



## Legislation Review Committee

### LEGISLATION REVIEW DIGEST

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The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

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# Membership

<b>CHAIR</b>	Mr Michael Johnsen MP, Member for Upper Hunter
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# Guide to the Digest

## COMMENT ON BILLS

This section contains the Legislation Review Committee's reports on Bills introduced into Parliament on which the Committee has commented against one or more of the five criteria for scrutiny set out in s 8A(1)(b) of the *Legislation Review Act 1987*.

## COMMENT ON REGULATIONS

The Committee considers all regulations made and normally raises any concerns with the Minister in writing. When it has received the Minister's reply, or if no reply is received after 3 months, the Committee publishes this correspondence in the Digest. The Committee may also inquire further into a regulation. If it continues to have significant concerns regarding a regulation following its consideration, it may include a report in the Digest drawing the regulation to the Parliament's "special attention". The criteria for the Committee's consideration of regulations are set out in s 9 of the *Legislation Review Act 1987*.

### **Regulations for the special attention of Parliament**

When required, this section contains any reports on regulations subject to disallowance to which the Committee wishes to draw the special attention of Parliament.

# Conclusions

## PART ONE – BILLS

### 1. ABORTION LAW REFORM (MISCELLANEOUS ACTS AMENDMENT) BILL 2016\*

Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA

#### *Right to protest*

The proposed amendments in the Bill to the *Summary Offences Act 1988* may impact on the right to protest. This is because the Bill creates exclusion zones around abortion clinics, establishes various offences for conduct carried out in such zones, and provides that these provisions apply despite existing laws which allow for public assemblies authorised by the Police or the Courts. However, the Committee notes that protests relating to abortion will still be lawful at Parliament House and outside the relevant exclusions zones surrounding abortion clinics. The Committee also acknowledges that the proposed provisions are intended to ensure the safety, wellbeing, privacy and dignity of those accessing abortion services, including their partners, health professionals and other staff. For these reasons, the Committee makes no further comments.

### 2. GREYHOUND RACING AMENDMENT (GREYHOUND RACING INTEGRITY COMMISSION) BILL 2016\*

The Committee makes no comment on the Bill in respect of issues set out in s8A of the Legislation Review Act 1987.

### 3. GREYHOUND RACING PROHIBITION BILL 2016

Trespasses unduly on personal rights and liberties: s 8A(1)(b)(i) of the LRA

#### *Property rights and right to compensation*

The closure of the greyhound racing industry may impact on the property rights of industry participants such as those who own or run a racecourse, provide betting services or breed greyhounds for racing. The Bill specifically excludes a statutory right to compensation from the State for consequences flowing from the enactment of the Bill. However, the Committee notes that the Minister has announced an assistance package for affected industry participants, which will provide financial and other support. The Committee also notes that the industry closure date is not until 1 July 2017. As such, industry participants have some time to start making other arrangements. The Committee makes no further comments.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

#### *Commencement by proclamation*

The Committee notes that some provisions of the Bill will commence by proclamation, rather than on assent. The Committee generally prefers Acts to commence on a fixed date, or on assent, so the Executive does not have unfettered control over the commencement date. However, the Committee understands that a transition task force has been established to arrange the closure of the greyhound racing industry on 1 July 2017. As such, the Committee acknowledges that some flexibility may be required in relation to the commencement of certain provisions. The Committee makes no further comments.

#### 4. POPPY INDUSTRY BILL 2016

Trespasses unduly on personal rights and liberties: s 8A(1)(b)(i) of the LRA

##### *Fair review process*

The Committee notes that the operation of the review provisions prevents an applicant from knowing the facts relevant to a decision to refuse to grant or renew a poppy licence or suspend or cancel a poppy licence. The Committee further notes that the provisions limit an applicant's representative from being present at a review hearing unless the Commissioner of Police approves.

The Committee notes the purpose and importance of restricting the disclosure of criminal intelligence on public interest grounds. Restricting the disclosure of such information avoids compromising any ongoing police investigations and ensures the safety of investigating officers. The Committee makes no further comment.

