

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Carers Recognition Bill 2010*

8. The Committee has not identified any issues under s 8A(1)(b) of the Legislation Review Act 1987.

2. Crimes Amendment (Child Pornography and Abuse Material) Bill 2010

Issue: Clause 2 – Commencement by proclamation – Provides the executive with unfettered control over the commencement

12. The Committee accepts the reasons as to why the legislation is to commence by proclamation and has thus not identified any issues under s 8A(1)(b)(iv) of the *Legislation Review Act 1987*.

Issue – Proposed section 91FB – Freedom of Expression

17. The Committee is generally concerned where legislation impacts on artistic pursuits and freedom of expression generally. However, in this instance the retention of the classified material defence and the incorporation of ‘artistic merit’ as a factor that must be taken into account when determining if material constitutes ‘child abuse material’ appears to ensure that appropriate safeguards have been put in place so that artists and their work are not unintentionally caught by the offence provisions of the Bill.

3. Waste Recycling and Processing Corporation (Authorised Transaction) Bill 2010

Issue: Denial of Compensation – Clause 23(2)(c) of Part 4 and Clause 24(1) of Part 4:

14. The Committee usually considers that the right to seek damages or compensation is an important personal right and that these rights should not be removed or restricted by legislation unless there is a compelling public interest in doing so.

15. However, the Committee is of the view that safeguards are provided under clause 23(2) and clause 24(2). The Committee notes that clause 23(3) ensures protection of the rights and obligations of the parties to a transaction arrangement in respect of the performance of obligations under the transaction arrangement, and together with clause 24(2), ensures that compensation may be payable under a transaction arrangement to a party to the transaction arrangement in connection with the performance of obligations under the transaction arrangement. Accordingly, the Committee does not consider clauses 23(2)(c) and 24(1) of Part 4 unduly trespass on personal rights and liberties.

Issue: Commencement by proclamation – Clause 2(2) - Provide the executive with unfettered control over the commencement of an Act.

17. Therefore, the Committee has not identified any issues regarding Clause 2(2) under s 8A(1)(b)(iv) of the *Legislation Review Act 1987*.