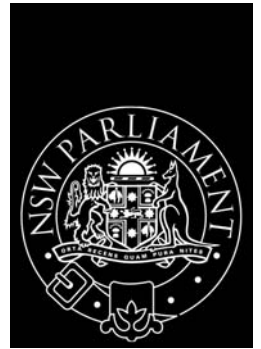


PARLIAMENT OF NEW SOUTH WALES



Legislation Review Committee

OPERATION, ISSUES AND FUTURE DIRECTIONS

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Chairman's Foreword

In September 2003, the Legislation Review Committee of the New South Wales Parliament began its scrutiny of bills function.

Since then, the Committee has, in accordance with its responsibilities under the *Legislation Review Act 1987*, reported to Parliament on 143 Bills. These reports have been in 16 editions of the *Legislation Review Digest*.

This report highlights the work of the Committee to date. It also identifies some of the procedural problems encountered by the Committee in fulfilling its functions with respect to bills and regulations.

This report also contains several recommendations which, if implemented, would assist the Committee to better serve Members of the Parliament.

I take this opportunity to thank Members for their positive and constructive comments on the *Legislation Review Digests* as well as the Ministers and their staffs for their attention to the Committee's enquiries and correspondence.

I also note the important preliminary role which Ministers and Private Members can play in the bills scrutiny process. That is, by addressing issues of obvious concern to the Committee in their second reading speeches.

I continue to invite feedback from Ministers and all Members. In this regard, the words of the Hon Don Caygill, former Chair of the New Zealand Regulation Review Committee remain relevant:

Our task requires a difficult balance to be struck between losing the respect and support of colleagues and officials on whose co-operation we are ultimately dependent to have any effect and, on the other hand being regarded either as a rubber stamp of the executive or a powerless irrelevance. Striking this balance effectively depends on the dedication of our Members and their commitment to the liberties our terms of reference seek to uphold.¹

Finally, I express my appreciation of the other Members of the Committee and the Secretariat for their commitment and hard work.

BARRY COLLIER MP
CHAIRMAN

¹ The Hon David Caygill, *Proceedings of the Fourth Australasian Conference on Delegated Legislation*, 1993.

Chapter One - Introduction

- 1.1 On 15 August 2003, the newly established Legislation Review committee commenced its function of reviewing and reporting on all bills introduced into the Parliament.²
- 1.2 The Committee's functions with respect to bills are set out in section 8A of the *Legislation Review Act 1987*.
- 1.3 In the 10 months since the commencement of its bill review function was proclaimed, the Legislation Review Committee has reported to Parliament on all 143 bills introduced through the publication of 16 *Legislation Review Digests*.
- 1.4 With the close of the 2004 Budget sittings marking a "parliamentary year" since the commencement of bills scrutiny function, the Committee considered it appropriate to:
 - report on its work to date;
 - identify several procedural issues that have arisen along the way; and
 - note some issues for future consideration.

Committee's functions and procedure

- 1.5 The Committee has the functions of reviewing all bills introduced into Parliament and all regulations subject to disallowance.
- 1.6 The Committee's function with respect to Bills is set out in section 8A of the *Legislation Review Act 1987* (the Act). Section 8A(1)(b) requires the Committee to report to Parliament on whether a bill:
 - (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.
- 1.7 The Committee's functions with respect to regulations are set out in section 9 of the Act. Under section 9(1), the Committee is to consider whether the special attention of Parliament should be brought to a regulation on any ground, including:
 - (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,

² The Committee currently consists of, Barry Collier MP (Miranda, ALP - Chairman), Marianne Saliba MP, (Illawarra, ALP - Vice Chairman), Shelley Hancock MP (South Coast, Liberal), Hon Don Harwin MLC (Liberal), Virginia Judge MP (Strathfield, ALP) Hon Peter Primrose MLC (Labor), Russell Turner MP (Orange, The Nationals) and Hon Dr Peter Wong MLC (Unity). Ms Saliba, Mr Harwin and Mr Turner were previously members of the Regulation Review Committee.