##### *Powers to enter and inspect*

The Committee notes the power granted to authorised officers to enter and inspect certain areas without a search warrant. Such powers may trespass against an individual's right to privacy and property. However, given the limitations on the particular areas which may be entered without a search warrant, and the significant public interest in ensuring that alkaloid poppies are not being used for an unlawful purpose, the Committee does not consider the powers of entry unduly trespass on individual rights.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

##### *Commencement by proclamation*

The Committee notes that providing the Act to commence on proclamation delegates to the Government the power to commence an Act on whatever day it chooses after assent or not to commence the Act at all. The Committee notes that the Bill creates a framework for the establishment of an alkaloid poppy industry within NSW and has a number of aspects within the framework which would require time to implement and organise. The Committee therefore considers discretion as to its commencement is reasonable.

#### 5. RURAL FIRES AMENDMENT (FIRE TRAILS) BILL 2016

Trespasses unduly on personal rights and liberties: s 8A(1)(b)(i) of the LRA

##### *Power to enter and inspect land*

The proposed section permits the entry of authorised members of the Rural Fire Service onto land, which could include private land, without a warrant. Given the limited purposes for which entry is granted and the public interest in ensuring fire trails are maintained and comply with the Fire Trail Standards, the Committee does not consider the powers of entry and inspection unduly trespass on individual rights.

Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

##### *Commencement by proclamation*

The Committee notes that the Bill will commence by proclamation, rather than on assent. The Committee generally prefers Acts to commence on a fixed date, or on assent, so the Executive does not have unfettered control over the commencement date. However, the Committee

notes the Bill provides for the establishment of bush fire management committees which will be required to prepare draft fire access and fire trail plans. As such, the commencement date for the Act may need to be flexible. The Committee makes no further comment.



## Part One – Bills

# 1. Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016\*

Date introduced	11 August 2016
House introduced	Legislative Council
Member responsible	Dr Mehreen Faruqi MLC
	*Private Member's Bill

### PURPOSE AND DESCRIPTION

1. The objects of this Bill are as follows:
  - (a) to repeal the offences under the *Crimes Act 1900* relating to abortion,
  - (b) to abolish any rule of common law that creates an offence relating to abortion,
  - (c) to provide that it constitutes unsatisfactory professional conduct for a medical practitioner who has a conscientious objection to abortion to fail to advise a person requesting an abortion, or advice about abortions, of the objection and to fail to refer the person to another health practitioner who does not have such a conscientious objection or to a local Women's Health NSW (WHNSW) Centre,
  - (d) to provide for exclusion zones (also known as safe access zones) around premises at which abortions are provided to ensure the safety, well-being, privacy and dignity of people accessing the services provided at the premises, their partners, health professionals and other staff.

### BACKGROUND

2. The main purpose of the Bill is to remove offences relating to abortion from the *Crimes Act 1900* to bring the law in this area in line with modern medical practice, expectations of reproductive health and the rights of women to autonomy over their bodies. At present, abortion is only legal in certain circumstances as interpreted by the common law.
3. In her Second Reading Speech, Dr Faruqi explains the difficulties with the current legal status of abortion:

While incredibly common, abortion remains in a grey zone in the law and is not fully mainstream like other medical procedures. It is not routinely provided by public hospitals. Relatively few committed doctors perform these procedures, and mainly in the private sector. This uncertainly results in difficulties with access and cost, especially in regional and rural New South Wales.

4. The Bill also creates exclusion zones around abortion clinics and associated offences.

5. The Bill has been developed following consultation with doctors, lawyers, health professionals, academics and women's groups. Various organisations support the Bill including the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the NSW Council for Civil Liberties, the NSW Nurses and Midwives' Association, the National Tertiary Education Unit NSW, the Women's Legal Service, Community Legal Centres and Family Planning NSW.

