



Legislation Review Committee

LEGISLATION REVIEW DIGEST

No. 3/56 – 11 August 2015



New South Wales Parliamentary Library cataloguing-in-publication data:

New South Wales. Parliament. Legislative Assembly.

Legislation Review Committee Legislation Review Digest, Legislation Review Committee, Parliament NSW [Sydney, NSW]: The Committee, 2015, 22p 30 cm

Chair: Mr Michael Johnsen MP

11 August 2015

ISSN 1448-6954

1. Legislation Review Committee – New South Wales

2. Legislation Review Digest No. 3 of 56

I Title.

II Series: New South Wales. Parliament. Legislation Review Committee Digest; No. 3 of 56

The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

Contents

Membership	ii
Guide to the Digest	iii
Conclusions	iv
PART ONE - BILLS	1
1. HEALTH SERVICES AMENDMENT (AMBULANCE SERVICES) BILL 2015	1
2. IMPOUNDING AMENDMENT (UNATTENDED BOAT TRAILERS) BILL 2015	3
3. REAL PROPERTY AMENDMENT (ELECTRONIC CONVEYANCING) BILL 2015	5
4. RESIDENTIAL TENANCIES AND HOUSING LEGISLATION AMENDMENT (PUBLIC HOUSING – ANTISOCIAL BEHAVIOUR) BILL 2015	7
5. WORKERS COMPENSATION AMENDMENT BILL 2015; STATE INSURANCE AND CARE GOVERNANCE BILL 2015	10
APPENDIX ONE – FUNCTIONS OF THE COMMITTEE	13

Membership

CHAIR	Mr Michael Johnsen MP, Member for Upper Hunter
DEPUTY CHAIR	Mr Lee Evans MP, Member for Heathcote
MEMBERS	Ms Melanie Gibbons MP, Member for Holsworthy Mr Alister Henskens MP, Member for Ku-ring-gai Mr David Mehan MP, Member for The Entrance Mr Shaoquett Moselmane MLC The Hon. Gregory Pearce MLC Mr David Shoebridge MLC
CONTACT DETAILS	Legislation Review Committee Parliament of New South Wales Macquarie Street Sydney NSW 2000
TELEPHONE	02 9230 2096 / 02 9230 3382
FACSIMILE	02 9230 3309
E-MAIL	legislation.review@parliament.nsw.gov.au
URL	www.parliament.nsw.gov.au/lrc

Guide to the Digest

COMMENT ON BILLS

This section contains the Legislation Review Committee's reports on Bills introduced into Parliament on which the Committee has commented against one or more of the five criteria for scrutiny set out in s 8A(1)(b) of the *Legislation Review Act 1987*.

COMMENT ON REGULATIONS

The Committee considers all regulations made and normally raises any concerns with the Minister in writing. When it has received the Minister's reply, or if no reply is received after 3 months, the Committee publishes this correspondence in the Digest. The Committee may also inquire further into a regulation. If it continues to have significant concerns regarding a regulation following its consideration, it may include a report in the Digest drawing the regulation to the Parliament's "special attention". The criteria for the Committee's consideration of regulations are set out in s 9 of the *Legislation Review Act 1987*.

Regulations for the special attention of Parliament

When required, this section contains any reports on regulations subject to disallowance to which the Committee wishes to draw the special attention of Parliament.

Conclusions

PART ONE - BILLS

1. HEALTH SERVICES AMENDMENT (AMBULANCE SERVICES) BILL 2015

Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA

Strict liability

The Committee will always comment when there appears to be the imposition of strict liability. However, the Committee notes the importance to patient safety of non-emergency transport providers complying with prescribed standards. As such, the Committee makes no further comment.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

The Committee prefers legislation of this kind, which introduces new penalties, to commence on a fixed day or assent, not by proclamation.

2. IMPOUNDING AMENDMENT (UNATTENDED BOAT TRAILERS) BILL 2015

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

The Committee will always note where a Bill commences by proclamation rather than assent or a specified date. Although there may be good reasons why such discretion is required such as allowing time for appropriate administrative arrangements to be made, the Committee recommends commencement by assent or a specified date. This is particularly the case where a person's property may be removed.

