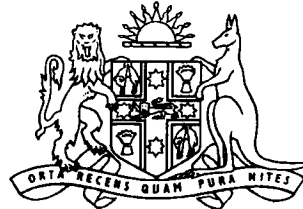


Passed by both Houses



New South Wales

Legislation Review Amendment Bill 2002

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2002*



New South Wales

Legislation Review Amendment Bill 2002

Act No , 2002

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.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Legislation Review Amendment Act 2002*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Regulation Review Act 1987 No 165

The *Regulation Review Act 1987* is amended as set out in Schedule 1.

4 Consequential amendments of other Acts

The Acts specified in Schedule 2 are amended as set out in that Schedule.

Schedule 1 Amendments

(Section 3)

[1] Long title

Omit “Regulation Review Committee”.
Insert instead “Legislation Review Committee”.

[2] Section 1 Short title

Omit “*Regulation Review Act*”. Insert instead “*Legislation Review Act*”.

[3] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Bill means a Bill for an Act of New South Wales.

[4] Section 3 (1), definition of “Committee”

Omit “Regulation Review Committee”.
Insert instead “Legislation Review Committee”.

[5] Section 4 Constitution of Legislation Review Committee

Omit “the commencement of this Act and”.

[6] Section 4

Omit “Regulation Review Committee”.
Insert instead “Legislation Review Committee”.

[7] Section 8A

Insert before section 9:

8A Functions with respect to Bills

- (1) The functions of the Committee with respect to Bills are:
 - (a) to consider any Bill introduced into Parliament, and
 - (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:

- (i) trespasses unduly on personal rights and liberties, or
 - (ii) makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or
 - (iii) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions, or
 - (iv) inappropriately delegates legislative powers, or
 - (v) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.
- (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.

[8] Section 9 Functions with respect to regulations

Insert “with respect to regulations” after “functions of the Committee” wherever occurring in section 9 (1) and (3).

[9] Section 10 Reports as to Bills or regulations

Omit “section 9” from section 10 (1). Insert instead “section 8A or 9” .

[10] Section 17

Insert at the end of the Act:

17 Savings and transitional provisions

- (1) In this section:

the amending Act means the *Legislation Review Amendment Act 2002*.

the reconstitution day means the day on which the amendment made to section 4 by Schedule 1 [6] to the amending Act commences.

- (2) On and from the reconstitution day:

- (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

- (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
- (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.

Schedule 2 Consequential amendments of other Acts

(Section 4)

2.1 Parliamentary Remuneration Act 1989 No 160

Schedule 1 Additional salaries and expense allowances

Omit “Chairman of the Regulation Review Committee constituted under the *Regulation Review Act 1987*”.

Insert instead “Chairman of the Legislation Review Committee constituted under the *Legislation Review Act 1987*”.

2.2 Subordinate Legislation Act 1989 No 146

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Legislation Review Committee means the committee for the time being constituted under the *Legislation Review Act 1987*.

[2] Section 3 (1), definition of “Regulation Review Committee”

Omit the definition.

[3] Sections 5 (4) and (5), 11 (4) and (5), 13 and 14 (2)

Omit “Regulation Review Committee” wherever occurring.

Insert instead “Legislation Review Committee”.