



## UNCONFIRMED EXTRACTS OF MINUTES OF MEETING No 2

1:00pm, 6 August 2019

Room 1254, Parliament House

### Members present

Ms Wilson (Chair), Mr Khan (Deputy Chair), Mr Evans, Ms Lindsay, Mr Mehan, Mr Moselmane, Mr Shoebridge and Mrs Williams.

### Officers in attendance

Elaine Schofield, Elspeth Dyer, Talina Drabsch, Ze Nan Ma.

#### 1. Confirmation of minutes

Resolved on the motion of Mr Evans, seconded by Mr Mehan

That the draft minutes of meeting no 1, held on 20 June 2019, be confirmed.

#### 2. Correspondence

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#### 3. Consideration of Bills with comment for Legislation Review Digest No.1/57

- *Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019*

Resolved on the motion of Mr Shoebridge, seconded by Mr Mehan:

That words from the Second Reading Speech on the *Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019*, emphasising that the Bill seeks to respond to the concerns of the families at Bowraville, be inserted into 'Issues Considered by the Committee' section of the Bill report.

Resolved, on the motion of Mrs Williams, seconded by Mr Evans, that the Committee adopts the draft reports regarding the following Bills, *in globo*, as amended:

- *Ageing and Disability Commissioner Bill 2019*
- *Crimes (Administration of Sentence) Amendment (Inmate Behaviour) Bill 2019*
- *Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2019*
- *Local Government Amendment Bill 2019*
- *Mining Amendment (Compensation for Cancellation of Exploration Licence) Bill 2019*
- *Planning Legislation Amendment Bill 2019*
- *Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2019*

#### 4. Consideration of Bills without comment for Legislation Review Digest No.1/57

Resolved, on the motion of Mr Khan, seconded by Mrs Williams, that the Committee adopts the draft reports regarding the following Bills *in globo*:

- *Appropriation Bill 2019; Appropriation (Parliament) Bill 2019; State Revenue and Other Legislation Amendment Bill 2019*
- *Crown Land Management Amendment (Reservation and Vesting of Crown Land) Bill 2019.*
- *Fair Trading Amendment (Cash Loan Machines) Bill 2019.*
- *Industrial Relations Amendment (Contracts of Carriage) Bill 2019*
- *Library Amendment Bill 2019*
- *Liquor Legislation Amendment (Repeal of Lock-Out Laws)*
- *Parliamentary Budget Officer Amendment Bill 2019.*
- *Privacy and Personal Information Protection Amendment (Notification of Serious Violations of Privacy by Public Sector Agencies) Bill 2019*
- *Public Finance and Audit Amendment (Northern Beaches Hospital) Bill 2019*
- *Statute Law (Miscellaneous Provisions) Bill 2019.*
- *Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019.*

**5. Consideration of Regulations with comment for Legislation Review Digest No.1/57**

Resolved, on the motion of Mr Evans, seconded by Ms Lindsay, that the Committee adopts the draft reports regarding the following Regulations, *in globo*:

- *Casino Control Amendment (Miscellaneous) Regulation 2018*
- *Children (Detention Centres) Amendment (Classification) Regulation 2019*
- *Crimes (Administration of Sentences) Amendment (Parole Supervision of Serious Sex Offenders) Regulation 2019*
- *Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Regulation 2019*
- *Criminal Procedure Amendment (Penalty Notices for Drug Possession) Regulation 2019*
- *Crown Land Management Amendment Regulation 2019*
- *Electricity Supply (General) Amendment Regulation 2019*
- *Evidence (Audio and Audio Visual Links) Amendment (Bail Exemptions) Regulation 2019*
- *Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019*

- *Liquor Amendment (Music Festivals) Regulation 2019*
- *Liquor Amendment (Special License Conditions) Regulation (No 2) 2019*
- *Motor Accident Guidelines - Version 4 - 15 January 2019*
- *Motor Accident Injuries Amendment Regulation 2019*
- *Road Transport Legislation Amendment (Fees Penalty Levels and Charges) Regulation 2019*
- *Road Transport Legislation Amendment (Release of Information to Toll Operators) Regulation 2018*
- *Snowy Hydro Corporatisation Regulation 2019*
- *Tow Truck Industry (Fees) Regulation 2018*
- *Uniform Civil Procedure (Amendment No 90) Rule 2019*
- *Workers Compensation Amendment Regulation 2018*
- *Young Offenders Amendment (Exempted Sexual Offences) Regulation 2019.*

