child to produce child abuse material is a terrible crime. Introducing new aggravated offences, as the member's bill proposes, but with some

small adjustments to reflect the existing children sex offence framework will help to ensure that children are protected and perpetrators are appropriately punished.

The bill discusses at length the role of government procurement boards and agencies in upholding ethical sourcing and procurement. We acknowledge the role the Government has to play in developing practice guidelines and setting examples to the business community in how to conduct business as consciously and ethically as possible. That is why the Government already has in place ethical procurement guidelines. There is a current requirement for reporting non-adherence to ethical conduct in the government supply chain under Procurement Board Direction "2017-07 Conduct by Suppliers", which updated an earlier board direction from 2014. This is more about the requirement of agencies to report cases of misconduct by their suppliers, as defined in the board direction, to the procurement board as opposed to active monitoring of modern slavery in the supply chain. No misconduct by suppliers has been reported to the procurement board in the past year. This would of course include incidents of suspected modern slavery. As such, we do not support an expansion of these provisions.

In the twenty-first century no-one should be forced into entering a marriage against their wishes. Extending the New South Wales apprehended violence orders [AVO] framework as the bill proposes, with some amendments to ensure all victims or potential victims are covered, will help to ensure that victims and potential victims of forced marriage are protected from conduct which may cause them to enter into a forced marriage. The bill also stipulates specific curriculum content for New South Wales schools. No other curriculum content has ever been specified in New South Wales legislation, however, the Government broadly supports the intent. Specific curriculum content and functions are an operational matter for the NSW Education Standards Authority and the Board of Studies, not for this place.

The Government is supportive of curriculum content being introduced to educate our school children about the plight of modern slavery but asks that it is considered by the appropriate channels. The Government supports the intentions of the bill. We have taken the findings and recommendations of the inquiry committee seriously and have been grateful for the opportunity not only to reflect upon them but also to address them in cooperation with the Hon. Paul Green. I thank every member of the select committee and my colleagues in the Chamber who were members of the parliamentary working group. In particular, I thank the Hon. Paul Green for his commitment in this area. Slavery in all forms is unacceptable in our times and we look forward to working with the Hon. Paul Green and members in the other place to strengthen this bill and protect our most vulnerable.

The Hon. ADAM SEARLE (10:52): I lead for the Labor Opposition on the Modern Slavery Bill 2018. With some reservations, Labor supports the bill. We support a strong, active and modern framework that combats efforts to enslave and exploit vulnerable persons wherever and however it occurs. In our view, this bill does not go nearly far enough in achieving those aims. However, it is a start, and we applaud the efforts of the bill's sponsor, the Hon. Paul Green, and the other members of the Parliamentary Working Group on Modern Slavery who have worked to produce this bill: the Hon. Greg Donnelly, the Hon. Trevor Khan, the Hon. Matthew Mason-Cox and the Hon. Robert Brown. A number of other members participated, under the chairmanship of the Hon. Paul Green, in the parliamentary inquiry into human trafficking. That inquiry was also part of the underlying inspiration for the bill.

The bill starts the conversation on this vital topic and sets in train a process that begins to come to terms with the complex social and economic issues involved. Why do we need a modern slavery Act? According to the International Labour Organization [ILO], in 2012 there were 21 million people around the world trapped in some form of forced labour—the term used to describe all forms of modern slavery—including trafficking, debt bondage and child labour. These victims of exploitation work in private sector activities such as manufacturing, construction, agriculture and even public sector supply chains. The United Nations says that modern slavery and trafficking is the second-largest criminal industry in the world, with the ILO putting annual profits from forced labour at \$150 billion.

According to the Global Slavery Index 2016, it is estimated that there are 45.8 million people worldwide who are victims of some form of slavery. Australia has an important role to play in fighting modern slavery. Two-thirds of people trapped in slavery worldwide are reported to be in the Asia-Pacific region, and it is estimated that an unbelievable 4,300 people are currently trapped in slavery here in Australia. According to Anti Slavery Australia, a law and public policy think tank that gave evidence to the human trafficking inquiry, Australian government departments in the several jurisdictions are buying products that may have been made using slave labour. The organisation said that there is "considerable potential" that government agencies in Australia are buying products and services with links to human trafficking or exploitation because ethical procurement guidelines are not up to scratch.

In a submission to the New South Wales parliamentary inquiry into human trafficking, Anti Slavery Australia said modern forms of slavery, including exploited labour, may be present in the supply chains of some departments. This is because there was a "complete absence of any real scrutiny" of supply chains at either

a Commonwealth or State level. In New South Wales potential government suppliers are asked whether they conform to relevant legislation, including the worst forms of child labour. Agencies are also required to ensure procurement is "fair, ethical, transparent and incorporates probity". However, there is no enforcement mechanism and, as far as I can tell, no consequences for failing to follow them. The new transparency in the supply chains provision in the United Kingdom Modern Slavery Act aims to rout out the slavery lurking in many supply chains. Importantly, the provision applies to both public sector and non-government supply chains. The provisions in this bill do not similarly apply.

In the past few years in the United Kingdom investigations into commodities tainted by slavery have included prawns from Thailand, debt bondage and forced labour in the global electronics industry and claims of the trafficking of migrant workers in the Scottish and Irish fishing industries. The new provisions make companies in the United Kingdom accountable for slavery and labour abuses occurring along their whole chain of operations. The idea is to ensure that no slavery is linked to any British product or service and to show consumers, investors and employees that companies are not passive and acting only after the fact but are taking a proactive stance. Any business or part of a business that has a global turnover of £36 million or more and supplies goods or services in the United Kingdom will have to produce and publish an annual slavery and trafficking statement in a "prominent" place on its website every year. The statement must set out what steps the organisation has taken to ensure there is no slavery in any part of its business, including its supply chains.

If a business fails to produce this statement, it could find itself at the sharp end of a High Court injunction requiring the organisation to comply or, potentially, an unlimited fine. Foreign companies and subsidiaries that "carry on a business" in the United Kingdom will also have to comply with the new legislation. Any overseas subsidiary of a United Kingdom company that produces goods and services sold or used in the United Kingdom is also caught in its net. It is too soon to see what impact the legislation in the United Kingdom will have but it certainly has cross-party support in that place and we wish it well. In 2010 California enacted a similar piece of legislation: the California Transparency in Supply Chains Act. The United Kingdom provisions are broadly modelled on that Act.

In the past year, a series of lawsuits have been launched by residents of California who claim that businesses that have since been linked to slave labour have deceived consumers through inadequate public disclosures. The most visible of these cases was one launched by a resident against Costco alleging that Costco violated the California Act by stating that it "has a supplier code of conduct which prohibits human rights abuses in our supply chain", when evidence had emerged that farmed prawns sold by Costco were made with fishmeal obtained from boats using slave labour. Several other class actions have been launched against Nestlé, Mars and Hershey's, demonstrating that consumers are increasingly willing to take corporate accountability into their own hands. Modern slavery legislation and similar legislation are currently in place in France and other parts of the European Union. It is well past time that Australia joined this international movement.

The Hon. Paul Green: Hear, hear!

The Hon. ADAM SEARLE: I acknowledge the interjection. At present, several voluntary international obligations relevant to modern slavery exist. Globally, more than 9,400 organisations from more than 160 countries have committed as participants to the United Nations Global Compact [UNGC], the world's largest corporate sustainability initiative, and are actively engaging in responsible human rights and labour practices. The Global Compact Network Australia brings together UNGC participants, other leading companies, not-for-profit organisations and universities to advance these same goals in Australia.

Between 2004 and 2016, the Australian Federal Police received almost 700 referrals relating to suspected human trafficking and slavery-related crimes, although only 17 people have been convicted of these offences so far. Most recently, in February 2017, two men pleaded guilty to charges of servitude relating to their treatment of Taiwanese workers in Brisbane. Recent media reports of exploitation of migrant workers in Western Australian farms and market gardens, Victorian farms, and in 7-Eleven retail stores nationwide, suggest this is a real but often hidden issue in Australia. Members will remember how 7-Eleven covered itself in glory over the wage theft scandal. However, longstanding criminal laws against trafficking and slavery have not prevented their occurrence and, for the most part, have not been relied on by authorities to prosecute exploitation. The effectiveness of pursuing employers for the exploitation of migrant workers through the Fair Work Ombudsman is also limited.

By extending the responsibility to tackle exploitation to include businesses and not just government, it is hoped that the introduction of modern slavery legislation will help tackle worker exploitation. I note that the Federal Parliament Joint Standing Committee on Foreign Affairs, Defence and Trade final report tabled on 7 December 2017, entitled "Hidden in Plain Sight", contains 49 recommendations to combat modern slavery in Australia and around the world. The committee recommended that the Australian Government introduce a modern slavery Act similar to, but improving on, the United Kingdom Modern Slavery Act 2015. One of its recommendations was that labour hire contractors should be licensed to tackle the problem of coerced or

debt-bonded workers living in slave-like conditions. These licensing schemes should include random audits and unannounced inspections of labour hire firms to ensure compliance.

The Hon. Paul Green: Hear, hear!

The Hon. ADAM SEARLE: I acknowledge the interjection. I note that the New South Wales Labor Opposition has, as part of its plan to combat the scourge of wages theft in the State, already outlined a commitment to creating a system of licensing labour hire operations that will include detailed measures to ensure that they provide safe, fair and reasonable work conditions for all workers. Included in this plan are related measures and new laws to hold head franchisors accountable for the actions of franchisees, making them liable for what takes place in their franchise network regarding workplace safety, wages and other employment conditions. The report made other recommendations which I do not have the time to deal with, but even prior to that report, Federal Labor in opposition had expressed strong support for the introduction of new business reporting obligations and outlined a comprehensive modern slavery framework last year, proposing to go further than the United Kingdom.

In August last year, the Turnbull Government said that it would introduce a modern slavery Act as soon as possible but there is no sign of that despite bipartisan support and support in the business community. Last year the Labor Opposition also outlined its comprehensive plans in this important area. I will come to that in a moment. The bill before the House is said to address the findings and recommendations in the report on the Legislative Council committee inquiry into human trafficking in New South Wales, which was completed last year. As I indicated earlier, I commend that committee and its members, under the chairmanship of the author of this bill, the Hon. Paul Green. I suggest that members and the wider public read the committee report, which is very good. The chairman's foreword to the report states:

Governments themselves also need to investigate their own supply chains and slave-proof them. The New South Wales Government should introduce tougher requirements in its Code of Practice Procurement to ensure that its departments and other government bodies are ethically sourcing their supplies.

Members on this side of the House are in complete agreement with that. However, the bill does not achieve this. The major feature of this bill is that a slavery commissioner be appointed. Unfortunately, the role does not include investigating individual cases. It has public awareness and advice functions. The role will be to prepare a strategic plan to combat human trafficking and slavery-like practices in New South Wales. The commissioner is to work with statutory agencies that will have a statutory duty to cooperate and will have to report annually to Parliament. It specifically must report on government action concerning under-age and forced marriages. Commercial organisations and organisations with a turnover threshold of \$50 million operating in New South Wales must also publish an annual modern slavery statement that deals with supply chains. That is in clause 22—the only part of the bill with any real teeth.

Sadly, government agencies including departments, State-owned corporations, statutory authorities, who are often the purchasers and suppliers of goods and services, are completely excluded from reporting obligations. That is an unfortunate oversight in the bill. A public register will identify organisations in which goods and services may be products of a supply chain involving slavery. That is a good provision. The bill establishes modern slavery risk orders that can prohibit people convicted of a modern slavery offence from taking certain actions. Miscellaneous components of the bill amend the Crimes Act and are said to deal with cybersex trafficking and child forced marriage—all worthy objectives.

As I indicated, the State Opposition adopted its own comprehensive modern anti-slavery policy last year that received favourable coverage. The key features of our approach are slavery-proofing New South Wales government supply lines, which would be achieved through a tough and comprehensive State procurement policy and strengthening guidelines by specifically including anti-slavery provisions as compliance measures. The aim is to ensure that no goods or services obtained by public money in this State are tainted by modern slavery. That must include making inquiries of tenderers as to ethical employment practices. The Labor Party already had policies that it took to the 2015 State election and intends to retain that commit a future Labor State Government to only doing business with those companies and enterprises that have safe and fair work practices. We are committed to eliminating unfair work practices at every stage of the public procurement supply chain underpinned by the expenditure of public moneys in the State. That was a pre-existing commitment that we maintain.

Secondly, our vision was to establish a more powerful New South Wales Anti-slavery Commissioner than the one to be created by this bill. The position would be able to collect and request data and inquire into the implementation of procurement guidelines. The commissioner would be able to advocate, monitor and assess trends and developments and the effectiveness of government policies and drive compliance. Our third feature is to conduct a public awareness campaign on human slavery in all its forms. There are several campaigns already focusing on legal rights for victims of human slavery in Australia usually by non-government organisations concerning forced marriage, but we think there is considerable scope to widen them.

We support the bill as a good foundation, but the functions of the commissioner in clause 9, the commissioner's public awareness and advice functions in clause 12, the reciprocal duty on the commissioner and New South Wales agencies to work together in clause 14, and the other obligations in clause 15 together do not provide any real transparency over public sector procurement supply chains. That is an unfortunate oversight. The only real teeth in the legislation are to be found in part 3 clause 22, which deals with commercial organisations other than government ones and businesses with a turnover of more than \$50 million. Given that when put all together the New South Wales public sector is the largest purchaser of goods and services in this country and the Southern Hemisphere, the exclusion from this bill of the things that New South Wales procures and pays for should be remedied in the near future. Members on this side of the House are committed to doing that.

The Hon. Matthew Mason-Cox: I think you need to read the bill more carefully.

The Hon. ADAM SEARLE: I have read it carefully; I look forward to the member's contribution. That is something that needs to be remedied. Even so, it does not go far enough because there is no obligation on companies—

The Hon. Paul Green: We would not get it passed if we went further.

The Hon. ADAM SEARLE: Maybe not under this Government. I acknowledge that the author of the bill has tried to balance different interests such as those between the Government and the Opposition to ensure the passage of the legislation. It is not an easy thing to do. The obligations in clause 22 require companies to report, but there is no overriding obligation on them to eliminate exploitation and slavery from their supply chains. It is a reporting mechanism only about what activities they have undertaken that move generally in that direction, but there is no obligation on them to take steps to achieve that objective. That is something to which we should return.

I will deal with three things said by Government members in their contributions. First, the Government reserves its right to move amendments in the other place, and the Parliamentary Secretary outlined some of its concerns, which is hugely disrespectful to the author of the bill and to members. The Government has the numbers in the other House and it can do anything it wants, irrespective of anyone else's view. This is the House of review; this is the House with a more diverse political representation. If the Government is committed to the passage of this legislation and to parliamentary debate, it should put its amendments on the table so that all members can see exactly what its concerns are and to ensure that it abides by the outcomes of deliberations in this House. The Government is clearly signalling that in the other place it will gut the bill of any effective measures it has, and then try to stand this House up on a take it or leave it basis. If that is where the Government is coming from it should be honest about it and not proceed in this disrespectful way.

Secondly, this Government, true to form about its hostility to openness and transparency, does not want the Anti-slavery Commissioner to be an independent statutory officer. The Government has identified this as a clear concern: it wants that role to be fulfilled by a public servant who will be subject to the direction of the Executive. That is a fundamental paradigm difference. Government, because of its own involvement in the supply chains, may have a conflict of interest. There may be things in government procurement that need to be identified and cleaned up and that is why we need an independent statutory officer to fulfil this function.

Thirdly, the Parliamentary Secretary expressed concerns about small business. The legislation only affects bodies with a turnover of more than \$50 million. That is a medium to large business enterprise in anyone's language—it is not small business. I think Government members are too smart to have made that mistake; I think this is a straw person designed to justify their gutting of this bill in another place. I hope I am wrong; the passage of time will tell. I urge all members to support the passage of this bill, albeit limited as it is.

Reverend the Hon. FRED NILE (11:12): I am pleased to support the Modern Slavery Bill 2018 introduced by my colleague the Hon. Paul Green, who has followed in the best traditions of humanitarian legislators and obviously in the spirit of our Christian Democratic Party. His actions remind me of the famous legislator in the British House of Commons, William Wilberforce, who introduced the first anti-slavery bill in the British Parliament. He hoped that members would support it, but to his disappointment only one or two members did so. At that time, there was a powerful slavery-based industry in the United Kingdom; slaves were being taken from various nations under the control of the British Empire, for example, Africa or even the United States.

In reading about the response from the slave industry, I was surprised to find that even the bishops in the House of Lords voted against the bill. Shame on them. But William Wilberforce was a heroic campaigner, so he introduced the bill the next year and again it was defeated. He introduced it the next year and continued introducing it over 20 years. In the twentieth year, it was finally passed and it had a tremendous impact on the slave industry throughout the British Empire. We express our thanks to William Wilberforce for his strong Christian convictions that led him to take on that industry. In a similar way, my friend and colleague the Hon. Paul Green is following

in those footsteps with the introduction of this bill. We look forward to it passing successfully through this House and through the other place.

I have always been concerned about these issues. As members know, in 2006 I introduced the Industrial Relations Amendment Bill, which was passed and which effectively protected workers in the garment sector from slave-like employment conditions. The amendments in that bill were described as a major component of what has come to be known as the Australian model of supply chain regulation. It is now recognised as a global benchmark, being noted as best practice at the United Nations International Labour Conference in 2016. As with that groundbreaking legislation, the Modern Slavery Bill 2018 introduced by the Hon. Paul Green is likewise poised to make history.

This is great news for those whom the bill seeks to protect and also for New South Wales, which is once again leading the country in an important area of law reform. It may leave a mark on international legal jurisprudence, as we hope other nations will adopt the same legislation. It is certainly needed. Members may remember a documentary on the exploitation of workers in Canberra. Those who have not seen the documentary may be surprised to know that exploitation was occurring in the embassies of foreign nations in our own capital, particularly in the embassy of Pakistan. The affected employees were not administrative staff, but rather kitchen, maintenance and cleaning workers. Shame on Pakistan for allowing that to happen.

We should all be particularly proud that this bill, in its current form, is not some toothless instrument designed as mere window-dressing. The bill establishes real rights and creates a framework of enforcement that will have a real impact. Katherine Moloney is the director of research and executive officer of the Anti-Slavery Taskforce, which is sponsored by the Catholic Archbishop of Sydney. Recently, in relation to the Industrial Relations Amendment Bill 2006 that I introduced, she wrote, "I have spoken to business stakeholders and worker representatives who have unanimously agreed that this innovative strategy has dramatically increased transparency and human rights due diligence." She also wrote, "it has been the single biggest contributing factor in eradicating modern slavery and exploitation". Finally, she wrote, "the lives of countless workers have been improved".

The Christian Democratic Party appreciates the support of Luke Foley, the Labor Leader of the Opposition in the other place, who in a meeting with the Hon. Paul Green and me expressed his wholehearted support for this legislation. I thank the Hon. Adam Searle for his positive remarks about the legislation today. Despite these improvements, the shameful practice of modern slavery continues in other sectors, as was illustrated by my colleague in his speech to this House when he introduced the bill. Obviously, more needs to be done. We are here to do it today.

Only yesterday Anastasia Moloney, who is no relation to Katherine Moloney, noted in the *Sydney Morning Herald* that this month approximately 350 victims of sexual exploitation were rescued and 22 criminals were arrested by Interpol in the Caribbean region, which covers approximately 11 nations. We must ensure that that type of depravity does not happen in our State and country and that we have the appropriate enforcement mechanisms to deal with it, should it arise. The necessary legal and regulatory framework that will target this plight head-on will come into force when the modern slavery legislation is passed and gazetted. I am immensely proud of being the leader of the party that has been at the forefront of the right to secure fundamental human rights in New South Wales and throughout the rest of Australia.

I congratulate the Hon. Paul Green and his staff on their efforts to bring this bill to fruition. I know how much work they have put into formulating this legislation. The fight to defend basic human liberties is never over. It may seem trite to state that freedom is only ever guaranteed by people being eternally vigilant, but it is also true to say this: We must never turn a blind eye and hope for the best when we see iniquity. When it is time to act, we must act. That is why this House must pass this legislation. I suspect there will be occasions possibly in the near future when this House will consider other legislation that will aim to protect liberty in New South Wales, but for now the Modern Slavery Bill is an important step forward in a noble cause that I hope all people of good will support. I congratulate the Hon. Paul Green and commend the bill to the House.

Dr MEHREEN FARUQI (11:21): On behalf of The Greens, I join in debate on the Modern Slavery Bill 2018. At the outset I indicate that The Greens will support the bill, which starts the very important process of tackling this serious issue. I had the honour of serving on the Legislative Council Select Committee on Human Trafficking in New South Wales with the Hon. Paul Green and other committee members.

The Hon. Trevor Khan: Name them.

Dr MEHREEN FARUQI: I acknowledge that interjection. This bill implements a number of recommendations from that committee. The inquiry clearly demonstrated to me that the Government, law enforcement agencies and the business community need to be doing much more to combat human slavery, both

in Australia but crucially all the way down the supply chain, wherever that ends up overseas. Out of sight, out of mind is not good enough. This is not a theoretical conversation. Human slavery is hurting people and it is hurting whole communities. The committee examined a wide range of issues, including those around child cybersex trafficking, forced marriages as well as stopping slavery and human rights abuses in the supply chain. Many of those issues are considered in this legislation.

Let us all be clear that enslaving people, abusing them, exploiting them and depriving someone of their freedom and liberty are the most atrocious crimes. There is absolutely no excuse for them. The bill before us today will do five key things: part 2 establishes a New South Wales Anti-slavery Commissioner whose role will be to promote action to combat modern slavery, identify and assist victims of modern slavery, monitor efforts of government and corporate bodies to combat modern slavery, and report annually to New South Wales Parliament; and the bill requires that each financial year all corporations trading in New South Wales that have a turnover of greater than \$50 million will prepare a modern slavery statement. Those statements must detail the steps or actions that have been undertaken to eliminate slavery from the corporation's supply chains. Failure to prepare the statement, failure to display the statement publicly and providing false or misleading information in the statement carry penalties of up to \$1.1 million.

The threshold of \$50 million is very generous because the reality is that no business has any excuse for having human slavery in its supply chain. I also note that although I very much welcome the requirement for modern slavery statements and the role of the Anti-slavery Commissioner, we must make sure that real action occurs. The statements require information to be given on the steps that companies have taken to remove slavery from their supply chains, but there is no mandatory independent audit that the public will be able to see to identify human trafficking in that business's supply chains. I really hope that there is an appetite in the community to scrutinise the statements and for the Government to take action against corporations that may pay only lip-service to the requirement. We cannot have a situation in which statements may end up containing only the most basic of information to avoid bad media coverage and become, essentially, a tick-box exercise. I am hopeful that at the very least it will make companies a little more transparent and open to public scrutiny. Obviously this part of the bill can be strengthened to be more effective.

The bill also amends the way that the courts and the Crimes Act 1900 deal with modern slavery. It allows courts to issue Modern Slavery Risk Orders to people who have been convicted of a range of child abuse or slavery offences, including causing sexual servitude or the production of child abuse material. Those orders can be quite broad but are intended to prevent a slavery-like situation occurring and are meant to be targeted at people who the court considers might be at risk of offending. It also extends offences related to the production of child abuse materials to include circumstances of aggravation. The aggravating circumstances would result in the penalty doubling from a maximum of 10 years imprisonment to 20 years imprisonment. It also will introduce the offence of administering a digital platform for the purpose of child abuse material, which is intended to target people who engage in cybersex trafficking whereby people watch child abuse online. This offence would carry a penalty of a maximum of 14 years in jail.

This section is intended to deal with cybersex trafficking—something that was a particular focus of the inquiry into human trafficking. Cybersex trafficking generally involves offenders in New South Wales who commission the abuse of children in developing countries on a pay-per-view basis. This already can be prosecuted under State and Federal law. The inquiry heard from the NSW Police Force that someone has been charged with pay per view, which I understand to be the first case in New South Wales. That man paid \$12 to direct and watch the live sexual abuse of children from the Philippines on Skype.

The Hon. Scott Farlow: Shame!

Dr MEHREEN FARUQI: It is disgusting. The Philippines Government has reported that it receives at least 3,000 reports per month from other countries of possible cases of children in the Philippines being sexually exploited online. What this bill will do is ensure that those who provide the digital platform, which enables this absolutely heinous crime to occur, will be criminalised. As a society, we must do everything we can to end this horrible abuse of children and ensure that the perpetrators are brought to justice. The bill also criminalises someone who enters marriage with a child, knowing it is a forced marriage, or someone who enables such a marriage. The penalty will be up to nine years in jail. Forced child marriage should be opposed in the most stringent manner and criminalised.

