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Tabled, by leave, Mr Graham

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Clerk of the Parliaments

30/11/2023

CONSTITUTION AMENDMENT (EXECUTIVE COUNCIL) BILL 2023

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Constitution Amendment (Executive Council) Bill 2023 (**Bill**) proposes amendments to the *Constitution Act 1902* (**Act**) to allow meetings of the Executive Council to be held virtually on an ongoing basis.

The Bill is needed to establish permanent arrangements for virtual Executive Council meetings following the successful temporary arrangements that were introduced in response to the COVID-19 pandemic and which were repealed on 27 September 2023.

Objectives: What is the policy's objective couched in terms of the public interest?

The Executive Council gives legal authority to matters such as the appointment of persons to statutory offices, the making of regulations and proclamations, the compulsory acquisition of land and other administrative acts such as the allocation of legislation and the establishment of government departments.

To ensure the continuity of Government decision-making, it is in the public interest to allow meetings of the Executive Council to be held virtually where required.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The Government considers that the policy is best implemented by legislative amendment.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The Bill does not impose any appreciable cost or burden on the public or any group of the public and so the relative merits of alternative options have not been analysed.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

If enacted, the provisions will commence on the date of assent.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Executive Council consists of the Governor and Ministers of the Crown who are appointed as Members of the Executive Council.

Her Excellency the Governor and Government House have previously supported the availability of virtual meetings of the Executive Council as a valuable contingency to ensure the continuity of executive government in New South Wales.