



SUMMARY OF CONCLUSIONS

***LEGISLATION REVIEW DIGEST* No. 12 of 2006**

26 September 2006

Legislation Review Digest No. 12 of 2006 contains the Legislation Review Committee's consideration of bills introduced into Parliament in the sitting week beginning 19 September 2006 and any reports on regulations since the previous *Digest*.

The Bills reported on include:

- **Bail Amendment (Lifetime Parole) Bill 2006;**
- **Community Protection (Closure of Illegal Brothels) Bill 2006*;**
- **Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2006;**
- **Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill 2006;**
- **Health Legislation Amendment (Unregistered Health Practitioners) Bill 2006;**
- **Professional Standards Amendment (Defence Costs) Bill 2006;**
- **Road Transport Legislation Amendment (Drug Testing) Bill 2006;**
- **Succession Bill 2006.**

Correspondence on Bills includes:

- **Fair Trading Amendment Bill 2006.**

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Bail Amendment (Lifetime Parole) Bill 2006

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| 7. 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. Community Protection (Closure of Illegal Brothels) Bill 2006*

Denial of procedural fairness: Schedule 1[5], Amendment of section 121D of the Act

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| 14. | The Committee will always be concerned about legislation that authorises administrative decision-making without also providing for the right of those directly affected by such decision to have their views heard. |
| 15. | The Committee refers to Parliament the question whether providing that a local council is not required to give advance notice of, or to hear representations concerning, the making an order to close premises it considers are being used as an illegal brothel trespasses unduly on the right to procedural fairness. |

3. Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2006 & Crimes (Appeal and Review) Amendment (DNA Review Panel) Bill 2006

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| 1. | Due to the complexity of issues raised by these bills, the Committee will report on them in a supplementary <i>Digest</i> to be tabled on 27 September 2006. |
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4. Health Legislation Amendment (Unregistered Health Practitioners) Bill 2006

Prohibition orders with respect to previous conduct: Schedule 2[15], 3.1[8], 3.2[8], 3.3[10], 3.4[7], 3.5[10], 3.6[12], 3.7[8], 3.8[8], 3.9[8], 3.10[9], 3.11[8], 3.12[8] & 3.13[8]

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| 6. | Given the clear purpose of prohibition orders being to protect the health of members of the public, the Committee does not consider that this retrospective affect trespasses unduly on personal rights and liberties. |
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5. Professional Standards Amendment (Defence Costs) 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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6. Road Transport Legislation Amendment (Drug Testing) Bill 2006

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| 15. | The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
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7. Succession Bill 2006

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| 5. | 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

8. Fair Trading Amendment Bill 2006

4. The Committee thanks the Minister for her 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