

REGULATION REVIEW BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to constitute a Regulation Review Committee as a joint committee of Parliament;
- (b) to empower the Committee to examine regulations (as defined by the proposed Act) while they are subject to disallowance, with a view to drawing Parliament's attention to certain of their aspects; and
- (c) to empower the Committee to initiate a review of any regulations, based on their staged repeal.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on assent.

Clause 3 contains definitions. One definition is that of "regulation" which is defined as a statutory rule, proclamation or order that is subject to parliamentary disallowance. A "statutory rule" is defined as a regulation, by-law, rule or ordinance made or approved by the Governor or a rule of court (this definition is the same as that in the Interpretation Act 1987).

PART 2—CONSTITUTION AND PROCEDURE OF COMMITTEE

Clause 4 provides for the appointment of a Regulation Review Committee as soon as practicable after the commencement of the proposed Act and of the first session of each Parliament.

Clause 5 provides that the Committee is to consist of 2 Members of the Legislative Council and 7 Members of the Legislative Assembly, but not Ministers or Parliamentary Secretaries.

Regulation Review 1987

Clause 6 provides for the ways in which a person ceases to be a member of the Committee. These are the dissolution or expiry of Parliament, appointment as a Minister or Parliamentary Secretary, ceasing to be a Member of Parliament, resignation addressed to the presiding officer or discharge by the House.

Clause 7 provides for the appointment of a Chairman and Vice-Chairman.

Clause 8 (1) allows the Committee to determine its own procedure, subject to express provisions in this regard. Clause 8 (2) provides for the Clerk of the Legislative Assembly to call the first meeting in each Parliament. Clause 8 (3) establishes the quorum of the Committee as 5, but the Committee is always to meet as a joint committee. Clause 8 (4)–(6) provide for the chairing of meetings, and gives the person presiding a deliberative vote and a casting vote. Clause 8 (7) requires decisions to be reached by a majority of members present and voting. Clause 8 (8) and (9) authorise the Committee to sit during adjournments and during the time a House is actually sitting.

PART 3—FUNCTIONS OF COMMITTEE

Clause 9 (1) empowers the Committee to examine regulations while they are subject to disallowance by either or both Houses of Parliament. Clause 9 (2) (a) empowers the Committee to initiate a systematic review of regulations (whether or not still subject to disallowance), based on the staged repeal of regulations. Clause 9 (2) (b) authorises the Committee to consider any question connected with regulations referred to the Committee by a Minister of the Crown. Clause 9 (3) limits the extent to which the Committee may involve itself in questions of Government policy.

Clause 10 allows the Committee's reports to be furnished to the Clerk of either House when the House is not sitting.

PART 4—MISCELLANEOUS

Clause 11 (1) authorises the Committee to send for persons, papers and records. Clause 11 (2) requires that, generally, the Committee is take all evidence in public. Clause 11 (3) allows evidence taken by the Committee to be considered by the Committee as differently constituted. Clause 11 (4) provides that the practice of the Legislative Assembly respecting the production of documents to select committees of the Assembly is to apply to the Committee.

Clause 12 provides for the giving of evidence to the Committee on a confidential basis, and creates certain offences in this regard.

Clause 13 makes it clear that the Committee is to be regarded as a joint committee of both Houses of Parliament, the proposal for which originated in the Legislative Assembly. This is of particular relevance for the Parliamentary Evidence Act 1901, which applies to joint committees by reference to the House in which the proposals for appointment of the committees originated.

Clause 14 protects acts and proceedings of the Committee in the event of a vacancy, defect or disqualification in membership.

Clause 15 provides that offences are to be punishable summarily before a Local Court constituted by a Magistrate.

Regulation Review 1987

Clause 16 requires the Committee to report to Parliament after the first 2 years on its past and current activities and arrangements. The report may include recommendations for the Committee's future activities and arrangements.