## ISSUES CONSIDERED BY COMMITTEE

### Trespasses on personal rights and liberties: s 8A(1)(b)(i) of the LRA

#### *Right to protest*

6. The Bill seeks to create exclusion zones within a 150 metre radius of premises where abortions are carried out, including pedestrian access points to such premises (see proposed section 11AB of the *Summary Offences Act 1988*).
7. The Bill creates a number of offences relating to activities in exclusion zones:
  - (a) Impeding access to abortion clinics;
  - (b) Making distressing communications; or
  - (c) Capturing or distributing visual or audio data.
8. These offences carry a maximum penalty of \$16,500 or imprisonment for six months (see proposed clauses 11AC to 11AE of the *Summary Offences Act 1988*).
9. The provisions will apply despite anything to the contrary in Part 4 of the *Summary Offences Act 1988*. That Part of the Act deals with public assemblies which have been authorised by the Commissioner of Police or the District or Supreme Court, among other things (see proposed clause 11AG of the *Summary Offences Act 1988*).
10. These provisions will not prohibit conduct in the forecourt of, or on the footpath or road outside, Parliament House (see proposed clause 11AG of the *Summary Offences Act 1988*).

**The proposed amendments in the Bill to the *Summary Offences Act 1988* may impact on the right to protest. This is because the Bill creates exclusion zones around abortion clinics, establishes various offences for conduct carried out in such zones, and provides that these provisions apply despite existing laws which allow for public assemblies authorised by the Police or the Courts. However, the Committee notes that protests relating to abortion will still be lawful at Parliament House and outside the relevant exclusions zones surrounding abortion clinics. The Committee also acknowledges that the proposed provisions are intended to ensure the safety, wellbeing, privacy and dignity of those accessing abortion services, including their partners, health professionals and other staff. For these reasons, the Committee makes no further comments.**

## 2. Greyhound Racing Amendment (Greyhound Racing Integrity Commission) Bill 2016\*

Date introduced	11 August 2016
House introduced	Legislative Assembly
Member responsible	Mr Michael Daley MP
	*Private Member's Bill

### PURPOSE AND DESCRIPTION

1. The object of this Bill is to amend the Greyhound Racing Act 2009 as follows:
  - (a) to constitute the Greyhound Racing Integrity Commission (GRIC) as a NSW Government agency that will, subject to Ministerial control, have functions relating to the control, supervision and regulation of greyhound racing in the State,
  - (b) to confer other functions on GRIC, including the existing regulatory, registration and rule-making functions of Greyhound Racing New South Wales (which will no longer be the greyhound regulatory authority for the State and will exercise its functions in accordance with a memorandum of understanding with GRIC),
  - (c) to provide for the appointment of a Greyhound Racing Integrity Commissioner who will manage and control the affairs of GRIC and for the establishment of a Board of GRIC,
  - (d) to provide for the establishment of an Animal Welfare Committee to advise GRIC on matters relating to the welfare of greyhounds (the Committee will replace the Greyhound Racing Industry Consultation Group which will be abolished),
  - (e) to provide that a person who is found guilty of a live baiting offence under the Prevention of Cruelty to Animals Act 1979 will be banned for life from participating in or associating with greyhound racing,
  - (f) to prevent the sale of public land used for greyhound racing from being sold except with the approval of Parliament,
  - (g) to make a number of other amendments of an administrative nature or that are consequential on the establishment of GRIC and the conferral on GRIC of most of the existing regulatory functions exercised by Greyhound Racing New South Wales.

### BACKGROUND

2. This Bill provides the Labor Party's response to the Special Commission of Inquiry into the Greyhound Racing Industry in NSW conducted by Commissioner McHugh. The Bill

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GREYHOUND RACING AMENDMENT (GREYHOUND RACING INTEGRITY COMMISSION) BILL  
2016\*

establishes the Greyhound Racing Integrity Commission which will be a NSW Government agency. In the Second Reading Speech, Mr Michael Daley MP stated:

The principles and objectives of the GRIC in exercising its functions are in pursuit of many of the recommendations of the Mc Hugh report.

**ISSUES CONSIDERED BY COMMITTEE**

**The Committee makes no comment on the Bill in respect of issues set out in s8A of the Legislation Review Act 1987.**

## 3. Greyhound Racing Prohibition Bill 2016

Date introduced	10 August 2016
House introduced	Legislative Council
Minister responsible	The Hon. Troy Grant MP
Portfolio	Racing

### PURPOSE AND DESCRIPTION

1. The object of this Bill is to close the greyhound racing industry in New South Wales on 1 July 2017 (the greyhound racing closure date). For that purpose, the Bill:
  - (a) authorises the Minister to appoint a Greyhound Racing Administrator to wind up greyhound racing in New South Wales and the affairs of Greyhound Racing NSW, and
  - (b) enables greyhound racing to continue until the greyhound racing closure date, and
  - (c) makes provision for the welfare of greyhounds affected by the closure of greyhound racing, and
  - (d) provides for the repeal of the *Greyhound Racing Act 2009* and the dissolution of Greyhound Racing NSW on a proclaimed date after the greyhound racing closure date.