Introduction

- (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...
- 1.8 In many cases the assessment of a given bill is quite straightforward. However, the Committee retains a panel of expert legal advisers to assist in the consideration of bills when preparing reports for Parliament in relation to more complex bills and areas of law.
- 1.9 The Committee's report on any given bill is based on the bill itself, the Minister or Private Member's second reading speech, and, where necessary, on expert legal advice.
- 1.10 Where it requires further clarification of any issue regarding a bill, the Committee writes to the mover of the bill (be it a Minister or Private Member). This correspondence is published in a subsequent *Legislation Review Digest*.
- 1.11 The Committee reports on bills in its *Legislation Review Digest*. The Digest is normally tabled out of session at 4.00 pm the Monday of a sitting week or, on a second consecutive sitting week, in the House on Tuesday. This allows Members to be provided with the Digest just prior to the resumption of the second reading debate (following the adjournment after the second reading speech).

Regulations

- 1.12 The wider terms of reference and longer timeframe for regulations (15 sitting days instead of 5) leads to the Committee adopting different procedures.
- 1.13 Rather than flagging issues for debate in the House, the Committee usually enters correspondence with the responsible Minister to seek further information regarding any concerns the Committee may have on a regulation. If a regulation requires further investigation, the Committee may seek submissions from, and hold hearings with, interested parties.
- 1.14 Once the Committee has concluded its consideration of a regulation, it publishes correspondence with the Minister in its *Digest*. If the Committee has significant continuing concerns, it may also include a brief report in the *Digest* drawing the regulation to the attention of Parliament

Chapter Two - Scrutiny of Bills

Bills reported to date

- 2.1 Since the commencement of s 8A of the *Legislation Review Act 1987* on 15 August 2003, the Committee has published 16 *Digests* reporting on all 143 bills introduced into Parliament.
- 2.2 The Committee reported on these by the beginning of the sitting week following the bills' introduction on all but 7 bills. Later reporting on bills occurred on two occasions when there was a large volume of bills to be reported on in consecutive sitting weeks.³
- 2.3 The Act allows the Committee to report on bills even after they have been passed by both Houses of Parliament. This is most often the case with urgent bills.

Issues arising

- 2.4 The scrutiny criteria in section 8A(1)(b) of the *Legislation Review Act 1987* can be divided into two broad types:
 - scrutiny as to how the bill could adversely affect personal rights and liberties; and
 - scrutiny of provisions regarding the delegation and exercise of legislative power.

“Rights and Liberties”

- 2.5 In considering a bill, the Committee cannot simply refer to a comprehensive “check-list” of personal rights or liberties that may be infringed by legislation. In this regard, the Committee notes the words of Sir Gerard Brennan that:

[a]n attempt to define human rights and fundamental freedoms exhaustively is bound to fail, for the respective religious, cultural and political systems of the world would attribute differing contents to the notions of freedom and dignity and would perceive at least some difference in the rights and freedoms that are conducive to their attainment.⁴

- 2.6 When exercising its scrutiny function, the Committee takes into account;
 - the common law, as developed by the courts;
 - statutory rights, liberties and traditions;
 - international conventions ratified by Australia;
 - rights recognised in other jurisdictions;⁵
 - academic and public debate; and
 - the Committee Members' views.

³ During the sitting week commencing 11 November 2003, 19 bills were introduced (including 3 cognate bills), 5 as late as Friday 14 November. The Committee reported on 13 of these bills on Tuesday 18 November 2003 and the remaining 6 were reported in the following *Digest*. In the sitting week commencing 4 May 2003, 9 bills were introduced, 4 of which were introduced on Friday 7 May. The Committee report on 8 of these on Tuesday 11 May and reported on the remaining bill in the following *Digest*.

⁴ *Gerhardy v Brown* (1985) 159 CLR 70 at 126.

⁵ The Council of Europe is particularly relevant here, there being a significant resource of legislative application of, and judicial precedents regarding, the European Convention on Human Rights.

Scrutiny of Bills

- 2.7 Some recognised rights, such as the privilege against self-incrimination, have longstanding traditions, pre-dating even English common law.⁶
- 2.8 Other rights are new to Australian law, and their scope and application are developing along with changes in society and technology.

The *personal right to privacy* provides a good example. The increasing volume of personal data collected by government agencies, together with technological advances for storing and using that data and new means of publication, have the potential to trespass on this important right.

Common issues arising in bills considered to date

- 2.9 In its consideration of the 143 bills to date, some issues have arisen more frequently than others. These are discussed below.

