REGULATION REVIEW COMMITTEE

Parliament of New South Wales

REPORT UPON REGULATIONS

Report 11/51
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REGULATION REVIEW COMMITTEE

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FUNCTIONS OF REGULATION REVIEW COMMITTEE

The Regulation Review Committee was established under the Regulation Review Act 1987. A principal function of it is to consider all regulations while they are subject to disallowance by Parliament. In examining a regulation the Committee is required to consider whether the special attention of Parliament should be drawn to it on any ground, including any of the following:

(a) that the regulation trespasses unduly on personal rights and liberties;
(b) that the regulation may have an adverse impact on the business community;
(c) that the regulation may not have been within the general objects of the legislation under which it was made;
(d) 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;
(e) that the objective of the regulation could have been achieved by alternative and more effective means;
(f) that the regulation duplicates, overlaps or conflicts with any other regulation or Act;
(g) that the form or intention of the regulation calls for elucidation; or
(h) 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.

The Committee may, as a consequence of its examination of a regulation, make such reports and recommendations to each House of Parliament as it thinks desirable.

A further function of the Committee is to report from time to time to both Houses of Parliament on the staged repeal of regulations.

CHAIRMAN'S FOREWORD

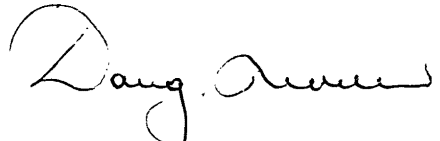
This report deals with several matters of concern to the Committee. In the first matter, the Committee was able to bring about a timely amendment to the Prevention of Cruelty to Animals Regulation to restrict the use of electro-immobilisers on cattle. The use of these devices is now confined to operations carried out by veterinary surgeons.

In the second matter, arising under the same principal regulation but with respect to battery hens, the Committee's concern over the provision of advice on the validity of regulations are yet to be satisfactorily addressed.

The third matter concerns the Environmental Planning and Assessment Amendment Public Consultation Regulation and raises an issue of long standing - the Committee's recommendation for the adoption of explanatory notes which give reasons for amendments. These would be along the lines of the descriptions of regulations in the United States Federal Register and those proposed to be required under the Commonwealth Legislative Instruments Bill. This was first put forward in the Committee's 23rd report of 1993 but has not yet been implemented .

The report on the fourth matter sets out the major defects in the regulatory impact statement for the Public Sector Management (General) Regulation.

The final matter concerns an amendment to the Recreation Vehicles Regulation. Through its examination of this regulation the Committee found that the Act under which it was made, the Recreation Vehicles Act 1983, had substantially failed to achieve its objects. This adds weight to the Committee's calls for the introduction of a scrutiny of bills committee which would, among other things, check whether the objectives of bills are realistic and achievable.



Doug Shedden MP
Chairman
Regulation Review Committee

DESCRIPTION **Prevention of Cruelty to Animals Act 1979 - Regulation (Relating to the use of prescribed electrical devices)**

GOVERNMENT GAZETTE **27 May, 1994 at page 2439**

MINISTER **for Agriculture**

OBJECTIVE

The object of this regulation is to permit the use of a device known as an electro-immobiliser for the purpose of restraining cattle during procedures not requiring analgesia or anaesthesia.

BACKGROUND

The device is legal in all other States of Australia and other countries except the United Kingdom. NSW Agriculture was of the view that with restricted use this device would benefit user groups in cattle handling.

It was apparent to the Regulation Review Committee from the advice it received from NSW Agriculture that the department was concerned to see that its use was not abused. The advice stated "NSW Agriculture will not promote nor discourage the use of the device."

However, the regulation left it to the landowner to determine those husbandry procedures that did not require analgesia (pain relief) or anaesthesia. It was only in relation to these procedures that the device could be used. It appeared to the Committee that these terms of the regulation may not be enforceable. For instance, if a landowner had a genuine belief, in a particular case, that the device was being used in relation to a husbandry procedure that did not require anaesthesia, it would be very difficult to obtain a conviction.

However, this aside, the overall purpose of the regulation was to ensure that the device is not used to immobilise an animal so as to carry out a procedure that should have been done under analgesia or anaesthesia. The Committee was of the view that this objective might be better served if the regulation specified the permissible procedures. These included dehorning cattle that are less than 12 months of age, castration of cattle that are less than 6 months of age and branding.

