

Local Government (Review of Legislative Proposals) Bill 2001

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to establish a joint committee of Parliament to be known as the Local Government Legislative Review Committee (the **Committee**), and
- (b) to enable a Bill that has been introduced into a House of Parliament to be referred to the Committee for a report on its potential impact on the exercise of functions by local councils (including whether the Bill would be likely to impose any significant financial or other burden on any local council without providing appropriate funding and resources), and
- (c) to require the Committee to investigate the potential impact of any referred Bill and then to report that impact to both Houses of Parliament in order to facilitate informed decision-making by members of Parliament.

Outline of provisions

Part 1 Preliminary

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 the date of assent to the proposed Act.

Clause 3 sets out the objects of the proposed Act.

Clause 4 defines certain words and expressions used in the proposed Act.

Clause 5 provides that the proposed Act extends to a Bill that is before Parliament even if the Bill was introduced before the commencement of the proposed Act.

Clause 6 provides that the proposed Act binds the Crown.

Part 2 Review of Bills affecting local government

Clause 7 enables a Member of a House of Parliament into which a Bill is introduced to move a resolution that the House refer the Bill to the Committee for a report on its potential impact on local government.

Clause 8 provides that a Bill that is the subject of such a resolution will be referred to the Committee by a House of Parliament if the House passes the resolution within the period of 10 sitting days after the date on which the resolution is moved or does not vote on the resolution within that period.

Clause 9 provides that neither House of Parliament may pass or amend a referred Bill until either the reporting period for the Bill has elapsed or the Committee has reported to Parliament on the Bill (whichever occurs first). The reporting period for a referred Bill is defined in proposed section 4 (1) to mean the period of 28 sitting days of the referring House after the day on which the Bill is referred to the Committee for a report or such longer period as may have been specified in the resolution referring the Bill to the Committee.

Clause 10 provides for the matters that the Committee must consider if a Bill is referred to it. In particular, it must consider whether a referred Bill would (if enacted and in force):

- (a) impose or confer (or authorise any person or body to impose or confer) any additional function on any local council or expand the scope of any existing function of any local council, or
- (b) be likely to impose any significant financial or other burden on any local council without providing appropriate funding and resources.

The proposed section also requires the Committee to report to both Houses of Parliament on

the referred Bill on or before the day on which the reporting period expires.

Part 3 Local Government Legislative Review Committee

Clause 11 requires a joint committee of members of Parliament, to be known as the Local Government Legislative Review Committee, to be appointed as soon as practicable after the commencement of Part 3 of the proposed Act and the commencement of the first Session of each Parliament.

Clause 12 provides for the membership of the Committee.

Clause 13 gives effect to Schedule 1, which contains general provisions relating to the members and proceedings of the Committee.

Part 4 Miscellaneous

Clause 14 provides that proceedings for an offence under the proposed Act or the regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Clause 15 requires the Committee to furnish both Houses of Parliament with a report on its operations as soon as possible after the first 2 years after the commencement of the proposed Act.

Clause 16 enables the Governor to make regulations under the proposed Act.

Clause 17 requires the Minister to conduct a review of the proposed Act as soon as possible after the period of 5 years from the date of assent to the proposed Act.

Schedule 1 Provisions relating to members and proceedings of Committee

Schedule 1 contains provisions relating to vacation of office, the Chairperson and Vice-Chairperson of the Committee and the procedure of the Committee.