Commencement

- 2.10 By far the most common issue for Committee comment is the practice of commencement of a bill by proclamation.
- 2.11 Allowing a bill to commence on any day or days to be proclaimed in effect allows the Government to veto a bill by not commencing it at all. It also allows the Government to commence a bill in part only.
- 2.12 The Committee understands that there may be situations in which the Government requires a degree of flexibility in commencement date. Most commonly, bills are commenced on proclamation to allow time for the drafting of regulations or community education. Moreover, it is sometimes also appropriate to commence different parts of an Act at different times, such as where parts of a legislative package require certain events to have occurred as a condition precedent to commencement.
- 2.13 The Committee considers that the delegation of the power to commence legislation should be explained and, if possible, an expected timeframe for commencement given. This could most conveniently be done in the second reading speech. Where no explanation has been given in that speech, the Committee has adopted the practice of seeking an explanation from the Minister either orally or in writing.
- 2.14 On this issue, the Committee has consistently noted the practices of the Federal and Queensland Parliaments, each of which has established a different mechanism to balance the need for both flexibility and Parliament's control over the commencement of legislation.⁷

Retrospectivity

- 2.15 This is the second most common issue identified by the Committee.

⁶ The Committee has on a number of occasions brought to Parliament's attention proposed legislative infringements of this right, eg, the *Transport Legislation Amendment (Safety and Reliability) Bill 2003*, the *Native Vegetation Bill 2003*, and the *Mine Health and Safety Bill 2004*.

⁷ Section 15DA of the Queensland *Acts Interpretation Act 1954* provides that Acts that have not commenced a year after assent automatically commence unless a regulation is made postponing commencement for up to another year. At the Federal level, the Commonwealth Parliamentary Counsel's *Drafting Direction 2002, No 2* provides that, if a specific date for commencement is not provided, a Bill should normally either be automatically commenced or repealed within 6 months of assent.

- 2.16 The retrospective provisions of most of the bills considered did not adversely affect any person and so did not raise concerns for the Committee.
- 2.17 There have been some instances, however, where a bill has retrospectively changed the law to reduce or remove personal rights or otherwise adversely affect individuals.
- 2.18 A particular issue of concern to the Committee arises when legislation is deemed to have commenced either on the date on which a Ministerial statement was made, or on the date the bill was introduced. Examples are the *Duties Amendment (Land Rich) Bill 2003* and the *Civil Liability Amendment (Offender Damages) Bill 2004*.
- 2.19 The Senate Scrutiny of Bills Committee has noted that legislation of this nature:
- carries with it the assumption that citizens should arrange their affairs in accordance with announcements made by the Executive rather than in accordance with the laws made by the Parliament. It treats the passage of the necessary retrospective legislation 'ratifying' the announcement as a pure formality. It places the Parliament in the invidious position of either agreeing to the legislation without significant amendment or bearing the odium of overturning the arrangements which many people may have made in reliance on the Ministerial announcement. Moreover, quite apart from the debilitating effect of the practice on the Parliament, it leaves the law in a state of uncertainty...The legislation when introduced may differ in significant details from the terms of the announcement.⁸

The Right to silence/presumption of innocence

- 2.20 A significant issue, which has arisen in 7 bills considered by the Committee to date, is the abrogation of the right to silence and the presumption of innocence.
- 2.21 These are recognised as very important rights in our common law as well as in international instruments and conventions such as the *International Covenant on Civil and Political Rights*.
- 2.22 Nevertheless, in order to strengthen the Government's investigative powers on issues of public interest, such as transport safety or control of exotic animal diseases, some bills have provided powers to compel persons to answer questions regardless of whether the answers may incriminate them.
- 2.23 All of the bills in question included provisions intended to protect a person's right not to incriminate themselves by providing limits on the use that could be made of the answers.

The Committee noted, however, that in some cases those limitations fell short of the standard considered appropriate by the Senate Scrutiny of Bills Committee. That Committee:

generally holds to the view that the interest of having government properly informed can more easily prevail where the loss of a person's right to silence is balanced by a prohibition against both the *direct* and *indirect* use of the forced disclosure. The Committee is concerned to limit exceptions to the prohibition against such use. In principle, a forced disclosure should be available for use in criminal proceedings only

⁸ Senate Scrutiny of Bills Committee, *Annual Report 1986-87*, pp 12-13.