I mention feedback obtained during the human trafficking inquiry from some stakeholders that work extensively in this area. They indicated that dealing with this issue in an exclusively criminal manner may make it harder to identify victims. We must ensure that our focus is on protecting children and stopping child marriages. That means ensuring that community outreach, education and awareness should go hand in hand with criminal punishment. Ultimately, many of the issues raised in this bill would be better dealt with by a national approach; but, given the inaction at the Federal level, I understand why the Hon. Paul Green has introduced this bill to the

New South Wales Parliament. I wholeheartedly support New South Wales taking this important first step. Someone has to get the ball rolling and show some leadership: Why not us in New South Wales? We all have a responsibility to stamp out human slavery.

Of course, much more needs to be done, including regulation of the labour hire industry, specifically in agriculture and construction in New South Wales, and providing more support and legal certainty to the victims of human trafficking. But this bill will provide an important first step in doing this. I commend the bill to the House. I foreshadow that my colleague Mr David Shoebridge will be introducing an amendment regarding organ harvesting, which I hope this Chamber will support.

The Hon. MATTHEW MASON-COX (11:29): Most visitors to this Parliament enter through the colonnaded verandah and hallway of the oldest part of the complex of buildings that comprise Parliament House. These magnificent buildings were commissioned by Governor Lachlan Macquarie and were completed by a private consortium in 1816. Few visitors would fully realise that they have passed through one of the most significant heritage buildings in Australia and part of the nation's first permanent hospital, a hospital paid for by rum and built by convict labour. Whilst the use of convict labour in building sites was common in colonial times, it would be unthinkable today. By today's standards, it would immediately be declared to be slavery and presumably swift criminal sanctions would follow. Or would they? Slavery was supposedly abolished in the British Empire in 1833 following the passage of the Slavery Abolition Act by British Parliament and a long, long campaign by activists such as William Wilberforce. Article 4 of the Universal Declaration of Human Rights 1948 declares:

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

If only abolition was so simple. Whilst the practice of slavery has long been banned and universally condemned, its elimination has proven to be far more elusive. This too has been Australia's experience. Between 1863 and 1904 more than 62,000 people, mostly men, were brought from Vanuatu, the Solomon Islands and 80 surrounding islands under what was then called the indentured labour trade. This was in many cases simply slavery under another name, with many of the thousands blackbirded—that is, lured onto ships by deception or against their will—to work on plantations in northern New South Wales and Queensland.

Today, slavery has evolved and usually takes the form of bonded labour, domestic servitude, sexual exploitation or forced marriage. According to the Walk Free Foundation, an estimated 40.3 million people are enslaved worldwide, with 25 million of these in Asia. Women and girls make up 71 per cent of all victims, with one in four victims being a child. That is over 10 million children worldwide. Australia is not immune, with an estimated 4,300 victims. Slavery practices have been documented in the brothels of Western Sydney, with girls as young as 12 being kept as sex slaves and used as prostitutes; in backyards under marriage ceremonies in Sydney; in the confiscation of passports and the denial of liberty inside embassies in Canberra; and in 7-Eleven stores where franchisees have coerced students by threatening them with deportation if they do not work unpaid overtime. The victims are invariably vulnerable and powerless to stop the exploitation, or so they think. They often walk among us but are hidden in plain sight.

Slavery does not stop at our borders. The exponential growth in cybersex trafficking is fuelling a new billion-dollar industry. Australians can now get online and order a child, choosing from a smorgasbord of options—anything from seeing them naked right through to torture, rape and beyond. As my colleague and friend the Hon. Paul Green said, the depravity of mankind truly knows no bounds. It is sobering to note that 58 per cent of modern slavery occurs in just five countries: India, China, Pakistan, Bangladesh and Uzbekistan. Is it a coincidence that these countries produce much of the cheap clothing, electronics and other goods that we all consume each and every day? Are we being complicit in some way by benefiting from slavery in these countries and, if so, what can we do to eliminate that risk? Similarly, what responsibility should governments and businesses have in ensuring their supply lines are not inadvertently complicit in supporting slavery or slavery-like practices either within Australia or overseas?

These issues were extensively canvassed in three separate Australian inquiries: the July 2017 inquiry into human trafficking, slavery and slavery-like practices by the Federal Joint Committee on Law Enforcement; the October 2017 report of the Select Committee on Human Trafficking in New South Wales, chaired by our own William Wilberforce, the Hon. Paul Green, of which I was proud to be a member; and the December 2017 report, "Hidden in plain sight", of the Federal inquiry into establishing a Modern Slavery Act in Australia by the Joint Standing Committee on Foreign Affairs, Defence and Trade.

Each of these State and Federal inquiries considered world's best practice, including the approach of the United Kingdom's Modern Slavery Act 2015, in the context of the existing respective State and Federal legal and policy frameworks to combat modern slavery. There are many areas of commonality amongst the various recommendations of these inquiries, including appointing an anti-slavery commissioner; establishing a national

compensation scheme for victims; addressing the adequacy of current cybersex trafficking criminal offences; extending protection orders concerning forced marriage; establishing a licensing regime for labour hire companies; and introducing supply chain reporting requirements for companies, business, organisations and governments in Australia.

The Federal Government is not due to respond to the committee report entitled "Hidden in plain sight" until June 2018. The New South Wales Government has postponed its response to the select committee's report until later this month. The Federal Government has indicated that it intends to introduce a modern slavery bill later this year, but the likely provisions of any bill are uncertain and the bill may well fail to materialise prior to a pending Federal election. In light of these procedural delays and uncertainties, and given the grave plight of those affected and afflicted by slavery both here and overseas, a cross-party working group of State members of the Legislative Council was established late last year under the leadership of the Hon. Paul Green to instruct Parliamentary Counsel to draft a modern slavery bill. This working group was comprised of members from across the political spectrum.

The result, the Modern Slavery Bill 2018, introduced into this place by the Hon. Paul Green on 8 March 2018, implements the recommendations of the unanimous report of the select committee. It also leans heavily on the United Kingdom's approach, encapsulated by the Modern Slavery Act 2015, and the compliance lessons already experienced in the United Kingdom following its implementation. This includes the need to introduce penalties to improve an initial low level of compliance in the United Kingdom and the need to establish a central government registry with meaningful reporting on due diligence steps taken. Both these improvements have been incorporated into the bill.

All parliamentary parties have been apprised of the bill's progress and provided with opportunities to suggest amendments over the last few months. The Christian Democratic Party's amendments reflect the feedback received. I note that the Government provided its suggested amendments only on Tuesday this week. A few of the more constructive amendments have been incorporated, with the remainder opposed as they seek far-reaching changes which would fundamentally undermine the integrity of the bill. I understand that these amendments will be debated in the other place while negotiations continue to enable a consensus bill to be passed by both Houses before the winter break. I trust that all parties will work with the utmost goodwill to achieve this objective.

The bill and proposed Christian Democratic Party amendments have also undergone an extensive consultation process with key stakeholders, including a forum in Parliament House last month. I can report that the support for the amended bill is very strong. The Modern Slavery Bill 2018 represents another important step in the long war against slavery which will have far-reaching consequences both here and overseas. It is a creative, pragmatic and balanced response that draws upon international best practice in fashioning a uniquely Australian approach to addressing the age old scourge of slavery.

The bill will introduce new criminal offences for cybersex trafficking and forced under-age marriage. It will establish an anti-slavery commissioner to be our champion against modern slavery practices in New South Wales and to help drive change both nationally and internationally. There will be new requirements for non-government organisations with sales above \$50 million per annum to publish an annual modern slavery statement detailing the steps taken to ensure that goods and services in their supply chains are not a product of slavery. Businesses and organisations with a turnover under \$50 million will be able to opt in if they choose. It is not mandatory. We envisage that many will so that they too can promote compliance with their customers. Failure to comply for organisations above the \$50 million threshold will be punishable by a penalty of up to \$1.1 million. These statements will be published on the organisation's website and by the anti-slavery commissioner via a public electronic register so that consumers are able to view them and make informed choices about the goods and services they purchase.

The bill also proposes to eliminate slavery from New South Wales Government supply lines by regulating the procurement practices of all government agencies in New South Wales. This will be policed by the Auditor-General through risk-based audits that will drive world's best practice. Other organisations, such as the Catholic Archdiocese of Sydney and Fortescue Metals Group, are already leading the way in this area and it is high time that the New South Wales Government and governments elsewhere in this nation caught up. In this way the Modern Slavery Bill 2018 hopes to give life to the haunting words of the great eighteenth century slavery abolitionist, William Wilberforce, who said:

You may choose to look the other way but you can never say again that you did not know.

Each of us is entitled to know. What we then do with this knowledge is our choice. I thank the Hon. Paul Green for his passion and leadership in relentlessly driving this bill forward in the Chamber today; the members of the cross-party working group for their contribution to this process; the office of the Parliamentary Counsel,

particularly Marion Pascoe, for its assistance; and the many vigilant stakeholders for their enduring support and resilience in the long fight against slavery in all its forms, both here and overseas.

This is an unprecedented opportunity for this Parliament to take a leadership position, both nationally and internationally, 185 years after the passage of the Slavery Abolition Act by the British Parliament. It is our opportunity—nay, our public duty—to strike a blow against this most heinous affront to our shared human dignity. Slavery is an abomination that feeds upon human frailty, human vulnerability and unleashes untold human suffering upon millions of victims worldwide. It is incumbent upon us all to do what we can. Accordingly, I strongly commend the bill to the House.

The Hon. ROBERT BROWN (11:41): I speak in debate on the Modern Slavery Bill 2018. The most important part of the overview of the bill states:

The objects of this Bill are as follows:

- (a) to combat modern slavery,

Yesterday members of the other place and this place, including my colleague the Hon. Paul Green, heard from the Women's Electoral Lobby about the need for better protection for women fleeing domestic violence. Domestic violence right here in our city, our State and our country is a form of slavery. It is certainly a form of slavery for any children trapped within those circumstances. This is Australia, one of the greatest and most free nations on the face of the earth.

During this debate members have talked about the disgraceful disclosure of other forms of slavery that we now know about. We cannot deny; we know they are there. Every night we see on our televisions examples of the misery and the death that is brought about by slavery, particularly of children. As the Hon. Matthew Mason-Cox said, quoting an historical figure, we cannot say we do not know. I was very humbled and pleased to be a co-sponsor of this bill and I thank the Hon. Paul Green for including me—not that I did much. The Hon. Paul Green and Reverend the Hon. Fred Nile have negotiated this bill through the Government and the Opposition to a point where we can make a law in this Parliament. It may not be as originally intended by the sponsor of the bill, but it will be a law.

I refer to the contribution of Dr Mehreen Faruqi, who said, "That is fine, let us make a law, but what are we going to do about it?" There is a lot more to be done. Let us assume that this bill is supported and passes through this House, perhaps with some amendments. The bill will then go to the other place, where some more amendments may be moved. It will then come back to this House and I assume we will support it. It is a start, but other areas will need to be addressed. Every day we hear on our radios and our televisions cries from the mob—including me—about the courts not giving adequate voice to the laws that we make. Therefore, we criticise the judiciary, but it is up to us to strengthen the laws and to change the laws. One could argue that the progressive members of this House do not necessarily like too much law, the imposition that has on privacy and things such as that.

I refer to what the Western world, including this country, has done towards preventing terrorism. Terrorism is evil. However, I suggest that it is nowhere near as evil as slavery. How many children have died of starvation or deprivation in some hellhole somewhere, but that has not been reported in the newspapers? They are reported if they are killed by a bomb. I congratulate my colleague on introducing this bill. One thing that can be said about Christians, they are not frightened to carry the sword, they will have a go.

The Hon. Paul Green: Onward Christian soldiers.

The Hon. ROBERT BROWN: Onward Christian soldiers. Good on you, brother. My colleague the Hon. Robert Borsak and I congratulate the Hon. Paul Green for proposing the bill and those who have supported him. I commend the bill to the House.

The Hon. ERNEST WONG (11:46): I speak in support of the Modern Slavery Bill 2018. As rightly said by the Leader of the Opposition in this House, this bill is far from comprehensive to combat the haunting issue, but at least it is a good start. I commend and thank the Hon. Paul Green for introducing this bill to the House and being instrumental in establishing the Select Committee on Human Trafficking in New South Wales, of which I was a member. It would be remiss of me not to thank my colleagues as well as the secretariat staff for their work and commitment and those organisations and individuals who participated in this inquiry that led us to be able to discuss this bill. Slavery is a shame and scourge upon humankind. As has been reported, the Global Slavery Index estimates that there are 48.5 million people in a present-day state of enslavement.

Kevin Bales, a specialist in modern slavery research, has defined the essence of a slave's experience as existing in a state of control determined by the potential or actual use of violence, no remuneration beyond subsistence and the acquisition of the slave's labour for the owner's wealth. The formative period for slavery in

Europe occurred in Roman times. Slavery continued in existence throughout the world during the twentieth century—continuing in Saudi Arabia, for instance, until 1962. The elimination of slavery began in the 1800s with the abolition of slavery in Britain in 1807, and in the United States of America in 1865.

In 1926 the member nations of the League of Nations concluded the Convention to Suppress the Slave Trade and Slavery. Thirty years later the member nations of the league's successor, the United Nations [UN], adopted the Supplementary Convention on the Abolition of Slavery. The convention aimed to wipe out slavery by eliminating its four principal components: debt bondage, serfdom, forced marriage and exploitation of child labour. The commitment of the UN member nations to extinguish slavery was strengthened through the organisation's 1966 adoption of the International Covenant on Civil and Political Rights and the 1989 adoption of the Convention on the Rights of the Child.

In 2000, member countries of the United Nations adopted the Convention against Transnational Organised Crime with its Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In Australia, in anticipation of the United Nation's initiative, the Howard Government secured passage of the Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999. The legislation instituted a range of offences relating to human trafficking, including slavery, sexual slavery and sexual servitude. However, the new legislative provisions contained restrictive criteria, with a condition of bondage or coercion being required to establish a case under the Act. The Howard Government's 1999 amendments were placed in section 270 of the Commonwealth Criminal Code.

By the twenty-first century, after the implementation of all these global and domestic measures, only about 0.008 per cent of the world's population are experiencing slave conditions. Nonetheless, this figure still amounts to more than 48 million people. While on the one hand traditional slavery has been almost extinguished, on the other, vestiges of it not only remain but insidious variations are also appearing. At the very beginning of the new century, the United Nation's International Labour Office issued a report estimating that 284,000 children were working in child labour conditions on cocoa farms in Cameroon, Ghana, Ivory Coast and Nigeria. That cocoa arrives in our shops as chocolate.

In 2013, the fire in the Rana Plaza factory in Bangladesh, which led to deaths of more than 1,000 people, dramatically brought to the world's attention the situation of workers in slave-like conditions in the international garment trade. Pope Francis declared that the Rana Plaza workers' wage of \$A12 a week amounted to "slave labour". The European Union Trade Commissioner, Karel de Gucht, declared that labour conditions in certain parts of Bangladesh amounted to "modern slavery", and added that the Rana Plaza garment workers were "almost not paid" and that they had been made to work "in completely unacceptable health and safety conditions". Global attention was focused on the supply chains through which items produced in such conditions made their way into the retail outlets of Western Europe and North America.

In Australia, the Rana Plaza episode focused closer scrutiny on not only the clothing chains' sourcing practices but also the condition of locally underpaid workers, many of whom are immigrants. In February 2016, ABC TV's 7.30 program featured an item on a group of Fijian and Tongan workers employed on a farm in Victoria who were each receiving an income of \$9.96 a week. In March 2016, a month later, the Senate Standing Committee on Education and Employment produced a report on the exploitation of temporary work visa holders that highlighted instances of immigrant painters on drilling rigs who were paid \$3 an hour and immigrant cleaners and security guards, nominally hired as trainees, who were paid nothing at all.

Attention has been further focused on the situation of locally retained so-called interns in companies. A respondent to a survey conducted by the advocacy group Interns Australia stated that, "Unpaid internships are a form of modern-day slavery." Furthermore, technology has changed the nature of indulgent gratification extracted from the enslaved. In Roman times, this took place on the basis of direct ownership of the slave by the slave owner. In the twenty-first century, technology allows individuals to derive similar gratification remote from the slave-owning nexus. I acknowledge that in this new century Australian governments from both major parties have tried to take further steps to deal with modern slavery as those new variations have emerged. In 2003, the Howard Government provided \$8.5 million to establish the Asia Regional Co-operation to Prevent People Trafficking and the Transnational Sexual Exploitation and Trafficking [ARCPPT] team within the Australian Federal Police [AFP]. Two years later, the Howard Government ratified, on Australia's behalf, the United Nation's Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

To better comply with the protocol, the Howard Government secured passage of the Criminal Code Amendment (Trafficking in Persons Offences) Act 2005, which created new offences of trafficking children and debt bondage. These new amendments were inserted in section 271 of the Commonwealth Criminal Code. A year later, the Howard Government replaced the ARCPPT with the Asia Regional Trafficking in Persons Project. In 2015, the Abbott Government—two years after gaining office—oversaw AFP training of 350 Philippines police personnel in human trafficking investigative techniques. The Australian Labor Party has likewise made significant

contributions while in government in recent times at a Federal level. In 2008, the Rudd Government established the National Roundtable on Human Trafficking and Slavery as a forum for government and non-government organisations to consult and to identify trends and gaps in approaches. In 2012, the Gillard Government provided for the continuation of the work of the Asia Regional Trafficking in Persons Project through a new \$50 million program, the Australia-Asia Program to Combat Trafficking in Persons.

The following year, the Gillard Government took more important initiatives, including securing passage of the Crimes Legislation Amendment (Slavery, Slavery-Like Conditions and People Trafficking) Act 2013. That Act provided for the introduction of new offences of forced marriage, harbouring a victim and forced labour. It also secured passage of the Migration Amendment (Reform of Employer Sanctions) Act 2013. That Act provided criminal penalties for employers who knowingly employed a foreign national illegally and put that illegally employed foreign national into situations similar to slavery, such as forced labour, forced marriage or debt bondage. Accompanying its new legislation, the Gillard Government announced a precursor to supply-chain monitoring to ensure that no business providing goods or services, at least to the Australian Government, would be tainted by human trafficking or slavery. Areas of concern were highlighted where improvements could be made through revised Commonwealth procurement arrangements, and strategies were implemented that the Department of Finance and Deregulation could adopt to address areas of concern.

The Department of Finance and Deregulation was tasked with ensuring that Commonwealth procurement arrangements adequately identified human trafficking and slavery as an important issue when considering the ethical behaviour of suppliers. It was also given the responsibility for revising procurement guidance to reinforce the need for specific actions or behaviours to eliminate the chances of human trafficking and slavery being used in supply chains. It was also tasked with implementing training and development arrangements for Commonwealth procurement officers to reinforce specific legal and policy requirements, including reporting of breaches of policy. While all these initiatives were commendable, it remains the case that the issue has still to be addressed with the rigour that it deserves. Thus, at the end of 2014, the Abbott Government released its five-year National Action Plan to Combat Human Trafficking and Slavery. Within the framework of the National Action Plan, the National Roundtable on Human Trafficking and Slavery established the Supply Chains Working Group. However, throughout 2015 the working group met infrequently and held its last meeting in December 2015.

As members are aware, in 2017 two parliamentary inquiries were conducted at the Federal and State levels into modern slavery and into human trafficking. In February 2017, a subcommittee of the Federal Parliament's Joint Standing Committee on Foreign Affairs, Defence and Trade began an inquiry into the appropriateness of a modern slavery Act for Australia given the Cameron Government's success in securing the passage of a modern slavery bill through the United Kingdom Parliament in 2015. At the same time, our own Legislative Council established a select committee to inquire into human trafficking in New South Wales. Halfway through the Federal committee's inquiry, the Australian Labor Party announced its commitment to a decisive approach. In a press conference held in June 2017, the leader of the party in Federal Parliament, Bill Shorten, declared that the Australian Labor Party would unequivocally support the passage of a modern slavery bill. In outlining his reasons for supporting the legislation, Bill Shorten emphasised the Australian Labor Party's commitment to:

Work with business, and those who are dedicated to rescuing people from slavery to be able to identify where a business may be inadvertently relying upon the work of slaves.

So today ... we'll talk about the creation of an Anti-Slavery Commissioner.

In October 2017 the shadow cabinet of the New South Wales Labor Party announced that it would adopt modern anti-slavery policy at a State level. The New South Wales Labor Party's shadow attorney general Paul Lynch added that it would be the party's aim to "slavery-proof" New South Wales by specifically including anti-slavery provisions in procurement guidelines. Furthermore, it would be the party's intention that a New South Wales Anti-Slavery Commissioner would be able to advocate, monitor and assess the effectiveness of government policies.

Reports from both the Federal and State parliamentary committees were published in late 2017. Both reports recommended the establishment of an Anti-Slavery Commissioner with appropriate powers. They also recommended instituting supply chain reporting, again with relevant provisions. The report from the New South Wales Legislative Council's select committee went further in respect to individuals' capacity to use electronic means to derive gratification from a slave-owning nexus. Following presentations by the Christian body International Justice Mission Australia [IJMA], the select committee recommended the introduction of new offences into the Commonwealth Criminal Code, including a specific offence for child cybersex trafficking; increasing maximum sentences for child cybersex crimes, particularly for crimes against children under 10 years of age, and clarification of the obligations of internet service providers.

The select committee additionally recommended the introduction of new offences into the Crimes Act 1900 (NSW): An evidentiary provision to make it easier to prosecute cases where a child cybersex trafficking

offender has recorded their pay-per-view session; aggravating factors that heighten the severity of the offence, including the offence taking place in the presence of another person, and offences involving a child under 10 years of age; an offence for administering or encouraging the use of an online child exploitation material website; and an offence for providing information to a person who is likely to assist them in avoiding capture or prosecution for committing such an offence.

The present Turnbull Government does not appear so far to have taken a position on the JSCFADT subcommittee recommendations. The Berejiklian Government, in its submission to the select committee's inquiry, largely focused on the sole issue of underage forced marriage. It is against the background of this hiatus—both at a Federal and State level—that I welcome the introduction of the legislation. It provides for the establishment of a New South Wales Anti-Slavery Commissioner, as well as for supply chain reporting in New South Wales. Additionally it incorporates the recommendations of the IJMA regarding those who benefit, over the internet, from the sexual enslavement of others.

I add in passing that I would have much rather seen the legislative response to this issue coming from the State Government rather than coming to the Parliament in the form of a private member's bill. I congratulate and thank the Hon. Paul Green for bringing this bill to the attention of this House. My party has recommended altering the legislation particularly by proposing the parliamentary oversight of the Anti-Slavery Commissioner. Nevertheless, on a broad level, this is legislation that has taken far too long to arrive. I commend it to the House.

The Hon. TREVOR KHAN (12:03): I will speak briefly. I do not want to make another second reading speech. The matter has been appropriately ventilated to this point. The Modern Slavery Bill 2018 has come from the work of one person in this Chamber, the Hon. Paul Green. He drove it through the establishment of the select committee. There is no doubt whilst we all were members of the committee and participated in the committee, the driving force both physically and intellectually was the Hon. Paul Green. He identified many of the submitters to be invited to give evidence before the inquiry. He drove much of the questioning. Unlike so many other reports in this House, the Hon. Paul Green's fingerprints are all over this one.

The members on the other side have stated what Labor would or would not do, but they have not done anything. The bill comes about through the hard work of the Hon. Paul Green. There have been various criticisms of the bill. The Hon. Paul Green is the only member who has brought a bill here. He is the only member who has driven the bill. He is the only member who has had the passion and the commitment to see the bill come before the House today. Without question, the Hon. Paul Green has made a significant contribution to the legal framework that exists in this State. He has provided motivation for the Federal Government to get off its tail and do something on this topic. He has created a shining beacon for nations across the world to address the issue of modern slavery.

Very few members can leave Parliament knowing that they have made a significant contribution. I am sure the Hon. Paul Green is not leaving soon, but eventually that day will come. I hope today will be one of those that he is able to reflect upon where he made a significant difference. There will be amendments that are moved to this bill. I accept that often people can have different views. Bills are introduced into this Chamber frequently. Unfortunately, when I have not turned my microphone off there have been times when amendments have been moved by the other side or even, frighteningly, The Greens on occasions, and I have looked at the amendment, particularly when I have been Chair of Committees, and have voiced the perhaps impolitic opinion: Why are we rejecting this one? There is a capacity for members in this place to make contributions to a bill. Sometimes because of the dynamics and the politics amendments are not agreed to and that is regrettable.