COMMITTEE'S ACTION

The Committee wrote to the Minister for Agriculture asking him whether the regulation was currently being reviewed and, if so, whether he was prepared to prescribe the permissible procedures for using an electro-immobiliser.

MINISTER'S RESPONSE

The Minister for Agriculture in his letter of 4 December 1995 advised that all issues relating to the continued use of electro-immobilisation in NSW have been referred to the NSW Animal Welfare Advisory Council for review. On 2 May 1996 he advised that the Animal Welfare Advisory Council had considered the matter in detail, and had provided him with a comprehensive discussion paper which he would consider.

On 17 October 1996 he advised that after thorough deliberation on this matter, it has been decided that use of the electro-immobiliser will be restricted to registered veterinary surgeons, with a further restriction that veterinary surgeons are not to use the device as a replacement for anaesthesia or analgesia.

He said that this decision has been given effect by inclusion of the device, with the restrictions specified, in Schedule 1 of the Prevention of Cruelty to Animals (General) Regulation 1996 which commenced on 1 September 1996.

COMMITTEE'S ACTION

As the Regulation now prescribes that the use of the device is restricted to registered veterinary surgeons and that the device is not to be used where the use of anaesthesia or analgesia would be satisfactory, the Committee wrote to the Minister asking that adequate publicity be given to the amendment to the Regulation.

On 20 December 1996 the Minister advised that the manufacturers and re-sellers are well aware of the current provisions and further publicity is unnecessary but the matter will be kept under observation. The Committee considered this a satisfactory response.

DESCRIPTION **Prevention of Cruelty to Animals Act 1979 - Regulation (Relating to cage sizes for egg producing fowls)**

GOVERNMENT GAZETTE **22 December, 1995 at page 8711**

MINISTER **for Agriculture**

OBJECTIVE

The explanatory note to the Regulation states that the object of this Regulation is to impose minimum cage size requirements for the keeping of fowls for egg production.

The minimum size for a cage is determined according to the number of fowls in the cage. For cages containing 1 fowl the minimum floor area is 1000 square centimetres. For cages containing 2 fowls the minimum floor area is 1350 square centimetres. For cages containing 3 or more fowls the minimum floor area is 450 square centimetres per fowl where the average weight of fowls is 2.4 kilograms or less, or 600 square centimetres per fowl where the average weight of fowls is more than 2.4 kilograms.

Where there are more than 30 cages, average flock weight is used instead of the average weight in each cage. Average flock weight is determined in accordance with procedures that follow the National Guidelines for RSPCA Inspectors for the Inspection of Layer Hens in Cages.

Contravention of the minimum cage size requirements is an offence with a maximum penalty of 10 penalty units.

BACKGROUND

The Committee considered this Regulation at a series of meetings and discussed the regulation with representatives of the Minister for Agriculture; the Australian Egg Industry Association, the Australian and New Zealand Federation of Animal Societies and the RSPCA.

The issue of the validity of the regulation was raised in these discussions but when the issue was referred to the Minister he relied on the Parliamentary Counsels advice and declined the Committee's request that he seek independent advice on the regulations validity.

The Committee wrote to the Attorney General on 18 October 1996 seeking clarification as to the position in future cases when Parliamentary Counsel is asked to advise on the validity of a regulation which he has already certified to be valid.

The Committee had raised this issue in an earlier report to Parliament in connection with the Firearms Regulations, report No 8/51, where it said that there is a grey area between the

functions of the Crown Solicitor and the Parliamentary Counsel in respect of advice on the interpretation of the legislation which may involve issues of validity.

MINISTER'S RESPONSE

The Attorney in his response said that the Parliamentary Counsel strongly resented the implication that his office would not be able to give professional and competent advice when it had already advised on the validity of the regulation.

The Attorney said that he appreciates the concern of the Committee but has no evidence and sees no reason to justify changing the current arrangements. He concluded by saying that in those instances where there are significant concerns about the validity of a regulation and these are not dealt with by the Parliamentary Counsel, it is still open to the Government to obtain the advice of the Crown Solicitor or independent private Counsel.

It could be said that whenever concerns are raised about the validity of a regulation by a Parliamentary Committee these are significant concerns about the validity of a regulation which justify the Government obtaining the advice of the Crown Solicitor or independent private Counsel. Moreover, it is difficult to envisage a case where the Parliamentary Counsel would not attempt to deal with all significant concerns about the validity of a regulation and it is difficult to see how a Minister, in the absence of independent advice, could determine whether these were dealt with satisfactorily.