Key timeframe may be amended by Regulation

The Committee notes that future Regulations may set a timeframe of less than the three months specified in the Bill for determining whether a trailer is unattended. However, the Committee also notes that the Bill amends section 16 of the Act to require enforcement officers to give owners at least 15 days' notice before taking impoundment action. Any proposed Regulation would also be subject to disallowance under section 41 of the *Interpretation Act 1987*. Due to these safeguards, along with balancing the right to use public space and possible road safety risks associated with the long term storage of boat trailers in public places, the Committee makes no further comments.

3. REAL PROPERTY AMENDMENT (ELECTRONIC CONVEYANCING) BILL 2015

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

The Committee prefers legislation to commence on a fixed date or on assent. However, the Committee acknowledges that this Bill introduces a number of reforms to the current

lodgement system for conveyancing transactions and discretion may be required as to its commencement.

4. RESIDENTIAL TENANCIES AND HOUSING LEGISLATION AMENDMENT (PUBLIC HOUSING – ANTISOCIAL BEHAVIOUR) BILL 2015

Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA

Right to housing

The Committee notes the importance of the right to housing for all members of the public. Proposed sections 154C and 154D of the *Residential Tenancies Act 2010* will provide a framework to terminate the social housing tenancy agreements of certain tenants who repeatedly engage in antisocial behaviour and/or who commit, or are charged with, serious offences. While the Committee considers that such tenants may be vulnerable to finding alternative housing options, this also needs to be balanced with the rights of other tenants to live in a safe and peaceful environment. The Committee makes no further comments.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Fettering the discretion of the NSW Civil and Administrative Tribunal

The Committee acknowledges that the offences referred to in proposed section 154D(1) of the *Residential Tenancies Act 2010* are very serious and that those living in social housing, and the public more broadly, must be protected from criminal behaviour.

Commencement by proclamation

The Committee prefers legislation to commence on a fixed date or on assent, particularly in relation to this Bill, where the proposed provisions may impact on individuals' rights to housing.

5. WORKERS COMPENSATION AMENDMENT BILL 2015; STATE INSURANCE AND CARE GOVERNANCE BILL 2015

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

The Committee will always comment where a Bill defers commencement to a day or days appointed by proclamation. The Bill provides for a number of substantial amendments to the workers compensation scheme in New South Wales. Given the substantial amendments, it is understandable why discretion as to commencement may be required. The Committee makes no further comment.

Part One - Bills

1. Health Services Amendment (Ambulance Services) Bill 2015

Date introduced	4 August 2015
House introduced	Legislative Assembly
Minister responsible	The Hon Jillian Skinner MP
Portfolio	Health

PURPOSE AND DESCRIPTION

1. The objects of this Bill are:
 - (a) to make it lawful for non-government organisations and private operators to provide supported non-emergency transport (that is, transport for sick and injured persons, to or from hospitals or other places where those persons can obtain medical services) for fee or reward without the consent of the Secretary of the Ministry of Health, subject to certain requirements, and
 - (b) to prohibit emergency ambulance services (rather than all transport for sick or injured persons, as at present) from being provided by non-government organisations and private operators for fee or reward without the consent of the Health Secretary.

BACKGROUND

2. This Bill recognises a role for private sector and non-government organisations in providing non-emergency transport for patients. In doing so, the Bill seeks to address the inefficiency of using emergency vehicles for non-emergency situations.

ISSUES CONSIDERED BY COMMITTEE

Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA

Strict liability

3. Clause 4 of the Bill establishes an offence that a person must not directly or indirectly provide or take part in the provision of supported non-emergency transport for fee or reward in contravention of the prescribed standards. The Bill does not provide for a defence or reasonable excuse. Further, the prescribed standards are not defined in the Bill, but are to be set out in the Regulations instead.
4. The maximum penalty for the offence is 50 penalty units.

The Committee will always comment when there appears to be the imposition of strict liability. However, the Committee notes the importance to patient safety of non-emergency transport providers complying with prescribed standards. As such, the Committee makes no further comment.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

5. The Bill provides for the Act to commence on a day or days to be appointed by proclamation.

The Committee prefers legislation of this kind, which introduces new penalties, to commence on a fixed day or assent, not by proclamation.

2. Impounding Amendment (Unattended Boat Trailers) Bill 2015

Date introduced	5 August 2015
House introduced	Legislative Assembly
Minister responsible	The Hon Paul Toole MP
Portfolio	Local Government

PURPOSE AND DESCRIPTION

1. The object of this Bill is to amend the *Impounding Act 1993* to provide special procedures for the impounding of boat trailers by impounding officers. An impounding officer may impound an article that has been abandoned or left unattended.