I hope when the amendments are moved in the other place that there is appropriate recognition of the huge emotional and intellectual commitment that the Hon. Paul Green has made to the bill. It is a good bill. A variety of criticisms can be made with a difference of emphasis, but he has created his baby. I hope that what we see come back here adequately represents the commitment that he has made to the bill. So many aspects of the bill that are sought to be identified are covered in a variety of laws. There are criminal and industrial laws that deal with many aspects of the bill.

I was in Turkey the last couple of weeks. I was informed there are 3.5 million Syrians in Turkey at the present time. A significant percentage are children. Notwithstanding the enormous effort on the part of the Turkish Government, those children are living in abject poverty. Officials expressed concern at the difficulty of identifying exploitation of some of the children. They did not go into the forms of that exploitation but no doubt labour exploitation and sexual exploitation are included. That is just one country. There are massive movements of populations throughout the world because of conflict, and those people, including children, are extraordinarily vulnerable to exploitation.

They are particularly vulnerable to exploitation in the free enterprise system—a system that we all embrace—in the disrupted circumstances of war, when people are moved across enormous distances. There is a

great capacity for those with money and power to exploit those people; it is frighteningly easy. We should all recognise that a bill such as this is a first step in getting people to concentrate their minds on the sad and sickening reality of exploitation. I congratulate the Hon. Paul Green, who has put in the effort. He produced the bill—no one else. He has done a very good thing; I congratulate him.

The Hon. MARK PEARSON (12:10): The Animal Justice Party expresses its overwhelming support for the Modern Slavery Bill 2018 and commends all of the work done by the Hon. Paul Green and everybody who has worked with him. The extraordinary thing about slavery is that it has been an insidious, ugly instrument in our societies for thousands of years. Unfortunately, people who travel the world to look at the tourist attractions are often enjoying the fruits of slavery. I am talking about buildings such as the Taj Mahal, the Great Wall of China, the Pyramids in Egypt and some of the most glorious buildings that have been commissioned by churches and governments across Europe. When we go to these countries and walk among the attractions we are filled with awe, but the one menacing, disturbing truth is that, in the main, they were created by slaves. Many of those slaves suffered long, lingering deaths; they were crushed by the work they did on the very beautiful buildings that we can admire today.

But slavery affects our everyday lives in Australia. Most of the t-shirts that are worn during summer are produced as a result of acts of slavery in sweat shops. We are learning, more and more, that it is very difficult for companies to find sources of garments—even shoes—where slavery has not been involved in some part of the production. Some of us feel uncomfortable when we walk across the beautiful rugs we have procured over time and put on the floors of our houses, only to learn that it is quite possible that children who were chained to carpet-making operations in India and Pakistan were forced to make those carpets. Children work long hours making carpets and, in some cases, are never allowed to leave the factory in which they work.

In Australia it has become apparent that slavery has been used in fruit-picking, in other agricultural industries and in construction industries. There have been instances where people who have come to Australia on particular visas to do part-time work have found themselves enslaved. In the worst cases, people have been involved in the sexual exploitation of children; they pay a very small amount of money and cause a child or a person to be kidnapped, taken to a place, raped, tortured and, in some cases—for example, in the production of snuff movies—murdered. It was a big step forward when legislation was passed so that when Australians committed sexual offences against children in other countries they could be extradited back to Australia and, even better, face charges in Australia for that sexual abuse. These have been welcome advances in legislation.

I have some concerns about the Modern Slavery Bill. It could have more teeth—more strength—and be more compelling. I think the commissioner should have far more powers. The commissioner should have the power to investigate, and to compel the relevant authorities to investigate and issue warrants. The bill should have the strength and power to support the principle and spirit of the bill. I understand the Government will move amendments to the bill, but this is a bill which is about stopping slavery—about preventing harm of the vulnerable—and no amendment should detract from the spirit of the bill. Any amendment, from any member of any party, should go only to galvanising the spirit of this bill, which is about protecting the most vulnerable—being a shield and a sword for them. The vulnerable include children and women. It has been said that domestic violence is a form of slavery. If people, including children, have to flee to refuges it means that they have been enslaved. We must be very aware that slavery manifests in very subtle, sinister ways. An act of slavery might be for only half a day, but it is still slavery.

I implore the Government that any amendment—whether it is introduced here or in the other place—strengthens the bill. This bill should also cover all Government departments. There should be no exemptions. Even small businesses should not be exempt, in any way, from the requirements and the powers of this bill. I note the amendment to be moved by Mr David Shoebridge, which would include tissue trafficking. We should be introducing amendments such as that, which will strengthen the provisions and provide more detail so that this bill captures all the exploiters and all of the evil actions that can cause such harm and such brutal exploitation of any living being in Australia or around the world. I commend the bill to the House.

Mr DAVID SHOEBRIDGE (12:17): The Greens support the Modern Slavery Bill 2018. I note the contribution of Dr Mehreen Faruqi; I endorse her words. Slavery is a curse—not just of the past but of the present. It especially affects those who have no economic power in an increasingly corporate driven world. People are being exploited and degraded by an economic system that values them only for the marginal economic output they can produce, as opposed to what we should value people by—their essential dignity as human beings.

This bill seeks to go some way to rectifying that situation in New South Wales. There are a number of deficiencies in this bill, and there are areas where I would like it to be stronger but, like others in this Chamber, I acknowledge the work of the Hon. Paul Green in bringing the bill to the Chamber. It takes a huge amount of work for a single member to establish an inquiry, drive the inquiry, ensure that the outcomes of the inquiry are practical and real, produce a report with recommendations, turn those recommendations into legislation and get a

majority of members in this place to support it. No-one should underestimate that amount of work. I do not and I commend the Hon. Paul Green for the work that he has done.

The establishment of an anti-slavery commissioner, monitoring of government agencies, and supply chain reporting will make some difference. Our job is to try to make the world a better place through the work that we do and this bill goes some way to doing that. It will make a real and measurable difference. I note in particular provisions such as clause 19, which requires annual reports to be prepared by the commission that describe the outcome of the commissioner's work. Clause 19 (3) requires the report to cover the following:

- (a) the extent to which the government of NSW has provided mandatory training on modern slavery to front-line government agencies, workers in non-government agencies and the public generally during the year,
- (b) the extent to which the government of NSW has implemented changes in the information and communications technology use policies applicable to government agencies to prohibit the viewing of child abuse material and provide clear guidelines for responding to failures to comply with those policies during the year,
- (c) action by the Department of Family and Community Services during the year to develop a system of support (including provision of accommodation) for victims of forced under-age marriage, irrespective of whether any offence against the victim has been prosecuted,
- (d) action by the Department of Education during the year to require instruction about preventing forced marriage as part of high school syllabuses.

It also allows ad hoc reporting from the commissioner. That is good. I also note that the supply chain provisions in part 3 of the bill require commercial organisations with a turnover of more than \$50 million to provide certification about their supply chains. This will ensure that there is no slavery in their supply chains, or will at least ensure that companies make their best endeavours to ensure it. Those are good things. But I will make two comments on areas where the bill falls short. Again, I am not criticizing the Hon. Paul Green. He has introduced a bill that he hopes will pass through the House, and that often requires compromise. Why is there no similar requirement for supply chain statements for government agencies? The Government is the single-largest procurer of goods, services and infrastructure not only in the State but also in the country. The Government is arguably one of the single biggest entities that contracts for infrastructure services in the Southern Hemisphere.

The New South Wales budget is in excess of \$60 billion. The impact that supply chain integrity statements would have on an entity the size of the New South Wales Government would be real and measurable. There should be the same certification and transparency of supply chain provisions for government agencies, operations and departments as there are for commercial ventures. If private enterprises in New South Wales have been in the ear of Government saying, "This is going to cost us and you should wind it back" the best response from Government would be, "We are doing it too because we realise that we need to be part of the solution." I cannot understand why the supply chain provisions are not applied to Government and I would appreciate the Government's contribution to that to indicate that it would support amendments to put those provisions in.

The reporting provisions are also good, but, again, they require reporting by the commissioner. At a minimum clause 19 should require reporting with clear requirements by individual agencies themselves. The provisions should apply not only to the commissioner's summary of what has happened. There should be requirements for, at a minimum, the agencies identified in clause 19 (3). I do not want these observations to sound like I am pouring cold water on the bill. Again, the bill will make a real and measurable difference and I hope it is matched with actions in other States and Territories and with actions at a Commonwealth level. We need a national response to this. I want to endorse the extraterritoriality operation of the provisions.

The bill deals with a series of morally essential legal provisions in State and Federal law, which are set out in schedule 2 to the bill. The provisions of the bill deal with offences covered by the New South Wales Crimes Act, including sexual servitude, child abuse, slavery and slavery-like offences. I am not naming all of them. The bill also covers offences in the Commonwealth Criminal Code, including slavery offences, servitude offences, forced labour offences, debt bondage, trafficking in persons and deceptive recruiting for labour or other services. Traditionally, common law systems and civil law systems found in continental Europe contained certain crimes in the statute books that were said to be so heinous and offensive that if a court could identify the crime occurring, not only in that country but anywhere in the world, the offender could be prosecuted in that country and people could be held to account.

Piracy has been one of the offences that, for a long time, has been found to have that extraterritoriality provision. Over the past 1½ centuries, slavery has become one of the provisions where the personal, moral abuse of the crime is considered so offensive that countries have said "Wherever it happens we will prosecute it as a crime in our country." The extraterritoriality provision in clause 4 of the bill goes down that path. I commend the drafter of the bill for including the extraterritoriality provisions. But I have a strong view that those provisions should apply not only to the provisions in schedule 2 but also to additional provisions about the unethical trading of human tissue and organs.

I have previously, on behalf of The Greens—with, I think, strong support from many individual members in this Chamber and hundreds of thousands of individuals who have signed petitions supporting the bill—sought to have this Parliament move on unethical organ trading. The thought that somebody, as has been reported to me, can say to their doctor in New South Wales "I won't be attending my dialysis on Monday morning because I am going to go to China because they are about to shoot my donor and I am going to get a kidney" without us as a legislative body taking action to prevent it has distressed me for years. That is a reality of what happens. Unethical organ trading does not occur only in China.

In a number of countries around the globe people with no political power, economic power or a combination of no economic or political power are being exploited for their organs. This includes the Philippines, where people have their kidney's purchased and removed for as little as \$200 for the benefit of wealthy foreigners and locals, parts of South Asia and, increasingly, in countries such as Egypt, where human life is so cheap. We have an obligation to ensure that people from our wealthy, privileged society do not engage in that practice not only in New South Wales but also anywhere around the globe. That is why I foreshadow that I will move an amendment to the bill to include in schedule 2 as a modern slavery offence an offence in section 32 of the Human Tissue Act 1983. The impact of that would be that the commissioner could monitor and collaborate on suspected incidences of trading in tissue in New South Wales and by residents of New South Wales, which, of course, they should.

The commissioner could provide reports on the issue and run public education and awareness campaigns, and there would be greater certainty that organ trading was not involved in supply chains here. But that would also mean that the extraterritorial application of modern slavery offences under section 4 would apply to those trading in tissue and to New South Wales residents who might engage in that practice overseas. I believe that is fundamentally important. I note that the Hon. Paul Green is not blind to this. As I mentioned, members have said to me expressly that they support the direction of the private member's bill. The Hon. Paul Green is one of them. He said in his second reading speech:

In the course of a three-year investigation, News Corp has learnt that an Australian man bought a kidney off a 26-year-old Pakistani woman as part of a transplant costing \$116,000. The investigation found that unregulated organ trafficking is leading to prisoners being shot on demand to supply human organs.

His observation is right. When people in New South Wales saw the News Corp investigation, they thought, "Why are we doing nothing?" Today is a chance to do something. That is why I will introduce an amendment to include section 32 of the Human Tissue Act as a modern slavery offence and to expressly apply extraterritoriality to it. In addition to the News Corp investigation, numerous other stories about the global organ trade have opened the eyes of many to the appalling injustices perpetrated around the world when unscrupulous operators prey on desperate people. They take money from them and dignity from others. We need to stop that. The amendment that I commend to the House would address those instances directly and send a clear message that the things that we find offensive here—which are a gross offence when they rise to the level of modern slavery—are offensive wherever they occur. We have an obligation to stop them. I commend the bill to the House.

The Hon. JOHN GRAHAM (12:31): Slavery was formally abolished around the world in 1981 when the last country finally made it illegal. But as early as 1930 the International Labour Organization [ILO] had already identified and defined a problem where work for service extracted from people against their will "under the menace of any penalty" was still in practice around the world. Despite slavery being formally and finally abolished, it has been a stubborn problem to wipe out. That is why approaches such as this need to be taken. I support New South Wales taking action on the issue. I do not see it as a short-term measure while we wait for Commonwealth action. Modern slavery is a major problem particularly in Sydney and New South Wales because of the number of people who move here. The report of the committee chaired by the Hon. Paul Green states:

The majority of people trafficked into Australia live in New South Wales or Victoria, and since 2009, 98 victims of human trafficking living in New South Wales have been identified and provided with support.

It goes on to say, however, that the actual numbers may be much higher. That is an issue for Sydney and New South Wales. That is why, regardless of what the Commonwealth Government does—and I hope it does act—it is appropriate and important that the New South Wales Parliament take a strong stand. I support the bill on that basis, but I also support an international approach. We should act here but also internationally. Figures published by *The Economist* sourced from ILO, the International Organization for Migration, and the Walk Free Foundation illustrate a couple of things about modern slavery. They first go into some detail about the means of coercion around the world. By far the biggest and most common source of modern slavery around the world is withheld wages. Threats of violence are second and physical violence is third. Those are the three key categories by percentage of the total. That gives some idea of the means through which slavery is occurring around the world.

The figures also give some interesting information about the sectors of work where modern slavery is occurring. Having heard the debate, I think that will be of some interest to members. At 24 per cent, the biggest

sector is domestic work, followed by the construction and manufacturing and the agriculture, forestry and fishing sectors. That gives some idea of the character of the problem. Action has been taken around the world—many speakers have referred to what has happened in the United Kingdom. Countries such as Brazil have also acted. This bill is a very good start on the issue in Australia and New South Wales. We can learn from some problems that have come up in the United Kingdom. I will come back to those.

Importantly, the Catholic Church has also taken a strong stand on this issue. When he became Pope in 2013 Pope Francis made eradication of human trafficking and slavery a priority. The fact that the Vatican announced that it would ensure that its supply chains would not use slavery is very important in tackling the issue. I acknowledge the role of Australia's former ambassador to the Holy See, Mr John McCarthy, QC. I recognise the role that the Catholic Church has played around the world. Today we add New South Wales to that list of jurisdictions and institutions that are acting.

The Government said that while it supports the objectives it will move amendments in the other place. We will look at those amendments very carefully when they return to this Chamber. The Hon. Trevor Khan congratulated the Hon. Paul Green, and I support all comments made about his role. He has been outstanding in driving the legislation through. The Hon. Trevor Khan was critical of some comments by the Leader of the Opposition. I assure him that the comments were aimed at the Government and its potential amendments and approach on the issue, not at the chair of the committee, the Hon. Paul Green. I congratulate him because I do not underestimate the work, effort and focus it takes to bring both sides of politics to the table and introduce legislation on this issue. It is a fundamental act of compassion to drive this through.

The Leader of the Opposition has outlined the approach of the Labor Party. We put it on record because we support a tough New South Wales government procurement policy, a focus on compliance, and bringing the State government supply chains to the table. We also support a more powerful commissioner and powerful public awareness campaigns. We have set out to tackle wage theft, including by cracking down on how some franchisors are working in New South Wales. We have taken that approach because of the issues that have been exposed. They are not hypothetical; they are real problems in New South Wales, and especially in Sydney. There are also problems with the way our immigration system interacts with our employment system. We are committed to taking them on and ending, for example, the falsification of time sheets and people being paid but being forced to hand it back. We do not apologise for spelling out the approach of the Labor Party because it will be vigorous.

Putting obligations on companies is a good measure. That will be important over time as we legislate on this. That helps to fulfil the obligation of our State and country to tackle the problem around the world. I noted the evidence given to the committee by Fortescue Metals about how it managed its supply chain to identify and deal with slavery. I will put it on record because it is important to see how it works in practice. The Fortescue Metals Group said:

The risk assessment process for a company—and let us say a company has 3,000 suppliers ... from 3,000 suppliers having applied that risk assessment process, you might end up with between 10 and 12 in the high-risk category. Then that allows you to actually focus. You cannot do much with 3,000; you can do a lot with 10 or 12.

That is a good insight into how this might start to work in practice. I commend the Fortescue Metals Group and I commend that approach—which should be taken by these companies and by the government supply chain. If we do this properly we will find evidence of slavery and slavery-like conditions in the supply chains of these companies or of government. When that happens, we should take a mature approach. If we look properly, it will be there. That is a sign that the system is working, not that it is not working. That is fundamental to how we approach this task. Today we act in New South Wales but, importantly, in doing so we assist the fight around the world. I congratulate the committee and its chair and the Parliament. Today in this jurisdiction we take a big step in tackling the problem that was identified in 1930 by the International Labour Organization.

The Hon. Dr PETER PHELPS (12:40): There is an old saying that the road to hell is paved with good intentions. The Modern Slavery Bill 2018 can only be seen as the eight-lane superhighway to Hades. The bill title includes the term "modern slavery". When I first saw it I thought, "That's unusual. I thought slavery was abolished, that it is already illegal." And it is already illegal. We know this because in the definitions for modern slavery offences we are referred to schedule 2 to the proposed Act where it lists the offences, including seven that are already illegal under the Crimes Act and 14 that are already illegal under the Commonwealth Criminal Code Act. So this bill essentially says, "We are going to make illegal the things which are already illegal." That is a nonsense. What is modern slavery? We have heard that modern slavery can be a whole range of things. I will go into that a little later. We heard from the Hon. Mark Pearson and the Hon. Robert Brown that domestic violence is slavery. Why limit it to that? Why not go a little further? Second-wave feminist Sheila Cronin said this:

The enslavement of women in marriage is all the more cruel and inhumane by the virtue of the fact that it appears to exist with the consent of the enslaved group.

So what is slavery? Well, slavery now appears to be anything which we do not like. When we get to that stage in legislation, we have approached a linguistic slipperiness which is dangerous to this Parliament, State and society. To call this "modern slavery" is a cynical tactic. We have to support this bill, because who could be opposed to opposing slavery? But that is not what this bill is about. This bill is really about the anti-sex work agenda of the Christian Democratic Party [CDP].

The Hon. Greg Donnelly: Come on, Peter, that is bullshit.

The Hon. Dr PETER PHELPS: That is exactly what it is about. The CDP fought decriminalisation—

The Hon. Niall Blair: Point of order: I have been listening to this debate for the best part of an hour and a half and it has proceeded in a civil manner. All members should have the opportunity to make a contribution to the debate without other members interjecting and, in particular, the use of unparliamentary language in interjections.

The Hon. Greg Donnelly: I withdraw the florid language.

The DEPUTY PRESIDENT (Dr Mehreen Faruqi): I thank the member for withdrawing his comment. It was unparliamentary language. I call on members to be cautious. It has been a respectful debate and I would like it to continue as a respectful debate.

The Hon. Dr PETER PHELPS: The CDP fought the decriminalisation of prostitution in this State. It now supports the Nordic model. During the inquiry of the Select Committee on Human Trafficking in New South Wales, which took place last year, CDP members approved the use of council planning laws to try to close down prostitution. Now the CDP seeks to expand the term "slavery" to include it. The only significant thing that the Hon. Paul Green did was to attend a function held for the Fighting for Justice Foundation, which is run by strict Nordic modellists. Those of us who are aware of the foundation know what that means. They speak about prostitution as "paid rape". The foundation's website reads:

We have had a significant role to play in the introduction of the NSW Modern Slavery Bill and contributed extensively to the drafting of the bill.

Let us be absolutely clear what this is about: the creation of a new hook on which the CDP can hang its anti-sex work agenda after all previous models have failed. What do the sex workers themselves have to say? I have in front of me an examination of this issue by the Scarlet Alliance, the Australian Sex Workers Association. It says:

Evidence from sex worker organisations, evidence-based research and government statistics consistently support that trafficking and exploitation is not the experience for the vast majority of migrant sex workers in Australia. The *Trading Lives* report states:

"The research overall suggests that exposure to vulnerabilities is not the norm in the sex industry, but that what you can find is that there are a very small number of sex workers who are potentially connected with a niche."

The "Trading Lives: modern day human trafficking" report was produced by the Commonwealth Government. The Scarlet Alliance goes on to say:

Previous trafficking interventions and inquiries have almost solely focused on the sex industry. Despite enormous surveillance, heavy police investigations, substantial investment into criminal justice approaches, and the introduction of legislation that widened the type of offences that are now covered under antitrafficking, only 13 trafficking convictions related to the sex industry have been made since the introduction. This is consistent with research and evidence from sex worker organisations that interfaced daily with sex workers in their workplaces. Hence, it is unreasonable to assume that the discrepancy between estimates and actual convictions is due to widespread under-reporting.

What we know about slavery related to the sex industry is that all the finalised convictions involved sex workers who had *consented* to and knew that they would be working in the sex industry. Some had worked abroad or in their home country previously and none of the convictions related to the sex industry involved deception about the fact that they would be sex working in Australia. However, they did involve grave labour exploitation including long working hours, inadequate breaks and time off, withheld wages, and incurring large and unfair debts. Essentially these were instances of labour violations for consenting migrant sex workers.

That is what the prostitutes union says. Through their extensive experience, they are saying there is nothing to see here other than a very small niche. I understand why the CDP has tried this on, but it is factually wrong. The hook that it hangs it on is disproved by the evidence of the Australian sex work industry today. But I am even more confused about why Labor and The Greens would be supporting this, knowing that that is the motivation behind this bill. There are very good members in both parties. I see the Hon. Penny Sharpe and Dr Mehreen Faruqi at Scarlet Alliance or Touching Base functions because they understand the nature of sex work in this State. So why are they supporting this? The answer, of course, is that there is a second motivation more broadly on the industrial left. If you go down to Hyde Park this Sunday you will hear it. You will hear them talk about the wage slavery of capitalism. This is what I was talking about: slavery now becomes anything that you do not like. This is from the Communist Party of Australia:

The fundamentals of capitalism haven't changed, the very essence of capitalism is slavery and though there are different levels of modern day slavery, today all workers suffer a kind of slavery whether it be wage slavery or chattel slavery. But you might say, "Oh, that's just the communists. The socialists aren't as bad." The Socialist Party of Great Britain says:

We socialists like to refer to wage labour as "wage slavery" and call workers "wage-slaves". Non-socialists may assume that we use these expressions as figures of speech, for rhetorical effect. No, we use them literally. They reflect our view of capitalist society.

Even Ged Carney, President of the Australian Council of Trade Unions [ACTU], said in June last year:

We've long been calling for a Modern Slavery Act in the trade union movement. Trade unions see only too sadly firsthand the results of modern slavery in Australia and particularly in our region. It's ... hard to believe that in this day and age slavery is so wide spread as we just heard ... a sad indictment I think on the world that it does exist in such proportions.

That shows what this legislation is all about: an expansion of the term "slavery" into the area of industrial relations. It is another feature of the linguistic debasement we get from the left of politics in Australia. Don't like someone? They are a racist. Don't like someone? They are a fascist. Slavery no longer means a form of legal bondage where individual agency is impossible, which is what slavery is. Slavery is now unfair workplace relations. And in whose interests would it be to expand that definition? To most of the world old slavery is dead and buried; so we have new slavery because, after all, who could be opposed to fighting slavery?

It saddens me deeply to say that for the Liberal Party it has been easier to acquiesce than to challenge that. Challenging would require some type of subtle intellectual argument to be made and then the courage to prosecute that argument in the broader community and in the media where the inevitable charge against members of my party would be, "You disapprove of the Modern Slavery Bill. Therefore, you must support modern slavery." Rather than my party saying that this is linguistic debasement or a front for anti-sex work tirades, we are stuck with expansion of the term "slavery".

