

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Courts and Crimes Legislation Amendment Bill 2010

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| 13. The Committee has not identified any issues under s 8A(1)(b) of the Legislation Review Act 1987. |
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2. Health Legislation Further Amendment Bill 2010

Issue: Wide Delegation of Power

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| 18. While the Committee appreciates the need for tight regulation in relation to the use and disclosure of healthcare identifiers, especially in circumstances where the identifiers may contain or imply sensitive information of a medical nature, the Committee is concerned with the way this provision has been structured. |
| 19. Specifically, the Committee is concerned that conferring onto the relevant Minister the ability to set the elements of an offence in regulations, the penalties for which are already provided for in the principal Act, would constitute a wide and inappropriate delegation of legislative power under s 8A(1)(b)(iv) of the <i>Legislation Review Act 1987</i> . |

3. Health Services Amendment (Local Health Networks) Bill 2010

Issue: Proposed section 29 – Schedule 1.1 [10] – Amendment to *Health Services Act 1997* – Removal of members of local health network governing council and appointment of administrator - III Defined And Wide Powers:

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| 32. The Committee takes into consideration that the proposed section 29 (2) requires the Minister to provide a statement in Parliament (as soon as is reasonably practicable) concerning the basis for the appointment of the administrator, as well as the potential necessity in extreme cases to intervene urgently. The Committee also has regard to similar provisions already in place with respect to board-governed statutory health corporations. Therefore, the Committee is of the view that proposed section 29 (1) does not appear to make individual rights or obligations unduly dependent on insufficiently defined administrative powers. |
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Issue: Clause 2 (1) - Commencement by proclamation - Provide the executive with unfettered control over the commencement of an Act.

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| 35. | Therefore, this will likely involve appropriate administrative and transitional arrangements to be made. The Committee is of the view that there may be good reasons why such discretion for commencement by proclamation is required, and the Committee considers that, in these circumstances, this may not give rise to an inappropriate delegation of legislative power. |
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4. Nature Conservation Trust Amendment Bill 2010

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| 11. | 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. Occupational Licensing (Adoption Of National Law) Bill 2010

Issue: Clause 2 (1) – Commencement by proclamation – Provide the executive with unfettered control over the commencement of an Act.

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| 21. | Therefore, this will likely involve appropriate administrative and transitional arrangements to be made. The Committee is of the view that there may be good reasons why such discretion for commencement by proclamation is required, and the Committee considers that, in these circumstances, this may not give rise to an inappropriate delegation of legislative power. |
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6. Parliamentary Budget Officer Bill 2010

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| 9. | 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. Surrogacy Bill 2010

Issue: Commencement by Proclamation

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| 19. | The Committee recognises that appropriate administrative arrangements need to take place before the Bill can commence operation. As the Committee has not identified any other concerns with this Bill that may trespass on the rights and liberties of individuals, the Committee does not regard the commencement by proclamation to be an inappropriate delegation of legislative power under s 8A(1)(b)(iv) of the <i>Legislation Review Act 1987</i> . |
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8. University of Technology (Kuring-gai Campus) Bill 2010*

Issue: Property Rights – Clause 5

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| <p>10. The Committee considers that any revocation of planning approval granted to CRI Australia Pty Ltd on behalf of UTS in relation to the land takes away a fundamental property right to develop the land. As such, the Committee considers this a trespass upon rights and liberties.</p> |
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Issue: Acquisition of land not on just terms – Clause 6

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| <p>13. The Committee is concerned that the right to, and interests in, property are inadequately safeguarded by the Bill. It is uncertain whether the circumstances justify exclusion of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. Accordingly, the Committee is concerned that the Bill may trespass unduly on personal rights and liberties.</p> |
| <p>14. The Committee considers that personal rights and liberties are unduly trespassed by the Bill as it allows the compulsory acquisition of land and interests in the land without compensation.</p> |