### BACKGROUND

2. The Bill responds to findings and recommendations of the *Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales*, led by the Honourable Michael McHugh AC QC, which reported on 16 June 2016.
3. The Commission received evidence of various forms of mistreatment of greyhounds bred for racing and live baiting practices for training greyhounds. In light of these animal welfare issues, the Commission recommended either banning greyhound racing in New South Wales or introducing widespread reforms to the industry to improve its practices. The Bill seeks to close the greyhound racing industry.

### ISSUES CONSIDERED BY COMMITTEE

#### Trespasses unduly on personal rights and liberties: s 8A(1)(b)(i) of the LRA

##### *Property rights and right to compensation*

4. The Bill seeks to close the greyhound racing industry from 1 July 2017. The closure of the industry will be facilitated by various mechanisms, such as those set out below, which may impact on property rights of industry participants.
5. From 1 July 2017:
  - (a) greyhound racecourse licences under the *Betting and Racing Act 1998* will be terminated; and

- (b) registration under the *Greyhound Racing Act 2009* of a greyhound racing club or trial track will be cancelled (see clause 15 of the Bill).
6. From 1 July 2017, it will be an offence to:
    - (a) hold a greyhound racing meeting in New South Wales;
    - (b) operate a greyhound trial track in New South Wales;
    - (c) officiate at, or participate in, greyhound racing at a meeting or trial track; or
    - (d) provide betting services in relation to greyhound racing in New South Wales.
  7. The maximum penalty for the above offences will be \$11,000, 12 months imprisonment, or both (see clause 14 of the Bill).
  8. From 1 July 2017, it will also be an offence to keep greyhounds for racing in, or outside, New South Wales or to breed greyhounds for racing, subject to some defences. The maximum penalty for these offences will be \$11,000, six months imprisonment, or both (see clauses 16 and 17 of the Bill).
  9. The Bill provides that compensation is not payable by or on behalf of the State because of the enactment or operation of the Act, or for any consequences flowing from this (see clause 29 of the Bill).
  10. However, while participants in the greyhound racing industry will not be provided with a statutory right to compensation for possible losses suffered from the closure of their industry, the Minister's Second Reading Speech highlights that the Government will provide an assistance package to participants to provide financial and other support.

**The closure of the greyhound racing industry may impact on the property rights of industry participants such as those who own or run a racecourse, provide betting services or breed greyhounds for racing. The Bill specifically excludes a statutory right to compensation from the State for consequences flowing from the enactment of the Bill. However, the Committee notes that the Minister has announced an assistance package for affected industry participants, which will provide financial and other support. The Committee also notes that the industry closure date is not until 1 July 2017. As such, industry participants have some time to start making other arrangements. The Committee makes no further comments.**

### **Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA**

#### *Commencement by proclamation*

11. The Act will commence on the date of assent apart from the following provisions, which will commence on a day or days to be appointed by proclamation:
  - (a) section 17, prohibiting breeding of greyhounds for racing;
  - (b) section 24, which repeals the *Greyhound Racing Act 2009*;
  - (c) section 25, which dissolves Greyhound Racing NSW; and

- (d) schedule 2, which contains consequential amendments of other Acts and instruments (see clause 2 of the Bill).

**The Committee notes that some provisions of the Bill will commence by proclamation, rather than on assent. The Committee generally prefers Acts to commence on a fixed date, or on assent, so the Executive does not have unfettered control over the commencement date. However, the Committee understands that a transition task force has been established to arrange the closure of the greyhound racing industry on 1 July 2017. As such, the Committee acknowledges that some flexibility may be required in relation to the commencement of certain provisions. The Committee makes no further comments.**

## 4. Poppy Industry Bill 2016

Date introduced	11 August 2016
House introduced	Legislative Council
Minister responsible	The Hon. Niall Blair MLC
Portfolio	Primary Industries

### PURPOSE AND DESCRIPTION

1. The object of this Bill is to create a legislative framework for the establishment in New South Wales of an industry of cultivating alkaloid poppies and supplying material derived from alkaloid poppies for the manufacture or production of therapeutic goods and for scientific research, analysis, education and training, with appropriate safeguards for keeping alkaloid poppies or material derived from alkaloid poppies secure.