BACKGROUND

2. This Bill seeks to address concerns about the loss of amenity and increased road safety risks due to boat owners using on-street parking as storage for their boats. Enforcement officers in some local council areas have indicated that current powers concerning impounding vehicles are proving inadequate to deal with directing boat owners to move their trailers in particular circumstances.

ISSUES CONSIDERED BY COMMITTEE

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

3. The Bill provides for commencement on a day or days to be appointed by proclamation.

The Committee will always note where a Bill commences by proclamation rather than assent or a specified date. Although there may be good reasons why such discretion is required such as allowing time for appropriate administrative arrangements to be made, the Committee recommends commencement by assent or a specified date. This is particularly the case where a person's property may be removed.

Key timeframe may be amended by Regulation

4. The Bill proposes to amend section 15 of the *Impounding Act 1993* so that a boat trailer is taken to have been left unattended if the trailer has not been moved for more than three months or such other period as set by the Regulations. Once a boat trailer has been left unattended, enforcement officers can start the impoundment process, which impacts on the owner's right to possess and use their property freely.

The Committee notes that future Regulations may set a timeframe of less than the three months specified in the Bill for determining whether a trailer is unattended. However, the Committee also notes that the Bill amends section 16 of the Act to require enforcement officers to give owners at least 15 days'

notice before taking impoundment action. Any proposed Regulation would also be subject to disallowance under section 41 of the *Interpretation Act 1987*. Due to these safeguards, along with balancing the right to use public space and possible road safety risks associated with the long term storage of boat trailers in public places, the Committee makes no further comments.

3. Real Property Amendment (Electronic Conveyancing) Bill 2015

Date introduced	6 August 2015
House introduced	Legislative Assembly
Minister responsible	The Hon Dominic Perrottet MP
Portfolio	Finance and Services

PURPOSE AND DESCRIPTION

1. The objects of this Bill are:

(a) to amend the *Real Property Act 1900*:

- i to enable the Registrar-General to make rules (called the conveyancing rules) for or with respect to the preparation and lodgment of paper documents to give effect to conveyancing transactions under the Act, and
- ii to enable a person who is involved in a conveyancing transaction under the Act to give a client authorisation to a representative to enable the representative to do things on the person's behalf in connection with the transaction, and
- iii to consolidate and standardise the provisions of the Act concerning the certification of the correctness of certain conveyancing transactions (whether conducted in paper or electronic form), and
- iv to provide that certain paper conveyancing documents that are required under the Act to be executed or witnessed can be certified or authenticated by such other means as may be provided by the conveyancing rules, and
- v to enable a person who intends to lodge a dealing to give effect to a legal or equitable interest in land claimed by the person to lodge a priority notice to prevent the Registrar-General from recording certain other dealings concerning the land for a limited period pending the lodgment of the proposed dealing for registration, and
- vi to enable the Registrar-General to cease to issue certificates of title on and from a day to be declared by the Registrar-General by order published in the Gazette and to confirm that, before that day, the Registrar-General may cease to issue certificates of title on a staged basis, and
- vii to provide that, after certificates of title are no longer issued, the Registrar-General may rely on either paper or electronic consents for certain conveyancing transactions given by the person who is recorded in the Register as having control of the right to deal in the land concerned, and

- viii to enable the Registrar-General to designate certain persons employed in the Public Service to be Deputy Registrars-General and to provide for their functions, and
 - ix to enable an Australian address to be specified as an address for service in a caveat lodged under the Act, and
- (b) to make consequential amendments to the *Interpretation Act 1987* and *Real Property Regulation 2014*.

BACKGROUND

2. Since October 2013, electronic conveyancing has been used on a limited basis in New South Wales. More than 13, 000 dealings have been lodged electronically since the system commenced and its usage is growing. The Bill implements a number of reforms designed to assist the conveyancing system to operate between paper and electronic processes efficiently.

ISSUES CONSIDERED BY COMMITTEE

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

3. The Bill provides for sections of the Bill to commence on a day or days to be appointed by proclamation.

The Committee prefers legislation to commence on a fixed date or on assent. However, the Committee acknowledges that this Bill introduces a number of reforms to the current lodgement system for conveyancing transactions and discretion may be required as to its commencement.