Scrutiny of Bills

when they are proceedings for giving false or misleading information in the statement which the person has been compelled to make.⁹

2.24 This is an area that the Committee has identified for further consideration to ensure that these fundamental rights are not eroded any more than absolutely necessary.

Delegation of legislative powers

2.25 Another area for comment that has arisen a number of times is the appropriateness of the delegation of certain legislative powers.

2.26 Some bills have included significant regulation-making powers. The reason sometimes given for such powers is to allow further time for consultation before the relevant provisions are drafted.

2.27 The Committee is mindful of the need to allow time for ongoing consultation when developing new legislation and for Parliament to set the broad legislative framework on a particular matter before the fine details can be determined.

2.28 At the same time, the Committee is concerned to see that the proper level of parliamentary accountability and control is maintained for significant legislative provisions. This is a matter on which the Committee may have further comment in future.

Other issues

2.29 Other relevant issues that have arisen for comment a number of times in the past ten months include:

- the denial of compensation rights [12 Bills];
- the exclusion of merits review [8 Bills] or judicial review [5 Bills];
- infringements on the right to privacy [8 Bills];
- search and seizure without a warrant [7 Bills];
- reversing the onus of proof [5 Bills]; and
- restricting freedom of speech [4 Bills];

⁹ Senate Standing Committee for the Scrutiny of Bills, *The Work of the Committee during the 39th Parliament, November 1998 – October 2001*. Emphasis in original.

Chapter Three - Scrutiny of Regulations

Regulations considered

- 3.1 Since the formation of the present Committee in May 2003, Members have considered 480 regulations. Of these, 133 were subject to more detailed analysis by the Committee, leading to follow-up action on 24 regulations.
- 3.2 To date, such action has taken the form of writing to the Minister seeking clarification, explanation or amendment. The correspondence was subsequently published in the *Legislation Review Digest*.
- 3.3 On 3 May 2004, the Committee brought the special attention of Parliament to two regulations:
- the Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2003; and
 - the Environmental Planning and Assessment Amendment (Certifier Accreditation) Regulation 2003.¹⁰

With each of these regulations, the Committee was concerned that the scope of administrative discretions was too broad.

- 3.4 In response to the Committee's concerns regarding the *Environmental Planning and Assessment Amendment (Certifier Accreditation) Regulation 2003*, the Minister Assisting the Minister for Infrastructure and Planning indicated that the Regulation would be amended.¹¹ The Committee acknowledged the Minister's positive response.

Issues arising in regulations considered

- 3.5 Issues which the Committee has raised in relation to regulations include:
- insufficient direction on the basis of using administrative discretions affecting personal rights;
 - apparently disproportionate increases in fees;
 - trespasses on the right to privacy;
 - regulations not in accordance with the spirit of the Act; and
 - requirements of the *Subordinate Legislation Act 1988* not followed when making the relevant regulation.

¹⁰ Legislation Review *Digest* No 6 of 2004, pp 43 – 55.

¹¹ Legislation Review *Digest* No 9 of 2004, p 118.

Chapter Four - Operational issues

Timeframe

- 4.1 One of the most significant challenges faced by the Committee is the timeframe within which it can consider bills.
- 4.2 The Legislative Assembly's Standing Order 198(11) and the Legislative Council's Standing Order 137(3) require only a 5-calendar day adjournment of the debate after the mover's second reading speech. The five-day period includes weekends.
- 4.3 To allow its reports on bills to be available to Members in time for the second reading debate, the Committee tables its digests at or before the commencement of the Tuesday sitting. Briefing papers on bills for such meetings need to be completed by Monday. This leaves very little time for the consideration of bills on consecutive sitting weeks.

