



PARLIAMENT OF NEW SOUTH WALES

LEGISLATION REVIEW COMMITTEE

Parliament of New South Wales · Macquarie Street · Sydney NSW 2000 · Australia

SUMMARY OF CONCLUSIONS

***LEGISLATION REVIEW DIGEST* No. 11 of 2006**

15 September 2006

Legislation Review Digest No. 11 of 2006 contains the Legislation Review Committee's consideration of bills introduced into Parliament in the sitting week beginning 5 September 2006 and any reports on regulations since the previous *Digest*.

The Bills reported on include:

- **Business Names Amendment Bill 2006;**
- **Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill 2006;**
- **Crimes Amendment (Apprehended Violence) Bill 2006;**
- **Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill 2006; and**
- **Road Transport (General) Amendment (Intelligent Access Program) Bill 2006.**

Correspondence on Bills includes:

- **Water Management Amendment Bill 2005.**

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Business Names Amendment Bill 2006

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| 3. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
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2. Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill 2006

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| 4. | The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
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3. Crimes Amendment (Apprehended Violence) Bill 2006

Strict liability offences: proposed s 562ZJ and s 562ZK

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| 31. | The Committee considers that strict liability offences should be imposed only where clearly justified and that penalties should reflect the lack of any fault element. |
| 32. | The Committee notes that proposed s 562ZJ and s 562ZK create strict liability offences with heavy penalties – including imprisonment for up to 2 years – in circumstances in which individuals may conceivably inadvertently offend against those proposed sections. |
| 33. | The Committee also notes the importance of protecting children and other vulnerable persons involved in AVO proceedings. |
| 34. | The Committee refers to Parliament the question of whether providing for penalties of up to 200 penalty units and 2 years' imprisonment for the strict liability offences in proposed s 562ZJ and s 562ZK unduly trespasses on personal rights and liberties. |

4. Fair Trading Amendment (Motor Vehicle Insurance and Repair Industries) Bill 2006

Amendments to the Code: CI 60X and 60Y

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| 13. | The Committee notes that the Bill allows regulations to declare a code that will have legislative force and that need not be tabled in Parliament and changes to which cannot be disallowed by either House. |
| 14. | However, given the objects of the Bill and the effects of declaring such a code, the Committee does not consider that the Bill insufficiently subjects the exercise of legislative power to parliamentary scrutiny. |

5. Road Transport (General) Amendment (Intelligent Access Program) Bill 2006

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| 12. | The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
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SECTION B: Ministerial Correspondence — Bills Previously Considered

6. Water Management Amendment Bill 2005

6. The Committee thanks the Minister for his reply.

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.

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Chair