



## Unconfirmed Extracts of Minutes of Proceedings of the Legislation Review Committee (No. 48)

8:30 AM, Tuesday 29 October 2013  
Room 1254  
Parliament House

### Members Present

Mr Bromhead (Chair), Mr Edwards, Mr Flowers, Dr Phelps and Mr Moselmane.

### Staff Present

Bjarne Nordin, Jason Arditi, Jessica Falvey, Mohini Mehta and Elspeth Dyer.

Chair, Mr Bromhead, formally opened the meeting at 8:31 AM.

### 1. Apologies

Dr Lee, Ms Mihailuk and Mr Shoebridge.

### 2. Minutes of previous meeting

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

"That the minutes of the meeting of 22 October 2013 be confirmed and tabled, and that appropriate minute extracts of this meeting be published on the Committee's website."

### 3. Correspondence

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### 4. Consideration of Bill(s) without comment

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

"That the Committee makes no comment under section 8A (1) of the *Legislation Review Act 1987* in relation to the following Bill(s):

- **Government Sector Employment Legislation Amendment Bill 2013."**

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

- **Building and Construction Industry Security of Payment Amendment Bill 2013**

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

"That the Committee adopts the draft report on the *Building and Construction Industry Security of Payment Amendment Bill 2013*."

- **Cemeteries and Crematoria Bill 2013**

Resolved, on the motion of Dr Phelps, seconded Mr Flowers:  
"That the Committee adopts the draft report on the *Cemeteries and Crematoria Bill 2013*."

- **Combat Sports Bill 2013**

Resolved, on the motion of Mr Phelps, seconded Mr Flowers:  
"That the Committee adopts the draft report on the *Combat Sports Bill 2013*."

- **Crimes (Domestic and Personal Violence) Amendment Bill 2013**

Resolved, on the motion of Dr Phelps, seconded Mr Flowers:  
"That paragraph 26 be omitted, which reads:

Schedule 1, item 5 of the Bill enables a police officer of the rank of sergeant or above to issue a provisional order - an interim apprehended domestic violence order. Currently, upon a police officer applying for such an order, the order may only be issued by an authorised officer (a magistrate, children's magistrate, Local Court registrar, or an authorised employee of the Department of Attorney General and Justice). The Committee notes the Bill contains certain safeguards around this new power. For example, item 8 of schedule 1 provides the order issued by police is only a provisional order, the final order must still be made by a court, and this must occur as soon as possible but within 28 days at the most. In addition, item 7 provides the police officer making the order cannot be the same person as the police officer applying for it, and item 13 provides a defendant can apply for revocation of the provisional order where none of the persons intended to be protected by the order are children (in which case only a police officer can make the revocation application).

The Committee notes the Bill's safeguards around this new power and makes no further comment.

Further, subsequent to this deletion, the Committee adopts the draft report on the *Crimes (Domestic and Personal Violence) Amendment Bill 2013* as amended."

- **Motor Dealer and Repairers Bill 2013**

Resolved on the motion of Mr Flowers, seconded Mr Edwards:  
"That the Committee adopts the draft report on the *Motor Dealer and Repairers Bill 2013*."

- **National Disability Insurance Scheme (NSW Enabling) Bill 2013**

Resolved, on the motion of Dr Phelps, seconded Mr Edwards:  
"That the Committee adopts the draft report on the *National Disability Insurance Scheme (NSW Enabling) Bill 2013*."

- **Planning Bill 2013; Planning Administration Bill 2013**

Resolved, on the motion of Mr Edwards, seconded Mr Flowers:  
"That the Committee adopts the draft report on the *Planning Bill 2013; Planning Administration Bill 2013*."

## **6. Regulations without papers**

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

“That the Committee adopts the Regulations without papers.”

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## **7. Legislation Review Digest**

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

"That the Committee adopts the amended Legislation Review Digest No 47 and that it be signed by the Chair and presented to the House."

## **8. General Business**

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## **9. Next meeting**

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Chair

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Inquiry Manager