



New South Wales

Legislation Review Amendment Act 2002 No 77

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Legislation Review Amendment Act 2002 No 77

Act No 77, 2002

An Act to amend the *Regulation Review Act 1987* to rename the Regulation Review Committee as the Legislation Review Committee and to extend the role of the Committee to the scrutiny of Bills; and to make consequential amendments to other Acts. [Assented to 2 October 2002]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Legislation Review Amendment Act 2002*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Regulation Review Act 1987 No 165

The *Regulation Review Act 1987* is amended as set out in Schedule 1.

4 Consequential amendments of other Acts

The Acts specified in Schedule 2 are amended as set out in that Schedule.

Schedule 1 Amendments

(Section 3)

[1] Long title

Omit “Regulation Review Committee”.
Insert instead “Legislation Review Committee”.

[2] Section 1 Short title

Omit “*Regulation Review Act*”. Insert instead “*Legislation Review Act*”.

[3] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Bill means a Bill for an Act of New South Wales.

[4] Section 3 (1), definition of “Committee”

Omit “Regulation Review Committee”.
Insert instead “Legislation Review Committee”.

[5] Section 4 Constitution of Legislation Review Committee

Omit “the commencement of this Act and”.

[6] Section 4

Omit “Regulation Review Committee”.
Insert instead “Legislation Review Committee”.

[7] Section 8A

Insert before section 9:

8A Functions with respect to Bills

- (1) The functions of the Committee with respect to Bills are:
 - (a) to consider any Bill introduced into Parliament, and
 - (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:

- (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.
- (2) A House of Parliament may pass a Bill whether or not the Committee has reported on the Bill, but the Committee is not precluded from making such a report because the Bill has been so passed or has become an Act.

[8] Section 9 Functions with respect to regulations

Insert “with respect to regulations” after “functions of the Committee” wherever occurring in section 9 (1) and (3).

[9] Section 10 Reports as to Bills or regulations

Omit “section 9” from section 10 (1). Insert instead “section 8A or 9” .

[10] Section 17

Insert at the end of the Act:

17 Savings and transitional provisions

- (1) In this section:

the amending Act means the *Legislation Review Amendment Act 2002*.

the reconstitution day means the day on which the amendment made to section 4 by Schedule 1 [6] to the amending Act commences.

- (2) On and from the reconstitution day:

- (a) the Regulation Review Committee constituted under section 4 immediately before that day continues in existence and is to be known as the Legislation Review Committee, and

- (b) anything done by, or in relation to, the Regulation Review Committee is taken to have been done by, or in relation to, the Legislation Review Committee, and
- (c) a reference in any other Act, in any instrument made under an Act or in any other document to the Regulation Review Committee is to be read as a reference to the Legislation Review Committee.

Schedule 2 Consequential amendments of other Acts

(Section 4)

2.1 Parliamentary Remuneration Act 1989 No 160

Schedule 1 Additional salaries and expense allowances

Omit “Chairman of the Regulation Review Committee constituted under the *Regulation Review Act 1987*”.

Insert instead “Chairman of the Legislation Review Committee constituted under the *Legislation Review Act 1987*”.

2.2 Subordinate Legislation Act 1989 No 146

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Legislation Review Committee means the committee for the time being constituted under the *Legislation Review Act 1987*.

[2] Section 3 (1), definition of “Regulation Review Committee”

Omit the definition.

[3] Sections 5 (4) and (5), 11 (4) and (5), 13 and 14 (2)

Omit “Regulation Review Committee” wherever occurring.

Insert instead “Legislation Review Committee”.

[Second reading speech made in—
Legislative Assembly on 18 June 2002
Legislative Council on 25 September 2002]

BY AUTHORITY