### BACKGROUND

2. This Bill establishes a legal framework for a poppy industry in New South Wales which will supply alkaloid poppies for the manufacture and production of therapeutic goods and scientific research. In the Second Reading Speech to the Bill, the Hon Niall Blair MLC, Minister for Primary Industries stated:

The long-term global demand for opiate-related medicine is likely to continue to increase as a result of the growth of developing countries and the global populations. In 2015 the United Nations International Narcotics Control Board found that more than three-quarters of the world's population had no access to proper pain relief.

3. The Minister further commented that the growth of opiate poppies is strictly regulated by the United Nations Single Convention on Narcotic Drugs, to which Australia is a signatory. Australia is considered a reputable source of alkaloid poppies because of its strong regulatory regimes.

### ISSUES CONSIDERED BY COMMITTEE

#### **Trespasses unduly on personal rights and liberties: s 8A(1)(b)(i) of the LRA**

##### *Fair review process*

4. The Bill provides that the Secretary of the Department is not required to provide an applicant reasons for not granting or renewing a poppy licence, or for suspending or cancelling a poppy licence, to the extent that those reasons would disclose criminal intelligence.
5. Further, the Bill provides that in determining any application for a review of a decision of the Secretary, the Civil and Administrative Tribunal must:
  - ensure that it does not, in the reasons for its decisions, disclose any criminal intelligence; and



- in order to prevent the disclosure of criminal intelligence, must receive evidence and hear argument in the absence of, amongst others, the applicant and the applicant's representative unless the Commissioner of Police approves otherwise.

**The Committee notes that the operation of the review provisions prevents an applicant from knowing the facts relevant to a decision to refuse to grant or renew a poppy licence or suspend or cancel a poppy licence. The Committee further notes that the provisions limit an applicant's representative from being present at a review hearing unless the Commissioner of Police approves.**

**The Committee notes the purpose and importance of restricting the disclosure of criminal intelligence on public interest grounds. Restricting the disclosure of such information avoids compromising any ongoing police investigations and ensures the safety of investigating officers. The Committee makes no further comment.**

#### *Powers to enter and inspect*

6. Proposed section 28 permits authorised officers to enter and inspect particular areas for the purposes of enforcing the Act. A search warrant is required to enter and inspect a building, caravan, or other structure or vehicle used only for residential purposes. However, a search warrant is not required to enter and inspect places or structures such as yards, carports, garages or sheds.

**The Committee notes the power granted to authorised officers to enter and inspect certain areas without a search warrant. Such powers may trespass against an individual's right to privacy and property. However, given the limitations on the particular areas which may be entered without a search warrant, and the significant public interest in ensuring that alkaloid poppies are not being used for an unlawful purpose, the Committee does not consider the powers of entry unduly trespass on individual rights.**

#### **Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA**

##### *Commencement by proclamation*

7. The Bill provides for the Act to commence on a day or days to be appointed by proclamation.

**The Committee notes that providing the Act to commence on proclamation delegates to the Government the power to commence an Act on whatever day it chooses after assent or not to commence the Act at all. The Committee notes that the Bill creates a framework for the establishment of an alkaloid poppy industry within NSW and has a number of aspects within the framework which would require time to implement and organise. The Committee therefore considers discretion as to its commencement is reasonable.**

## 5. Rural Fires Amendment (Fire Trails) Bill 2016

Date introduced	9 August 2016
House introduced	Legislative Assembly
Minister responsible	The Hon. David Elliott MP
Portfolio	Emergency Services

### PURPOSE AND DESCRIPTION

1. The object of this Bill is to provide a system for the establishment, maintenance and protection of fire trails for the purpose of preventing, fighting, managing or containing bush fires.
2. The Bill does this by providing for:
  - (a) fire access and fire trail plans, and
  - (b) Fire Trail Standards, and
  - (c) directions for the establishment of fire trails on public land, and
  - (d) agreements for the establishment of fire trails on private land, and
  - (e) certification of fire trails as to compliance with the Fire Trail Standards, and
  - (f) registration of certified fire trails, and
  - (g) inspection of fire trails, and
  - (h) issue of notices of rectification work for fire trails.
3. The term “fire trail” is in common use and is used without definition in both the Rural Fires Act 1997 and the Bill. In common parlance it refers to an access way for fighting, managing and containing bush fires (whether or not the bush fires are or may be situated on the land on which the access way is situated). Designated and registered fire trails, which are introduced by the Bill, are a category of fire trails.

