

1 MEETING OF THE HOUSE

The House met at 10.00 am according to adjournment. The President took the Chair and read the prayers.

The President acknowledged the Gadigal clan of the Eora Nation and its elders and thanked them for their custodianship of this land.

2 RE-ASSUMPTION OF THE ADMINISTRATION OF THE GOVERNMENT BY THE GOVERNOR

The President reported receipt of the following message from Her Excellency the Governor:

GOVERNMENT HOUSE
SYDNEY

Margaret Beazley
GOVERNOR

The Honourable Margaret Beazley AC KC, Governor of New South Wales has the honour to inform the Legislative Council that she has re-assumed the administration of the Government of the State.

Wednesday, 18 October 2023

3 REGULATION COMMITTEE—AMENDMENT TO RESOLUTION (Formal Business)

Mrs Maclaren-Jones moved, as formal business:

- (1) That this House notes that on 21 September 2022, the Regulation Committee tabled its report entitled "Options for reform of the management of delegated legislation in New South Wales", which recommended:
 - (a) that the Legislative Council amend the resolution establishing the Regulation Committee to expand the committee's functions to include inquiring into and reporting on instruments of a legislative nature that are subject to disallowance against the scrutiny principles set out in section 9(1)(b) of the Legislation Review Act 1987 (recommendation 7),
 - (b) that the Regulation Committee's secretariat be increased to support the additional work that will be required as a result of the committee's technical scrutiny function (recommendation 8), and
 - (c) that a dedicated legal adviser be appointed to support the Regulation Committee in the performance of its technical scrutiny function (recommendation 9).
- (2) That this House further notes:
 - (a) the committee's conclusion that the function of scrutinising delegated legislation against accountability criteria aligns with the constitutional role of the Upper House in maintaining democratic oversight to support responsible and accountable government, and
 - (b) the Government's response to the report dated 12 December 2022, which noted that recommendations 7, 8 and 9 were not directed to the Government.
- (3) That, in accordance with the Regulation Committee's recommendations 7, 8 and 9, the resolution of the House of 10 May 2023 appointing the Regulation Committee be amended as follows:
 - (1) Insert after paragraph (2):

"(3) The committee, from the first sitting day in 2024:

- (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."

(2) Insert at the beginning of paragraph (3) "In exercising its function under paragraph (2),".

(3) Insert at the beginning of paragraph (14) "In exercising its function under paragraph (2),".

(4) Insert after paragraph (14):

"(15) 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."

(4) That the Regulation Committee table an evaluation of the arrangements under paragraph (3) of the amended resolution of the House appointing the Regulation Committee by the conclusion of the first sitting week in 2025.

(5) That following the tabling of the evaluation, the House consider further whether to continue the Regulation Committee's function of considering and reporting on instruments of a legislative nature that are subject to disallowance against the scrutiny principles set out in section 9(1)(b) of the Legislation Review Act 1987.

Question put and passed.

4 FIJI INDEPENDENCE DAY 2023 (Formal Business)

Ms Munro moved, as formal business:

(1) That this House recognises that:

- (a) 10 October 2023 marked the 53rd Fiji Independence Day,
- (b) the Fiji Day Sydney Festival 2023 was held on 7 October at Cathy Freeman Park, Sydney Olympic Park, and was attended by thousands of Fijians, Pacific Islander people and Australian guests,
- (c) New South Wales is home for the largest population of Fijians in Australia, with over 37,370 people recorded in the 2021 Census,
- (d) according to the Fiji Bureau of Statistics, 345,149 Australians visited Fiji in 2022, making up the largest cohort of international tourists, and
- (e) the value of trade between Fiji and Australia is increasing, with exports to Fiji totalling \$336 million in 2021, and imports totalling \$154 million in 2021.