4. Residential Tenancies and Housing Legislation Amendment (Public Housing – Antisocial Behaviour) Bill 2015

Date introduced	5 August 2015
House introduced	Legislative Assembly
Minister responsible	The Hon Brad Hazzard MP
Portfolio	Family and Community Services and Social Housing

PURPOSE AND DESCRIPTION

1. The object of this Bill is to amend the *Residential Tenancies Act 2010* to:
 - (a) introduce a scheme for social housing providers to record strikes against tenants for breaches of social housing tenancy agreements and to seek a termination order on the basis of 3 or more breaches occurring within 12 months that, taken together, justify termination, and
 - (b) require the Civil and Administrative Tribunal, on application of a social housing provider, to make a termination order for breach of a social housing tenancy agreement involving the premises being used for certain serious offences including drug manufacture or supply, storing a firearm for which a licence or permit is not held and violence involving grievous bodily harm, and
 - (c) require the Tribunal, on application of a social housing provider, to make a termination order for breach of a social housing tenancy agreement in certain other cases unless the tenant satisfies the Tribunal that there are exceptional circumstances justifying the order not being made, and
 - (d) introduce a scheme for the submission of neighbourhood impact statements to assist the Tribunal to understand the effect a social housing tenancy has had on neighbouring residents and other persons, and
 - (e) allow social housing tenancy agreements to be terminated for non-payment of amounts owed as a consequence of variation or cancellation of rent rebates, and
 - (f) limit the period within which an order for possession of social housing premises is to take effect, and
 - (g) provide social housing providers with certain evidentiary aids in proceedings before the Tribunal.

2. The Bill also amends the *Housing Act 2001* to:

- (a) provide the NSW Land and Housing Corporation with additional powers to gather information for the purposes of preventing or investigating fraud against the Corporation, and
- (b) extend the prosecution period for certain offences.

BACKGROUND

- 3. This Bill seeks to address antisocial, illegal and fraudulent behaviour in social housing, which was identified as an issue in the Public Accounts Committee's recent report on tenancy management.
- 4. Likewise, during the Government's recent consultation process relating to the social housing discussion paper, better management of antisocial behaviour was one of the most common and high priority issues raised by tenants in social housing. A recent survey of 780 tenants indicated that 78 per cent consider antisocial behaviour in public housing to be a problem and 72 per cent consider eviction to be an appropriate response for those who commit criminal acts in public housing. It also found 51 per cent of tenants have experienced antisocial behaviour in public housing and one third have experienced or witnessed serious crime.

ISSUES CONSIDERED BY COMMITTEE

Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA

Right to housing

- 5. Proposed section 154C of the *Residential Tenancies Act 2010* introduces a three-strikes policy, whereby tenants in social housing who engage in antisocial behaviour on three or more occasions within a 12 month period can have their tenancy terminated. Strikes against a tenant will be issued in circumstances where a tenant has breached their social housing tenancy agreement but the circumstances of the breach are not sufficient alone to justify termination of the agreement.
- 6. Proposed section 154D of the *Residential Tenancies Act 2010* also requires the NSW Civil and Administrative Tribunal to make an order terminating a social housing tenancy agreement where a tenant has committed (or been charged with, in some cases) certain serious offences. For some offences, the Tribunal has no discretion to decline to make a termination order. For other offences, the Tribunal can only decline to make an order in exceptional circumstances.

The Committee notes the importance of the right to housing for all members of the public. Proposed sections 154C and 154D of the *Residential Tenancies Act 2010* will provide a framework to terminate the social housing tenancy agreements of certain tenants who repeatedly engage in antisocial behaviour and/or who commit, or are charged with, serious offences. While the Committee considers that such tenants may be vulnerable to finding alternative housing options, this also needs to be balanced with the rights of other tenants to live in a safe and peaceful environment. The Committee makes no further comments.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Fettering the discretion of the NSW Civil and Administrative Tribunal

7. Proposed section 154D(1) of the *Residential Tenancies Act 2010* requires the NSW Civil and Administrative Tribunal to make an order terminating a social housing tenancy agreement where the tenant has committed (or been charged with, in some cases) very serious offences. Examples of offences include causing grievous bodily harm to the landlord, a neighbour or other specified person; using the premises for drug cultivation or supply purposes; and ‘show cause’ offences under the *Bail Act 2013* (such as offences punishable by life imprisonment and certain child sexual assault offences). The Bill does not provide the Tribunal with discretion to decline to make such an order.

