



SUMMARY OF CONCLUSIONS

***LEGISLATION REVIEW DIGEST* No. 7 of 2006**

19 May 2006

Legislation Review Digest No. 7 of 2006 contains the Legislation Review Committee's consideration of bills introduced into Parliament in the sitting week beginning 9 May 2006 and any reports on regulations since the previous *Digest*.

The Bills reported on include:

- **Children and Young Persons (Care and Protection) Bill 2006;**
- **Civil Liability Amendment Bill 2006;**
- **Constitution Amendment (Governor) Bill 2006;**
- **Conveyancers Licensing Amendment Bill 2006;**
- **Crimes Amendment (Murder of Police Officers) Bill 2006*;**
- **Pharmacy Practice Bill 2006;**
- **Pipelines Amendment Bill 2006;**
- **Security Industry Amendment (Patron Protection) Bill 2006*;**
- **State Property Authority Bill 2006;**
- **Summary Offences Amendment (Display of Spray Paint Cans) Bill 2006; and**
- **Valuation of Land Amendment Bill 2006.**

Correspondence on Bills includes:

- **Terrorism (Police Powers) Amendment (Preventative Detention) Act 2005.**

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Children and Young Persons (Care and Protection) Amendment 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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2. Civil Liability Amendment 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. Constitution Amendment (Governor) 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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4. Conveyancers Licensing Amendment 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. Crimes Amendment (Murder of Police Officers) Bill 2006*

Proposed s 19B: Mandatory sentencing

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| 12. The Committee notes that mandatory life sentences may result in a grievous trespass to personal rights and liberties where there is a real possibility of the offence being committed in circumstances other than those so heinous “that the offender forfeits for the rest of his existence his right to be set free”. |
| 13. The Committee notes proposed s 19B requires life imprisonment for any person who murders a police officer in the execution of the officer’s duties regardless of the circumstances of the case. |
| 14. The Committee refers to Parliament the question of whether the imposition of mandatory life sentences under proposed s 19B trespasses unduly on personal rights and liberties. |

6. Pharmacy Practice Bill 2006

Power of entry into premises: Clause 150

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| 10. Given the limitations on the entry powers and the significant public interest in ensuring that pharmacists comply with the Bill and complaints against them are fully investigated, the Committee does not consider that the powers of entry and inspection in the Act unduly trespass on personal rights and liberties. |
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Prescribing exemptions to restrictions on pharmacy ownership: cl 25(2)

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| 14. The Committee notes that the Bill allows regulations to provide exemptions to the restrictions on ownership of pharmacies. |
| 15. Having regard to the explanation outlined in the second reading speech, and the fact that any such prescribed exemptions will be subject to disallowance by either House of Parliament, the Committee considers that proposed s 25(2) does not inappropriately delegate legislative power. |

7. Pipelines Amendment Bill 2006

Schedule 1[14] &[79] & Schedule 2 & Part 3A *EP&A Act*

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| 11. The Committee notes that under the Bill, approval for the construction of pipelines will be assessed under the <i>EP&A Act</i> in the same manner as other major infrastructure projects. |
| 12. The Committee refers to Parliament the concerns it previously raised in relation to the regime established under Part 3A of the <i>EP&A Act</i> and the question whether the Bill, by enabling pipeline projects to be subject to Part 3A of that Act, makes rights, liberties or obligations unduly dependent on non-reviewable decisions, or insufficiently subjects the exercise of legislative power to Parliamentary scrutiny. |

8. Security Industry Amendment (Patron Protection) Bill 2006*

Privacy: Clauses 1[4] & [5]

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| 6. The Committee notes that mandatory drug and alcohol testing are an invasion of a person's privacy. The Committee also notes that the Bill provides for the collection and testing of urine, which involves a significant breach of a person's privacy. The Committee further notes that the sanction for failing to undergo a drug or alcohol test, loss of licence and livelihood, is very serious and therefore a bouncer cannot be said to freely consent to the testing. |
| 7. The Committee notes the public interest in ensuring that bouncers and crowd control workers are not under the influence of alcohol and prohibited drugs while working. |

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| 8. The Committee refers to Parliament the question whether the Bill unduly trespasses on a licensed bouncer's right to privacy by providing for mandatory drug and alcohol testing, including urine test. |
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9. State Property Authority 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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10. Summary Offences Amendment (Display of Spray Paint Cans) 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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11. Valuation of Land Amendment 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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SECTION B: Ministerial Correspondence — Bills Previously Considered

12. Terrorism (Police Powers) Amendment (Preventative Detention) Act 2005

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| 4. The Committee thanks the Attorney 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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