



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. 9 of 2006**

25 August 2006

Legislation Review Digest No. 9 of 2006 contains the Legislation Review Committee's consideration of bills introduced into Parliament in the sitting week beginning 6 June 2006 and any reports on regulations since the previous *Digest*.

The Bills reported on include:

- **Appropriation Bill 2006; Appropriation (Parliament) Bill 2006; Appropriation (Special Offices) Bill 2006; Duties Amendment (Abolition of State Taxes) Bill 2006; State Revenue and Other Legislation Amendment (Budget Measures) Bill 2006**
- **Education Amendment (Financial Assistance to Non-Government Schools;**
- **Snowy Hydro Corporatisation Amendment (Parliamentary Scrutiny of Sale) Bill 2006;**
- **Threatened Species Conservation Amendment (Biodiversity Banking) Bill 2006; and**
- **Transport Administration Amendment (Travel Concession) Bill 2006.**

Correspondence on Bills includes:

- **Local Government Amendment (Waste Removal Orders) Bill 2006;**
- **Children (Detention Centres) Bill 2006; and**
- **Drug Misuse and Trafficking Amendment (Hydroponic Cultivation) Act 2006.**

Correspondence on Regulations includes:

- **Electricity (Consumer Safety) Regulation 2006;**
- **Health Records and Information Privacy Regulation 2006;**
- **Motor Accidents Compensation Regulation 2005;**
- **Photo Card Regulation 2005; and**
- **Road Transport (Driver Licensing) Amendment (Interlock Devices) Regulation 2003.**

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Appropriation Bill 2006; Appropriation (Parliament) Bill 2006; Appropriation (Special Offices) Bill 2006; Duties Amendment (Abolition of State Taxes) Bill 2006; State Revenue and Other Legislation Amendment (Budget Measures) Bill 2006

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| 6. 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. Education Amendment (Financial Assistance to Non-Government Schools) 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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3. Snowy Hydro Corporatisation Amendment (Parliamentary Scrutiny of Sale) Act 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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4. Snowy Hydro Corporatisation Amendment (Protect Snowy Hydro) 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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5. Threatened Species Conservation Amendment (Biodiversity Banking) Bill 2006

Biobanking Assessment Methodology: Proposed section 127B

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| 10. The Committee notes that the Bill delegates to the Minister the power to make the rules for the biobanking assessment methodology, which is central to the operation of the scheme. |
| 11. The Committee notes that the methodology must conform to any requirements in the regulations, but notes that the Parliament has no power to impose such requirements but only to disallow any requirements so made. |

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| 12. | The Committee refers to Parliament the question of whether so delegating the power to make rules for the biobanking assessment methodology insufficiently delegates the exercise of legislative power to parliamentary scrutiny. |
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6. Transport Administration Amendment (Travel Concession) Bill 2006

Regulations may oust the *Anti-Discrimination Act 1977*: proposed s 39(1A) and s 88(3A)

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| 14. | The Committee refers to Parliament the question of whether allowing regulations to disentitle classes of person to travel concessions regardless of whether to do so would be otherwise contrary to the <i>Anti-Discrimination Act 1977</i> constitutes an inappropriate delegation of legislative power. |
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SECTION B: Ministerial Correspondence — Bills Previously Considered

7. Children (Detention Centres) Bill 2006

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| 9. | The Committee thanks the Minister for his reply. |
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8. Drug Misuse and Trafficking Amendment (Hydroponic Cultivation) Act 2006

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| 5. | The Committee thanks the Attorney General for his reply. |
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9. Local Government Amendment (Waste Removal Orders) Bill 2006

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| 8. | The Committee thanks the Minister for his reply. |
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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