The Committee acknowledges that the offences referred to in proposed section 154D(1) of the *Residential Tenancies Act 2010* are very serious and that those living in social housing, and the public more broadly, must be protected from criminal behaviour.

Commencement by proclamation

8. The Bill provides for commencement on a day or days to be appointed by proclamation.

The Committee prefers legislation to commence on a fixed date or on assent, particularly in relation to this Bill, where the proposed provisions may impact on individuals’ rights to housing.

5. Workers Compensation Amendment Bill 2015; State Insurance and Care Governance Bill 2015

Date introduced	5 August 2015
House introduced	Legislative Assembly
Minister responsible	The Hon Dominic Perrottet MP
Portfolio	Finance, Services and Property

PURPOSE AND DESCRIPTION

Workers Compensation Amendment Bill 2015

1. The object of this Bill is to amend the Workers Compensation Act 1987 (the principal Act) as follows:
 - (a) the limitation on the payment of compensation for medical and related treatment and services (which currently applies to medical and related treatment and services provided more than 12 months after a worker's claim for compensation was made or weekly payments cease to be payable to the worker) will be changed as follows:
 - i the limitation will no longer apply to compensation in respect of crutches, artificial aids, home or vehicle modifications or secondary surgery,
 - ii the limitation will no longer apply to an injured worker with 21–30% permanent impairment,
 - iii the 12-month period in respect of which a worker remains eligible to claim the compensation will be extended to 2 years (for workers with 10% or less permanent impairment), or 5 years (for workers with 11–20% permanent impairment), after the claim was made or the weekly payments cease to be payable,
 - iv amendments will be made to clarify that the limitation period (referred to in subparagraph (iii)) in respect of a worker to whom weekly payments of compensation are payable commences when the worker's actual entitlement to weekly payments ceases,
 - (b) the scheme for the payment of weekly compensation to injured workers during periods of incapacity will be changed as follows:
 - i a worker who receives an injury before reaching retiring age will remain eligible for weekly payments of compensation (which currently terminate on retiring age) for a period of 12 months after reaching retiring age,
 - ii an injured worker with work capacity and more than 20% permanent impairment will no longer be required to work for a minimum number of hours (currently 15

hours), and earn a minimum amount (currently \$176), per week to be eligible to receive weekly payments of compensation after a period of 130 weeks during which weekly payments have been paid or payable,

- iii the minimum amount of weekly compensation that an injured worker with more than 30% permanent impairment will be eligible to receive will be the amount of \$788.32 (being a combined total of compensation and earnings), to be indexed twice a year,
 - iv regulations made under the principal Act will be able to vary the method of calculating a worker's pre-injury average weekly earnings for the purposes of determining the amount of weekly compensation payable to the worker,
 - v an injured worker will be able to access paid legal advice in connection with certain reviews of work capacity decisions, in accordance with regulations made under the principal Act,
 - vi a review of a work capacity decision will operate to stay the decision if the application for the review is made within 30 days after the worker is notified of the decision or of the outcome of any earlier review,
 - vii amendments will be made to clarify the effect of a review of a work capacity decision on the period of notice required to be given by an insurer in respect of a discontinuation or reduction of an amount of weekly payments of compensation,
- (c) an injured worker who is unable to return to work with the worker's pre-injury employer will be eligible for compensation (to a maximum amount of \$1,000) for the cost of certain services and assistance provided to assist the worker in returning to work with a new employer,
 - (d) an injured worker with more than 20% permanent impairment who has received weekly payments of compensation for more than 78 weeks will be eligible for compensation (to a maximum amount of \$8,000) for the cost of education or training provided to assist the worker in returning to work,
 - (e) the amount of lump sum compensation payable to a worker for permanent impairment will be increased, and indexed once a year,
 - (f) the amount of lump sum compensation payable in respect of the death of a worker will be increased from \$524,000 to \$750,000,
 - (g) the maximum amount of compensation payable in respect of the funeral expenses of a deceased worker will be increased from \$9,000 to \$15,000,
 - (h) other minor or consequential amendments will be made, including amendments of a savings or transitional nature.

