



**REPORT OF THE LEGISLATION REVIEW COMMITTEE –
INQUIRY INTO THE OPERATION OF THE *LEGISLATION REVIEW ACT 1987*
(REPORT 1/56, NOVEMBER 2018)**

GOVERNMENT RESPONSE

On 20 June 2017, the Legislation Review Committee (the **Committee**) adopted terms of reference to inquire into the operation of the *Legislation Review Act 1987* (the **Act**).

The Committee has been operating under the provisions of the Act for over 15 years, during which time the Act has remained unchanged. This inquiry represented an opportunity to seek feedback on the operation of the Act and the Committee's role in examining legislation.

The Committee tabled its report (the **Report**) on 22 November 2018. The Report contains four recommendations relating to the role of the Committee and the process of reviewing bills and regulations, three of which are directed to the Government.

The requirement for a Government response to the Report lapsed when the 56th Parliament was prorogued before the 2019 election. However, the Committee has since confirmed that it endorses the recommendations in the Report and seeks a Government response to the recommendations directed to the Government.

The Government supports in principle or notes the Committee's recommendations directed to the Government. Enclosed is a table which shows the Government's response to each of the Committee's recommendations.

COMMITTEE RECOMMENDATION	GOVERNMENT RESPONSE
<p>1 The Committee recommends that the Houses give consideration to amending their respective Standing Orders to require the Member with carriage of a bill to address any matters identified by the Legislation Review Committee during debate on the bill.</p>	<p>No Government response required.</p>
<p>2 The Committee recommends, in the event Recommendation 1 is not adopted by the Houses, that the NSW Government implement a practice of requiring Ministers with carriage of a bill to address any matters identified by the Legislation Review Committee during debate on the bill.</p>	<p>Supported in principle</p> <p>The Government supports in principle a practice where, during the second reading debate, Ministers address trespasses on personal rights and liberties that the Legislation Review Committee has referred to Parliament for further consideration.</p> <p>However, the Government notes that sufficient notice of any referred matter would need to be provided to the relevant Minister in advance of the debate. This may necessitate changes to the Committee’s processes (including the Committee’s meeting times) to allow for sufficient notice.</p> <p>The Government notes that if Recommendation 1 is adopted by the Houses, all members (including non-government members) would be subject to the same requirements during debate on bills for which they have carriage.</p>
<p>3 The Committee recommends that, for bills where the Houses determine to proceed without the five day adjournment period, the NSW Government implement a practice of outlining in the Second Reading Speech the bill's impact on personal rights and liberties with reference to the rights and liberties determined by the Committee.</p>	<p>Supported in principle</p> <p>The Government supports measures to ensure that a bill's key impacts on personal rights and liberties are made clear during the debate on the bill, including (for example) in second reading speeches.</p>

COMMITTEE RECOMMENDATION

- 4 The Committee recommends that the NSW Government consider amending the *Legislation Review Act 1987* to establish a joint Committee to examine subordinate legislation, taking into account the recent practice of the NSW Legislative Council Regulation Committee.

GOVERNMENT RESPONSE

Noted

The Government supports measures to ensure appropriate scrutiny of subordinate legislation.

Under section 9 of the *Legislation Review Act 1987* (the **Act**), the Committee already has the functions of considering all regulations while they are subject to disallowance by resolution of either or both Houses, considering whether the special attention of Parliament should be drawn to any such regulation on any ground, and making reports and recommendations to the Houses as a result of its consideration of any such regulations.

The Government notes that resourcing of the Committee is a matter for the Parliament.