On Friday 7 May 2004, for example, in addition to the 5 bills already introduced that week, 4 bills comprising over 300 pages were introduced. As noted above, on that occasion the Committee was not able to consider one of those bills within the time available.
- 4.4 Although the panel of legal advisers can provide some assistance, they are not always available at such short notice. In any event, the legal advisers also do not, in fact, draft the Committee's reports.
- 4.5 The Committee recognises that some bills are urgent and that there will not be enough time to report on these prior to debate.
- 4.6 Nevertheless, the Committee finds that the five-day adjournment provides the Committee with often very limited time to perform its scrutiny function under the Act.
- 4.7 In this respect, the practice of other Parliaments is instructive. The Queensland Parliament, for example, extended its second reading adjournment period from six to 11 sitting days after a 1998 report from its bills scrutiny committee indicating that the six day period was not workable.¹²
- 4.8 In Victoria, debate on bills introduced into the Legislative Assembly is usually adjourned for two weeks. This is also the general practice in the Victorian Legislative Council.¹³
- 4.9 The practice of the Federal Parliament is to normally adjourn bills to the next period of sittings which is usually one or two months later. The practice in the United Kingdom is to have at least two weekends between printing and second reading, and in New Zealand to adjourn bills for 6 months. These jurisdictions also provide for expedited procedures when a bill needs to be passed urgently.

¹² Queensland Scrutiny of Bills Committee, *The scrutiny of bills within a restrictive timetable*, www.parliament.qld.gov.au/Comdocs/Scrutiny/1998/slcr07.pdf

¹³ See Victorian Scrutiny of Acts and Regulations Committee, www.parliament.vic.gov.au/sarc/role.htm. The Western Australian Legislation Committee does not scrutinise all bills, only those referred to it by the Legislative Council.

- 4.10 **The Committee considers that the amendment of Legislative Assembly Standing Order 198 and Legislative Council Standing Order 137, or sessional orders to similar effect, to provide for a longer period for which the second reading debate is to be adjourned would assist the Committee by allowing more time to fulfil its scrutiny function under the *Legislation Review Act 1987*.**
- 4.11 **The Committee would also have more time to fulfil its scrutiny function if both Houses adopt the practice of introducing new legislation as soon as possible after the commencement of the sitting week.**

Protective disallowance

- 4.12 The timeframe for the consideration of regulations has also posed some difficulties for the Committee.
- 4.13 The Committee has the power to consider regulations under s 9(1) of the *Legislation Review Act 1987 while they are subject to disallowance*. This is consistent with the notion that the Committee is to bring regulations to the attention of Parliament to aid consideration of whether a regulation should be disallowed.
- 4.14 In practice, however, the role of the Committee is wider than merely recommending whether a regulation should be disallowed. The Committee assists the Parliament to monitor the regulations made. The Committee rarely recommends that a regulation be disallowed, but often has comment on how a regulation, or the regulation-making process, may be improved.
- 4.15 Regulations are subject to disallowance in each House for 15 sitting days after the regulation is tabled in that House. If a notice of motion to disallow a regulation is given during that time, the 15-day period is extended until the notice of motion is dealt with by the House or withdrawn.
- 4.16 When considering regulations, the 15 sitting day period can be quite arbitrary. Most importantly, it means that the Committee has the least time for considering regulations when the Parliament is sitting frequently. This is also the time when the Committee is most occupied with the consideration of bills.
- 4.17 While the Committee will continue to correspond with Ministers and report on regulations after the disallowance period has passed, its *jurisdiction to hold inquiries* into regulations after the disallowance period has passed is doubtful.
- 4.18 To preserve the Committee's jurisdiction to consider regulations after 15 sitting days, the Committee can request a Member to give notice of a motion to disallow the regulation. This is referred to as a "protective notice of motion".
- 4.19 The giving of such a notice in no way reflects a view of the Member giving the notice, or the Committee as a whole, that the regulation in question should be disallowed. It is merely a device to extend the period for which the particular regulation is subject to disallowance to permit the Committee time to consider it.
- 4.20 This device has long and often been used by the Senate Regulations and Ordinances Committee. As noted in *Odgers Australian Senate Practice*:

When [an instrument which may offend against the committee's principles] is identified, the usual practice is for the chair to give notice of a motion to disallow the instrument. ... Many notices to disallow instruments are protective notices in that they are given

pending the receipt of a satisfactory explanation or undertaking from the relevant minister.¹⁴

- 4.21 The Committee's preference is to conclude its consideration of all regulations within 15 sitting days. However, on occasion the complexity of issues raised by a regulation, the Committee's workload, the frequency with which the Parliament sits, or the time taken to obtain a response from the relevant Minister prevent this being achieved.
- 4.22 Particular difficulties arise in this regard during the spring sittings when the Committee must consider a large number of new regulations replacing those automatically repealed on 1 September, together with their regulatory impact statements. The occasions on which protective notices have been given on behalf of this and the previous Committee were in regard to such regulations.¹⁵
- 4.23 The Committee does not consider that protective notices of motion are the most appropriate means for extending the Committee's jurisdiction as they may suggest that the Member giving such notice intends to move a motion to disallow when no such intention has, in fact, been formed. They may also suggest that the Committee has a concluded view on the regulation when it is still investigating the matter. However, in its current form, the *Legislation Review Act 1987* does not provide the Committee with any other means to retain its jurisdiction and so continue to investigate a regulation once 15 sitting days since its tabling have passed.