Let me be absolutely clear what this bill is about. I was not a member of the select committee but I filled in for a couple of days and I had a few questions about what this legislation meant. What is meant by "slavery"? The responses from the ethical supply chain management consultant for Konica Minolta were very illuminating. She spoke about her industry's involvement in the Electronic Industry Citizenship Coalition [EICC]. I checked what the provisions of the EICC are. They state that to be part of that coalition there has to be freely chosen employment. That is fair enough. It is axiomatic that if you are not free to choose your employment you are a slave. But it also opposed young workers.

The citizenship coalition said it has set limits for working hours, requirements in relation to wages and benefits, freedom of association—in other words, union intrusion into a workplace—management accountability, risk assessments and management and supply responsibility. So I asked, "Is that really an anti-slavery measure or is that more about trying to expand the remit of western industrial relations systems to second and third world countries?" Ms McManus replied, "Good question." I thought so too. I thought it was a very good question.

The Hon. Matthew Mason-Cox: What does the bill say?

The Hon. Dr PETER PHELPS: I will get to what the bill says and what it could potentially say in the future. We know from various witnesses who appeared before the committee that they certainly intended to expand "slavery" into the industrial relations sphere. For example, Mr O'Shea, who is an executive director of the Commonwealth Fair Work Ombudsman, spoke about slavery. I asked, "Do you have any evidence or analysis of which particular industries are engaging not so much in illicit work practices but the actual importation of people into Australia for the purposes of exploiting them?" Mr O'Shea replied, "From my own experience, the industries where we see such extreme exploitation are probably in the agricultural industry." Note he did not say the sex work industry but the agricultural industry.

Later Mr O'Shea mentioned Justice Katzmman and the characterisation of slavery in the Grouped Property Services decision in which a Federal Court judge found "the company treated vulnerable employees as 'slaves' under a 'calculated' scheme." Moreover, when I asked the Salvation Army's representative where exploitation was found I was told, "hospitality, massage work, farm work, construction cases, cleaning, meat processing, food processing as well as maritime fields such as coastal shipping and whatnot." The transcript states:

The Hon. GREG DONNELLY: The fishing industry, yes.

Ms MOORE: Fishing industry, exactly.

This legislation represents an expansion of industrial relations matters into the linguistic realm of slavery. Unconscionable contracts or workplace relations issues for employees will be magically redefined as slavery. And, of course, everyone has to be opposed to slavery! But there are already a multitude of recourses available, both through the common law and through Federal statutory law applying to unconscionable conduct, for people who have been deprived of their wages or who have entered into unconscionable contracts. Yet this bill seeks to forgo rational thought and go for an irrational reaction.

Let us be clear about what this legislation will mean. Unionists and activist non-government organisations [NGOs] will go after employers and will brand them not merely as unfair employers but as slavers and they will have the authority of the Act to do that. People who rely on itinerant agricultural labour no longer will be farmers; they will be slavers. People who own meat processing plants no longer will be meat processors; they will be slavers. That is what this bill is about—the progressive demonisation of certain industries by activist NGOs and union organisers. In effect, this bill will authorise them to do that.

Of course there will be the usual Left parasitism in the corporate sphere where we can have ethical supply chain management consultants. We can bet that NGOs and activist bureaucrats will be targeting those companies, unless the company employs one of them. The bill has requirements for procurement guidelines but they appear to be watered down to become mere suggestions. We all know how government works: suggestions become guidelines, guidelines become rules, rules become regulations, and regulations become laws. Suddenly what was initially a guideline becomes, "You must do this". Given the bill before the House, we say to ourselves, "Don't worry. It's only limited to that narrow range of offences outlined in schedule 2." But that presupposes that the Liberals and The Nationals will be in government forever. It may well be the case that in 2023 or 2027 the Labor Party will get back into government. It certainly will not happen in 2019. Anyone who reads polls does not think it will happen in 2019.

Let me suggest that at some time in the distant future the Labor Party gets back into government, with the support of The Greens in the upper House. What would stop them from expanding schedule 2 to include the Federal offence of unconscionable conduct within the definition of "modern slavery"? If a future Labor government looked likely to broaden that definition, I would offer Labor the chance to guarantee that it would not do that and would not allow minor industrial relations matters to be captured by the definition of "modern slavery". Unfortunately, the opportunity did not present itself.

During an exchange across the House between the Hon. Paul Green and the Hon. Adam Searle, the Hon. Adam Searle indicated that there should be an expansion of powers. The Hon. Paul Green interjected, "They would not have got up." Very interestingly, the Hon. Adam Searle then said, "Not under this Government", with the obvious implication that this bill is a Trojan Horse for what Labor will want to do when it next comes to government. Members of the Liberal Party are meekly accepting a bad law to curry favour with the crossbench and we are too cowardly to call out the monstrous deceit that inevitably lies in wait. We are scared to be called supporters of slavery.

We console ourselves that the bill will be gutted of its substance in the lower House—and I hope it will be—but that is beside the point. The bill will still be on the legislative books. Nobody will ever repeal it for the very same reason that we are too scared to oppose it now. We are building gallows but say that there is no noose. We are pointing a gun at our heads but say that there are no bullets in the magazine. One day someone will affix the noose to the gallows and will load up the magazine with bullets. I am opposed to this bill for the same reason I opposed changes to the Biofuels Act. In my view, any law that relies entirely on the goodwill of a government to not be oppressive is a bad law. The Liberal Party and The Nationals support bills like this one and then wonder why we are losing the culture wars of this nation. This is a bad bill. It is bad politics and bad policy. We will have an ill-defined term—one which is open for future expansion into areas that allegedly we have not conceived of but are obvious to anyone with half a political brain—and we know where this legislation is going.

It is impossible to police as we found out from the witness from Konica Minolta, who indicated that she could not go back more than a couple of steps in the supply chain. She stated, "I would never claim that our supply chain is slavery- or traffic-free." One of the leading lights of ethical supply chain management admits that she cannot trace the supply chain. The unintentional, from the viewpoint of the Christian Democratic Party, or the intentional, from the viewpoint of Labor and The Greens, consequences of this bill are as appalling as they are inevitable. Each Anzac Day we speak about honouring those who made the ultimate sacrifice. In that context, I will conclude my remarks by citing Francis Ledwidge, who was killed at the third battle of Ypres:

*Oh what a pleasant world 'twould be,
How easy we'd step thro' it,
If all the fools who meant no harm,
Could manage not to do it!*

The DEPUTY PRESIDENT (Dr Mehreen Faruqi): I will now leave the chair. The House will resume at 2.30 p.m.

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

*Visitors***VISITORS**

The PRESIDENT: I welcome into the President's gallery Mary Bell, OAM—awarded this year—Murray Patterson and Cateline Martin, guests of the Hon. Rick Colless. Welcome to the Legislative Council and to the wonderful question time.

*Questions Without Notice***POWERHOUSE MUSEUM RELOCATION**

The Hon. ADAM SEARLE (14:31): My question without notice is directed to the Leader of the Government, Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, in his ministerial capacity representing the Government in this place and representing the Treasurer. Given the benefit-cost ratio discount rate applied to the Powerhouse Museum move is 6.88 per cent rather than the usual Treasury 7 per cent, will he confirm that the Powerhouse Museum move was the only infrastructure project in New South Wales assessed by the Government using the 6.88 figure?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:34): I thank the Hon. Adam Searle for his question, which follows on from a question and follow up question he asked yesterday in question time. I had intended to respond to yesterday's questions at the end of question time today. However, with his concurrence, I will respond to those questions now. It is essentially the same issue. As I foreshadowed yesterday, this was a matter which I would not be able to respond to immediately. Business case summaries that appear on the web are prepared by Infrastructure NSW and appear on the Infrastructure NSW website.

The summary is prepared based on the work that is in the business case. Infrastructure NSW has advised that there was an error in the heading of table 1 of the final business case summary on the Powerhouse Museum in Western Sydney. The correct figure should be 7 per cent discount rate rather than the printed 6.88 per cent discount rate in the heading. This error has been corrected and the document has been republished on the Infrastructure NSW website this morning. The costs and benefits figures contained within table 1 are correct and are completely in line with all Treasury guidelines.

There has been no cost-benefit analysis performed using 6.88 per cent as a discount rate. The NSW Treasury Guide to Cost-Benefit Analysis—TPP17-03—recommends using a real discount rate of 7 per cent in the cost-benefit analysis, with sensitivity tests on the use of 3 per cent and 10 per cent. These are the rates and values used in the development of the business case. In response to the supplementary question asked yesterday, I note that the cost-benefit ratio for the selected option within the business case is still above one, specifically 1.02 as shown in the business case summary. Because the discount rate of 7 per cent was used, there is no need to adjust that figure. The 1.02 per cent was always based on the 7 per cent.

The Hon. ADAM SEARLE (14:34): I ask a supplementary question. Could the Minister elucidate on that part of his answer where he talked about the one error identified in the business case summary and inform the House whether there were any other errors in the business case summary as published?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:34): In terms of the latter, I have received no advice that there were other errors. Financial appraisals differ from economic appraisals in the scope of their investigation, the range of impacts analysed and the methodology used. In general, a financial appraisal is more relevant to commercial proposals, while an economic appraisal is more relevant to the State budget funded proposals. The requirements of the particular guidelines that I referred to previously required two specific types of analysis to be performed. Economic and financial analysis are each prescribed by Treasury guidelines and utilise different discount rates. This was where the confusion arose.

The economic analysis rates are set as part of the New South Wales Government Guide to Cost-Benefit Analysis and the prescribed 7 per cent rate was used to calculate the values shown in table 1 within the business case summary. The economic analysis is used to define the benefit-cost ratio value. The financial analysis is guided by Treasury Guidelines for Financial Appraisal. The methodology to set the discount rate is defined, but the actual discount rate is to be calculated in the context of the specific project and a rationale for its value provided in the business case. This process was followed and the financial discount rate was set at 6.88 per cent. The financial analysis is used to calculate the net present value of the project from the perspective of the entity undertaking the investment. A drafting error caused the financial analysis discount rate to be used as a label at the top of the cost-benefit table rather than the correct economic analysis rate in the business case summary.

ENERGY MARKET REFORM

The Hon. NATASHA MACLAREN-JONES (14:37): My question without notice is addressed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Will the Minister update the House on how the Government is working through the Council of Australian Governments [COAG] to progress a national energy market reform?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:37): I thank the Government Whip for her important question. As I have informed the House previously, to ensure a secure, reliable and affordable energy system, we need national market reform. New South Wales is working closely with the Commonwealth and the other States and Territories through the COAG Energy Council and the Energy Security Board. The outcome of this work has been the National Energy Guarantee or, as it is known in common parlance, the NEG. The NEG seeks to ensure a reliable electricity supply and to contribute to Australia's international greenhouse gas reduction commitments.

The COAG Energy Council agreed at its April meeting that the Energy Security Board will further develop its proposed design in consultation with stakeholders. Ministers also agreed that the Energy Security Board would have responsibility for coordinating the work of the energy market bodies on planning and regulation of the transmission system and interconnection with a report to Ministers at the August 2018 meeting about the progress of this work. This is an important step, which is increasingly a very relevant consideration with respect to how we manage the transition to a cleaner energy future.

The Energy Security Board has worked hard to prepare a NEG high-level design document. There have been concerns that the compliance obligations will result in additional costs being passed on to consumers and that the market power of the largest retailer-generators—or, as they are sometimes known, "gentailers"—will be increased by the imposition of the NEG. The Energy Security Board's high-level design has taken significant steps to address both issues. I am pleased, in particular, to see that the needs of smaller retailers have been taken into account. I encourage stakeholders to continue to engage with the Energy Security Board as they undertake further consultation on the NEG as we move towards a final design.

Stakeholder feedback and expertise is critical to informing the development of the NEG. It is imperative that the NEG supports our objectives of putting downward pressure on electricity prices and supporting retail competition. The Government has a plan. While those opposite just want to talk about re-regulation and expensive taxpayer-funded batteries, the Government is doing the thorough work that is required to come up with long-term reform. We do not want power prices to go down just now; we want to have an affordable, reliable and secure energy system into the future.

The Hon. Daniel Mookhey: You just put them up.

The Hon. DON HARWIN: Those opposite want to put a bandaid on a bullet wound—such are the short-sighted things we are hearing from them. The only way long-term stability and affordability will be achieved is through national market reform. I believe that the NEG is our best chance to secure this. I do not see any Greens members in the Chamber. Typically, they are the problem in this equation because they are experts at letting the perfect be the enemy of the good, as we have seen too often in this space. I was very worried that a Labor Government in South Australia was going to let that happen too. Thank God it has gone now, and a real solution is in sight.

POWERHOUSE MUSEUM RELOCATION

The Hon. WALT SECORD (14:42): My question is directed to the Minister for the Arts, Leader of the Government, and Minister representing the Treasurer. Given his admission that the benefit-cost ratio [BCR] published in the summary business case was incorrect, will he now release the full business case to reassure the community and to ensure full transparency? Will the Minister confirm that he contacted Infrastructure NSW to ensure that there are no other errors in the business summary?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:42): The honourable member is fundamentally wrong.

The Hon. Walt Secord: You just admitted it.

The Hon. DON HARWIN: No, I did not. There has been no change to the BCR—no change at all. It is 1.02. The document said that on the day it was released; it still says that, because there is no change to the BCR. One figure was put in in error but, in any case, it was not used as part of the BCR calculations. It was a typo, effectively.

The Hon. Walt Secord: That is a big typo!

The Hon. DON HARWIN: The honourable member is dead wrong and should stop his campaign of misinformation about this project.

The Hon. Walt Secord: Don, you're gone!

The Hon. Trevor Khan: Point of order: The Deputy Leader of the Opposition does not seem to learn. The point has been made repeatedly that he should refer to the Leader of the Government by his correct title. My second point of order is with respect to sledging. The President made a ruling in this regard this morning. However, at the first opportunity, Opposition members have engaged in the same despicable activity.

The Hon. Walt Secord: To the point of order: I apologise for the comments in the Chamber. They were made in the heat of debate and I apologise. I am sorry that I said, "Don, you're gone."

The PRESIDENT: I uphold the point of order. I thank the Deputy Leader of the Opposition for his apology. I call the Hon. Walt Secord to order for the second time. I remind members that the Hon. Walt Secord is on two calls to order, the Hon. Penny Sharpe is on one call to order, the Hon. Rick Colless is on one call to order and the Hon. Shaoquett Moselmane is on one call to order. The Hon. John Graham is very close to being on one call to order. Had the Minister finished his answer?

The Hon. DON HARWIN: I am seeking advice with regard to time.

The PRESIDENT: The Clerk advises me that we cannot be sure whether the clock is accurate. The Minister has completed his answer.

The Hon. Walt Secord: He has more to say. We want more; we want much more.

The PRESIDENT: I remind the Hon. Walt Secord that he is on two calls to order and that my patience is wearing thin.

HOMOPHOBIA

Reverend the Hon. FRED NILE (14:45): My question is directed to the Minister for the Arts, the Hon. Don Harwin, representing the Attorney General, Mark Speakman. Is the Minister aware of the public harassment suffered by footballer Israel Folau after he answered a question on social media concerning his sincere religious beliefs on a question of sexual morality? What message does this Government have to individuals, companies and institutions calling for the destruction of Mr Folau's career? Will the Minister inform the people of New South Wales under what conditions a citizen of this State can disagree with or criticise some aspect of the homosexual lifestyle and not be branded a homophobe or bigot, or have his or her employment threatened or the sport's sponsors threatened?

The PRESIDENT: The House will come to order.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:46): The Deputy Leader of the Government has said that he would like to have a go at answering this one. I am half inclined to kick it to him.

The PRESIDENT: I will not allow that. The question was asked of the Leader of the Government. He will answer the question.

The Hon. DON HARWIN: I am always impressed by the articulate, intelligent and compassionate approaches Reverend the Hon. Fred Nile has to many issues. As I think he knows, I grew up amongst people of faith. I will always defend the right of sincere, practising people of faith to talk about their faith and to express their views. I hope every other member of the House would take that view as well. I am sure the Attorney General, who is a very sincere person of religious faith, would also have that view. I have to fundamentally disagree with Reverend the Hon. Fred Nile's view that being a homosexual is a lifestyle. It is not.

I did not choose to be homosexual. I am homosexual; that is the way I was born. I am sure I speak for other members of the House who are in the same position in expressing our view that it is not a choice of lifestyle. It is just the way we are; it is the way we were born. In any case, I am sure that Reverend the Hon. Fred Nile and I will always respectfully disagree on that issue, just as we have in the past. I am very happy to take this question about Israel Folau and, in particular, the policy issues about which Reverend the Hon. Fred Nile has requested a response from the Attorney General and provide an answer to him as quickly as I can.

DROUGHT ASSISTANCE

The Hon. RICK COLLESS (14:48): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on the

Government's ongoing efforts to assist drought-affected farmers and what impact the dry spell is having on stock prices?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:48): It is important that farming communities across New South Wales know that this Government stands behind them and already has a range of measures in place to assist. Like all members of this House, Government members understand that without our food and fibre producers the State's economy and our proud history of excellence is in peril. The Government will not allow that to be jeopardised, but, equally, we cannot make it rain. Last week my colleague the Deputy Premier visited several farms in the drought-affected area of Winton, outside of Tamworth.

The recently announced Drought Transport Fund is an excellent example of the proactive steps that the Government is taking to assist New South Wales farmers in times of need. The fund provides up to \$20,000 in low-interest loans with an interest and repayment free-period of two years. That money can help eligible farmers pay freight costs for fodder or water carting or to move stock. The New South Wales Drought Transport Fund is part of a broader range of measures under the Government's \$300 million drought strategy, which includes transport subsidies for donated fodder, rural support workers, financial counselling and the highly successful Farm Innovation Fund. I urge all honourable members to refer any affected constituents to our DroughtHub website as a starting point.

Of course, one of the best assets we have is our people on the ground. Between our rural resilience workers, rural financial counsellors, Local Land Services staff and the Rural Assistance Authority, we have the support required. I urge all primary producers to pick up the phone and to get in touch with the support agencies that we have in place. We also have the Farm Debt Mediation Amendment Bill 2018, which unanimously passed in this place. Sadly, there are times when no matter what support we offer, it is not enough for some farming businesses to survive. However, the latest figures show the number of mediations is falling. It is also important for farmers to think about how they are tracking during periods of drought. Many people have already made the decision to reduce stock numbers, knowing that they do not have the ground to cover them through the colder months. At the moment those producers are still getting good money for their stock. Recently at Carcoar there was a record 12,000-plus weaners offered for sale. Agents who were there on the day reported that even with that volume being offered for sale, stock prices rose from where they were previously.

That is an important distinction between the situation now and what we have faced previously. People are not giving away stock; they are making good returns. But that will not necessarily last. We understand and acknowledge that some people are already doing it very tough and the Government is here to help. There is always a temptation to politicise these issues, however, we know that only decent rainfall will truly make a difference. I, like many, have been watching the weather forecasts over the past months and weeks and we cannot seem to get that break. The cold weather is now upon us and traditionally Anzac Day is a date when producers make some of their management decisions as they head into winter. We know that this is going to get tougher. It is a difficult situation for our farmers and I know that the Government will stand by them. I know that all members of this Chamber are concerned about the seasonal conditions that our farmers are facing. It is tough. They are resilient. This will not be the last time that I talk on this issue because we are going to stand by those farmers and make sure that we try to get them through this challenging period.

ANIMAL WELFARE

The Hon. MARK PEARSON (14:52): My question is directed to the Minister for Primary Industries. On 12 April 2018 in an answer to my question about an animal transport accident involving 108,000 chicks, the Minister stated, "Yass police contacted a Local Land Services veterinarian; however, they were not required to attend at the time of the incident." Is the Minister aware that this is incorrect and that the police, seeing numerous injured and distressed animals, requested that the vet attend but that the request was refused? Given that there was no vet on site during the initial critical time, who euthanised the injured chicks and what method was used?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:53): I thank the honourable member for his question. Of course, I stand by the advice that I was presented with at the time and the answer that I gave on the day. I do not have any information that is different from the advice that I was provided with. It is my understanding that the decision was made that the vet from Local Land Services was not required at the scene. This question is timely because I know that many members from all sides of the Chamber would have seen many of our local government representatives from southern New South Wales who have been in Parliament for the past two days. One of those representatives was the Mayor of Yass and I was able to have a conversation with her about this very topic last night. Yass Valley Council workers were at the scene for more than 15 hours and were involved in the recovery and clean up of the truck accident.

The mayor and I spoke about how those workers were quite distressed to think that they were being somewhat tarnished by some of the allegations that were flying around on social media about their role in the recovery and clean up effort. As I said at the time, this is a serious enough matter for my agency to report the matter to the RSPCA for investigation. There have been allegations made about this incident and, unfortunately, the allegations were made by those who attended the scene but were more interested in taking footage with their mobile phones and posting it onto social media than they were in reporting the incident or concerns that they had. That is something that all of us should condemn. Those people jumped in their cars and drove, reportedly, from the Australian Capital Territory to the incident in Yass. Then, rather than reporting what they would see as a breach of animal welfare, if what they reported was right, they packed up and made sure they posted the images on social media without reporting it to the appropriate authorities.

I will take the question on notice to see whether there is any further information available on the incident because we now have the Hon. Mark Pearson stating that the information that he has differs from the advice that I have been given. It may also be a good opportunity for me to provide the member, if it is finished in time, with an update on the investigation into the claims that were reported by my agencies to the authorities. It was not reported by those who turned up with their mobile phones and who thought that it was a good opportunity to get something up on social media and increase their following on their social media sites. I will take the question on notice, get the details if there is anything different from what I have said, and come back to the member in due course.

SPORTS INFRASTRUCTURE

The Hon. LYNDA VOLTZ (14:57): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given that the sports Minister has previously stated that a new indoor sporting arena with 8,000 to 12,000 seats close to the central business district [CBD] will be built to replace the demolished Sydney Entertainment Centre, will the new theatre in Ultimo replace the Government commitment under the State Infrastructure Strategy for a new CBD sporting arena?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:57): No, there is no proposal to put any sporting presence in Ultimo. The Government has been very clear about what it is proposing to do. It is starting to master plan the Ultimo site for a creative industries precinct. We have made it clear that there are two essential elements for that creative industries precinct. First, there is a museum of design and fashion, which will be run by the Museum of Applied Arts and Sciences. Secondly, my department will have market soundings for those who are interested in building a 1,500-seat performance space that is suitable for a range of live performance, including musical theatre. There is a demonstrated need for that. But I am sure that during the master planning process that many other cultural groups will come forward with an interest in the creative industries precinct. I note that there are two higher education institutions in the area—Sydney TAFE and the University of Sydney—that also have substantial offerings in the areas of design, fashion, culture, media and communication, and film.

One reason I said we should investigate—and we have investigated—a continuing cultural presence at Ultimo is that the capacity for synergies there is particularly strong. We want to hear ideas from people. The Hon. Lynda Voltz raised the idea of a sporting venue. That is not the decision of the Government. The Government is about building a creative industries precinct at Ultimo that people want to visit. It should be a place where people can go to enjoy themselves, and where they can work and live. That is the way people activate good urban precincts. We have taken our inspiration from cities around the world. There are really good examples in London at the former Olympic Games site and the Barbican. In particular, we are taking inspiration from what is happening in New York where they have the High Line.

[Interruption]

The Hon. Scott Farlow has hit the nail on the head. We have the Goods Line that runs from Central railway station, through the edge of Haymarket and Ultimo to Darling Harbour. That is an obvious parallel. Also in New York, the quite amazing Hudson Yards project is being developed—another place designed for people to visit and to enjoy themselves, and where they can work and live. At the centre of that development is what started as The Culture Shed but is now referred to as The Shed. It is a big area with a flexible performance and gallery space, and a cultural presence as part of the precinct. *[Time expired.]*

ABORIGINAL LANGUAGE AND CULTURE

The Hon. NATALIE WARD (15:02): My question is addressed to the Minister for Aboriginal Affairs. Will the Minister update the House on how the New South Wales Government is continuing to support Aboriginal languages?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:02): Learning an Aboriginal language strengthens the identity and pride of Aboriginal students. The stronger a student's cultural identity, the better able they are to engage in learning. The Government is committed to support the learning needs of all students. The teaching of Aboriginal languages allows more people to become involved in the culture of our First Nations people. For non-Aboriginal students, learning a local Aboriginal language provides an insight into, and a better understanding of, one of the world's oldest living cultures.

