



## **DELEGATED LEGISLATION COMMITTEE**

That, notwithstanding anything to the contrary contained in the standing orders:

### **Appointment**

1. A Delegated Legislation Committee be appointed.

### **Functions**

2. The committee may inquire into and report on:
  - (a) any instrument of a legislative nature regardless of its form, including the policy or substantive content of the instrument,
  - (b) draft delegated legislation, and
  - (c) trends or issues in relation to delegated legislation.
3. The committee:
  - (a) is to consider all instruments of a legislative nature that are subject to disallowance while they are so subject, against the scrutiny principles set out in section 9(1)(b) of the Legislation Review Act 1987,
  - (b) may report on such instruments as it thinks necessary, including setting out its opinion that an instrument or portion of an instrument ought to be disallowed and the grounds on which it has formed that opinion, and
  - (c) may consider and report on an instrument after it has ceased to be subject to disallowance if the committee resolves to do so while the instrument is subject to disallowance.

### **Referral of inquiries**

4. In exercising its function under paragraph (2), the committee:
  - (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House, and
  - (b) may self-refer an inquiry into any matter relevant to the functions of the committee.
5. A committee meeting to consider a self-reference under paragraph (4)(b) must be convened at the request of any three committee members in writing to the Committee Clerk.

6. The Committee Clerk must convene a meeting within seven calendar days of receipt of the request providing that members are given at least 24 hours' notice.
7. A majority of committee members is required to adopt the self-reference.
8. Whenever a committee resolves to self-refer a matter, the terms of reference are to be reported to the House on the next sitting day.
9. Where a regulation referred to the committee is the subject of a notice of motion or order of the day for the disallowance of the regulation:
  - (a) the notice or order shall stand postponed until the tabling of the committee report,
  - (b) unless otherwise ordered, the committee must table its report within six weeks, and
  - (c) on tabling of the committee report, the Clerk is to place the notice of motion or order of the day on the Notice Paper at the stage it had reached prior to the regulation being referred.

### **Membership**

10. The committee is to consist of eight members, comprising:
  - (a) four government members,
  - (b) two opposition members, and
  - (c) two crossbench members.

### **Chair and Deputy Chair**

11. The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
12. The Chair of the committee is to be a non-government member.

### **Quorum**

13. The quorum of the committee is three members, of whom two must be government members and one a non-government member.

### **Sub-committees**

14. The committee has the power to appoint sub-committees.

### **Conduct of committee proceedings**

15. In exercising its function under paragraph (2), unless the committee decides otherwise:
  - (a) all inquiries are to be advertised via social media, stakeholder emails and a media release distributed to all media outlets in New South Wales,
  - (b) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,

- (c) attachments to submissions are to remain confidential,
- (d) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
- (e) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each,
- (f) transcripts of evidence taken at public hearings are to be published,
- (g) supplementary questions are to be lodged with the Committee Clerk within two business days, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness,
- (h) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration, and
- (i) media statements on behalf of the committee are to be made only by the Chair.

16. In relation to its functions under paragraph (3):

- (a) the committee may appoint a legal advisor to support it in the performance of these functions, and
- (b) standing order 240 relating to government responses does not apply.

*[Resolved 10 May 2023, Minutes No. 2, Item 11, pp 37-39, as amended 19 October 2023, Minutes No. 33, Item 3, pp 639-640, as amended 12 February 2025, Minutes No. 87, Item 5, pp 1990-1991.]*