



SUMMARY OF CONCLUSIONS

***LEGISLATION REVIEW DIGEST* No. 14 of 2005**

15 November 2005

Legislation Review Digest No. 14 of 2005 contains the Legislation Review Committee's consideration of bills introduced into Parliament in the sitting week beginning 8 November 2005 and any reports on regulations since the previous *Digest*.

The Bills reported on include:

- **Children and Young Persons (Care and Protection) Amendment Bill 2005;**
- **Crimes Amendment (Animal Cruelty) Bill 2005;**
- **First State Superannuation Legislation Amendment (Conversion) Bill 2005;**
- **Governor General's Residence (Grant) Amendment Bill 2005;**
- **Greek Orthodox Archdiocese of Australia Consolidated Trust Amendment (Duties) Bill 2005;**
- **Infrastructure Implementation Corporation Bill 2005;**
- **Mental Health (Criminal Procedure) Amendment Bill 2005;**
- **Property, Stock and Business Agents Amendment Bill 2005;**
- **Residential Parks Amendment (Statutory Review) Bill 2005;**
- **Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill 2005;**
- **Shops and Industries Amendment (Special Shop Closures) Bill 2005;**
- **State Emergency Service Amendment Bill 2005;**
- **Statute Law (Miscellaneous Provisions) Bill (No. 2) 2005; and**
- **Technical and Further Education Commission Amendment (Staff) Bill 2005.**

Correspondence on Bills includes:

- **Security Industry Amendment Bill 2005.**

Correspondence on Regulations includes:

- **Adoption Amendment (Adoption Service Providers) Regulation 2005; and**
- **Occupational Health and Safety Amendment (Dangerous Goods) Regulation 2005.**

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Children and Young Persons (Care and Protection) Amendment Bill 2005

- | |
|---|
| 4. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
|---|

2. Crimes Amendment (Animal Cruelty) Bill 2005

- | |
|---|
| 3. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
|---|

3. First State Superannuation Legislation Amendment (Conversion) Bill 2005

- | |
|---|
| 3. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
|---|

4. Governor General's Residence (Grant) Amendment Bill 2005

- | |
|---|
| 3. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
|---|

5. Greek Orthodox Archdiocese of Australia Consolidated Trust Amendment (Duties) Bill 2005

- | |
|---|
| 3. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
|---|

6. Infrastructure Implementation Corporation Bill 2005

- | |
|---|
| 2. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
|---|

7. Mental Health (Criminal Procedure) Amendment Bill 2005

Right to a fair trial: proposed s 11 of the Principal Act

- | |
|--|
| 8. The Committee notes that the Bill removes the right to have a fitness hearing held before a jury. |
|--|

9. The Committee also notes that the NSW Law Reform Commission recommended that all fitness hearings be held before a judge alone as, among other things, judge alone hearings may be quicker, less formal and less confusing or stressful for the defendant.
10. The Committee refers to Parliament the question of whether removing the right to have a fitness hearing held before a jury trespasses unduly on the right to a fair trial.

8. Property, Stock and Business Agents Amendment Bill 2005

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

9. Residential Parks Amendment (Statutory Review) Bill 2005

Investigators' powers of entry: proposed new s 136B

7. The Committee will always be concerned to note where officials are granted powers of entry to property other than pursuant to a search warrant.
8. However, having regards to the limits on these powers, the aims of the Bill, and the Department of Fair Trading's role and responsibilities under the amended *Residential Parks Act 1998*, the Committee does not consider that the proposed section constitutes an undue trespass on the privacy rights of residential park owners or residents.

10. Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill 2005

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

11. Shops and Industries Amendment (Special Shop Closures) Bill 2005

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

12. State Emergency Service Amendment Bill 2005

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

13. Statute Law (Miscellaneous Provisions) Bill (No. 2) 2005

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

14. Technical and Further Education Commission Amendment (Staff) Bill 2005

- | |
|---|
| 2. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
|---|

SECTION B: Ministerial Correspondence — Bills Previously Considered

15. Security Industry Amendment Bill 2005

- | |
|--|
| 5. The Committee thanks the Minister for his response. |
|--|

The Legislation Review Committee reports on whether each bill introduced into Parliament:

- (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.

Those bills marked with an * are sponsored by Private Members.

Copies of *Legislation Review Digests* are available from www.parliament.nsw.gov.au/lrc/digests.

Subscriptions to the *Digest* are available by contacting the Committee Secretariat on 02 9230 3418 or legislation.review@parliament.nsw.gov.au.

Mr Allan Shearan MP
Chairman