The Government provides strong support to schools in implementing an Aboriginal language program. Under the Local Schools, Local Decisions reform, schools are able to make decisions to allocate funding to meet the identified needs of their students. This includes funding for the teaching of Aboriginal languages for all students from kindergarten to year 12. Schools are encouraged to work with their local Aboriginal community in establishing and implementing an Aboriginal language program. Under Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE], the Government's plan for Aboriginal affairs, we are supporting five Aboriginal Language and Culture Nests at Dubbo, Coffs Harbour, Lismore, Wilcannia and Lightning Ridge. Each nest has a base school and an Aboriginal language and culture teacher; a number of schools within the nest area also teach language. As a government, we are also working in partnership with the NSW Aboriginal Education Consultative Group to develop two Aboriginal language satellite hubs to be established during 2018 in Moree and Kempsey. The Liberal-Nationals Government understands the benefits of language in early childhood education. An example is the Ninganah No More program.

The PRESIDENT: Order! There is too much audible conversation in the Chamber. The Minister will be heard in silence.

The Hon. SARAH MITCHELL: "Ninganah" is a Bundjalung word that means "to be quiet", and the goal of Ninganah No More is to help ensure that Aboriginal languages are no longer unheard in our community. The Ninganah No More program aims to increase the level of Aboriginal languages being taught in early childhood services across New South Wales in line with our commitment to help the revitalisation of the languages. The program provides an opportunity for Aboriginal culture and identity to be developed and nurtured in the earliest stages of formal education across New South Wales. We know that this program will be beneficial to both Aboriginal and non-Aboriginal children alike. Evidence shows that learning a second language has long-term developmental benefits, including in improving memory, pattern recognition, problem solving and language development.

Along with programs such as Ngroo Walking Together, which I mentioned in the House this week, Ninganah No More aims to improve cultural awareness in our early childhood education centres and to help increase the uptake of languages from an early age. The Government acknowledges the important role that Aboriginal languages play in the maintenance of Aboriginal culture and has enacted legislation to preserve and to revitalise Aboriginal languages in the State. Members would know that this Parliament was the first jurisdiction in Australia to pass Aboriginal languages legislation late last year when we collectively recognised the importance of language revival and growth to Aboriginal culture, identity, and social wellbeing.

Since passing the legislation, I am pleased to update the House on another milestone—the establishment of an Aboriginal Language Establishment Advisory Group. Nine representatives from Aboriginal communities across the State make up the expert group that is working towards preserving and safeguarding Aboriginal languages. The group members are well respected within the community and have a wealth of knowledge of many different Aboriginal languages including Dharawal, Gumbaynggirr, Wiradjuri, Bundjalung, Gamilaraay and Dhanggati. This is a positive step in ensuring the preservation of Aboriginal language for years to come. There is more work to do on Aboriginal languages. I look forward to updating the House as the milestones are achieved. I know that all members are interested in this and were proud when the legislation was passed.

SHOALHAVEN ROAD INFRASTRUCTURE

The Hon. PAUL GREEN (15:06): My question is directed to the Minister for Primary Industries, representing the Minister for Roads, Maritime and Freight. Given that the Federal Government has committed \$155 million to a third bridge over the Shoalhaven River, will the Minister indicate what contribution the Government has planned to ensure that the Shoalhaven gets the gold package, not the bronze package?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:07): I thank the member for his question about an important infrastructure project that he is interested in. The Hon. Paul Green has been a passionate advocate for his community for some time. I have used that particular road and seen the congestion. It builds up not only in holiday periods but also more frequently as areas of the South Coast are being opened up. Because of this Government's spend on infrastructure and the completion of the Berry bypass, more and more people are venturing to the South Coast and

exploring that beautiful part of the world. Whether they are at Gerroa, Huskisson or Narooma, people are crying out for this piece of infrastructure.

I know that the roads Minister is very passionate about it, as was former Minister the Hon. Duncan Gay. He certainly understood what it meant to have these pieces of infrastructure built in regional communities, not only to support tourism and the economic movement of goods throughout those communities but also to make it a bit easier for families to get home from work and spend some time together. We should ensure that the issue of road safety is at the forefront of everyone's mind. As it is Road Safety Week, it is timely to be talking about the type of infrastructure that is needed and the money that needs to be spent on roads in New South Wales. This Government has done a great job in delivering that to make sure that we can all get home to our loved ones.

All of us in this Chamber who travel through regional New South Wales know that too many people die on regional roads. We want to make sure that the money from the Federal Government to support the investment that we are making at a State level goes into the right areas. We know that the member is passionate about making sure that he gets the rolled gold package for everything in his community. That is why I am more than happy to take the question on notice and refer it to the Minister for Roads, Maritime and Freight. She will look at how that Federal Government funding fits into our investments in New South Wales to make sure that projects such as the one that the member mentioned are delivered for the good people of New South Wales.

SYDNEY OBSERVATORY

The Hon. COURTNEY HOUSSOS (15:11): My question is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given the Minister's announcement last weekend of a planetarium at Parramatta, will he guarantee the future of the Sydney Observatory in its present form and location and that the site will not be sold?

[Interruption]

The PRESIDENT: Order! If I heard correctly, the member directed the question to the Leader of the Government. That is how I heard it. She did not direct the question to members of the Government in the backbenches. There is no need to comment, to commence answering the question or to make snide remarks.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:12): The spirit of the Hon. Duncan Gay is very much around as I hear a question like that. The Opposition clearly needs a question time committee. This is yet another example of the mischief that we are seeing from the Labor Party on a wide range of issues. Of course the Sydney Observatory—a wonderful institution of which the Museum of Applied Arts and Sciences has had stewardship for many years—is absolutely safe. We are seeing a litany of Labor lies on this project and so many other things that the Government is doing. Lie No. 1 is that the expenditure of \$10 million announced by Mike Baird was for anything other than simply the business case. That was always the case. Lie No. 2 is that apparently, according to Julia Finn and some others, we are getting a smaller museum at Parramatta—completely wrong. The public and exhibition spaces are—

The Hon. Courtney Houssos: Point of order: The Leader of the Government is well aware that if he refers to members of this place or the other place, it is to be by their appropriate title.

The PRESIDENT: I uphold the point of order. The member should be referred to as the member for Granville.

The Hon. DON HARWIN: Quite right, and I am sorry for that. The member for Granville is saying that it is a smaller museum—completely wrong. In terms of its public and exhibition spaces, it will be 15 per cent bigger than the Ultimo building.

The Hon. Daniel Mookhey: Point of order—

The PRESIDENT: It would help all members if those seeking the call did so a little bit louder so that the Minister was aware that he should resume his seat.

The Hon. Daniel Mookhey: The Leader of the Government is well aware that if he is reflecting on a member of the other place, he should do so by way of substantive motion.

The Hon. DON HARWIN: To the point of order: In no way did I do that. In no way did I attribute the word "lie" to an individual. I attributed it to the Labor Party.

The PRESIDENT: That is how I heard it and I accept the explanation of the Minister. There is no point of order.

The Hon. DON HARWIN: Lie No. 3 is that apparently there was a mistake in the calculation of the business case—completely wrong, as I stated today and yesterday. There is no error at all in the calculation of the

benefit-cost ratio. Now it would seem Labor lie No. 4 is that there is some threat to Sydney Observatory—completely wrong. As I said and as the Premier said on Saturday when we announced this project, in future the Museum of Applied Arts and Sciences Trust will operate over four locations: Ultimo, the Museums Discovery Centre at Castle Hill, Parramatta and Sydney Observatory. It is a great institution with an enormous scientific heritage, which plays a wonderful role in the cultural landscape of Sydney. It is absolutely safe.

It is time for this litany of lies to stop. But better still, it is time for Labor to have a policy. On Tuesday in the lower House, Opposition members were so embarrassed about their leader and his indecision—Flip-Flop Foley—that they would not even call a division on the priority motion because they did not want to go on record supporting the miserable, gutless Labor approach to the Powerhouse Museum. They have abandoned Western Sydney and their leader is hiding because he knows he has stuffed up. They would not even call a division in the lower House.

The Hon. Shaoquett Moselmane: Point of order: The Minister is shouting and is abusing his position. It is really hurting my hearing.

The PRESIDENT: I cannot recall a previous ruling on that basis. I do not even believe I should reserve on it, so I do not uphold the point of order. I will say it was more of a debating point; that makes it easier for me.

The Hon. DON HARWIN: Let me very quietly note that the point of order was not about the Leader of the Opposition in the other place; it was about the volume of my voice. Not even the Opposition Whip in this place is prepared to stand up and to defend him either. So there you go: the Labor Party is completely at sea. It says it wants to keep the Powerhouse Museum at Ultimo, but it has not yet said that it will stump up a dollar to save a museum that needs \$500 million spent on it to be fit for purpose.

HEAD ON PHOTO FESTIVAL

The Hon. BEN FRANKLIN (15:18): My question is addressed to the Minister for the Arts. Will the Minister update the House on how the New South Wales Government is supporting photography in New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:18): I thank the Hon. Ben Franklin for his question, and I promise the Hon. Shaoquett Moselmane that I will not shout. The New South Wales Government continues to value and to support the arts and cultural sector in all its forms, including photography. On Friday, I will have the pleasure of opening the Head On Photo Festival at the University of New South Wales Faculty of Art and Design in Paddington.

This year is the festival's ninth iteration. It takes over almost 100 spaces across the State. Head On is supported by the New South Wales Government through funding of more than \$36,000 for the month-long event, part of which is Stories of NSW—the NSW's Minister for the Arts Award for Visual Storytelling, for which a \$10,000 prize is offered. That part of the festival aims to illuminate an untold story about the people or place of New South Wales through the medium of photography. This year's festival includes several exhibitions in May across Sydney, including a John F. Kennedy exhibition at the State Library and the Beach and Mardi exhibition, which celebrates two iconic Sydney institutions at the Maunsell Wickes Gallery at Paddington.

Of particular note is Reaction at the Casula Powerhouse Arts Centre, which explores the photographic response of various participants as they listen to the sounds of Christian, Jewish and Islamic prayers. Head On is a practical forum as well and brings together photographers to create tangible opportunities for them at all career stages while encouraging excellence and innovation. Since its inception Head On has encouraged free expression, the discussion of new ideas, and creativity. It provides an equal opportunity for all photographers to show their work, which is submitted to the festival without the artist's name so that all artwork is judged on merit.

True to that ethos, the festival has exhibits and competitions for the best photographs taken on a phone. Head On's success has cemented Sydney as an international photography centre and furthers the State's reputation as a global creative hub. It provides an important bridge to international photographic markets. Previously the festival toured America, China, India, Europe and New Zealand, which has helped to open doors to key overseas markets for local photographic talent. Importantly, Head On is an inclusive arts festival. It works with Aboriginal people, people with disabilities, and people from diverse cultural backgrounds. I congratulate the festival's director, Moshe Rosenzweig, and Head On's ambassadors, advisory board, and artistic team on what promises to be an exciting and thought-provoking festival.

More importantly, I encourage everyone to get out there and to see some of the great work that is on display at more than 100 locations. Mr President, as you well know, members will not have to walk very far to one of those 100 locations because, as a result of an agreement I signed, I say modestly, when I was President of the Legislative Council, one of the locations is the Fountain Court. Parliament House will be hosting the Head On

Landscape Prize, which will be exhibited from next Monday 7 May 2018 until 24 May 2018. I look forward to seeing all members at least outside this Chamber but also at the festival. [*Time expired.*]

POWERHOUSE MUSEUM RELOCATION

The Hon. ROBERT BORSAK (15:22): In directing my question, which relates to meetings with property developers and theatre operators, to the Minister for the Arts, I refer to the answer he gave on 2 May. I ask: How many lobbyists, representatives of property developers or theatre operators, or other intermediaries of those, has the Minister met with concerning the relocation of the Powerhouse Museum since assuming responsibility as the Minister for the Arts? How many of those were at the Museum of Applied Arts and Sciences [MAAS] gala fashion ball on 1 February?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:23): I will address the latter part of the Hon. Robert Borsak's question first. My recollection is that I did not meet any at the Museum of Applied Arts and Sciences [MAAS] fashion gala, which was a social occasion and there were no meetings. In response to the remainder of the Hon. Robert Borsak's question, I am not sure whether he was present in the Chamber at the end question time yesterday. At that time I certainly gave an answer in relation to any meetings since my last disclosure of ministerial diaries. In terms of everything prior to that, it is all on the public record. Everybody now knows with whom I have met in relation to the Powerhouse Museum proposal, not only at Ultimo but also at Parramatta. If the Hon. Robert Borsak had heard the answer that I gave yesterday—which covers the field entirely—in response to a supplementary question, he would know the answer to his question already.

LIDDELL POWER STATION

The Hon. JOHN GRAHAM (15:24): My question without notice is directed to the Minister for Resources, and Minister for Energy and Utilities. Given that the Deputy Premier, John Barilaro, has called on the Federal Government to buy back Liddell after the Government gave the power station to AGL for what AGL described at the time as "free", I ask: Is the Government taking any steps to return the power station to government ownership?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:24): First, the idea that Macquarie Generation was given away for free is a complete nonsense. I repeat: It is a complete nonsense. Any suggestion that that is the case should be completely disregarded. Macquarie Generation, including both the Bayswater and the Liddell power stations—which share coal and water infrastructure—was sold for well over \$1 billion. The idea that Liddell was given away is false.

The PRESIDENT: Order! I call the Hon. Daniel Mookhey to order for the first time. I call the Hon. Lynda Voltz to order for the first time. The Minister has the call.

The Hon. DON HARWIN: As I was saying, suggestions that Liddell was given away are absolutely false. When Liddell was acquired, along with Bayswater as part of the transaction to acquire Macquarie Generation, they did a couple of things: To keep generating power from both Liddell and Bayswater, substantial capital expenditure had to be undertaken to keep it going. That has been done at Liddell and certainly it has been done at Bayswater. In fact, Bayswater has announced that it will do even more, which is the value of a 100 megawatt increase in the capacity of Bayswater. Bayswater will be generating power for many years to come. But part of the acquisition was a substantial responsibility to remediate the site when Liddell ceases to generate power. The idea that it was free is nonsense. Dealing with Liddell only, it was always going to cost a lot of money.

Let me now put a stop to the nonsense about Liddell being given away. It was always the case that Liddell was acquired with Bayswater. Anyone who knows anything about how Bayswater and Liddell work—and I would have thought that would include the Hon. John Graham—would know that those power stations work together because they share coal and water infrastructure. They are adjacent and AGL's plan for Liddell's retirement has emphasised that keeping all of Liddell is part of the plan to replace it. There is no doubt that new electricity supplies can be developed to address the retirement of Liddell. Recently the Australian Energy Market Operator [AEMO] assessed whether the generation proposed by AGL would adequately replace Liddell's output. AEMO found that it will be important for the full plan or comparable investments to be built to avoid shortfalls in dispatchable power after Liddell's retirement. My strong view is that AGL should commence stage two. [*Time expired.*]

The Hon. JOHN GRAHAM (15:29): I ask a supplementary question. Will the Minister elucidate that part of his answer that dealt with the idea of it being free as being nonsense, given that at the time AGL boasted to its investors that Liddell was "valued at zero dollars, representing a free option"?

The Hon. Don Harwin: Point of order: The honourable member is merely restating his original question and not asking for elucidation of an aspect of the answer.

The Hon. Penny Sharpe: To the point of order: Within his answer, the Minister argued extensively about the notion of whether the power station was free. The Hon. John Graham's supplementary question is clearly in order because it is seeking an elucidation in relation to the way in which the Minister answered the question.

The Hon. Scott Farlow: To the point of order: The honourable member has introduced new information in his supplementary question, thereby making it a new question and not seeking an elucidation of the Minister's answer to his primary question.

The PRESIDENT: I do not accept the point raised by the Parliamentary Secretary. I uphold the point of order of the Leader of the Government. The member said that he is seeking an elucidation and then re-asked his original question. That was the basis of his supplementary question. It is out of order.

The Hon. DON HARWIN: The time for questions has expired. If members have further questions, I suggest they place them on notice.

Bills

MODERN SLAVERY BILL 2018

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. GREG DONNELLY (15:32): I make a contribution to debate on the Modern Slavery Bill 2018. One often hears that a particular bill is significant or groundbreaking. Sometimes that is true and sometimes it is not. Experience tells us that it is only over time that we can properly reflect on and assess the real impact of a legislative initiative. I make no claim to be able to look into the future, but I strongly believe what we have before us today is a potential law that, if passed in this House and in the other place without being diluted or weakened by amendments from the Government, not only can but will improve the lives of countless people living in New South Wales and beyond its borders. The time has passed for the scales to fall from our collective eyes. We must face up to and deal with modern slavery and slavery-like practices in all their degrading forms.

Exploitation—and I mean gross exploitation of fellow human beings, our brothers and sisters—is happening not behind close doors but in plain sight all around us. It is irrefutable that this has been operating for some time. Exploitation harms in so many ways not only those directly caught by it but also their families, who are typically living in impoverished circumstances overseas. This exploitation demeans all who fail to face up to it and challenge it, and it must be stopped. Lest there be any doubt about what I have said, I invite members of this House and others to go to the web page of the Legislative Council Select Committee on Human Trafficking in New South Wales and review all the material: the inquiry report, the transcript, the submissions, the questions on notice, all of it. The issue of human trafficking in New South Wales is presented there in all its ugliness for everybody to see. The screams for help and cries for justice rise from the pages as one reads through them, and it is for these reasons that we are debating this bill.

I acknowledge and thank, as others have done this morning, the Hon. Paul Green. But for his resolute commitment to this just cause, we would not be here today considering this matter. Others have played a part, but it is the Hon. Paul Green who has been at the forefront of this matter. He was instrumental in establishing the Select Committee on Human Trafficking in New South Wales in late 2016. As chair of the committee, he navigated it through its inquiry to the finalisation of the report and recommendations. He provided oversight regarding the drafting of the bill, facilitated community consultation on the draft bill, and had amendments prepared that will be considered at the committee stage of the debate this afternoon. No bill is the work of one individual, and nor is this one. However, the Hon. Paul Green should be given full credit for doing the heavy lifting on this bill.

I do not intend to speak about the bill in detail as that ground has been covered in the second reading contributions of the Hon. Paul Green, the Leader of the Opposition, the Hon. Adam Searle, who led for the Opposition in this debate, and others. I particularly associate myself with the comments of the Hon. Adam Searle about the need to see this bill as not the end but rather the start of facing up to and confronting the blight of modern slavery and slavery-like practices in this State. Whether in the form of forced labour, sexual servitude and related sexual exploitation, child cybersex trafficking, organ trafficking, forced and under-age marriage or any of its other ugly manifestations, there is much to be done to tackle modern slavery and modern slavery practices in New South Wales.

This bill is the first of its kind in Australia. When it is passed by this Parliament, as I am sure it will be, it will be one of a small handful in the world. It is ground breaking and we should all be proud of it. However, the bill is not a panacea or a cure-all. The Opposition firmly believes in the next Parliament the legislation can and should be enhanced and improved, and we in the Labor Party will do our part to help achieve this. By that time, we sincerely hope that modern slavery legislation will have passed the Commonwealth Parliament. As honourable members will appreciate, the Australian Labor Party has been a strong champion of a Federal modern slavery Act. As previously mentioned, a number of amendments to the bill will be considered in Committee.

I thank the shadow Attorney General in the other place, Mr Paul Lynch, and the Hon. Adam Searle for their work both in reviewing the bill and in developing those amendments. I also acknowledge Labor leader Luke Foley, who has encouraged the legislative initiative in this House and the other place since its inception. I thank the Hon. Matthew Mason-Cox, the Hon. Robert Brown and the Hon. Trevor Khan for their work on this bill and the amendments. Without naming individuals, as there are so many, I thank all stakeholders who have participated in the development of the bill and amendments. Modern slavery and slavery-like practices are sadly alive and thriving in New South Wales. This cannot be denied. Through this legislation the New South Wales Parliament can make a strong statement that slavery is not acceptable and it must stop. I encourage all members in this Chamber and in the other place to support the legislation. I commend the bill to the House.

The Hon. COURTNEY HOUSSOS (15:38): I begin my contribution to debate on the Modern Slavery Bill 2018 by paying tribute to the Hon. Paul Green. As the previous speaker, the Hon. Greg Donnelly, noted, a bill like this does not occur solely from the work of one person. However, there is no doubt that it requires a driver—someone who brings it all together so that the legislation comes before the House. That is not an easy process. I pay tribute to the work of the Hon. Paul Green in establishing the initial inquiry and in bringing forth this bill today. He has worked diligently on this issue for a long time. There is no doubt that it will be a lasting legacy of his time in this place.

Many thought the practice of slavery was eradicated with the abolition of the slave trade several hundred years ago. But in 2016 the Global Slavery Index estimated that 45.8 million people around the world are victims of modern-day slavery and slavery-like practices. Furthermore, they estimate that more than 4,000 of those people are here in Australia. Our own New South Wales inquiry into human trafficking—and I pay tribute to the work of the entire committee—found that slavery exists not only around the world but also here in New South Wales.

A number of submissions documented the practices, which include human trafficking, servitude, forced labour, debt bondage, organ trafficking, deceptive recruiting, forced marriage and child brides. These practices are shocking and have no place in our modern world. Slavery is often equated to the transatlantic slave trade that operated between the sixteenth and the nineteenth centuries. To put the figures that I mentioned earlier into context, it is estimated that over those three centuries approximately 12 million people undertook the voyage, with almost two million perishing on that journey. Today there are four times as many people around the globe suffering from modern-day slavery and slavery-like practices. Those figures are certainly sobering.

I refer to the comments of the Hon. Dr Peter Phelps who intimated in his contribution that this is some kind of extrapolation by the Labor movement or by other forces and that these are merely unfair workplace practices at play. I refer him to the submissions from the Salvation Army, Family Voice Australia and Asian Women at Work Incorporated, which outlined cases that are deeply shocking and moving to anyone who takes the time to read them. There are stories of people who come to this country under false circumstances and are forced to work for little or no pay and with little to no time off. These are not work practices that should be occurring in modern-day Australia and people do not expect to see them in this country. The idea that this is some kind of scare campaign is outrageous and undermines the important work of the committee and the aims of the bill.

I acknowledge and pay tribute to the many organisations who work in this area. This issue rarely receives the public attention it deserves. When it does, it is because of the organisations that are championing this cause and raising awareness of this ongoing scourge on humanity. Sometimes that support is provided by unions, which are the front line of support when dealing with forced labour and extreme exploitation. Unions have difficulty gaining access to migrant workers or workers on temporary visas as these workers are usually unaware of their rights in the first place and are unwilling to seek assistance.

I pay tribute to and acknowledge the work done by religious organisations and, in particular, Pope Francis. In his evidence to the committee, Mr John McCarthy, QC, outlined Pope Francis' leadership and called him the moral leader of the world who declared human trafficking a crime against humanity—and it truly is. My interest in human trafficking was prompted when I heard a podcast explaining how Pope Francis had prioritised the fight against human trafficking because of his firsthand experience of it. His work raising awareness of the issue has been invaluable in drawing attention to modern-day slavery. Whilst it is important that we address it in this Parliament, there is no doubt that it should be addressed at a Federal level. I am proud to note that Federal

Labor will introduce an Australian modern slavery Act that includes supply chain reporting requirements for major Australian companies and establishes an Australian independent anti-slavery commissioner.

The Federal legislation would require major Australian companies to comply. These companies would be required to report annually to the Federal Government, through a slavery and human trafficking statement, on the steps they have taken to ensure that modern slavery is not occurring in their business or supply chain. A commissioner would work with victims of slavery to receive inquiries and complaints, which is very important work. As other speakers have noted, modern slavery Acts and similar legislation are in place in the United Kingdom, France, California and the European Union. From time to time, there are issues that should be addressed at a Federal level but in the absence of that leadership the States are forced to act. Two years ago in this Chamber we recommended that the New South Wales Government establish a reparations scheme for our First Nations peoples. It has now done so. This is also an issue that could be addressed at a Federal level but we have stepped in to fill that void.

As major procurers, governments have a responsibility to ensure that their supply chains are free of exploitation. We must be the ones who lead by example. NSW Labor has a policy that would require, in addition to a modern slavery Act, a commissioner who would be able to collect and request data and inquire into the implementation of procurement guidelines. Such a commissioner would be able to advocate, monitor and assess the effectiveness of government policies. I foreshadow that at the Committee stage we will debate a range of amendments as proposed by the Hon. Paul Green, and I am delighted to see that he has moved that there be independent reporting to the Parliament. That is part of the NSW Labor policy and I firmly believe it is a crucial part of ensuring that we stamp out modern slavery.

