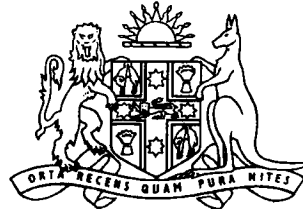


First print



New South Wales

# Legislation Review Amendment Bill 2002

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to rename the Regulation Review Committee as the Legislation Review Committee and to extend the role of the Committee to the scrutiny of Bills.

The Committee will remain a joint committee of both Houses, but its membership will be increased from 8 members to 12 members.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Regulation Review Act 1987* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the consequential amendments to the *Parliamentary Remuneration Act 1989* and the *Subordinate Legislation Act 1989* set out in Schedule 2.

## Schedule 1 Amendments

Currently, the *Regulation Review Act 1987* constitutes the Regulation Review Committee as a joint committee of Parliament and gives it functions of reporting and making recommendations to Parliament arising out of its consideration of regulations before Parliament that are subject to disallowance or of existing regulations in connection with the program for the staged repeal of regulations.

**Schedule 1 [6]** provides that the Committee is to be known as the Legislation Review Committee. **Schedule 1 [1], [2], [4] and [5]** make consequential amendments, including to change the short title of the Principal Act to the *Legislation Review Act 1987*.

**Schedule 1 [7]–[9]** increase the membership of the Committee from 8 to 12 members. The number of members to be appointed from the Legislative Council is increased from 3 to 5 members and the number of members to be appointed from the Legislative Assembly is increased from 5 to 7 members. **Schedule 1 [10]** increases the quorum for a meeting of the Committee from 4 to 6 members.

**Schedule 1 [11]** inserts proposed section 8A into the Principal Act to confer an additional function on the Committee with respect to the scrutiny of Bills. The new function is to consider any Bill introduced into Parliament and to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:

- (a) trespasses unduly on personal rights and liberties, or
- (b) makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or
- (c) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions, or

- (d) inappropriately delegates legislative powers, or
- (e) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

The matters on which the Committee may report are the same as the matters on which the Senate Scrutiny of Bills Committee, and committees of the Parliaments of other States, may report.

**Schedule 1 [3], [12] and [13]** make consequential amendments.

**Schedule 1 [14]** makes savings and transitional provisions with respect to the reconstitution of the Committee.

## **Schedule 2 Consequential amendments of other Acts**

The Schedule makes amendments to the *Parliamentary Remuneration Act 1989* and the *Subordinate Legislation Act 1989* to change references to the Regulation Review Committee to references to the Legislation Review Committee.



New South Wales

# Legislation Review Amendment Bill 2002

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New South Wales

# Legislation Review Amendment Bill 2002

No. , 2002

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## A Bill for

An Act to amend the *Regulation Review Act 1987* to rename the Regulation Review Committee as the Legislation Review Committee and to extend the role of the Committee to the scrutiny of Bills; and to make consequential amendments to other Acts.

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|--|----------|
| <b>The Legislature of New South Wales enacts:</b>                          | 1        |
| <b>1 Name of Act</b>   | 2        |
| This Act is the <i>Legislation Review Amendment Act 2002</i> .             | 3        |
| <b>2 Commencement</b>  | 4        |
| This Act commences on a day or days to be appointed by proclamation.       | 5<br>6   |
| <b>3 Amendment of Regulation Review Act 1987 No 165</b>                    | 7        |
| The <i>Regulation Review Act 1987</i> is amended as set out in Schedule 1. | 8        |
| <b>4 Consequential amendments of other Acts</b>                            | 9        |
| The Acts specified in Schedule 2 are amended as set out in that Schedule.  | 10<br>11 |

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|--|----|
| <b>Schedule 1 Amendments</b>   | 1  |
| (Section 3)  | 2  |
| <b>[1] Long title</b>  | 3  |
| Omit “Regulation Review Committee”.  | 4  |
| Insert instead “Legislation Review Committee”.   | 5  |
| <b>[2] Section 1 Short title</b>   | 6  |
| Omit “ <i>Regulation Review Act</i> ”. Insert instead “ <i>Legislation Review Act</i> ”. | 7  |
| <b>[3] Section 3 Definitions</b>   | 8  |
| Insert in alphabetical order in section 3 (1):   | 9  |
| <i>Bill</i> means a Bill for an Act of New South Wales.                                  | 10 |
| <b>[4] Section 3 (1), definition of “Committee”</b>                                      | 11 |
| Omit “Regulation Review Committee”.  | 12 |
| Insert instead “Legislation Review Committee”.   | 13 |
| <b>[5] Section 4 Constitution of Legislation Review Committee</b>                        | 14 |
| Omit “the commencement of this Act and”.   | 15 |
| <b>[6] Section 4</b>   | 16 |
| Omit “Regulation Review Committee”.  | 17 |
| Insert instead “Legislation Review Committee”.   | 18 |
| <b>[7] Section 5 Membership</b>  | 19 |
| Omit “8 members” from section 5 (1). Insert instead “12 members”.                        | 20 |
| <b>[8] Section 5 (1) (a)</b>   | 21 |
| Omit “3”. Insert instead “5” .   | 22 |