State Insurance and Care Governance Bill 2015

2. The object of this Bill is to reform the governance and regulatory arrangements for various insurance and compensation schemes established under legislation. For that purpose, the proposed Act:

- (a) constitutes Insurance and Care NSW (ICNSW), which will act for the Workers Compensation Nominal Insurer under the Workers Compensation Act 1987 and provide services in relation to various insurance and compensation schemes, and
- (b) constitutes the State Insurance Regulatory Authority (SIRA), which will generally take over the regulatory functions of the WorkCover Authority and the Motor Accidents Authority which will both be abolished by the proposed Act, and
- (c) provides that the work health and safety functions of the WorkCover Authority will be assumed by the Secretary of the Department of Finance, Services and Innovation (referred to as SafeWork NSW in the relevant legislation), and
- (d) abolishes the Safety, Return to Work and Support Board as a consequence of the constitution of ICNSW, and
- (e) makes miscellaneous amendments relating to the administration of various insurance and compensation schemes established under legislation.

BACKGROUND

- 3. The *Workers Compensation Amendment Bill 2015* and cognate *State Insurance and Care Governance Bill 2015* seek to make a number of amendments to the workers compensation system in New South Wales. The Bills follow from submissions and recommendations of parliamentary inquiries and discussions with injured workers and businesses.

ISSUES CONSIDERED BY COMMITTEE

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

Commencement by proclamation

- 4. The Bill provides for the majority of provisions to commence on a day or days appointed by proclamation.

The Committee will always comment where a Bill defers commencement to a day or days appointed by proclamation. The Bill provides for a number of substantial amendments to the workers compensation scheme in New South Wales. Given the substantial amendments, it is understandable why discretion as to commencement may be required. The Committee makes no further comment.

Appendix One – Functions of the Committee

The functions of the Legislation Review Committee are set out in the *Legislation Review Act 1987*:

8A Functions with respect to Bills

- 1 The functions of the Committee with respect to Bills are:
 - (a) to consider any Bill introduced into Parliament, and
 - (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:
 - 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
- 2 A House of Parliament may pass a Bill whether or not the Committee has reported on the Bill, but the Committee is not precluded from making such a report because the Bill has been so passed or has become an Act.

9 Functions with respect to Regulations

- 1 The functions of the Committee with respect to regulations are:
 - (a) to consider all regulations while they are subject to disallowance by resolution of either or both Houses of Parliament,
 - (b) to consider whether the special attention of Parliament should be drawn to any such regulation on any ground, including any of the following:
 - i that the regulation trespasses unduly on personal rights and liberties,
 - ii that the regulation may have an adverse impact on the business community,
 - iii that the regulation may not have been within the general objects of the legislation under which it was made,
 - iv that the regulation may not accord with the spirit of the legislation under which it was made, even though it may have been legally made,

LEGISLATION REVIEW COMMITTEE

FUNCTIONS OF THE COMMITTEE

- v that the objective of the regulation could have been achieved by alternative and more effective means,
 - vi that the regulation duplicates, overlaps or conflicts with any other regulation or Act,
 - vii that the form or intention of the regulation calls for elucidation, or
 - viii that any of the requirements of sections 4, 5 and 6 of the *Subordinate Legislation Act 1989*, or of the guidelines and requirements in Schedules 1 and 2 to that Act, appear not to have been complied with, to the extent that they were applicable in relation to the regulation, and
- (c) to make such reports and recommendations to each House of Parliament as it thinks desirable as a result of its consideration of any such regulations, including reports setting out its opinion that a regulation or portion of a regulation ought to be disallowed and the grounds on which it has formed that opinion.
- 2 Further functions of the Committee are:
- (a) to initiate a systematic review of regulations (whether or not still subject to disallowance by either or both Houses of Parliament), based on the staged repeal of regulations and to report to both Houses of Parliament in relation to the review from time to time, and
 - (b) to inquire into, and report to both Houses of Parliament on, any question in connection with regulations (whether or not still subject to disallowance by either or both Houses of Parliament) that is referred to it by a Minister of the Crown.

The functions of the Committee do not include an examination of, inquiry into or report on a matter of Government policy, except in so far as such an examination may be necessary to ascertain whether any regulations implement Government policy or the matter has been specifically referred to the Committee under subsection (2) (b) by a Minister of the Crown.