The range of provisions within the Act have been well canvassed today. In addition to the parliamentary oversight committee, there is annual reporting to Parliament, public awareness and advice functions provided by a slavery commissioner, and a strategic plan to combat human trafficking and slavery. A public register established by the commissioner will identify organisations whose goods and services may contain products of a supply chain involving slavery. This is an important step as it allows ethical decision-making by the public. The public are becoming increasingly aware of this issue and want to exercise their purchasing power in an ethical way. I also welcome the components of the bill to amend the Crimes Act to deal with cybersex trafficking and child forced marriage. We must protect our children.

The eradication of the slave trade was a momentous and much-celebrated success of the nineteenth century. We have a responsibility as members of this place and as humans to ensure that every person can live with dignity. We must act to eradicate these vile practices from our modern-day society and from our great State. I commend the bill to the House.

The Hon. PAUL GREEN (15:46): In reply: I thank members across the House, in particular the cross-party working group, who contributed to the debate and the consultation and who gave their support. Given the time, my comments will be brief. I thank the Hon. Scott Farlow, the Hon. Adam Searle, Reverend the Hon. Fred Nile, Dr Mehreen Faruqi, the Hon. Matthew Mason-Cox, the Hon. Robert Brown, the Hon. Ernest Wong, the Hon. Trevor Khan, the Hon. Mark Pearson, Mr David Shoebridge, the Hon. John Graham, the Hon. Dr Peter Phelps, the Hon. Greg Donnelly and the Hon. Courtney Houssos.

A petition with more than 5,000 signatures in support of this bill has been presented to the Premier from this House. I personally have received hundreds of emails in support of this bill. I sincerely thank every person who took the time to email me and express their support and offer their prayers. This demonstrates the importance of this bill and how much people need it. I know that the bill is not perfect, as we have heard from other contributors to this debate. The legislation could have gone further, but we would have lost support for the bill. This is a good bill and it will help to combat modern slavery in New South Wales. It addresses the findings and recommendations of the committee's "Human Trafficking in the New South Wales" report, which was tabled last year. It aims to provide assistance and support to victims of modern slavery in New South Wales. It also provides for the appointment of an anti-slavery commissioner and the establishment of slave-proof supply chains. It also makes other important miscellaneous amendments relating to cybersex trafficking and child forced marriage.

The cross-party working group held public forums here in Parliament House, on the South Coast and in Western Sydney. I will be visiting Broken Hill shortly, where I will discuss the passage of this legislation. The working group received constructive feedback from many stakeholders who have firsthand experience in this area. I acknowledge the following stakeholders: the Salvation Army Freedom Partnership, led by Jenny Stanger, has been outstanding in its support; Anti-Slavery Australia, led by Professor Jennifer Burn; the International Justice Mission, led by Kim Randle, who has a newborn, and Kim's replacement; the Sydney Archdiocesan Anti-Slavery Taskforce, led by Catholic Archbishop Anthony Fisher, John McCarthy and Katherine Moloney; Anglican Archbishop Glenn Davies, who attended the presentation of my second reading speech, and I appreciate his

support; A21; the Walk-Free Foundation, which is a Twiggy Forrest initiative; the Fighting for Justice Foundation; the Stop the Traffik Australian Coalition; the Freedom Project; Hagar Australia; Project Futures; and the Australian Human Rights Commission. Of course, there were others and we appreciate all their hard work and passionate feedback.

I note for the record that we have listened to many stakeholders and we took all the proposed amendments to the working group for consideration and agreement. In fact, any proposed amendments were distributed during the forums for all stakeholders to consider and to provide feedback. I also point out that no one stakeholder held any pervasive influence over the bill at any point in time; it has always been a collective effort. Following stakeholder feedback at the forums and contributions from the working group, the group made some of its own amendments, and they will be further discussed during the Committee stage of the debate. One consistent feature of this process has been the unfailing praise of New South Wales for leading the way in acknowledging this heinous crime.

This State has the country's leading economy and it is leading the way with infrastructure. Why should we not lead the way in the fight against human trafficking? This is a State that leads, not follows. There is no—I repeat, no—current legislation in this country addressing modern slavery and we cannot wait any longer to deal with it. The Christian Democratic Party learnt much from its tobacco campaign experience. My colleague Reverend the Hon. Fred Nile was told constantly when he was fighting the tobacco industry to protect lives in Australia that the issue would be dealt with at the Federal level. Guess what? The Federal Government was the last government to enact legislation. Every other State government enacted legislation similar to this State's legislation before the Federal Government. It was the last government to endorse the type of tobacco reforms that were introduced by the New South Wales Parliament.

I fear that if anyone attempts to dilute this bill's potential it will leave a stain not only on this Government but also on all of us and our parliamentary legacy. The Government has expressed concerns that mandatory reporting may put undue pressure on small business owners. Small business is defined differently by regulators in Australia depending on the laws they administer. The Australian Taxation Office defines a "small business" as one that has an annual turnover, excluding goods and services tax, of less than \$2 million. The Australian Securities and Investment Commission regulates many businesses that are small proprietary companies with an annual turnover of less than \$25 million.

This bill sets out a mandatory modern slavery statement for organisations with a turnover of more than \$50 million a year. That is not a small business. By comparison, the relevant United Kingdom legislation has a £33 million—which is equivalent to \$A50 million—threshold for mandatory reporting. The working group received solid feedback from non-government organisations that they wanted a \$20 million threshold. Rumours have put the Federal legislation threshold at about \$100 million. The working group believes that \$50 million is a good and fair start. I also note that any organisation or company whose turnover is less than the \$50 million threshold is welcome to issue a voluntary modern slavery statement to demonstrate good corporate governance. Many corporations across the world have already done so. Let us be clear: The mandatory modern slavery statement could be a one-page document. I seek leave to table the "Statement Pursuant to Modern Slavery Act 2015", issued by Carnival Cruise Line.

Leave granted.

Document tabled.

The Hon. PAUL GREEN: Producing such a clear and concise document would not be burdensome for a business. It comprises only seven sentences. A business could simply show corporate integrity by supporting such a statement. There is no issue. Carnival Cruise Line has on its website a "Statement Pursuant to Modern Slavery Act 2015"—that is the United Kingdom Act. It is a simple statement that sets out the steps that the company has taken during the previous fiscal year to combat slavery and human trafficking. I encourage all members to read the statement; it is only one-page long. The Government provided some amendments that in my view did not aim to strengthen this bill. The draft amendments seek to starve the legislation of resources and teeth. The Government also offered new stronger amendments to some sections of the bill but often only to the detriment of good legislation by removing other sections.

This bill needs total commitment from the Government to be fruitful in its destiny. To alter it would be to starve it of resources and teeth and it would let down the victims of human trafficking and modern slavery, particularly those in New South Wales. We must be realistic. If the current laws were dealing adequately with modern slavery, there would be no increase in the incidence of human trafficking, slavery, organ trafficking, forced labour, cybersex trafficking and child forced marriage in New South Wales. This State needs a commander to sail this legislation—that is, it needs an anti-slavery commissioner. The commissioner's job would be to captain the legislative ship by holding the perpetrators accountable and setting free the victims.

We can no longer pretend that modern slavery does not exist in New South Wales. The evidence is in and members have spoken about it in this Chamber all morning. All people are born equal under God and no-one should be owned like an animal. Each person is worthy of full value and full respect. This is our watch. As representatives, this is our chance to eradicate modern slavery in New South Wales, and it will have a ripple effect across the nation and hopefully across the world. Next year some of us will not return to this privileged Chamber. With that in the forefront of my mind, I personally do not want to live in regret. This is our chance to change not only our State and our nation but also our world. This is not my bill; it is our bill. This is our Parliament's contribution to eradicating modern slavery.

The Hon. Dr Peter Phelps: It's not my bill.

The PRESIDENT: Order! I call the Hon. Dr Peter Phelps to order for the first time.

The Hon. PAUL GREEN: On behalf of the people of New South Wales, the victims and the unheard victims, I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

Motion agreed to.

The PRESIDENT: According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.

Business of the House

PRECEDENCE OF BUSINESS

The Hon. DON HARWIN: I move:

That General Business take precedence of Government business until the conclusion of all proceedings on the Modern Slavery Bill 2018 this day.

Motion agreed to.

Bills

MODERN SLAVERY BILL 2018

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the Modern Slavery Bill 2018 as a whole.

The Hon. PAUL GREEN (16:00): By leave: I move Christian Democratic Party amendments Nos 1 and 4 on sheet C2018-022E in globo:

No. 1 Supply chain requirements—bodies affected

Page 2, clause 3, line 21. Omit "certain corporate bodies". Insert instead "government agencies and corporate and other bodies".

No. 4 Supply chain requirements—bodies affected

Page 4, clause 9, line 29. Omit "corporate and other bodies". Insert instead "government agencies and corporate and other bodies".

These amendments clarify current drafting by omitting "certain corporate bodies" and inserting "government agencies and corporate and other bodies". The amendments make it clear that the object of the bill is to provide for mandatory reporting of risk of modern slavery in both the government and non-government sectors. The amendments also make it clear that a function of the commissioner is to "monitor reporting concerning risks of modern slavery occurring in supply chains of corporate and other bodies". One of the concerns with these amendments is that they will make a rod for the back of small business. It is not about that; it is about businesses that have a turnover of more than \$50 million. The Government has a commissioning and contestability policy that is used when entering into major contracts and procurement. This could be built into that model by the NSW Procurement Board at the "system value chain analysis" stage. There would then be some accountability of the supply chain to the massive budget of \$60 billion per year in New South Wales.

The Hon. SCOTT FARLOW (16:04): Amendment No. 1 would introduce a new element to the objects clause relating to mandatory reporting by government agencies of risks of modern slavery occurring in supply chains. The amendment is opposed as it relates to broader objectives of the legislation, which the Government may seek to amend in the other place. Amendment No. 4 would extend the functions of the commissioner to

monitoring risks of modern slavery in the supply chains of government agencies. The Government does not support this amendment as it relates to functions of the commissioner that the Government may seek to amend in the other place to reduce duplication of a potential commissioner at the Federal level.

The Hon. ADAM SEARLE (16:05): For the reasons briefly outlined by the Parliamentary Secretary, the Opposition will be supporting the amendments. The amendments are small but make perceptibly significant improvements in the framework provided by the bill and all members should support them.

Mr DAVID SHOEBRIDGE (16:05): The Greens also support the amendments moved by the Hon. Paul Green. The size of the Government's contract and procurements budget means that if we are to impose these obligations on business we need to impose them on the New South Wales Government. I commend the Hon. Paul Green for moving these amendments.

Reverend the Hon. FRED NILE (16:06): I ask all members to support these amendments so that the Modern Slavery Bill 2018 can be passed by the Parliament today. There have been many references in debate to the Federal Government. In my 35 years in this Parliament I have had many dealings with the Federal Government. I do not trust the Federal Government. When I introduced my Public Health Amendment (Display of Tobacco Products) Bill 2007 I was told, "You don't have to worry about that, Fred; we'll do that." But the tobacco lobby was bigger than the Government and the Government was not prepared to do anything. The Government should examine this issue and deal with it.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendments Nos 1 and 4 on sheet C2018-022E. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. PAUL GREEN (16:07): I move amendment No. 2 on sheet C2018-022E:

No. 2 **Meaning of "government agency"**

Page 3, clause 5 (1). Insert after line 9:

- (d) a company incorporated under the *Corporations Act 2001* of the Commonwealth of which one or more shareholders are a Minister of the Crown,

This amendment expands the definition of "government agency" to include all government entities, a company incorporated under the Corporations Act 2001 of the Commonwealth of which one or more shareholders are a Minister of the Crown. No one person, organisation, corporation or government body is above the law. There should be no special treatment for any government agency.

The Hon. SCOTT FARLOW (16:08): This amendment would amend the definition of "government agency", which is relevant to various elements of the bill, including the functions of the commissioner. This amendment is opposed as it relates to aspects of the bill that the Government may seek to amend in the other place.

The Hon. ADAM SEARLE (16:08): I am struggling with the Government's position. Although the amendment has the effect outlined by the Hon. Paul Green, it does not categorically have the effect of bringing the Government into the net of the effective part of the bill, which is clause 22. Given that government bodies are expressly excluded from the operation of clause 22 and therefore the transparency in supply chains provided for by the bill does not apply to the New South Wales public sector, whether we are talking about the budget sector, State-owned corporations or statutory authorities, I am struggling with why the Government is working so hard against the improvements that are being proposed. I indicate for the assistance of members that, unless I say anything to the contrary, the Opposition will be supporting all the Christian Democratic Party amendments.

Mr DAVID SHOEBRIDGE (16:09): The Greens also support this amendment. We are talking about companies incorporated under the Corporations Act 2001—companies where one or more shareholders are Ministers of the Crown. If those corporations do not have an obligation to ensure that their supply chains are free from slavery how can the Government say to private corporations, "You have obligations that government controlled corporations do not have?" I cannot comprehend why the Parliamentary Secretary, no doubt on instruction, is opposing this amendment. It seems essential, which is why The Greens support it.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendment No. 2 on sheet C2018-022E. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. PAUL GREEN (16:10): By leave: I move Christian Democratic Party amendments Nos 3, 6 and 8 on sheet C2018-022E in globo:

No. 3 **Modern Slavery Committee**

Page 3, clause 5 (1). Insert after line 20:

Modern Slavery Committee means the joint committee called the Modern Slavery Committee constituted under this Act.

No. 6 **Modern Slavery Committee**

Page 8. Insert after line 28:

Division 4 Modern Slavery Committee**22 Constitution of Committee**

- (1) On the commencement of this Division and as soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of Parliament, to be known as the Modern Slavery Committee, is to be appointed.
- (2) The Modern Slavery Committee has the functions conferred or imposed on it by or under this or any other Act.

23 Functions of Committee

- (1) The Modern Slavery Committee has the following functions under this Act:
 - (a) to monitor and review the exercise by the Commissioner of the Commissioner's functions.
 - (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter relating to the Commissioner or connected with the exercise of the Commissioner's functions to which, in the opinion of the Committee, the attention of Parliament should be directed.
 - (c) to examine each annual or other report of the Commissioner and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report.
 - (d) to recommend to both Houses of Parliament any changes that the Committee thinks desirable to the functions and procedures of the Commissioner.
 - (e) to inquire into any question in connection with the Commissioner's functions that is referred to it by both Houses of Parliament, and report to both Houses on that question.
- (2) Nothing in this Division authorises the Modern Slavery Committee to investigate a matter relating to particular conduct.
- (3) The Commissioner may, as soon as practicable after a report of the Modern Slavery Committee has been tabled in a House of Parliament, make and furnish to the Presiding Officer of that House a report in response to the report of the Committee. Section 20 applies to such a report.

24 Membership of Committee

- (1) The Modern Slavery Committee is to consist of 8 members, of whom:
 - (a) 4 are to be members of, and appointed by, the Legislative Council.
 - (b) 4 are to be members of, and appointed by, the Legislative Assembly.
- (2) The appointment of members of the Committee is, as far as practicable, to be in accordance with the practice of Parliament with respect to the appointment of members to serve on joint committees of both Houses of Parliament.
- (3) A person is not eligible for appointment as a member of the Modern Slavery Committee if the person is a Minister of the Crown or a Parliamentary Secretary.
- (4) Schedule 2 contains provisions relating to the Modern Slavery Committee.

No. 8 **Modern Slavery Committee**

Page 14. Insert after line 29:

Schedule 2 Modern Slavery Committee**1 Definition**

In this Schedule *Committee* means the Modern Slavery Committee.

2 Vacancies

- (1) A member of the Committee ceases to hold office:

- (a) when the Legislative Assembly is dissolved or expires by the effluxion of time, or
 - (b) if the member becomes a Minister of the Crown or a Parliamentary Secretary, or
 - (c) if the member ceases to be a member of the Legislative Council or Legislative Assembly, or
 - (d) if, being a member of the Legislative Council, the member resigns the office by instrument in writing addressed to the President of the Legislative Council, or
 - (e) if, being a member of the Legislative Assembly, the member resigns the office by instrument in writing addressed to the Speaker of the Legislative Assembly, or
 - (f) if the member is discharged from office by the House of Parliament to which the member belongs.
- (2) Either House of Parliament may appoint one of its members to fill a vacancy among the members of the Committee appointed by that House.

3 Chair and Deputy Chair

- (1) There is to be a Chair and a Deputy Chair of the Committee, who are to be elected by and (subject to subclause (2)) from the members of the Committee.
- (2) The Chair must not be a member of a party that has been elected to Government.
- (3) A member of the Committee ceases to hold office as Chair or Deputy Chair of the Committee if:
 - (a) the member ceases to be a member of the Committee, or
 - (b) the member resigns the office by instrument in writing presented to a meeting of the Committee, or
 - (c) the member is discharged from office by the Committee.
- (4) At any time when the Chair is absent from New South Wales or is, for any reason, unable to perform the duties of Chair or there is a vacancy in that office, the Deputy Chair may exercise the functions of the Chair under this Act or under the *Parliamentary Evidence Act 1901*.

4 Procedure

- (1) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Committee.
- (2) The Clerk of the Parliaments is to call the first meeting of the Committee, and the first meeting of the Committee in each Parliament, in such manner as the Clerk thinks fit.
- (3) At a meeting of the Committee, 4 members constitute a quorum, but the Committee must meet as a joint committee at all times.
- (4) The Chair or, in the absence of the Chair, the Deputy Chair (or, in the absence of both the Chair and the Deputy Chair, a member of the Committee elected to chair the meeting by the members present) is to preside at a meeting of the Committee.
- (5) The Deputy Chair or other member presiding at a meeting of the Committee has, in relation to the meeting, all the functions of the Chair.
- (6) The Chair, Deputy Chair or other member presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (7) A question arising at a meeting of the Committee is to be determined by a majority of the votes of the members present and voting.
- (8) The Committee may sit and transact business despite any prorogation of the Houses of Parliament or any adjournment of either House of Parliament.
- (9) The Committee may sit and transact business on a sitting day of a House of Parliament during the time of sitting.
- (10) Except as otherwise provided by this Act, the practice and procedure of the Committee is to be in accordance with the Standing Rules and Orders of the Legislative Council regulating the committees of the House.

5 Reporting when Parliament not in session

- (1) If a House of Parliament is not sitting when the Committee seeks to furnish a report to it, the Committee may present copies of the report to the Clerk of the House.

- (2) The report:
 - (a) on presentation and for all purposes is taken to have been laid before the House.
 - (b) may be printed by authority of the Clerk.
 - (c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House.
 - (d) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after receipt of the report by the Clerk.

6 Evidence

- (1) The Committee has power to send for persons, papers and records.
- (2) Subject to clause 7, the Committee must take all evidence in public.
- (3) If the Committee as constituted at any time has taken evidence in relation to a matter but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as constituted at any subsequent time, whether during the same or another Parliament, may consider that evidence as if it had taken the evidence.
- (4) The production of documents to the Committee is to be in accordance with the practice of the Legislative Council with respect to the production of documents to committees of the Legislative Council.

7 Confidentiality

- (1) If any evidence proposed to be given before, or the whole or a part of a document produced or proposed to be produced to, the Committee relates to a secret or confidential matter, the Committee may, and at the request of the witness giving the evidence or the person producing the document must:
 - (a) take the evidence in private, or
 - (b) direct that the document, or the part of the document, be treated as confidential.
- (2) If a direction under subclause (1) applies to a document or part of a document produced to the Committee:
 - (a) the contents of the document or part are, for the purposes of this clause, to be regarded as evidence given by the person producing the document or part and taken by the Committee in private, and
 - (b) the person producing the document or part is, for the purposes of this clause, to be regarded as a witness.
- (3) If, at the request of a witness, evidence is taken by the Committee in private:
 - (a) the Committee must not, without the consent in writing of the witness, and
 - (b) a person (including a member of the Committee) must not, without the consent in writing of the witness and the authority of the Committee under subclause (5),

disclose or publish the whole or a part of that evidence.

Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.
- (4) If evidence is taken by the Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) must not without the authority of the Committee under subclause (5), disclose or publish the whole or part of that evidence.

Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.
- (5) The Committee may, in its discretion, disclose or publish or, by writing under the hand of the Chair, authorise the disclosure or publication of evidence taken in private by the Committee, but this subclause does not operate so as to affect the necessity for the consent of a witness under subclause (3).
- (6) Nothing in this clause prohibits:
 - (a) the disclosure or publication of evidence that has already been lawfully published, or
 - (b) the disclosure or publication by a person of a matter of which the person has become aware otherwise than by reason, directly or indirectly, of the giving of evidence before the Committee.
- (7) This clause has effect despite section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975*.

- (8) If evidence taken by the Committee in private is disclosed or published in accordance with this clause, sections 5 and 6 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* apply to and in relation to the disclosure or publication as if it were a publication of that evidence under the authority of section 4 of that Act.

Note. The *Defamation Act 2005* makes provision for 2 defences in respect of the publication of defamatory matter that is contained in evidence taken by, or documents produced to, the Committee in private, but only if the evidence or documents have been disclosed or published in accordance with this clause.

Section 28 of the *Defamation Act 2005* (when read with clause 8 of Schedule 2 to that Act) ensures that such documents attract the defence relating to public documents in defamation proceedings.

Section 29 of the *Defamation Act 2005* (when read with clause 17 of Schedule 3 to that Act) ensures that proceedings in which such evidence is taken or documents produced attract the defences relating to fair reports of proceedings of public concern in defamation proceedings.

8 Application of certain Acts

For the purposes of the *Parliamentary Evidence Act 1901* and the *Parliamentary Papers (Supplementary Provisions) Act 1975* and for any other purposes:

- (a) the Committee is to be regarded as a joint committee of the Legislative Council and Legislative Assembly.
- (b) the proposal for the appointment of the Committee is to be regarded as having originated in the Legislative Council.

9 Validity of certain acts or proceedings

Any act or proceeding of the Committee is, even though at the time when the act or proceeding was done, taken or commenced there was:

- (a) a vacancy in the office of a member of the Committee, or
- (b) any defect in the appointment, or any disqualification, of a member of the Committee,

as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

The amendments relate to the introduction of a modern slavery committee. These amendments arise from a request by the shadow Attorney General, Mr Paul Lynch. The committee was also suggested by numerous stakeholders during our forums. The first person to suggest we should have such oversight was Reverend the Hon. Fred Nile. So I was happy to arrive at this amendment. The rationale is to provide appropriate parliamentary oversight of an anti-slavery commissioner. The amendments establish a joint statutory modern slavery committee in the New South Wales Parliament to oversee the anti-slavery commissioner, including the capacity to monitor the exercise of the commissioner's functions, examine the commissioner's annual report and report to both Houses of Parliament on these matters.

There are to be eight members on the committee—four from each House—with the chair to be a non-Government member. The procedures of the committee are to be governed by the standing orders of the Legislative Council. The fact is that this legislation was born in the upper House and I would like to think that responsibility can remain here, and that the accountability and review should stay in this place next year. God willing, if I am elected I would seek the favour of the House to chair such a committee—in line with the intention of this bill. I commend these amendments to the Committee.

The Hon. SCOTT FARLOW (16:13): Amendments Nos 3, 6 and 8 relate to the establishment and operation of a modern slavery committee. The functions of a commissioner should be educating, raising awareness, encouraging best practice and referring matters to appropriate authorities. These functions do not raise the same public interest and accountability considerations as arise in connection with other agencies that are overseen by statutory committees. The Government does not support a modern slavery committee for the reasons I have just outlined. The Government does not support these amendments.

Dr MEHREEN FARUQI (16:13): The Greens support Christian Democratic Party amendments Nos 3, 6 and 8 as they will strengthen the bill and achieve the purpose of the bill. There are two principal changes. The first is the creation of a joint parliamentary modern slavery committee. I will speak to the other change later. Committees have reported previously on instances of human trafficking; for example, the inquiry into the exploitation of people through trafficking, in all its forms in New South Wales, that was conducted by Multicultural NSW back in 2013. It was disappointing that the Government failed to implement the recommendations of that committee.

We have now had another inquiry into human trafficking and, although the Government has not yet responded to it, I am not very hopeful that we will see the full range of recommendations implemented. That is why I believe it is important to have a standing committee on modern slavery, which these amendments would create. Having a permanent presence with a view to monitoring the situation in New South Wales would be really valuable. It would allow us to delve a little deeper into these issues, which can often be very nuanced and complicated. I commend the amendments to the Committee.

Reverend the Hon. FRED NILE (16:15): I support the amendments. I am surprised that the Government is so negative in regard to this proposal when it has created such committees on numerous occasions. I have been on committees such as the Committee on the Independent Committee Against Corruption. They all perform a valuable role. I believe the same will apply with the modern slavery committee.

