



Draft Extracted Minutes of Proceedings of the Legislation Review Committee (No. 28)

1:30 PM, Tuesday 23 October 2012
Room 1254
Parliament House

Members Present

Mr Bromhead (Chair), Mr Edwards, Mr Flowers, Dr Lee, Ms Mihailuk, Mr Moselmane and Mr Shoebridge

1. Apologies

An apology was received from Dr Phelps.

2. Confirmation of Minutes

Resolved, on the motion of Mr Edwards, seconded Dr Lee:

"That the minutes of the meeting held on 16 October 2012 be confirmed and tabled, and that appropriate minute extracts be published on the Committee's website."

3. Correspondence

In:

- Letter from the Minister for the Environment dated 3 September 2012 re *Parramatta Park Trust Regulation 2012*
- Letter from the Deputy Director General of Transport for NSW dated 4 September 2012 re *Ports and Maritime Administration Regulation 2012*
- Letter from the Minister for Resources and Energy dated 13 September 2012 re *Mine Subsidence Compensation Regulation 1961*
- Letter from the Acting Director, Policy and Strategy of the Office of Liquor, Gaming and Racing dated 7 September 2012 re *Racing Administration Regulation 2012*
- Letter from the Premier dated 22 August 2012 re *Independent Pricing and Regulatory Tribunal Regulation 2012*
- Letter from Minister for Fair Trading dated 24 August 2012 re *Fair Trading Regulation 2012*
- Letter from Minister for Primary Industries undated re *Fisheries Management (Aquaculture) Regulation 2012, Non-Indigenous Animals Regulation 2012, Prevention of Cruelty to Animals Regulation 2012*
- Letter from Minister for Fair Trading dated 23 August 2012 re *Gas Supply (Consumer Safety) Regulation 2012*
- Letter from the Minister for Primary Industry dated 4 September 2012 re *Game and Feral Animal Control Regulation 2012*
- Letter from Acting Director, Policy and Strategy Office of Liquor, Gaming & Racing dated 7 September 2012 re *Totalizator Regulation 2012*
- Letter from Minister for Family and Community Services dated 17 September 2012 re *Children and Young Persons (Care and Protection) Regulation 2012*

Resolved, on the motion of Dr Lee, seconded Mr Flowers:

"That the Committee notes the incoming correspondence as listed and resolves to reply to each Minister acknowledging receipt of correspondence and noting that the Committee resolved not to

make any adverse comments in relation to the regulation outlined in the correspondence in the Legislation Review Digest."

4. Consideration of Bill without comments

Resolved, on the motion of Dr Lee, seconded Mr Edwards:

"That the Committee not comment under section 8A (1) of the Legislation Review Act 1987 on the following Bill:

- Crimes (Administration of Sentences) Legislation Amendment (Interstate Transfers) Bill 2012
- Graffiti Control Amendment (Racist Graffiti) Bill 2012
- Swimming Pools Amendment Bill 2012"

5. Consideration of Bill with comment (made under section 8A(1) of the Legislation Review Act 1987)

Resolved, on the motion of Mr Flowers, seconded Dr Lee:

"That the Committee adopt the draft report on Boarding Houses Bill 2012."

Resolved, on the motion of Dr Lee, seconded Mr Shoebridge:

"That the Committee adopt the draft report on Director of Public Prosecutions Amendment (Disclosures) Bill 2012."

Resolved, on the motion of Dr Lee, seconded Mr Flowers:

"That the Committee adopt the draft report on Electronic Conveyancing (Adoption of National Law) Bill 2012."