Professor Pearce in the leading text on the interpretation of regulations "Delegated Legislation" said that there was an obvious problem of a conflict of interest or possible embarrassment in a member of the Parliamentary Counsels Office having to criticise the work of other members of that Office. Although he was speaking of the situation which then applied in Victoria where an officer of the Parliamentary Counsel was adviser to the Parliamentary Committee, the same principle applies and the "obvious problem" of a conflict of interest still remains.

This issue has since arisen in respect of another regulation:

Public Sector Management Regulation relating to the temporary employment of Olympians and Paralympians in the public service- Government Gazette of 19 July 1996 at page 4131

When it considered an amendment to the Public Sector Management Regulation relating to the temporary employment of Olympians and Paralympians in the public service, the Committee wrote to the Premier requesting him to obtain independent advice on the validity of the regulation as there was no clear enabling power in the Act.

The Premier advised that he would be reluctant to seek independent advice on the validity of regulations as this may create uncertainty and individuals can, if they are concerned, challenge a regulation in court. He believed that until a court rules that a regulation is invalid,

the advice of the Parliamentary Counsel should be relied on, as legal opinions may differ.

He stated that it is better in the interests of good administration to rely on the procedures for ensuring validity prior to making regulations rather than canvas this after they are made.

The difficulty with this view is that it is precisely the committee's role to canvas the validity of regulations after they are made. Determining whether a particular regulation accords with the objects of the Act under which it was made is one of the Committees principal functions under Section 9 of the Regulation Review Act.

Three cases from the past demonstrate that the issue is of long standing concern to the Committee.

Conveyancing (Sale of Land) Regulation (8th report of 1990)

In the Committee's 8th report to Parliament of 1990 the Committee considered the Conveyancing (Sale of Land) Regulation 1988 which was cognate with the Conveyancing (Sale of Land) Amendment Act 1987. The Act and regulation were designed to overcome the undesirable practice of gazumping and to improve the conveyancing system in New South Wales in relation to the sale of residential properties.

The Committee was concerned that the form of preliminary agreement prescribed by the regulation did not comply with the requirements of the Act. These concerns were raised with the then Minister for Natural Resources, the Hon. I. Causley, M.P.

In his response, the Minister advised that the Attorney-General had obtained the opinion of the Parliamentary Counsel that the regulation and form were not ultra vires the Act. The Parliamentary Counsel believed this was essentially because the parties were at liberty to vary the form, both by virtue of the Interpretation Act 1987 and the legislation itself, so as to make it comply with the Act. Nevertheless, he conceded that the Act could perhaps be amended to bring its terminology and the prescribed form closer together.

In the decision of Cole. J of the Commercial Division of the NSW Supreme Court in Brett C. Sloane & Anor -v- McDonald Industries (Sales) Pty. Limited, his honour found that the anti-gazumping provisions of the Conveyancing Act as a whole were inoperative because the preliminary agreement, which is central to the operation of those provisions, was ultra vires.

The Minister for Natural Resources, subsequently advised the Committee that as part of a major overhaul of the anti-gazumping legislation, the Preliminary Agreement form would be eliminated and the problems raised in the case would be overcome. The Committee's view was therefore vindicated.

Amendment to the Public Finance and Audit Regulation 1984 (report No 12 of April 1991)

In report No 12 of April 1991 the Committee outlined the findings of its inquiry into an amendment to the Public Finance and Audit Regulation 1984 which had been referred by the then Premier and Treasurer for inquiry and report. The Crown Solicitor's advice was sought on the regulation.

The Crown Solicitor advised that in the circumstances of the case it was appropriate that he brief Counsel, Mr Ronald Sackville, to advise on the Committee's questions.

Mr Sackville subsequently advised that the regulation was too broad to be within the general objects of the enabling section.

This matter shows the virtue of seeking independent advice on the validity of regulations.

Institute of Sport (Sporting Development Advisory Committee) Regulation 1995 (10th report of the 51st Parliament)

In its last report, the 10th report of the 51st Parliament, the Committee found that a clause in the Institute of Sport (Sporting Development Advisory Committee) Regulation 1995 was invalid. The Committee said that its view has always been that if there is doubt about the validity of a regulation it is in the Minister's ultimate interest to amend or repeal it and start again at an early stage before any substantive obligations are imposed or benefits are gained. Otherwise, the Minister runs the risk that in later years the regulation will be found defective when challenged in the Courts and thereby cause greater harm to persons who have organised their affairs in accordance with its provisions.