**6. Consideration of Regulations with comment that are past their disallowance date for Legislation Review Digest No.1/57**

The Committee noted 22 regulations tabled in Parliament in late 2018 that had not been reviewed by the Committee but that had now passed their disallowance date. Of these 22 regulations, four raised issues and were therefore the subject of Chair's draft regulation reports.

The Committee noted that the issue with these regulations is that:

- Under section 9(1) of the *Legislation Review Act 1987* ('the Act') the Committee is to consider all regulations that are subject to disallowance by resolution of either or both Houses of Parliament, and to consider whether the special attention of Parliament should be drawn to any such regulation on any ground including 'that the regulation trespasses unduly on personal rights and liberties'.
- Further, section 9(1A) of the Act provides that the Committee is not precluded from exercising its functions under section 9(1) in relation to a Regulation after it has ceased to be subject to disallowance if, while it is subject to disallowance, the Committee resolves to review and report to Parliament on the Regulation.
- In this case, no such resolution was made during the disallowance period concerning the 22 regulations.

In the circumstances, the Chair proposed to the Committee that the four Chair's draft regulation reports, which include an explanatory note about this issue be included in Legislation Review Digest No.1/57 for the information of Members.

Resolved, on the motion of Mr Evans, seconded by Ms Lindsay, that the Committee adopts the draft reports regarding the following Regulations *in globo* and that they be included in Legislation Review Digest No.1/57:

- *Children (Detention Centres) Amendment Regulation 2018.*
- *Crimes (Administration of Sentences) Amendment (Restricted Associates) Regulation 2018.*
- *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Regulation 2018.*
- *Terrorism (High Risk Offenders) Amendment Regulation 2018.*

#### **7. Regulations without papers**

Resolved on the motion of Mr Khan, seconded by Mr Evans:  
That the Committee adopts the regulations without papers.

#### **8. Legislation Review Digest No.1/57**

Resolved on the motion of Mrs Williams, seconded by Mr Evans:

- That the Committee adopts the Legislation Review Digest No. 1/57, as amended, and that it be signed by the Chair and presented to the House.
- That appropriate minute extracts of this meeting be published on the Committee's webpage.

#### **9. Consideration of Bills with comment for Legislation Review Digest No.2/57**

The Chair informed the Committee that the Chair, Mr Khan and Mrs Williams are co-sponsors of the *Reproductive Health Care Reform Bill 2019*, a Bill to be considered in the Committee's Digest No.2/57.

Resolved, on the motion of Mr Evans, seconded by Ms Lindsay, that the Committee adopts the draft reports regarding the following Bills, *in globo*:

- *Fines Amendment Bill 2019*
- *Reproductive Health Care Reform Bill 2019*
- *Transport Administration Amendment (RMS Dissolution) Bill 2019.*

#### **10. Legislation Review Digest No.2/57**

Resolved, on the motion of Mr Evans, seconded by Mr Mehan:

- That the Committee adopts the Legislation Review Digest No. 2/57 and that it be signed by the Chair and presented to the House.
- That appropriate minute extracts of this meeting be published on the Committee's webpage.

#### **11. Letters to Ministers and Members regarding the Committee's Comments**

Resolved, on the motion of Mr Evans, seconded by Mr Mehan:

That where the Committee makes comments on a Bill or Regulation in any of its Digests, the Committee sends a letter to the responsible Minister or Member informing him or her of the comments, and inviting him or her to respond to the Committee's comments.

#### **12. Ministerial/Member Responses**

The Committee agreed to defer discussion of the matter until the Committee's next meeting.

**13. Inquiry into the Operation of the *Legislation Review Act 1987***

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**14. Other business**

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**15. Next meeting**

The Committee adjourned at 1:15pm until Tuesday 20 August 2019 at 1pm.

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Chair

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Committee Manager