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|---|----|
| <b>[9] Section 5 (1) (b)</b>  | 1  |
| Omit “5”. Insert instead “7” .  | 2  |
| <b>[10] Section 8 Procedure</b>   | 3  |
| Omit “4 members” from section 8 (3). Insert instead “6 members”.  | 4  |
| <b>[11] Section 8A</b>  | 5  |
| Insert before section 9:  | 6  |
| <b>8A Functions with respect to Bills</b>   | 7  |
| (1) The functions of the Committee with respect to Bills are:   | 8  |
| (a) to consider any Bill introduced into Parliament, and  | 9  |
| (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:  | 10 |
| (i) trespasses unduly on personal rights and liberties, or  | 11 |
| (ii) makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or  | 12 |
| (iii) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions, or   | 13 |
| (iv) inappropriately delegates legislative powers, or   | 14 |
| (v) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.  | 15 |
| (2) A House of Parliament may pass a Bill whether or not the Committee has reported on the Bill, but the Committee is not precluded from making such a report because the Bill has been so passed or has become an Act. | 16 |
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|   | 18 |
|   | 19 |
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|   | 21 |
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|   | 23 |
|   | 24 |
|   | 25 |
| <b>[12] Section 9 Functions with respect to regulations</b>   | 26 |
| Insert “with respect to regulations” after “functions of the Committee” wherever occurring in section 9 (1) and (3).  | 27 |
|   | 28 |
| <b>[13] Section 10 Reports as to Bills or regulations</b>   | 29 |
| Omit “section 9” from section 10 (1). Insert instead “section 8A or 9” .  | 30 |



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|---|----------------------|
| <b>[14] Section 17</b>  | 1                    |
| Insert at the end of the Act:   | 2                    |
| <b>17 Savings and transitional provisions</b>   | 3                    |
| (1) In this section:  | 4                    |
| <i>the amending Act</i> means the <i>Legislation Review Amendment Act 2002</i> .  | 5<br>6               |
| <i>the reconstitution day</i> means the day on which the amendment made to section 4 by Schedule 1 [6] to the amending Act commences.   | 7<br>8<br>9          |
| (2) On and from the reconstitution day:   | 10                   |
| (a) the Regulation Review Committee constituted under section 4 immediately before that day continues in existence and is to be known as the Legislation Review Committee, and  | 11<br>12<br>13<br>14 |
| (b) anything done by, or in relation to, the Regulation Review Committee is taken to have been done by, or in relation to, the Legislation Review Committee, and  | 15<br>16<br>17       |
| (c) a reference in any other Act, in any instrument made under an Act or in any other document to the Regulation Review Committee is to be read as a reference to the Legislation Review Committee.                     | 18<br>19<br>20<br>21 |
| (3) As soon as practicable after the commencement of the amendments made to section 5 by the amending Act, each House of Parliament is to appoint the requisite additional members of the Legislation Review Committee. | 22<br>23<br>24<br>25 |

|   |    |
|---|----|
| <b>Schedule 2 Consequential amendments of other Acts</b>  | 1  |
| (Section 4)   | 2  |
| <b>2.1 Parliamentary Remuneration Act 1989 No 160</b>   | 3  |
| <b>Schedule 1 Additional salaries and expense allowances</b>  | 4  |
| Omit “Chairman of the Regulation Review Committee constituted under the <i>Regulation Review Act 1987</i> ”.                          | 5  |
|   | 6  |
| Insert instead “Chairman of the Legislation Review Committee constituted under the <i>Legislation Review Act 1987</i> ”.              | 7  |
|   | 8  |
| <b>2.2 Subordinate Legislation Act 1989 No 146</b>  | 9  |
| <b>[1] Section 3 Definitions</b>  | 10 |
| Insert in alphabetical order in section 3 (1):  | 11 |
| <i>Legislation Review Committee</i> means the committee for the time being constituted under the <i>Legislation Review Act 1987</i> . | 12 |
|   | 13 |
| <b>[2] Section 3 (1), definition of “Regulation Review Committee”</b>   | 14 |
| Omit the definition.  | 15 |
| <b>[3] Sections 5 (4) and (5), 11 (4) and (5), 13 and 14 (2)</b>  | 16 |
| Omit “Regulation Review Committee” wherever occurring.  | 17 |
| Insert instead “Legislation Review Committee”.  | 18 |