4.24 The Committee notes that amending the *Legislation Review Act 1987* to extend its jurisdiction beyond the period for which a regulation is subject to disallowance would enable the Committee to adequately consider regulations without using what may be interpreted as the "misleading procedure" of a protective notice of motion.

Sub-Committees for regulations

- 4.25 As noted above, to date during the 53rd Parliament the Committee has considered 143 bills and 480 regulations.
- 4.26 In its Report on a Bill of Rights, the Law and Justice Committee recommended that, given the work-load, its proposed Scrutiny of Legislation Committee should be separate from the existing Regulation Review Committee. This was in line with the practice of the Senate where different committees consider bills and regulations.
- 4.27 In Victoria, the Scrutiny of Acts and Regulations Committee has a sub-committee to consider regulations. This allows the Committee to focus on bills with the sub-committee doing most of the work on regulations.

4.28 The Committee considers that it would be better placed to manage its work if it were permitted to appoint a sub-committee that could consider regulations.

¹⁴ See p.377.

¹⁵ During the current Parliament to date, "protective" notices of motion to disallow were given in the Legislative Council on 18 November 2003 regarding the *Landlord and Tenant (Rental Bonds) Regulation 2003* and the *Pawnbrokers and Second Hand Dealers Regulation 2003*. These notices were withdrawn after the Committee had concluded its consideration of the regulations. In the 52nd Parliament, similar notice was given in both Houses regarding the *Protection of the Environment Operations (Clean Air) Regulation 2002* and subsequently withdrawn.

