



UNCONFIRMED EXTRACTS OF MINUTES OF MEETING No 6

1:01pm, 15 October 2019

Room 1254, Parliament House

Members present

Ms Wilson (Chair), Mr Khan (Deputy Chair), Mr Evans, Ms Lindsay (from 1:11pm), Mr Mehan, Mr Moselmane and Mr Shoebridge.

Officers in attendance

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

1. Apologies

An apology was received from Mrs Williams.

2. Confirmation of minutes

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

That the draft minutes of meeting no 5, held on 24 September 2019, be confirmed.

3. Correspondence

...

4. Consideration of Bills with comment for Legislation Review Digest No.6/57

- *Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animals Procedures) Bill 2019*
Resolved, on the motion of Mr Mehan, seconded by Mr Evans: That the Committee adopts the draft report regarding the *Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animals Procedures) Bill 2019*.
- *Road Transport Amendment (Mobile Phone Detection) Bill 2019*.

Mr Shoebridge moved that the words “It is ordinarily for the prosecution to establish all elements of an offence. The Committee acknowledges that the reversed burden of proof in this instance may relate to a matter that is peculiarly within the knowledge of the accused. Further, it notes the community safety objectives of the Bill and the fact that the offence does not attract a custodial sentence. Nonetheless, an accused may experience difficulty producing the information to the standard necessary to avoid conviction and may thereby attract a significant maximum monetary penalty. The Committee refers the matter to Parliament to consider whether the reversed onus of proof is reasonable in the circumstances” be omitted from the comment under paragraph 7 of the draft report.

Motion not agreed to.

Whereupon, Mr Shoebridge moved, seconded by Mr Mehan, that the words “and potential loss of licence” be added to the comment under paragraph 7 of the draft report after the words “significant maximum monetary penalty”.

Motion agreed to.

Resolved, on the motion of Mr Evans, seconded by Mr Mehan: That the Committee adopts the draft report regarding the *Road Transport Amendment (Mobile Phone Detection) Bill 2019*, as amended.

5. Consideration of Regulations with comment for Legislation Review Digest No.6/57

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

- *Casino Control Regulation 2019*
- *Criminal Records Regulation 2019*
- *Fisheries Management (General) Regulation 2019*
- *Health Records and Information Privacy Amendment (Health Records) Regulation 2019*
- *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*
- *Public Works and Procurement Regulation 2019*
- *Western Sydney Parklands Regulation 2019.*

6. Regulations without papers

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

7. Legislation Review Digest No.6/57

Resolved on the motion of Mr Evans, seconded by Ms Lindsay:

- That the Committee adopts the Legislation Review Digest No. 6/57, 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.

8. Other business

...

9. Next meeting

The Committee adjourned at 1:13pm until Tuesday 22 October 2019 at 1pm.

Chair

Committee Manager