



UNCONFIRMED EXTRACTS OF MINUTES OF MEETING No 37

1:00 pm, 22 February 2022

Room 1254 and via Webex videoconference

Members present

Mr Layzell (Chair), Mr Evans (Deputy Chair), Ms Boyd, Mr Fang, Mr Mehan, Mr Moselmane and Mrs Williams

Officers in attendance

Sam Griffith, Caroline Hopley, Francesca Arciuli-Matar (by videoconference), Rima Dabliz (by videoconference), Anna Tran, and Nicolle Gill

1. Apologies

Nil

2. Membership

The Committee noted that, pursuant to section 6(1)(b) of the *Legislation Review Act 1987*, Ms Preston ceased to hold office as a member of the Committee on 22 December 2021 following her appointment as a Parliamentary Secretary.

3. Confirmation of minutes

Resolved, on the motion of Ms Boyd, seconded Mrs Williams: That the draft minutes of meeting no 36, held on 23 November 2021, be confirmed.

4. Correspondence

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5. Consideration of Bills with comment for Legislation Review Digest 39/57

Resolved, on the motion of Ms Boyd, seconded Mrs Williams: That paragraph 1.14 be omitted from the draft report regarding the *Children and Young Persons (Care and Protection) Amendment (Family Is Culture Review) Bill 2021*, subject to any further advice by the Secretariat, as follows:

Retrospectivity

- 1.14 The Bill proposes to insert into Schedule 3 of the CYPCPA, as Part 14, provisions consequent on the enactment of the Bill as an Act. Relevantly, it provides that various legislative amendments to the conduct and determination of care applications in the Children's Court have retrospective application to those proceedings commenced but not yet finally determined immediately before commencement as an Act.

The Bill proposes to retrospectively apply amendments to the *Children and Young People (Care and Protection) Act 1998* concerning the conduct and determination of care proceedings in the Children's Court to those proceedings commenced but not yet finally determined prior to the enactment of those amendments. The Committee generally comments on retrospectivity as it runs counter to the rule of law principle that people are entitled to know the law to which they are subject at any given time.

The Committee acknowledges that the amendments are intended to enhance the rights of self-determination and limit the particular harm to Aboriginal and/or Torres Strait Islander children and young people involved in care proceedings. However, as care proceedings impact a vulnerable population, being children removed by the State,

retrospectivity may additionally hinder their ability to understand what and how laws affect them. For these reasons, the Committee refers the matter to Parliament to consider whether the retrospectivity is reasonable in the circumstances.

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

- (a) *Children and Young Persons (Care and Protection) Amendment (Family Is Culture Review) Bill 2021*
- (b) *COVID-19 and Other Legislation Amendment (Regulatory Reforms) Bill 2022*
- (c) *Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022*
- (d) *Environment Legislation Amendment Bill 2021*
- (e) *Motor Sports Bill 2021*

6. Consideration of Regulations with comment for Legislation Review Digest 39/57

Resolved, on the motion of Mr Fang, seconded Mrs Williams: That the Committee adopts the draft reports regarding the following Regulations *in globo*:

- (a) *Ageing and Disability Commissioner Amendment Regulation 2021*
- (b) *Children (Detention Centres) Amendment (X-ray Scanning Devices) Regulation 2021*
- (c) *District Court Criminal Practice Note 24*
- (d) *District Court Criminal Practice Note 25 (Revised)*
- (e) *Electricity Infrastructure Investment Amendment (Safeguard) Regulation 2021*
- (f) *Environmental Planning and Assessment Amendment (Owner's Consent and BASIX Certificates) Regulation 2021*
- (g) *Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Amendment Regulation (No 2) 2021*
- (h) *Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation (No 2) 2021*
- (i) *Local Government (General) Amendment (Elections) Regulation 2021*
- (j) *Practice Note DDT No. 1 of 2021*
- (k) *Public Health Amendment (COVID-19 Penalty Notice Offences) Regulation (No 6) 2021*

7. Regulations without papers for Legislation Review Digest 39/57 (Appendix Two)

Resolved, on the motion of Mr Evans, seconded Ms Boyd: That the Committee adopts the regulations without papers as Appendix Two to Digest 39/57.

8. Legislation Review Digest No.39/57

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

- That the Committee adopts the Legislation Review Digest No. 39/57 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. Regulations to be reviewed

The Committee noted the table circulated to members listing the status of regulations to be reviewed.

10. Other business

The Chair informed members that the COVID-19 compilation has been published online and now divided by year.

11. Date and time of next meeting

The Committee adjourned at 1:10pm until Tuesday 22 March 2022 at 1pm.

Chair

Committee Manager