Mr DAVID SHOEBRIDGE (16:15): If it cannot happen by statute the House can always do it by motion.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendments Nos 3, 6 and 8 on sheet C2018-022E. The question is that the amendments be agreed to.

Amendments agreed to.

Reverend the Hon. Fred Nile: I note that there was only one voice against the amendments.

The Hon. Dr Peter Phelps: To clarify, I vote against everything. In case the member is under any misapprehension about how bad I think this bill is, I have voted against everything.

The Hon. PAUL GREEN (16:16): I move Christian Democratic Party amendment No. 5 on sheet C2018-022E:

No. 5 **Functions of Anti-slavery Commissioner**

Page 5, clause 10, line 2. Insert "generally" after "does not".

This amendment has arisen as a result of stakeholder feedback—namely, the consultation with Anti-Slavery Australia, the Salvation Army and the Fighting for Justice Foundation. The amendment allows initial inquiries to proceed at the commissioner's discretion before referring a matter to other authorities for further action.

The Hon. SCOTT FARLOW (16:16): This amendment would amend the commissioner's functions relating to investigations so that the commissioner may be able to investigate individual complaints. The Government does not support the amendment as it relates to functions of the commissioner that the Government may seek to amend in the other place, to reduce duplication of a potential commissioner at the Federal level.

Reverend the Hon. FRED NILE (16:17): This situation is similar to one that arose some time ago when I introduced a number of bills relating to the control of the tobacco industry. A number of Government Ministers advised me that there was nothing to worry about because the Federal Government was going to do something about it. Nothing happened. Victoria introduced legislation to do something about it. South Australia introduced legislation, as did Queensland. All the States passed similar legislation. Finally, the Federal Government was dragged, kicking and screaming, to introduce Federal legislation. It may happen on this occasion. I hope it does not happen in a similar way to the tobacco legislation, and that the Federal Government does act. If the Federal Government does not act it will have to be dragged, kicking and screaming, by all the States of the Commonwealth to introduce Federal legislation.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendment No. 5 on sheet CD018-22E. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. PAUL GREEN (16:18): By leave: I move Christian Democratic Party amendments Nos 7, 10, 11, 12 and 13 on sheet C2018-022E in globo:

No. 7 **Government agency supply chains**

Page 9. Insert after line 45:

23 Government agency procurement

The Commissioner must regularly consult with the Auditor-General and the NSW Procurement Board to monitor the effectiveness of due diligence procedures in place to ensure that the procurement of goods and services by government agencies are not the product of modern slavery.

No. 10 **Government agency supply chains**

Page 24, Schedule 5. Insert after line 6:

5.6 Public Finance and Audit Act 1983 No 152

Part 3, Division 2B

Insert after section 38E:

Division 2B Modern slavery audit

38F Definitions

In this Division:

audit includes examination and inspection.

government agency has the meaning it has in the *Modern Slavery Act 2018*.

modern slavery has the meaning it has in the *Modern Slavery Act 2018*.

modern slavery audit means an audit under this Division.

38G Modern slavery audit by Auditor-General

- (1) The Auditor-General may, when the Auditor-General considers it appropriate to do so, conduct a risk-based audit of all or any particular activities of a government agency to determine whether the government agency is ensuring that goods and services procured by and for the agency are not the product of modern slavery.
- (2) In exercising functions under this section, the Auditor-General is to consider whether the government agency has exercised due diligence in relation to procurement of goods and services and has complied with any directions of the NSW Procurement Board under section 175 (3) (a1) of the *Public Works and Procurement Act 1912*.
- (3) In subsection (2), *due diligence* includes taking reasonable steps (whether by way of contractual terms or otherwise) to ensure the primary supplier of goods and services is responsible for implementing processes to eliminate or minimise the risk of the goods or services supplied being products of modern slavery.
- (4) A modern slavery audit is separate from, and does not affect, any other audit required or authorised by or under this or any other Act.
- (5) A single modern slavery audit may relate to the activities of more than one government agency.

38H Advice concerning modern slavery audit

- (1) The Auditor-General is to give the Anti-slavery Commissioner advice as to the result of any modern slavery audit.
- (2) Before giving the advice to the Anti-slavery Commissioner, the Auditor-General is to give the head of the government agency an opportunity to make submissions or comments concerning the modern slavery audit.
- (3) The Auditor-General is to include in the advice any submissions or comments made by the head of the government agency or a summary, in an agreed form, of any such submissions or comments.
- (4) The Auditor-General, in an advice concerning a modern slavery audit under this section:
 - (a) may recommend that the Anti-slavery Commissioner identify the government agency in the register kept under section 23 of the *Modern Slavery Act 2018*,
 - (b) is to set out the reasons for opinions expressed in the advice, and
 - (c) may include such other recommendations arising out of the audit as the Auditor-General thinks fit to make.

No. 11 **Meaning of "government agency"**

Page 24, Schedule 5.6. Insert after line 7:

[1] Section 162 Definitions

Insert after paragraph (c) of the definition of *government agency*:

- (c1) a company incorporated under the Corporations Act 2001 of the Commonwealth of which one or more shareholders are a Minister of the Crown.

No. 12 **Government agency supply chains**

Page 24, Schedule 5.6 [3], proposed section 175 (4), line 21. Omit "consult during each financial year". Insert instead "regularly consult".

No. 13 **Government agency supply chains**

Page 24, Schedule 5.6. Insert after line 24:

[4] Section 176 Obligations of government agencies

Insert after section 176 (1):

- (1A) A government agency must ensure that goods and services procured by and for the agency are not the product of modern slavery within the meaning of the *Modern Slavery Act 2018*.

These amendments deal with government agency supply chains and were drafted in response to stakeholder feedback, including from the Sydney Archdiocesan Anti-Slavery Taskforce—I note that the taskforce chair, John McCarthy, was here earlier—the Fighting for Justice Foundation and the Australian Human Rights Commission. The amendments further strengthen and enhance the provisions of the current bill that deal with government procurement by introducing risk-based auditing by the New South Wales Auditor-General and an unambiguous obligation on government agencies to ensure that the goods and services they procure are not the product of modern slavery. Amendment No. 7—page 9, new clause 23—provides that the Anti-slavery Commissioner is to regularly consult with the New South Wales Auditor-General and the NSW Procurement Board to monitor the effectiveness of due diligence procedures that are in place to ensure the procurement of goods and services by government agencies is not the product of modern slavery.

I note for the record that Treasury has the Commissioning and Contestability Unit, which was introduced by Premier Gladys Berejiklian when she was Treasurer. The unit offers a Practice Guide outlining six primary steps in the commissioning process. One step is named "System Value Chain Analysis." This step looks into whether there is a risk of modern slavery in supply chains. Amendment No. 10 amends the Public Finance and Audit Act 1983 to permit the Auditor-General to conduct risk-based audits of government agencies to determine whether an agency is ensuring that goods and services procured by it are not the product of modern slavery. The audits can also determine whether the agency has exercised due diligence in its procurement practices and complied with any directions of the NSW Procurement Board.

Amendment No. 11 amends the definition of "government agency" in the Public Works and Procurement Act 1912 consistent with amendment No. 2, which amends the definition in the bill. Amendment No. 12 amends the Public Works and Procurement Act 1912 so there is an obligation on the NSW Procurement Board to "regularly consult" with the commissioner concerning directions the board may issue to government agencies about procurement. The requirement to "regularly consult" is consistent with amendment No. 7. Amendment No. 13 amends the Public Works and Procurement Act 1912 to provide that government agencies must ensure goods and services procured by them are not the product of modern slavery. This is consistent with amendments Nos 1 and 4, as well as the rationale for the risk-based auditing in amendment No. 10. These amendments enhance procurement practices in the government sector through risk-based auditing and a positive obligation to ensure that goods and services procured by government agencies are not the product of modern slavery.

The Hon. SCOTT FARLOW (16:22): Amendment No. 7 would require the commissioner to consult with the Auditor-General in relation to the obligations of government agencies to eliminate modern slavery from their procurement supply chains. The Government does not support additional functions for the Auditor-General, which would be inserted by another amendment. I will set out the reasons for that when we come to that amendment. Amendment No. 10 would insert additional powers for the Auditor-General to conduct modern slavery audits. The Auditor-General already has a general discretionary power to undertake performance audits, which allow the Auditor-General to investigate issues of modern slavery as envisioned by the proposed modern slavery audits. Introducing a specific power to conduct a modern slavery audit would be inconsistent with the approach taken in the Public Finance and Audit Act 1983 and in other States and Territories and may have an unbudgeted financial impact. Amendment No. 11 would amend the definition of "government agency" for the purpose of the powers of the Procurement Board.

This amendment relates to amendment No. 13, which the Government does not support. The Government does not support it because the amendment would impose an obligation on government agencies to ensure their procurement is free from the products of modern slavery and it seeks to amend the Public Works and Procurement Act 1912 to require New South Wales government agencies to ensure that good and services procured by and for them are not the product of modern slavery. This proposal may be onerous for agencies to comply with and will create additional and onerous red-tape obligations. The proposal for the NSW Procurement Board to be able to issue binding directions to agencies on the steps they should take to eliminate modern slavery from their supply chains would achieve the same policy objective while being easier to implement and reducing resource and regulatory risks. Amendment No. 12 would require the Procurement Board to consult regularly with the commissioner. The amendment relates to amendment No. 13, which the Government does not support for the reasons that have already been outlined.

The CHAIR (The Hon. Trevor Khan): The Hon. Robert Brown has been sitting patiently in the Chamber throughout the Committee stage. Does he want to contribute to discussion of these amendments or is he keeping a close eye on developments?

The Hon. Robert Brown: No, I am keeping a close eye on developments.

The Hon. ADAM SEARLE (16:24): The Opposition strongly supports this cluster of amendments, particularly amendment No. 10, which provides some oversight mechanisms to provide transparency of public sector procurement supply chains by the Auditor-General. It is a big step in improving the legislation. The omission of the public sector from clause 22 of the bill was my chief criticism of it and its framework. This amendment goes some way towards addressing that issue. There is still some distance to cover but I acknowledge the hard work of the bill's author to take on board some of the constructive criticisms that were made in debate by the Opposition. We welcome the improvements and warmly embrace them. We urge other members to do so as well.

Dr MEHREEN FARUQI (16:25): The Greens support these amendments, which empower the Auditor-General to conduct risk-based audits of government agencies. New South Wales government agencies such as NSW Health, Roads and Maritime Services and Transport for NSW are perhaps some of the largest procurers of goods and services in this country. It is therefore essential that the Auditor-General be given the power to conduct risk-based audits of government agencies to examine their supply chains and identify where modern slavery practices are being used so the issue can be addressed. I would like the Auditor-General finally to be given the "follow the money" powers that will allow him or her to conduct audits, including these risk-based audits of private entities and non-government organisations that use public money. This is something for which I have been calling for some time but which the Government is ignoring, even though every other State in Australia gives their Auditors-General these powers. I commend the amendments to the Committee.

The Hon. MATTHEW MASON-COX (16:27): I want to reflect briefly on the process that got us to this position. The working group received a lot of feedback on what is termed "human rights due diligence". This is a term of art in some areas, particularly overseas. When some of the evidence was received—indeed, it was raised in forums relating to the amendments that are being moved—the feedback was, "It depends on your point of view and it can vary depending on the jurisdiction." This term of art is evolving. There was concern that if it was not clearly defined there would need to be audits right down the supply line which would add significant costs burdens on all those who were participating. A decision was made to try to limit the audit function of the Auditor-General for government agencies so it was clear what the legislation was attempting to achieve.

The intention was not that the Auditor-General had to follow the money cascading down the supply line; the intention was that the Auditor-General would deal with the issue using best practice and under the direction of the finance department under the Public Works and Procurement Act. The intention was that we should work through best practice in a collegiate manner rather than prescribing everything up-front, which becomes dangerous particularly when terms of arts are used that mean different things in different circumstances. A lot of thought has gone into crafting these amendments to ensure there are no unintended consequences and that the detail can be worked out collaboratively by the finance department. The amendments seek to ensure that any accountability mechanism is administered by the Auditor-General and that any Federal legislation would ensure that the Federal Auditor-General performs a similar function. In that way, the bill can act as a model that can be quickly adopted in other jurisdictions. That was the viewpoint that the working group took to ensure that our bill could be used as a model in all Australian jurisdictions.

Reverend the Hon. FRED NILE (16:29): First, I support the amendments, particularly as they clarify the important role that the Auditor-General plays in New South Wales. Secondly, I and many other people are concerned about the billion-dollar purchases that the State Government is making from Asia and other places overseas. What are the work practices in those countries? How do they treat their employees? Are they in slave-like conditions? I hope not, but that should be looked at.

The Hon. ROBERT BROWN (16:30): I will add one small point to the debate on these amendments and the explanation by the Hon. Matthew Mason-Cox. In the second reading debate Dr Mehreen Faruqi made the point, which I repeated, that it is not much good having legislation if it cannot act and we cannot get to where we all want. Therefore, I would not support amendments that water down the bill. I support the proposed amendments and reiterate what the Hon. Matthew Mason-Cox said. If the amendments are adopted and not removed in the other place it will give us a framework for our jurisdiction to be at the sharp end. We will have legislation that, while not perfect, can at least be used as a model with clearly defined references. That means it will make it easier should other States or the Federal Government decide to adopt similar legislation. Easier means faster, and the faster we move in this area the better. We will save lives and misery.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendments Nos 7, 10, 11, 12, and 13 on sheet C2018-022E. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. PAUL GREEN (16:32): I move Christian Democratic Party amendment No. 9 on sheet C2018-022E:

No. 9 **Organ trafficking**

Page 20, Schedule 4, proposed section 93AB (4). Insert after line 20:

- (d) without limiting paragraph (c), whether the person has been coerced, threatened or deceived into doing anything which involves the supply or sale of the person's tissue (within the meaning of the *Human Tissue Act 1983*).

This amendment comes from stakeholder feedback—namely, from the Australian Lawyers for Human Rights, the chair of the Australian Advocacy and Initiatives Committee, Madeleine Bridgett, and Falun Gong. This amendment adds to the factors that may be considered in determining in all the circumstances whether a person has been held in slavery or servitude, et cetera, by allowing consideration of whether the person has been coerced into the supply or sale of a person's tissue. I had hoped that the human trafficking inquiry would focus more on illegal organ harvesting. However, there was not a huge amount of evidence and, sadly, we did not pursue that route. There is no doubt that it is a major part of trafficking that we need to address, and in a small way we have been able to make it consistent with the bill. I acknowledge Mr David Shoebridge, who is as passionate about stopping illegal organ harvesting as I am about this bill. I note his contribution and hope this amendment goes some way in encouraging him in his unfinished work.

The Hon. SCOTT FARLOW (16:34): The amendment would allow courts to consider organ trafficking as part of the proposed new offence of slavery in the bill. The Government has concerns about these offences because they duplicate Federal offences and it will be looking at amendments in the other place to address the duplication. The Government therefore does not support the amendment.

Mr DAVID SHOEBRIDGE (16:34): I commend the Hon. Paul Green for moving the amendment. I know that he is genuinely concerned about the unethical trade in human organs and tissues. I am not the only one concerned about this. When the reality of the situation is explained to them, any person of good conscience would want us to act. Petitions signed by thousands of people have been presented to the Parliament asking us to act. I am mystified at the Parliamentary Secretary's response that he is concerned about the duplication with Federal laws. Why now? Why on this? There is duplication across the board, including in our criminal code and the Federal criminal code.

The explicit reason that the duplication argument is not meritorious is that we are attaching this to a statute with an Anti-slavery Commissioner connected to it. The commissioner has reporting and other obligations. None of that exists at a Federal level. If it is relevant, unethical organ harvesting and trading should surely be part of the consideration when a court is considering whether any form of slavery has occurred. I hope that the Government has a change of attitude between now and when the bill comes before the other place. Failing to take the opportunity to make this small advancement would be a moral and legal failure. I commend the amendment to the Committee.

The Hon. ADAM SEARLE (16:36): The Opposition will support the amendment. The Government's attitude is entirely mystifying. Turned on its head, it would suggest that the Government is in favour of unethical organ harvesting. That cannot possibly be its intention. I invite Government members to reconsider their position.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendment No. 9 on sheet C2018-022E. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. PAUL GREEN (16:37): I move Christian Democratic Party amendment No. 1 on sheet C2018-029A:

No. 1 **Reports where risk of significant harm to child**

Page 8, clause 21, line 28. Insert "The Commissioner must use the information for that purpose if the Commissioner has reasonable grounds to suspect that a child or young person, or a class of children or young persons, is at risk of significant harm." after "1998".

The Government has recommended this amendment to strengthen the reporting of information to the Secretary of the Department of Family and Community Services relating to children and young persons at risk of significant harm. We thank the Government for its constructive suggested amendment, which will tighten the legislation. We

accepted all those amendments that we thought would strengthen the legislation. We thank the Government for drawing this to our attention.

The Hon. SCOTT FARLOW (16:38): The Government supports the amendment because it provides that the Anti-slavery Commissioner must use information in reports where a child is at risk of significant harm. That will ensure that information relating to a child at risk of significant harm is reported to the Secretary of the Department of Family and Community Services to ensure proper investigation. The Government is committed to ensuring that all children at risk of harm are protected and accounted for. To align with the circumstances of aggravation in other child sex offences under the Crimes Act 1900, additional circumstances of aggravation should be included to strengthen the bill. It should also be amended to ensure consistency in sentencing under the Crimes Act. Using a child to produce child abuse material is a terrible crime. Introducing new aggravated offences as the honourable member's bill proposes—but with some small adjustments to reflect the existing child sex offence framework—will help to ensure that children are protected and perpetrators are appropriately punished.

The Hon. ADAM SEARLE (16:39): The Opposition fully supports the two amendments. They are sensible.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved only amendment No. 1.

The Hon. ADAM SEARLE: I will not speak a second time, so I indicate that I support both Christian Democratic Party amendments on sheet C2018-029A. Individually, but also together, they provide a significant safeguard against these forms of exploitation. I urge all honourable members to support both amendments.

Mr DAVID SHOEBRIDGE (16:39): The Greens support both the Christian Democratic Party amendments on sheet C2018-029A.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendment No. 1 on sheet C2018-029A. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. PAUL GREEN (16:40): I move Christian Democratic Party amendment No. 2 on sheet C2018-029A:

No. 2 **Use of children in production of child abuse material**

Page 17, Schedule 4 [2]. Insert after line 24:

- (g) at the time of, or immediately before or after, the commission of the offence, the alleged offender intentionally or recklessly inflicts actual bodily harm on the alleged victim or any other person who is present or nearby;
- (h) at the time of, or immediately before or after, the commission of the offence, the alleged offender threatens to inflict actual bodily harm on the alleged victim or any other person who is present or nearby;
- (i) the alleged victim is (whether generally or at the time of the commission of the offence) under the authority of the alleged offender;
- (j) the alleged offender breaks and enters into any dwelling-house or other building with the intention of committing the offence or any other serious indictable offence.

This amendment adds to the grounds of circumstances of aggravation in relation to the production of child abuse material. This is a constructive amendment, suggested to tighten and strengthen the bill. Once again, I thank the Government for its suggestion.

The CHAIR (The Hon. Trevor Khan): The Hon. Paul Green has moved Christian Democratic Party amendment No. 2 on sheet C2018-029A. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): We now move to The Greens amendment No. 1 on sheet C2018-027.

Mr DAVID SHOEBRIDGE (16:41): I move The Greens amendment No. 1 on sheet C2018-027:

No. 1 **Modern slavery offence—Organ trafficking**

Page 15, Schedule 2. Insert before line 4:

An offence against the following section of the *Human Tissue Act 1983*:

Section	Description of offence
32	Trading in tissue prohibited

I addressed the purposes of this amendment in my contribution to the second reading debate and will not speak on it at length now. The substance of the amendment has also been addressed in the earlier amendment moved by the Christian Democratic Party regarding the Human Tissue Act. To get the benefit of the extraterritoriality in clause 4 of this bill, clearly section 32 of the Human Tissue Act 1983 should be one of the modern slavery offences before the commissioner, because the unethical commercial trade in human tissues and organs should not be tolerated. Indeed, it is an appalling modern version of the purchasing and effective slavery of human beings, in a way that could not have been imagined when governments first started dealing with slavery on a global level just one and a half centuries ago.

I hope that all members support this amendment. If members are in any way concerned about whether this is out of step with global opinion, I note that similar efforts have been made in jurisdictions across the world. In particular, I point to the United Kingdom Modern Slavery Act 2015, which in some ways is the model on which this bill has been based. That Act expressly includes almost parallel provisions from the United Kingdom Human Tissue Act 2004 as modern slavery offences. I commend the amendment to the Committee.

The Hon. ADAM SEARLE (16:43): The Opposition supports The Greens amendment No. 1 on sheet C2018-027 for the reasons that Mr David Shoebridge has outlined.

The Hon. PAUL GREEN (16:43): I put on the record my thanks to Mr David Shoebridge regarding this issue. I raise my concerns about organ harvesting and the trading of human tissue. In particular, persecuted Christians and minority groups such as the Falun Gong have reported that their members have been shot for their organs. I cannot stand here in good conscience and vote against this amendment or any amendment that will oppose that sort of dictatorial behaviour. I commend the amendment to the Committee.

The Hon. SCOTT FARLOW (16:43): The Government opposes The Greens amendment No. 1 on sheet C2018-027. The amendment would insert into schedule 2 to the bill an offence against the New South Wales Human Tissue Act 1983. The amendment seeks to include the offence of trading in tissue from section 32 of the Human Tissue Act 1983 as a modern slavery offence under the bill. There are multiple amendments to this bill and their combined impact is unclear. The Government will consider amendments to schedule 2 in the other place, but I will discuss some of the Government's concerns with this amendment.

While the New South Wales Government of course does not support commercial trade in organs, care must be taken to ensure that there is no detrimental impact on New South Wales organisations that obtain human tissue, such as cell lines, from legitimate overseas sources for legitimate uses. In some overseas jurisdictions, human tissue is traded legitimately. For example, in some States in America, plasma, hair, breast milk, gametes—ova and sperm—and cell lines can be traded. Companies that trade in such tissue in America could have New South Wales operations. In addition, New South Wales researchers may obtain human tissue, such as cell lines, that was originally traded in America. The amendment would have the effect of requiring such companies to report on the steps they take to ensure that their goods and services are not a product of supply chains in which modern slavery, including trade in tissue, takes place. This could impact significantly on New South Wales businesses and researchers who obtain human tissue, including cell lines, from America.

The powers, functions and responsibilities in the bill relate to the powers of the Anti-slavery Commission, which will advocate to combat modern slavery, make recommendations and provide advice about investigating and prosecuting offences relating to modern slavery, and monitoring and reporting on risks of modern slavery. The bill will also impact on transparency in commercial supply chains: Certain organisations will be required to prepare a statement setting out the steps taken to ensure that goods and services are not the product of a supply chain where modern slavery is taking place. It will be an offence not to comply. In addition, court orders regarding modern slavery risk orders can follow if a court convicts a person of an offence in schedule 2. If the court convicts a person of a schedule 2 offence, the court can make certain orders, such as prohibiting contact with a victim. Modern slavery is relevantly defined as any conduct constituting a modern slavery offence.

The Greens amendment would list section 32 of the Human Tissue Act in schedule 2. The Greens summary of the amendment is that "the extraterritorial application of modern slavery offences under section 4 would apply to those trading in tissue and to New South Wales residents who might engage in that practice overseas". The amendment would not give section 32 extraterritorial effect, in that The Greens amendment would not impact at all on how the offence in section 32 of the Human Tissue Act is prosecuted. However, it would potentially—this is not entirely clear from the bill—make conduct relating to trading in tissue outside New South Wales "modern slavery" within the meaning of the bill. This would have two implications: first, it would give the commission the power to advocate against and report on such conduct occurring outside of New South Wales; and, secondly, it would require companies to include in their modern slavery statements the steps taken during the financial year to ensure that their goods and services are not a product of a supply chain in which modern slavery, including trading in tissue overseas, takes place.

It is the latter implication that could be problematic. The Human Tissue Act 1983 has a broad meaning of "tissue" and includes a part of the human body and a substance extracted from the human body. This would include cells, ova and sperm, as well as organs. In some overseas jurisdictions, human tissue is legitimately traded, as I previously mentioned with respect to the United States. In addition, New South Wales researchers may obtain human tissue, such as cell lines, that were originally traded in America. The requirement that New South Wales organisations report on the steps they take to ensure that their goods and services are not a product of supply chains in which modern slavery takes place could have a significant impact on such businesses and potentially impact New South Wales businesses and researchers.

