



SUMMARY OF CONCLUSIONS
LEGISLATION REVIEW DIGEST No. 5 of 2007
2 November 2007

Legislation Review Digest No. 5 of 2007 contains the Legislation Review Committee's consideration of Bills introduced into Parliament in the sitting week beginning 22 October 2007 and any reports on regulations since the previous *Digest*.

The Bills reported on:

- Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2007
- Crimes (Forensic Procedures) Amendment Bill 2007
- Jury Amendment Bill 2007
- Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Bill 2007
- Transport Administration Amendment (Countrylink Pensioner Booking Fee Abolition) Bill 2007

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2007

Issue: Clause 2 (1) - Commencement by proclamation - Provide the executive with unfettered control over the commencement of an Act.

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| <p>11. Although there may be good reasons why such discretion is required, the Committee has concerns about commencement by proclamation and asks Parliament to consider whether the Bill commencing by proclamation rather than on assent, is an inappropriate delegation of legislative power.</p> |
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2. Crimes (Forensic Procedures) Amendment Bill 2007

Right to personal physical integrity: Schedule 1[3] and [4]

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| <p>12. The Committee notes that extending the offences to which a non-intimate forensic procedure involving the taking of a sample of the suspect's hair or the carrying out of a self-administered buccal swab may be ordered by a police officer or magistrate trespasses on a suspect's right to personal physical integrity.</p> <p>13. However, given the various safeguards included and the public interest in obtaining relevant evidence where there are reasonable grounds to believe that the suspect has committed an offence, the Committee concludes that the Bill does not unduly trespass on personal rights and liberties.</p> |
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Commencement by proclamation: Clause 2

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| <p>15. Although there may be good reasons why such discretion is required, the Committee has concerns about commencement by proclamation and asks Parliament to consider whether the Bill commencing by proclamation rather than on assent is an inappropriate delegation of legislative power.</p> |
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3. Jury Amendment Bill 2007

Commencement by proclamation: Clause 2

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| <p>14. Although there may be good reasons why such discretion is required, the Committee has concerns about commencement by proclamation and asks Parliament to consider whether the Bill commencing by proclamation rather than on assent is an inappropriate delegation of legislative power.</p> |
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4. Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Bill 2007

Commencement by proclamation: Clause 2

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| <p>13. Although there may be good reasons why such discretion is required, the Committee has concerns about commencement by proclamation and asks Parliament to consider whether the Bill commencing by proclamation rather than on assent, is an inappropriate delegation of legislative power.</p> |
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5. Transport Administration Amendment (Countrylink Pensioner Booking Fee Abolition) Bill 2007*

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| <p>5. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i>.</p> |
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