Although the Parliamentary Counsel took the view that the clause should be repealed he nevertheless said that he remained of the opinion that the clause had been legally made.

DESCRIPTION **Environmental Planning and Assessment Amendment (Public Consultation) Regulation 1996**

GOVERNMENT GAZETTE **26 July 1996, at page 4364**

MINISTER **for Urban Affairs and Planning**

OBJECTIVES

The explanatory note to the regulation stated that its object was to set out the procedure for publicly exhibiting the particulars of a proposed modification of an approved activity in cases where that Act does not require the preparation of an environmental impact statement.

The Committee found that in fact the regulation was cognate with the Environmental Planning and Assessment Amendment Act 1996 which was proclaimed to commence on 1 August 1996. This fact should have been stated in the explanatory note.

The Committee requested the Parliamentary Counsel in future cases of this kind to indicate in explanatory notes the reasons why amendments are being made.

PARLIAMENTARY COUNSEL'S RESPONSE

On 5 December 1996 the Parliamentary Counsel advised that he had drawn to the attention of his colleagues the Committees support of specifically referring to amending Acts in explanatory notes .

On the issue of including reasons for amendments, he advised that the purpose of explanatory notes is to explain the legal effect of the provisions. However he said he would continue to provide as much useful information on the regulation as possible within this constraint.

For some time now the Committee has sought the introduction of a plain English explanation of the reasons for making regulations. In its 23rd report to Parliament of November 1993, it called for the adoption of provisions similar to the Federal Register in the United States where such a plain English explanation is required.

The Legislative Instruments Bill 1996 that was recently reintroduced into Federal Parliament, which includes cost benefit assessment and sun setting for regulations, requires an explanation of the reasons for each regulation to be published

DESCRIPTION **Public Sector Management (General) Regulation 1996 (Under the Public Sector Management Act 1988)**

GOVERNMENT GAZETTE **30 August 1996 at page 5737**

MINISTER **Premier**

OBJECTIVES

The object of this regulation was to repeal and replace the Public Sector Management (General) Regulation 1988.

When the Committee considered the Regulation which the present one repeals in 1988 it noted that a number of areas were of particular concern for potential trespass on personal rights and liberties.

With respect to disciplinary hearings, the Committee noted that officers were not entitled to particulars of the charge against them until after a preliminary inquiry had been concluded. The former Premier undertook to arrange for the Regulation to be amended to make it clear that an officer under investigation may make oral and written representations. However, the present regulation in clause 22(4) only enables officers to make written representations. They may only make oral representations if the person conducting the inquiry approves. This qualification was not mentioned in the earlier undertaking.

Some months before the current regulation was published the Committee was approached by the Premier's Department for advice on the preparation of regulatory impact statements. At that time the Department indicated that the regulation had already been finalised by the Parliamentary Counsel even though the regulatory impact statement had not yet been prepared. This is contrary to the objects of an RIS which is intended to assist in deciding first, the need for a regulation, and second, its contents.

Clearly, in the present case, some form of regulation is required to implement the Act, however, a number of regulatory options could have been considered with respect to certain of the provisions of the regulation. A major issue that arose in the consultation programme on the regulation was that many of the provisions of the Regulation would be overtaken by enterprise agreements and awards and the regulation would, in time, not be required. Indeed the Premier's Department in its submission on the regulation indicated that postponement should have been the most relevant course to follow.

The regulatory impact statement does not comply with the Subordinate Legislation Act in that it does not contain a quantified analysis of the costs and benefits of the regulation and its alternatives.

Item 6 of the RIS states that it has not been practicable to quantify either the economic or

social costs or benefits of the current Regulation or its proposed replacement.

It says that:

"Firstly, their impact is largely unknown. At most, the Regulation governs the employment of the core public service of about 70,000 people employed in agencies listed in Schedule 1 of the Act, but excluding more than twice that number of Police Officers, school teachers, medical professionals and those working under enterprise agreements (which override significant Parts of the Regulation).

On the other hand, the provisions of the Regulation may serve as a model for the core conditions of such agreements and other regulations, and also to influence the conditions of other employees under specific statutes establishing Government trading enterprises. The Regulation also has an unknown persuasive effect on private employment through the setting of standards and examples.

Consequently, the precise number of people and agencies affected, the extent to which the Regulation has force in any particular situation, and the extent of that force cannot be precisely quantified without extensive research which would consume substantial resources and is unjustifiable by any likely benefit".