Mr Shoebridge moved that the draft report on the Firearms Amendment (Gun Safety) Bill 2012 be amended to omit the following words:

"Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA Recreational rights Schedule 2 of the Bill has the effect of removing the exemption that allows unlicensed persons to possess and use firearms on approved shooting ranges. This may disproportionately affect low income earners who currently have access to shooting ranges for recreational purposes but may not be able to afford firearms or licences. The Committee notes that the proposed amendments to Schedule 2 may impact on the recreational rights and liberties of individuals and refers this issue to Parliament for its consideration"

from the conclusion immediately following paragraph 9 of that draft report and insert instead:

"The Committee makes no comment on the Bill in respect of issues set out in s8A of the Legislation Review Act 1987."

Discussion ensued. Question put.

The Committee divided.

Ayes: six (Mr Shoebridge, Ms Mihailuk, Mr Moselmane, Mr Flowers, Mr Edwards and Dr Lee)

Noes: one (Mr Bromhead)

Resolved, on the motion of Mr Shoebridge, seconded Ms Mihailuk:

"That the Committee adopt the amended report on Firearms Amendment (Gun Safety) Bill 2012."

Resolved, on the motion of Mr Edwards, seconded Dr Lee:

"That the Committee adopt the draft report on Local Government Amendment (Conduct) Bill 2012."

Resolved, on the motion of Mr Flowers, seconded Mr Edwards:

"That the Committee adopt the draft report on Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Bill 2012."

Mr Shoebridge moved that the draft report on the Miscellaneous Acts Amendment (Directors' Liability) Bill 2012 be amended to insert after paragraph 15:

"The Committee refers to Parliament the issue as to whether the balance has been struck between individual rights following the removal of strict liability clauses and the protection of the community."

Discussion ensued. Question put.

The Committee divided.

Ayes: three (Mr Shoebridge, Ms Mihailuk, Mr Moselmane)

Noes: four (Mr Bromhead, Mr Flowers, Mr Edwards and Dr Lee)

Resolved, on the motion of Dr Lee, seconded Mr Edwards:

"That the Committee adopt the draft report on Miscellaneous Acts Amendment (Directors' Liability) Bill 2012."

Resolved, on the motion of Dr Lee, seconded Mr Flowers:

"That the Committee adopt the draft report on Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012."

Resolved, on the motion of Dr Lee, seconded Mr Edwards:

"That the Committee adopt the draft report on Ports Assets (Authorised Transactions) Bill 2012."

Resolved, on the motion of Mr Flowers, seconded Dr Lee:

"That the Committee adopt the draft report on Primary Industries Legislation Amendment Bill 2012."

Resolved, on the motion of Mr Flowers, seconded Dr Lee:

"That the Committee adopt the draft report on Rail Safety (Adoption of National Law) Bill 2012."

Resolved, on the motion of Dr Lee, seconded Mr Flowers:

"That the Committee adopt the draft report on Statute Law (Miscellaneous Provisions) Bill (No 2) 2012."

Resolved, on the motion of Mr Edwards, seconded Dr Lee:

"That the Committee adopt the draft report on Tattoo Parlours Amendment Bill 2012."

6. Consideration of Regulation with comments (made under section 9 of the *Legislation Review Act 1987*)

Resolved on the motion of Mr Shoebridge, seconded Dr Lee:

"That the Committee adopt the draft report on the *Environmental Planning and Assessment Amendment (Transitional Part 3A Projects) Regulation 2012*."

Resolved on the motion of Dr Lee, seconded Mr Edwards:

"That the Committee adopt the draft report on the *Road Transport (Vehicle Registration) Amendment (Release of Information to Toll Operators) 2012*."

7. Regulations without papers

Resolved, on the motion of Dr Lee, seconded Mr Edwards:

"That the Committee adopt the Regulations without papers."

8. Legislation Review Digest

Resolved on the motion of Dr Lee, seconded Mr Shoebridge:

"That the Committee adopt the Legislation Review Digest No 27 as amended, and that it be signed by the Chair and presented to the House."

9. General Business

None.

10. Next meeting

The Committee was adjourned at 1:38 PM until 8:30 AM on 13 November 2012 in Room 1254.

Chair

Inquiry Manager