

[Act 2002 No 77]



New South Wales

## Legislation Review Amendment Bill 2002

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

#### Overview of Bill

The object of this Bill is to rename the Regulation Review Committee as the Legislation Review Committee and to extend the role of the Committee to the scrutiny of Bills.

The Committee will remain a joint committee of both Houses, but its membership will be increased from 8 members to 12 members.

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\* Amended in committee—see table at end of volume.

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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Regulation Review Act 1987* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the consequential amendments to the *Parliamentary Remuneration Act 1989* and the *Subordinate Legislation Act 1989* set out in Schedule 2.

## Schedule 1 Amendments

Currently, the *Regulation Review Act 1987* constitutes the Regulation Review Committee as a joint committee of Parliament and gives it functions of reporting and making recommendations to Parliament arising out of its consideration of regulations before Parliament that are subject to disallowance or of existing regulations in connection with the program for the staged repeal of regulations.

**Schedule 1 [6]** provides that the Committee is to be known as the Legislation Review Committee. **Schedule 1 [1], [2], [4] and [5]** make consequential amendments, including to change the short title of the Principal Act to the *Legislation Review Act 1987*.

**Schedule 1 [7]–[9]** increase the membership of the Committee from 8 to 12 members. The number of members to be appointed from the Legislative Council is increased from 3 to 5 members and the number of members to be appointed from the Legislative Assembly is increased from 5 to 7 members. **Schedule 1 [10]** increases the quorum for a meeting of the Committee from 4 to 6 members.

**Schedule 1 [11]** inserts proposed section 8A into the Principal Act to confer an additional function on the Committee with respect to the scrutiny of Bills. The new function is to consider any Bill introduced into Parliament and to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:

- (a) trespasses unduly on personal rights and liberties, or
- (b) makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or
- (c) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions, or

- (d) inappropriately delegates legislative powers, or
- (e) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

The matters on which the Committee may report are the same as the matters on which the Senate Scrutiny of Bills Committee, and committees of the Parliaments of other States, may report.

**Schedule 1 [3], [12] and [13]** make consequential amendments.

**Schedule 1 [14]** makes savings and transitional provisions with respect to the reconstitution of the Committee.

## **Schedule 2 Consequential amendments of other Acts**

The Schedule makes amendments to the *Parliamentary Remuneration Act 1989* and the *Subordinate Legislation Act 1989* to change references to the Regulation Review Committee to references to the Legislation Review Committee.