



## UNCONFIRMED EXTRACTS OF MINUTES OF MEETING No 68

1.05pm, Tuesday 20 November 2018

Room 814 – 815

### Members present

Ms Wilson (Chair), Mr Evans, Ms Gibbons, Mr Johnsen, Mr Mehan, Mr Moselmane, Mr Shoebridge and Ms Maclaren-Jones.

### Apologies

Nil

### Staff present

Catherine Watson, Elaine Schofield, Emma Wood, Stephanie Mulvey, Ze Nan Ma and Mohini Mehta

### 1. Confirmation of minutes

Resolved, on the motion of Ms Maclaren-Jones, seconded Mr Johnsen: That the minutes of the meeting of 13 November 2018 be confirmed and that appropriate minute extracts of this meeting be published on the Committee's webpage.

### 2. Correspondence

The Committee noted the following correspondence sent:

#### Sent

- 15 November 2018 – Letter to the Hon. Pru Goward MP, Minister for Family and Community Services re the *Children and Young Persons (Care and Protection) Amendment Bill 2018*; *National Disability Insurance Scheme (Worker Checks) Bill 2018*
- 15 November 2018 – Letter to the Hon. Brad Hazzard MP, Minister for Health re the *Health Legislation Amendment Bill (No 3) 2018*
- 15 November 2018 – Letter to the Hon. Mark Speakman SC MP, Attorney General re the *Justice Legislation Amendment Bill (No 3) 2018*; *Crimes Legislation Amendment (Victims) Bill 2018*; *Government Information (Public Access) Amendment Bill 2018*
- 15 November 2018 – Letter to the Hon. Victor Dominello MP, Minister for the Finance, Services and Property re the *Public Works and Procurement Amendment (Enforcement) Bill 2018*; *Workers Compensation Legislation Amendment (Firefighters) Bill 2018*
- 15 November 2018 – Letter to the Hon. Matt Kean MP, Minister for Innovation and Better Regulation re the *Retirement Villages Amendment Bill 2018*; *Building and Construction Industry Security of Payment Amendment Bill 2018*; *Fair Trading Legislation Amendment (Miscellaneous) Bill 2018*; *Protection of the Environment Operations Amendment (Asbestos Waste) Bill 2018*
- 15 November 2018 – Letter to the Hon. Rob Stokes MP, Minister for Education re the *Saint Paul's College Bill 2018*
- 15 November 2018 – Letter to the Hon. Don Harwin MP, Minister for Resources, Energy and Utilities re the *Snowy Hydro Corporatisation Amendment (Snowy 2.0) Bill 2018*
- 15 November 2018 – Letter to the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight re the *Roads Regulation 2018*
- 15 November 2018 – Letter to the Hon. Stuart Ayres MP, Minister for Sport re the *Sydney Olympic Park Authority Regulation 2018*

### 3. Consideration of Bills with comment

Resolved, on the motion of Mr Shoebridge, seconded Mr Mehan: That the following paragraph and Committee Comment be inserted:

*Proposed section 25C of the Crimes Act 1900 – supply of drugs causing death*

The Committee notes it has never been the law in this country or in other common law countries that a person can be made criminally responsible for a homicide where no such causal relationship can be established. This is because, for all offences involving prohibited results, it is a fundamental principle that a causal relationship between the actions of the accused and the occurrence of the event must be established. The Committee notes this was an issue raised by the New South Wales Bar Association.

**The Committee notes proposed section 25C of the *Crimes Act 1900* and notes that it has never been the law in this country or in other common law countries that a person can be made criminally responsible for a homicide where no such causal relationship can be established. This is because, for all offences involving prohibited results, it is a fundamental principle that a causal relationship between the actions of the accused and the occurrence of the event must be established.**

**The Committee notes this was an issue raised by the New South Wales Bar Association and refers the issue to Parliament for its consideration.**

Resolved, on the motion of Ms Maclaren-Jones, seconded Mr Mehan: That the Committee adopts the draft report, as amended, of the *Community Protection Legislation Amendment Bill 2018*.

### 4. Consideration of Bills without comment

- *National Parks and Wildlife Legislation Amendment (Riverina) Bill 2018*

Resolved, on the motion of Ms Maclaren-Jones, seconded Mr Evans: That the Committee adopts the draft report of the *National Parks and Wildlife Legislation Amendment (Riverina) Bill 2018*.

- *Protection of the Environment Operations Amendment (Clean Air) Bill 2018*

Resolved, on the motion of Mr Shoebridge, seconded Mr Johnsen: That the Committee adopts the draft report of the *Protection of the Environment Operations Amendment (Clean Air) Bill 2018*

### 5. Regulations without papers

Resolved, on the motion of Ms Maclaren-Jones, seconded Mr Evans: That the Committee adopts the regulations without papers.

### 6. Index of correspondence sent and received 2018

Ms Maclaren-Jones moved, seconded Mr Johnsen: That the tables of correspondence sent and received concerning bills and regulations for 2018 not be published.

Question put.

The Committee divided.

Ayes: Ms Wilson, Mr Evans, Ms Maclaren-Jones, Mr Johnsen

Noes: Mr Shoebridge, Mr Mehan, Mr Moselmane

Question resolved in the affirmative.

**7. Legislation Review Digest**

Resolved, on the motion of Mr Evans, seconded Mr Mehan: That the Committee adopts the Legislation Review Digest No. 65 and that it be signed by the Chair and presented to the House.

**8. \*\*\***

**9. Date and time of next meeting**

The Committee adjourned at 1:31pm. The next meeting will be on 21 November 2018 at 1:05pm in the Room 1136.

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Chair

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Committee Manager