The Committee wrote to the Premier and said that this statement in the RIS showed that the agency principally responsible for the management of the public sector has been unable to assess the impact of one of the primary instruments governing the management of the public sector in New South Wales.

If the responsible managers cannot assess the impact of their decisions at this level then it is difficult to see how managers throughout the public sector can be expected to assess the impact of their decisions on critical matters such as appointment and discipline of staff.

Although the regulation may have indirect and flow-on effects to the private sector this doesn't mean that the direct impact of the substantial provisions of the regulation cannot be assessed.

The Subordinate Legislation Act 1989 makes this plain in section 5(1) which states:

5.(1) Before a principal statutory rule is made, the responsible Minister is required to ensure that, as far as is reasonably practicable, a regulatory impact statement complying with Schedule 2 is prepared in connection with the substantive matters to be dealt with by the statutory rule.

Schedule 2(2) to the Act also outlines the extent to which quantification is required:

"2.(1) Wherever costs and benefits are referred to in this Schedule, economic and social costs and benefits, both direct and indirect, are to be taken into account and given due

consideration.

(2) Costs and benefits should be quantified, wherever possible. If this is not possible, the anticipated impacts of the proposed action and of each alternative should be-stated and presented in a way that permits a comparison of the costs and benefits."

The Committee informed the Premier that the RIS also fails to properly assess alternative options to the regulation.

In the submissions on the consultation programme, Dr Roger Wilkins, Acting Director General of the Premier's Department, recommended the postponement of the staged repeal of the former regulations rather than the making of this new regulation. This view was echoed by the Public Service Association of NSW which expressed concern that the regulation would modify the terms and conditions of employment and would prejudice the current negotiations between the relevant agencies and employee representatives. Despite this support for postponement the Public Employment Office, proceeded with the regulation.

As the RIS indicates that industrial negotiations are due for completion later this year or early next year, the Committee also informed the Premier that this regulation fell within his guidelines on postponement. Under those guidelines a postponement can be obtained if there is a timetable for review of the relevant legislation which will be complete within one year. Even if this case did not come within the guidelines it is difficult to see why this would not have justified an exception as the unions and the Premier's Department were of the view that the regulation should have been postponed pending the outcome of negotiations.

The Committee accordingly sought the Premier's advice on why that course was not followed.

PREMIERS RESPONSE

On 20th January 1997 the Premier responded to the Committee's letter.

Disciplinary hearings

With respect to disciplinary hearings and the undertaking of the former Premier to arrange for the regulation to be amended, he advised that the undertakings of the former Premier were not known to him and were not relevant to his administration. He advised that while the regulation does not give a right to make oral representations at a disciplinary hearing, the opportunity to do so is invariably given. He said that discussions are continuing with the Unions on the reform of these proceedings.

Timing of the RIS

On the issue of the timing of the RIS, the Premier advised that in order to comply with schedule 2 of the Subordinate Legislation Act there is a need to consider the contents of a

"draft statutory rule" as well as alternative options and that it was not the case that the rule was finalised before the RIS was prepared.

The Committee notes, however, that Schedule 2 does not speak of a "draft statutory rule" but a "proposed statutory rule". In any event, the department had in fact indicated to the Secretariat of the Committee that the regulation had already been finalised by the Parliamentary Counsel even though the regulatory impact statement had not yet been prepared.

Postponement

On the issue of postponement, the Premier indicated that this option was considered but that he decided that remaking the regulation was the preferable option as consultation on the reforms was proceeding but only at a pace which justified remaking the Rule. Nevertheless, the Committee noted that the Premiers Department and the Union both recommended the postponement of the staged repeal of the former regulations rather than the making of this new regulation.

Content of the RIS

On the issue of the need for a quantified analysis of the costs and benefits of the regulation and its alternatives, the Premier advised that it was not possible to accurately quantify these. He says this is because the regulation provides a safety net by setting out conditions of employment for public service employees not otherwise covered by industrial agreements or other legislation.

The Subordinate Legislation Act in section 5 states that Schedule 2 has to be complied with as far as is "reasonably practicable". Therefore it requires only a reasonably accurate quantification of the direct and indirect costs and benefits.

The Committee noted that even though the RIS said that the regulation's impact was largely unknown it nevertheless said that it governs the employment of the core public service of about 70,000 people employed in agencies listed in Schedule 1 of the Act.