### BACKGROUND

4. This Bill seeks to provide the Rural Fire Service and other firefighting authorities improved access to areas where bushfires may or are occurring and also improved access to areas for hazard reduction purposes.

## ISSUES CONSIDERED BY COMMITTEE

### Trespasses unduly on personal rights and liberties: s 8A(1)(b)(i) of the LRA

#### *Power to enter and inspect land*

5. Proposed section 62ZP permits the Rural Fire Service Commissioner, or an authorised member of the Rural Fire Service, to enter during the daytime any part of land for the purposes of considering or assessing:
  - (a) whether a fire trail is situated on the land or should be established, or
  - (b) the suitability of a fire trail or proposed fire trail (or a part of it), or
  - (c) whether a designated fire trail or registered fire trail has been constructed or maintained in accordance with the Fire Trail Standards, or
  - (d) in particular and without limitation:
    - i whether a registered fire trail does not comply with the Fire Trail Standards in a material respect, as referred to in Division 5, or
    - ii whether a fire trail rectification notice should be served under section 62Y, or
  - (e) whether fire trail rectification work should be carried out under Division 6, or
  - (f) whether registration of a fire trail should be terminated.
6. The power to enter and inspect land for the above purposes extends to any other land reasonably necessary to be entered for the purpose of gaining access to the land.

**The proposed section permits the entry of authorised members of the Rural Fire Service onto land, which could include private land, without a warrant. Given the limited purposes for which entry is granted and the public interest in ensuring fire trails are maintained and comply with the Fire Trail Standards, the Committee does not consider the powers of entry and inspection unduly trespass on individual rights.**

### Inappropriately delegates legislative powers: s 8A(1)(b)(iv) of the LRA

#### *Commencement by proclamation*

7. The Bill provides for the proposed Act to commence on a day or days to be appointed by proclamation.

**The Committee notes that the Bill will commence by proclamation, rather than on assent. The Committee generally prefers Acts to commence on a fixed date, or on assent, so the Executive does not have unfettered control over the commencement date. However, the Committee notes the Bill provides for the establishment of bush fire management committees which will be required to prepare draft fire access and fire trail plans. As such, the commencement date for the Act may need to be flexible. The Committee makes no further comment.**

# Appendix One – Functions of the Committee

The functions of the Legislation Review Committee are set out in the *Legislation Review Act 1987*:

## **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.

## **9 Functions with respect to Regulations**

- 1 The functions of the Committee with respect to regulations are:
  - (a) to consider all regulations while they are subject to disallowance by resolution of either or both Houses of Parliament,
  - (b) to consider whether the special attention of Parliament should be drawn to any such regulation on any ground, including any of the following:
    - 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,

- 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, and
- (c) to make such reports and recommendations to each House of Parliament as it thinks desirable as a result of its consideration of any such regulations, including reports setting out its opinion that a regulation or portion of a regulation ought to be disallowed and the grounds on which it has formed that opinion.

2 Further functions of the Committee are:

- (a) to initiate a systematic review of regulations (whether or not still subject to disallowance by either or both Houses of Parliament), based on the staged repeal of regulations and to report to both Houses of Parliament in relation to the review from time to time, and
- (b) to inquire into, and report to both Houses of Parliament on, any question in connection with regulations (whether or not still subject to disallowance by either or both Houses of Parliament) that is referred to it by a Minister of the Crown.

The functions of the Committee do not include an examination of, inquiry into or report on a matter of Government policy, except in so far as such an examination may be necessary to ascertain whether any regulations implement Government policy or the matter has been specifically referred to the Committee under subsection (2) (b) by a Minister of the Crown.