



SUMMARY OF CONCLUSIONS
LEGISLATION REVIEW DIGEST No. 3 of 2007
12 October 2007

Legislation Review Digest No. 3 of 2007 contains the Legislation Review Committee's consideration of Bills introduced into Parliament in the sitting week beginning 24 September 2007 and any reports on regulations since the previous *Digest*.

The Bills reported on:

- Anti-Discrimination Amendment (Breastfeeding) Bill 2007
- Channel 7 Former Epping Site Protection Bill 2007*
- Christian Israelite Church Property Trust Bill 2007
- Crimes Amendment Bill 2007
- Housing Amendment (Community Housing Providers) Bill 2007
- Liquor Amendment (Small Bars and Restaurants) Bill 2007*
- Liquor Amendment (Special Events Hotel Trading) Bill 2007
- Partnership Amendment (Venture Capital) Bill 2007
- Trade Measurement Legislation Amendment Bill 2007

Correspondence on Regulations:

- Environmental Planning and Assessment Amendment (Designated Development) Regulation 2007.

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Anti-Discrimination Amendment (Breastfeeding) Bill 2007

Issue: Schedule 1 [1]: Section 24 What constitutes discrimination on the ground of sex; Schedule 1 [3]: Section 35 Pregnancy, childbirth and breastfeeding

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| 8. | The Committee notes that this provides women who have to breastfeed from having their personal rights and liberties unduly trespassed by being treated less favourably on the ground of a characteristic (breastfeeding) that appertains generally to persons of that sex. The Committee also notes the evidence that suggests increasing levels of breastfeeding will bring benefits for the health of the community. In 2003, the World Health Organisation and the United Nations International Children's Emergency Fund endorsed their Global Strategy for Infant and Young Child Feeding, which looked at the need to provide facilities and needs for breastfeeding women in employment and outside the home. |
| 10. | The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |

2. Channel 7 Former Epping Site Protection Bill 2007*

Retrospectivity: Clause 5

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| 9. | The Committee will always be concerned to identify the retrospective effects of legislation which may have an adverse impact on a person. |
| 10. | The Committee notes that legislatively revoking a declaration duly made under law trespasses on a person's right to order his or her affairs in accordance with the current law. |
| 11. | The Committee asks Parliament to consider whether providing for the revocation of declarations made under s 75B of the <i>Environmental Planning and Assessment Act 1979</i> regarding the former Channel 7 site unduly trespasses on personal rights and liberties. |

3. Christian Israelite Church Property Trust Bill 2007

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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. Crimes Amendment Bill 2007

Issue: Commencement by proclamation

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| 13. The Committee has concerns about commencement by proclamation and asks Parliament to consider whether the Bill commencing by proclamation rather than on assent is an inappropriate delegation of legislative power. |
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5. Housing Amendment (Community Housing Providers) Bill 2007

Issue: Commencement by proclamation – clause 2

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| 7. The Committee has concerns about the Bill commencing on proclamation and asks Parliament to consider whether providing for commencement on proclamation rather than on assent is an inappropriate delegation of legislative power. |
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6. Liquor Amendment (Small Bars And Restaurants) Bill 2007*

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| 19. 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. Liquor Amendment (Special Events Hotel Trading) Bill 2007

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| 14. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
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8. Partnership Amendment (Venture Capital) Bill 2007

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| 8. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
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9. Trade Measurement Legislation Amendment Bill 2007

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| 12. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i> . |
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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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Allan Shearan MP
Chairman