Chapter Five - Statistics

5.1 The following statistics relate to the Committee during the 53rd Parliament.

5.2 The Committee has:

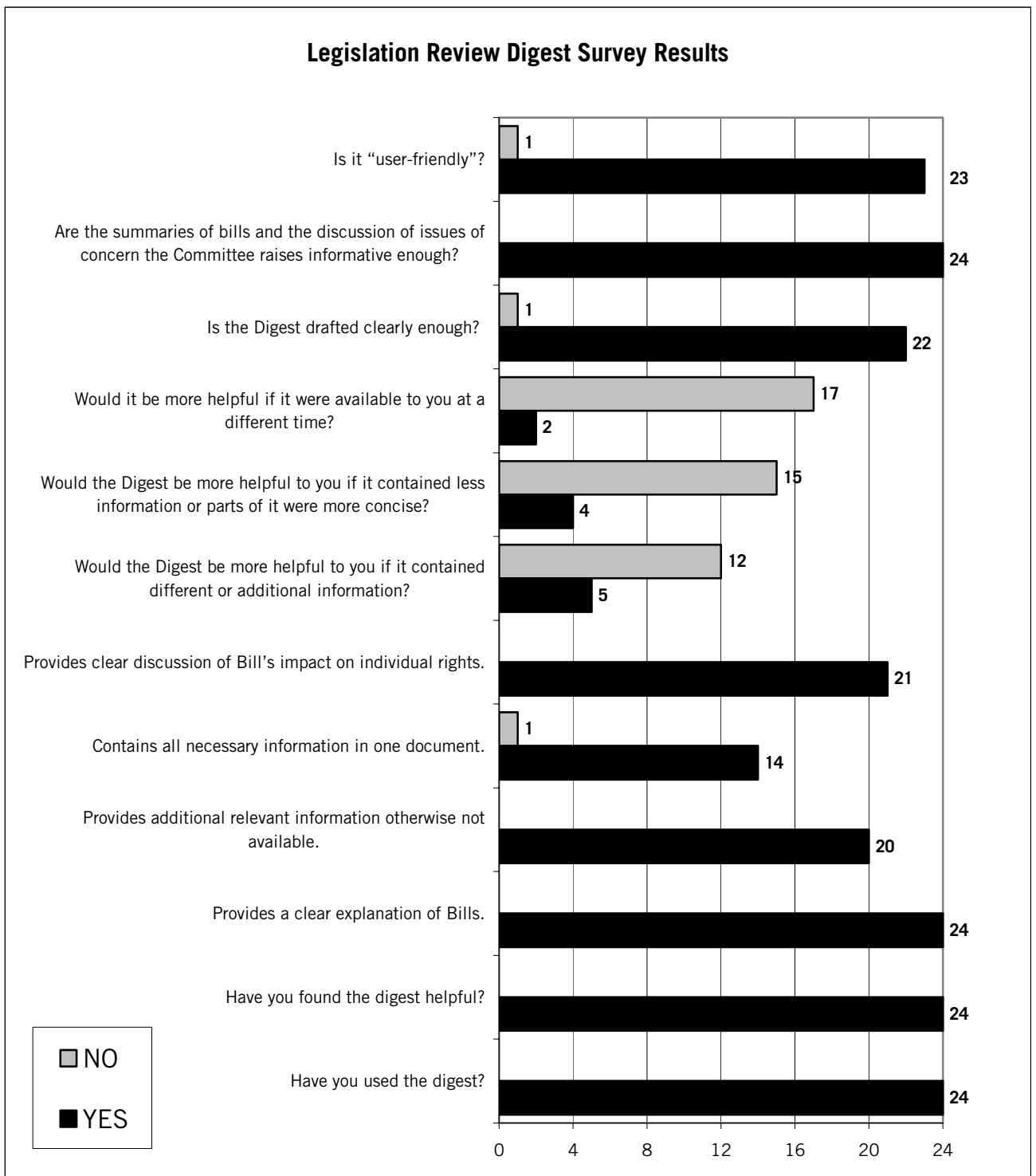
- met 21 times (17 since the commencement of its scrutiny of bills function under the *Legislation Review Act 1987* in August 2003);
- reported on 143 bills, comprising 699 pages in the *Digests*;
- adopted all reports unanimously;
- tabled 16 *Digests* (7 in 2003 and 9 in 2004);
- commented on 1 draft exposure Bill (the *Criminal Appeal Amendment (Double Jeopardy) Bill 2003*);
- commented under the criteria in s 8A of the *Legislation Review Act 1987* on 108 bills;
- written to Ministers or Members regarding 47 bills;
- included 185 pages of Ministerial correspondence in the *Legislation Review Digests*; and
- had its *Digest* cited in *Hansard* in relation to 21 bills.

5.3 The Committee has also:

- considered 480 Regulations subject to disallowance;
- considered 58 proposed postponements of the automatic repeal of a regulation;
- drawn the special attention of Parliament to 2 Regulations (*Digest* No 6 of 2004);
- requested a Member to give a “protective” notice of motion of disallowance for 2 Regulations in the Legislative Council (preserving the Committee’s jurisdiction); and
- published correspondence relating to 14 Regulations.

Chapter Six - Survey of Members

- 6.1 In order to ensure that the *Legislation Review Digest* was as helpful as possible to Members, the Committee circulated a questionnaire to Members on 17 February 2004.
- 6.2 Twenty four Members responded to the survey. Not all questions were answered. The results are set out below.



Chapter Seven - Conclusion

- 7.1 Since the commencement of its review of bills function, the Legislation Review Committee has achieved significant output in terms of numbers and pages of bills considered, *Digests* produced, and the number of meetings held.
- 7.2 While the impact of that output is difficult to measure, the indicators available are encouraging.
- 7.3 The response from Members to the Committee's survey was very positive and indicate a high degree of satisfaction with the *Digests*.
- 7.4 The relatively frequent references to the *Digest* during the second reading debate on bills indicates that the *Digest* is, as intended, being used by Members to help inform the debate in both Houses.
- 7.5 For the Committee, the first ten months have been a period of rapid learning as it has developed procedures to fulfil its new function.
- 7.6 In the coming year, the Committee hopes to continue to advance its understanding of these issues to better enable the Parliament to determine when a bill might trespass unduly on personal rights and liberties.
- 7.7 The Committee thanks Members for their positive comments on the *Digests* to date, and is always open to constructive suggestions as to how it can better serve the Parliament.