It was the impact on this defined group that should have been assessed in the RIS. Instead the RIS referred to possible flow-on effects to other groups and said that *"the precise number of people and agencies affected, the extent to which the Regulation has force in any particular situation, and the extent of that force cannot be precisely quantified without extensive research which would consume substantial resources and is unjustifiable by any likely benefit. "*

In effect what this is saying is that because the indirect costs and benefits of the flow on effects of the regulation cannot be accurately quantified, no attempt has been made to calculate the quantifiable direct costs and benefits in the RIS. This is illogical and clearly involves a major departure from the Subordinate Legislation Act.

DESCRIPTION **Recreation Vehicles (General) Amendment (Fees) Regulation 1996**

GOVERNMENT GAZETTE **28 June 1996, page 3369**

MINISTER **Minister for Roads**

OBJECTIVES

The committee previously considered this regulation, the object of which is to increase certain fees payable in connection with the administration of the *Recreation Vehicles Act 1983.*

The Committee noted that the enabling Act, the Recreation Vehicles Act 1983, was currently under review to improve registration levels. The Committee asked the Minister for advice on the position of that review and for details of the assessment of the fee increases.

The Committee Secretariat discussed this Regulation with officers of the Registry of Recreational Vehicles who said that there were about 350 vehicles registered under the legislation and that only two Recreational Vehicles areas were operational. It was understood that the original intention when the Act was passed was to achieve registration of about 100,000 vehicles, chiefly trail bikes. These currently go unregistered.

The Committee understands that the Act is currently under review as to means of improving registration levels. The Committee sought the Minister's advice as to the current position of that review.

With respect to the fee increases the Committee sought advice on whether an assessment was made of this Regulation in accordance with schedule 1 of the Subordinate Legislation Act before it was made. The Committee said that as there are so few vehicles registered under the Act and Regulation, it sought advice on what alternatives were considered before the Regulation was made. It also asked whether the options of taking action to amend the principal Act to ensure that a larger number of vehicles are registered or prescribing a number of new recreational vehicle areas, were considered.

MINISTERS RESPONSE

On 20 February 1997 the Minister advised that he had referred the issue of the review of the Recreation Vehicles Act 1983 to the Minister for the Environment who is conducting that review. On the issue of the assessment of the fees the Minister advised that the increases were based on the Consumer Price Index in accordance with the Treasurers Direction of 7 June 1995.

The Committee had earlier received similar advice concerning Motor Traffic and Roads Fees, Charges, and Penalties Regulations made in 1996.

The Committee raised the issue of regulatory fees with the Treasurer in 1996, particularly whether there was a Government policy on fees and whether it was based on cost recovery or CPI increases. The Committee was advised that regulations should pass on "efficient costs", that is, they should not automatically pass on all costs as this would remove the agency's incentive to become more efficient and fail to pass on the benefits of these efficiencies . Treasury also believed that the Committee should examine regulatory fees to determine whether they were hidden taxes.

The Treasury provided documents which show that it approved the increases in motor traffic fees and charges by 5.2%, based on the average annual increase in the Sydney CPI for the year ended December 1995. It was said that petroleum licence fees and weight tax fees were increased on a similar basis.

The documents did not indicate that this a special exception from the general principle of efficient cost recovery and accordingly the Committee asked the Treasurer whether any other increases in fees and charges had been similarly based.

In order to finally resolve this issue, the Committee asked the Treasurer to produce a list of those fees and charges which are based on cost recovery and those which are based on Consumer Price Index increases. This will be important in determining whether Government policy is being implemented in the regulations.

RESPONSE OF THE MINISTER FOR THE ENVIRONMENT

The Minister for the Environment advised on 15th May, 1997 that only two recreational vehicle areas, at Oberon and Stockton Beach are actively used. Those at Deniliquin, Griffith and Bombala are not.

She confirmed that the regulatory control of Recreational Vehicles is under review and rather than increasing registrations a better option may be to use controls under other legislation. She said that the Roads and Transport Authority and the Environment Protection Authority are currently finalising a proposal to government on the future of the Act.

CONCLUSION

The Recreation Vehicles Act appears to have failed to achieve its objects. Had it been a regulation it would have required an assessment before it was made of its ability to achieve its objects as compared with other options and not 14 years after it was made as in the present case.

This matter adds weight to the Committee's calls for the introduction of a scrutiny of bills committee which would, among other things, check whether the objectives of bills are realistic and achievable.

Doug Shedden
Chairman
Regulation Review Committee