Mr DAVID SHOEBRIDGE (16:47): I note the Parliamentary Secretary's contribution. For the record, I want to be clear that it is the second extraterritorial effect, relating to supply chains and certification, that would be called up by the combination of this amendment and clause 4 of the bill. Organisations would be required to ensure that their supply chain did not include tissue that was traded in circumstances that would be unlawful in New South Wales. In this State, we make our values in large part through the legislation passed by this Parliament. In section 32 of the Human Tissue Act, we have made it clear that:

- (1) A person must not enter into, or offer to enter into, a contract or arrangement under which any person agrees, for valuable consideration, whether given or to be given to any such person or to any other person:
 - (a) to the sale or supply of tissue from any such person's body or from the body of any other person, whether before or after that person's death or the death of that other person, as the case may be, or
 - (b) to the post-mortem examination of any such person's body after that person's death or of the body of any other person after the death of that other person. Members of Parliament make that statement in legislation because we believe it and because our society believes in it. We do not believe in commercialising people or parts of people. This amendment would mean corporate Australia must comply with statutory restrictions and will require a clear moral compass in dealings. The Parliamentary Secretary said that this amendment might impact on some of the businesses that wish to get, from other jurisdictions, unethically traded cell cultures. But let us be clear: It could be entire organs if the amendment is not agreed to. That may be lawful in the United States of America, but it would be unlawful in Australia because we have a moral and statutory case to reject it. The Parliamentary Secretary suggested that we do not wish to get in the way of profit because corporations may profit from their unethical supply chains, and that is the reason the amendment is opposed. That confirms for me the absolute obligation to pass this bill and put supply chain obligations in place.

If the Government has serious concerns about some marginal issue related to research, I urge consideration of a further amendment to clarify that—if that is really the concern. But we are considering a prohibition on corporations incorporating in their supply chains the commercial exploitation of people around the world. That includes the exploitation of people's organs and body parts, which we know happens on a global scale and which is why The Greens moved the amendment. That seems to be the very reason that the Government opposes the amendment. I commend the amendment to the Committee.

The Hon. PAUL GREEN (16:51): I believe Parliamentary Counsel is the best at what they do. They know our jurisdiction, they know our law, and they drafted this bill to operate within the New South Wales jurisdiction, knowing very well the Federal implications. I totally applaud Marion Pascoe and the team for the work they have done on this bill.

The CHAIR (The Hon. Trevor Khan): The question is that The Greens amendment No. 1 on sheet C2018-027 be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. PAUL GREEN: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

The CHAIR (The Hon. Trevor Khan): Before I report the bill to the House, I thank all members for the manner in which they approached dealing with the amendments. It was done with good grace by all. I thank everyone very much.

Adoption of Report

The Hon. PAUL GREEN: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. PAUL GREEN: I move:

That this bill be now read a third time.

Motion agreed to.

FARM DEBT MEDIATION AMENDMENT BILL 2018**Returned**

The Hon. SHAYNE MALLARD: I report receipt of a message from the Legislative Assembly returning the abovementioned bill without amendment.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

CHILD SEXUAL ASSAULT VICTIMS

Mr DAVID SHOEBRIDGE (16:54): This week the world bent just a little bit further on its long arc towards justice. This week the man with the third-highest ranking in the Catholic Church was ordered to stand trial for the alleged sexual abuse of children. Step back just five years, let alone a decade, and who would have imagined that happening? In my work as a Greens member of Parliament, I have campaigned to the best of my ability to provide justice to victims of sexual assault and sexual violence. Much of that work has been focused on institutional failings and holding to account churches, schools and other bodies that repeatedly failed to protect children and others in their care. The royal commission uncovered just how pervasive sexual abuse has been in institutions in this country. We saw with appalling, sometimes chilling, clarity how abuse was ignored, perpetrators were protected and victims were silenced.

There is an essential starting point for all of us, if we want to commit to prioritising the needs of victims and survivors. It is to start by saying: "I believe survivors of abuse." Saying that, and meaning that, is essential if we are to never again place the interests of an institution—any institution—ahead of the interests of victims and survivors. This is not just about making harsher laws, or pushing the issue off onto the police or the courts. It is also about doing what we can where we are. Whether it is within our own parties, in this place, in the broader community or in our personal lives, we all have an obligation to stand with victims and survivors of abuse, support them, and help them work towards whatever form of justice they need.

Sometimes it is within our own organisations that the greatest effort is required. Political parties have some striking similarities to churches, youth groups and charities who have come under the scrutiny of the royal commission. We all believe we have virtuous missions to make the world a better place. People put their trust in us and in our power, but often we too can be intolerant of internal criticism and hostile to external scrutiny. We know from history and from the evidence heard in the royal commission that that can create an atmosphere where power is not checked and where criticism is not heard. This is why we need to act, not just in Parliament but also in our own organisations, to ensure that victims are heard and respected.

But there is also a vast amount we must do in this place. We all know that the police and the courts can be hostile places for people who have experienced sexual abuse and violence. We know as well that overwhelmingly victims and survivors are women, children and members of the lesbian, gay, bisexual, transgender, and intersex community. Poor responses for decades mean that institutions have much to do to regain the trust of victims and survivors. Over the past decade, State and Federal governments have continued to fail victims of violence, especially victims of sexual violence. This Parliament has delivered cuts to victims' compensation schemes, cuts to legal services and counselling services, and the closure of shelters. It is a tragic fact that sexual violence, assault and harassment are not rare aberrations in our society: For far too many people, it is a daily reality. That is why we must stand up against that every day.

Whenever we see victims of abuse being ignored, denigrated or abused by persons in power, it is our collective job to stand beside the victims and support them. We need to do that every day in Parliament, in our homes, and in our political parties, workplaces and organisations because a virtuous mission does not provide protection from our all-too-human failings.

NATIONAL ROAD SAFETY WEEK

The Hon. SHAYNE MALLARD (16:58): This week is National Road Safety Week. It is an initiative of the Safer Australian Roads and Highways [SARAH] group and has been symbolised by a yellow ribbon being projected onto the Opera House each night this week. I congratulate the New South Wales Government, particularly the Minister for Roads, Maritime and Freight, the Hon. Melinda Pavey, on its active support of this initiative. Tragically, 1,226 people were killed on our roads in 2017, and 35,000 were seriously injured. Aside from the personal losses, the economic losses are huge through direct medical and emergency costs and the longer-term loss or reduction of productive years in our economy and society. According to the Australian Government Department of Infrastructure, Regional Development and Cities, the Australian road toll for 2018 to March this year is 303 deaths—an increase of 44 deaths, or 17 per cent. over the same period last year. These tragic numbers are growing every year but they are totally preventable.

On Saturday, National Road Safety Week will focus on cyclists and motorcyclists. Our cyclists and motorcyclists are our most vulnerable road user groups. As a percentage of the road toll they are massively over-represented. Cyclists are suffering more serious injuries and deaths in road crashes than ever before. In the first three months of 2017, 21 cyclists were killed on Australian roads. For the same period this year to the end of March, the figure is 43. That is more than double the figure year on year, or one cyclist killed every second day. It seems all too frequently and all too tragically that we hear on the radio about another cyclist being knocked off their bike on a Sydney street, and often with fatal consequences. Only two weeks ago Andrew McArthur, the son of a former Federal member of Parliament, was killed at 7.20 a.m. cycling to work through Paddington just a few kilometres from this Parliament.

Sydney has an unenviable international reputation as being hostile to cyclists. Legendary Tour de France winner Cadel Evans says Sydney is one of only two cities in the world where he will not ride on the roads. He would rather travel interstate to ride and train on a bicycle than risk it on our Sydney roads. That is not a unique sentiment. Every day we witness hostility directed towards cyclists. On our streets we witness road rage and hostility towards the cycling community. Social media is awash with anti-cycling posts and comments. I invite members to google videos filmed by cyclists of motorists running them off the roads. The videos are often too frightening to watch.

The case for accepting cycling as a legitimate and valid transport alternative in our wonderful city and suburbs should be clearly settled by now. Whether people commute to work or make small local trips to the shops or school, increased levels of cycling inevitably lead to favourable outcomes not only for those riding a bicycle but also for all citizens: fewer cars on the roads, better public transport, healthier commuters, cleaner air and a better environment. Fundamental to increasing rates of cycling is increasing the safety of cycling. Just as we have a responsibility to make our roads safer for motorists, we have an equal obligation to make our roads safer for cycling. Separating cyclists from cars with dedicated cycle lanes is fundamental to ensuring safety for all road users. We must recommence the stalled construction of separated bike lanes in the city, fill in the missing links and finally complete the five-kilometre radius network of separated cycle lanes around our city.

Unfortunately, in New South Wales we have been sending mixed messages about cyclists. Just as unfortunately, some members of the public and some motorists have picked up on that hostility and projected it towards cyclists on our roads either through overt hostility and acts of road rage or through a lack of care or respect for cyclists. In hindsight, it is regrettable that this Government introduced laws that target cyclists for minor infringements like riding without a helmet or riding on the footpath. These activities are legal in most comparable countries around the world. The end result of that legislative direction has been the targeting of cyclists by New South Wales police.

Operation Pedro was held recently in late April and has been roundly criticised as an anti-bike operation. The operation saw 258 bicycle riders fined, mainly for not wearing a helmet or for riding on the footpath. The latter is legal in all States of Australia except for New South Wales and Victoria. By comparison, in 2017 Operation Pedro issued 160 fines for the same offences. The revenue to the State from this exercise was \$65,000. As a result there may be improved compliance, but there is also a concerning level of hostility between police and the cycling community that did not exist before.

Aside from supporting cycling more strongly through infrastructure and Government policy, our toughest challenge is achieving culture change. More investment in infrastructure and more clearly supportive Government leadership will help drive changes in attitudes towards cycling. However, lasting, real culture change amongst our road users must be led from the top by Government, corporations, employers and the media. Cyclists and pedestrians are entitled to safe and enjoyable use of our road network, just like all other road users. Governments of all persuasions should redouble their efforts to create a city and a state that supports that objective and reduces the unnecessary deaths and injuries on our roads.

OATLEY ELECTORATE INFRASTRUCTURE

The Hon. SHAOQUETT MOSELMANE (17:03): I speak tonight about an important electorate in Sydney's south, an electorate I have the great privilege of representing as Labor's duty member of the Legislative Council: the electorate of Oatley. Oatley is a fantastic place. Its people, who total around 72,000 in number, are some of the kindest I have ever met, typical of the people in the St George district. One thing that the current local member and I can agree on is that Oatley represents the heart of modern, multicultural Sydney. It is home to people from all over the world, Australians from a diverse range of backgrounds, and they make life in Oatley such a buzz. Like Rockdale and Kogarah, Oatley has it all: Anglo-Australians, Chinese Australians, many European Australians, Australians of the many countries in the Middle East and people of all faiths, educational backgrounds and occupations.

More than neighbouring seats, Oatley has a dynamic commercial district, a bustling Chinatown, a beautiful river and great local places to eat and drink. I remember Hurstville before the British handover of Hong Kong to China. Hurstville's main shopping complex was a ghost town with many empty shops until many people came from Hong Kong and, with other people, opened up businesses. Now it is a vibrant place that the St George Chamber of Commerce, led by Allan Zreik, loves to serve. But Oatley is not without its challenges. As Sydney booms, places in Oatley have not seen the benefits of growth that the Berejiklian Government promised. I believe the Premier and the local member of Parliament have overpromised and underdelivered on many local issues.

I will not go into those issues here. Instead, I will leave them for Labor's candidate for Oatley, Ms Lucy Mannering, to take up with Mr Coure. I note that this Government is quite happy to spend literally billions of dollars knocking down and rebuilding a stadium for their friends in the eastern suburbs just so they can have air-conditioning in their corporate boxes. The Government does not care about the incredible waste of public money. This Government is about waste and incompetence. It wastes hard-earned public funds and is incompetent in managing contracts. There is so much mismanagement that people are now asking serious questions. Projects have run over budget by millions of dollars, have been held up in court by contractors, or, in the case of the simple container deposit scheme, the Government has failed to deliver what it promised.

We are not the only ones saying that; so are Mr Coure's own Oatley constituents. One only needs to look at the local letters section of the local paper to get a sense of the frustration many in the community feel about some of the Government's policies. Luckily, at the next election the residents of Oatley will have a real choice. Lucy Mannering will bring the fight to this incompetent Government. Recently preselected Lucy Mannering is a fantastic candidate who will give the Oatley community a real voice in the next Labor Government. Lucy is a third-generation Oatley local and she understands what the people of Oatley want and need. Lucy Mannering is a talented lawyer and mum of three. Lucy's campaign will focus on the Berejiklian Government's wrong priorities: spending \$2.2 billion on stadiums instead of investing in communities, local schools, local hospitals, local business districts, local parks and local needs.

As a former legal counsel for Transport for NSW, Ms Mannering has seen firsthand how the Government's wrong priorities, mistakes and cost blowouts have hampered the delivery of key projects and put increasing pressure on local families. She knows that when the maintenance backlog for Oatley's local schools is close to \$5 million, the local member has to stand up and be counted. Mr Coure has failed this simple test and the people of Oatley need to know and remember that. I note that Mr Coure is being challenged and is yet to be preselected. Even members of his own party see the need for change in representation for the people of Oatley. That is why in 2019 a vote for Labor in Oatley will be a vote for better local schools, better local health care, and a real voice in Government for the people of Oatley.

REGIONAL SPORTS FACILITIES

The Hon. BEN FRANKLIN (17:08): I will speak on some of the outstanding sporting clubs, teams and sporting champions on the North Coast. I will first pay tribute to the importance of sport not only in regional communities but also in all communities across New South Wales. Sport is an essential element of every local area. From athletics and swimming through to weekend footy and tennis, sport not only has physical benefits but also has significant mental and social benefits. I have been thrilled to see these benefits right across the North Coast. The Northern Rivers Rugby League season kicked off on the first weekend in April. The first grade, reserve grade, under-18s and women's league teams have all had a great start to the footy season. As a Byron Bay resident, I was particularly thrilled to launch the mighty Byron Bay Red Devils' season earlier this year. Do not let their first grade's performance so far this year and current position on the ladder fool you—this is an incredible club.

The foundation of the Devils is a simple story. In 1974 two locals, Ted Speers and Bill Noonan, had a shared vision of a Byron Bay team. From here, they joined with a few mates and the Byron Bay Red Devils was born. Red Devil Park is the team's home ground and clubhouse. Last year I had the pleasure of announcing

\$20,000 in funding to assist the club in refurbishing infrastructure on the club grounds. I extend my sincere thanks to coach Nathan Cross and captain Ben Webber for their work on both the refurbishment of the clubhouse and in making this such an outstanding club and a key part of the Byron community. In 2017 the Byron Bay Red Devil's women's league tag team had its first season. They had an amazing season and came home champions with a 12-8 win over the Marist Brothers Rams from Lismore in the grand final. This is a magnificent result for the team's inaugural season.

This is not the only champion rugby league team on the North Coast. The Ballina Seagulls have had a strong start to their season as well. Last weekend the first grade team secured a 50-0 win, and the reserve grade secured a 24-4 win. The women's team is currently number two on the ladder, and their incredible under-18s team is currently number one. It was a great pleasure to meet with representatives of the Seagulls juniors recently to discuss their plans for the future. The Ballina Seagulls is the birthplace for sporting legends such as Mitch Aubusson from the Sydney Roosters. It is a great club and I am proud that our local Ballina Seagull players are forging a talent pathway to representative and national rugby league.

I also acknowledge three other champions in local rugby league, Kolbi Wood, Zain Mitchell-Dowding and Ben Moyle. These Byron Bay-Lennox Head under-15 players were recently announced in this season's representative squad. Over the season the boys will participate in the Country Rugby League, with the championships in Port Macquarie this year. Following the championships, Zain and Kolbi will head to London and France to participate in the international tournament. We wish them the very best for the season and the international tournament. We must also congratulate Zain on being selected for the Gold Coast Titans development squad in the off-season. These boys are rising stars of rugby league and will be our State's future legends.

The 2018 Football Far North Coast Championships also kicked off on the first weekend in April. The first game of the season was a local derby with the Byron Bay Rams taking on the Bangalow Bluedogs. The Byron derbies are a demonstration of the incredible football talent in our area. These games are known as the most intense clashes of the football season and round one was no exception. The Byron Bay reserve grade came out strong, with a 2-0 win secured by goals from Kare Isaac and Ethan Archer. In the premiers clash the Dogs put up a fierce attack but goals from Jono Pierce and star new recruit Matt Pike put the Rams in a 2-1 lead. But it was the prodigal striker, Baitok Ring, who delivered the third goal for the Rams and secured the 3-1 win. The win helped to secure the team's current lead on the ladder. I look forward to the team's next game against the Casino Cobras in Casino.

I could not talk about wonderful local sporting champions without mentioning our local hero, Matilda Vial. Matilda recently took part in the 2018 Queensland Athletics State Championships. Her list of achievements is long. With a 4.24-metre jump in the long jump Matilda placed second by just a centimetre. She also went on to win a gold medal in both the 100-metre final, with a personal best of 13.61 seconds, and the 200-metre final, with a personal best of 28.01 seconds. Matilda is a very talented young athlete and a true inspiration to other young sportspeople across our community.

I have previously spoken in this place about the North Coast champion dragon boat racing teams. Last week I had the pleasure of joining the Rainbow Region Dragon Boat Club for a training session on Lake Ainsworth. The skill and rhythm of the team was outstanding and it was a privilege to be a part of it. The Ballina Dragon Boat Racing Club is another of our champion clubs. They made it to the Australian Dragon Boat Federation National Championships on the Sunshine Coast recently. The team placed fifth in the senior A mixed 500 metres. This is an incredible achievement for a club that is only three years old. Congratulations to all the members of the team for this fantastic result.

These are just a few of the North Coast sporting champions who are strong leaders and role models, both on and off the field. I extend my congratulations to all our sporting champions from across the region and wish them the very best as they continue their sporting endeavours.

POWERHOUSE MUSEUM RELOCATION

The Hon. WALT SECORD (17:13): As the shadow Minister for the Arts I reflect on the Berejiklian Government's handling of the Powerhouse Museum move announced on the weekend. After three days of sustained questioning in the New South Wales Legislative Council, the Berejiklian Government and its Minister for the Arts, the Hon. Don Harwin, were forced to admit that a key economic element for the move was wrong. This was highly embarrassing for the Berejiklian Government.

The Hon. Don Harwin: Point of order: The honourable member is making a reflection on me and drawing adverse implications, therefore he is out of order.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I direct the Clerk to stop the clock. I did not hear the specific comment that was made. I will ask the Hon. Walt Secord to continue, mindful that if he is reflecting on another member of the House he needs to do so by way of substantive motion.

The Hon. WALT SECORD: Earlier today the Minister for the Arts was forced to admit in question time that the benefit cost ratio [BCR] discount rate was 7 per cent and not 6.88 per cent, as published on the weekend. The BCR determines whether a project can gain access to the Restart NSW Fund. Any project under 1.0 cannot. Earlier this week the Leader of the Opposition asked whether 6.88 per cent was used to push the Powerhouse Museum move to the 1.0 threshold, rather than 7 per cent, which has been used by the New South Wales Treasury since 1989. Today it was revealed that the Berejiklian Government had used the seven figure in some calculations and 6.88 in others. There are inconsistencies—7 in some, 6.88 in others. It is time that this Government releases the full business case.

In question time the Minister for the Arts said that Infrastructure NSW had corrected the error this morning and it was a mere typo. As of 20 minutes ago, those errors remain on the website. The Minister has misled this Chamber. That summary was released on 28 April by the Premier and the Minister for the Arts. This is a major error and the whole business case is built on the BCR. The Powerhouse Museum move lurches from crisis to crisis. The Berejiklian Government continually changes the project and makes it up as it goes along. Former Premier Mike Baird originally claimed it would cost \$10 million to move the Powerhouse Museum and now it has spiralled to more than \$1 billion. Today we find that the Government's financial costs and management were wrong.

This is a major error. It also shows how quickly and haphazardly the business case may or may not have been finalised or assembled. If this mistake were made by a major accounting firm it would have been fired immediately. The same should apply to this beleaguered Minister for the Arts. Today members of the community were watching the proceedings in question time. Prominent members of the curatorial community were watching question time and they were very disappointed in the Minister's response to the discovery of the error. They observed—and I tend to agree with them—that this Minister for the Arts could not be trusted to build a bird house. I thank the House for its consideration.

SYRIAN REFUGEES

The Hon. TREVOR KHAN (17:17): I speak briefly about a recent trip that I took to Turkey at my own expense. It was an extraordinary trip for a number of reasons and will be the subject of contributions in the coming weeks. I had the opportunity to meet with the Turkish Red Crescent Society and discussed its work with the Syrian refugees in Turkey. Approximately 3.6 million refugees have been displaced from Syria and forced over the border into Turkey. When the population of Turkey is considered, that is an extraordinary burden that has fallen upon the Turkish Government and its people. There is no question that assistance has been provided by a variety of United Nations agencies and also by various governments in the European Union. However, it is still a huge financial and physical burden upon the people of Turkey.

Unlike some other members of this House, I have never had a strong view opposing the immigration policies of various Australian governments. I believe we have the right to control our borders, we have the right to determine the number of people who enter our country, and we have the right to determine the number of refugees who arrive here. However, in my view there is a reciprocal obligation that falls upon us because clearly we have applied a restrictive immigration policy. If an enormous burden is falling upon states through the movement of refugees—as there is in states such as Turkey—we as a wealthy nation have a clear and unequivocal obligation to assist the states in which they have ended up; in this case, Turkey. Of course, refugees have also ended up in other countries, but Turkey has been their principal sanctuary.

I say to this House and to the Australian Government that we must reflect upon the need to provide additional assistance to those refugees. One need only meet those people, to look into the eyes of the children, to see the clothing they are wearing and the housing available to them to appreciate the terrible plight they face. When one speaks through interpreters to mothers—because it is particularly mothers who are displaced with their children—and ask whether they wish to return home, the almost unanimous response is that they do. When asked when, the almost unanimous answer is, "In shā' a llāh", or "God willing." When? They do not know. The majority of the refugees to whom we spoke came from places like Aleppo, which we know has been—

The Hon. Dr Peter Phelps: Demolished.

The Hon. TREVOR KHAN: Yes, demolished; that is correct. And that has been done principally by the Syrian Government. One must wonder when it will be physically possible for them to return. It became clear when I was there that the Syrian Government intends to confiscate the property of the refugees who do not return by, I believe, 10 May to claim title to their property. If the Syrian Government removes the title to property from

these people, they will have nowhere to go. This represents the displacement of a significant proportion of the population of Syria into Turkey without the capacity to return if the Syrian Government remains in power. It is a tragedy for the individual refugee, it is a tragedy for Syria, and it is a tragedy indeed for Turkey. I again ask that we all reflect upon the tragedy that is occurring in the Middle East, and I ask the Government of Australia to reflect upon the level of aid being provided to the refugees. I plead with all of us to stop and to think about their terrible plight.

POWERHOUSE MUSEUM RELOCATION

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:22): I will close the debate as the Leader of the Government, the Minister or the Parliamentary Secretary at the table is entitled to do at the end of an adjournment debate by responding to issues that have been raised. Earlier during the adjournment debate the Deputy Leader of the Opposition made a number of comments, and I will respond to them because the record must be corrected. During his remarks, the Deputy Leader made an observation about the benefit-to-cost ratio for the relocation of the Powerhouse Museum to Parramatta in that he cast doubt on the BCR calculation.

I have repeatedly made it clear to the Chamber that nothing about the typographical error in the business case summary at any time affected the benefit-to-cost ratio calculation. It was 1.02 when the project was assessed, when the business case summary was finalised and produced and when the project was announced on Saturday. It is still 1.02 today, regardless of the typographical error. The Hon. Walt Secord made another incorrect statement when he said that the website had not been updated by question time and still had not been updated. He was simply wrong. If the honourable member were to go to the Infrastructure NSW website now, he would see that it has been updated.

The Hon. Walt Secord: Check now.

The Hon. DON HARWIN: I just did. The honourable member is still wrong.

The Hon. Walt Secord: You could not build a bird house.

The Hon. DON HARWIN: This farrago of lies needs to stop.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 17:25 until Tuesday 15 May 2018 at 14:30.