

Legislation Review Committee



PARLIAMENT OF  
NEW SOUTH WALES

# 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”.

# Contents

Membership.....	4
Guide to the Digest.....	5
Digest Snapshot.....	12
Summary of Conclusions.....	14
 <b>PART ONE – BILLS .....</b>	 <b>21</b>
1. Community Housing Providers (Adoption of National Law) Amendment Bill 2025 ....	22
2. Constitution Amendment (Right to Possess and Carry Firearms) Bill 2025* .....	26
3. District Court Legislation Amendment Bill 2025 .....	28
4. Government Sector Audit Amendment (Performance Audit Reports) Bill 2025...	30
5. Local Government Amendment (Elections) Bill 2025 .....	32
6. Suicide Prevention Bill 2025 .....	36
7. Water Management Amendment (Intergovernmental Agreements) Bill 2025* .....	40
 <b>PART TWO – REGULATIONS WITH COMMENT .....</b>	 <b>41</b>
1. Community Services Sector (Portable Long Service Leave) Regulation 2025.....	42
2. Property and Stock Agents Amendment (Landcom Exemptions) Regulation 2025 ...	44
3. Residential Tenancies Amendment Regulation 2025.....	46
 <b>PART THREE – REGULATIONS WITHOUT COMMENT.....</b>	 <b>49</b>
 <b>APPENDICES.....</b>	 <b>55</b>
Appendix One – Functions of the Committee.....	56
Appendix Two – Unconfirmed extracts of minutes .....	58

# Membership

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# Guide to the Digest

The Legislation Review Committee has two broad functions set out in sections 8A and 9 of the *Legislation Review Act 1987* (**the Act**). Section 8A requires the Committee to scrutinise all Bills introduced into Parliament while section 9 requires the scrutiny of all regulations.

## Part One: Functions Regarding Bills

The Committee's purpose is to assist all members of Parliament to be aware of, and make considered decisions on, the rights implications of legislation. The Committee does not make specific recommendations on Bills and does not generally comment on government policy.

The Committee's functions with respect to Bills as established under section 8A of the Act are as follows:

- (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
  - (ii) makes rights, liberties and obligations unduly dependent upon insufficiently defined administrative powers
  - (iii) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions
  - (iv) inappropriately delegates legislative powers, or
  - (v) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

The terms of section 8A are not defined. However, the types of issues the Committee typically addresses in its Digests include, but are not limited to:

**Trespass unduly on personal rights and liberties:**

- retrospectivity
- self-incrimination and the right to silence
- reversal of the onus of proof
- procedural fairness
- rule of law and separation of powers
- extraterritoriality
- strict liability and penalty notice offences
- search and seizure without warrant
- confidential communications and privilege
- wide regulatory powers
- access to vote
- ability to engage in public life and public elections
- equal application of laws
- freedom of expression and free speech
- freedom of religion and belief
- freedom of contract
- right to personal and real property
- privacy and protection of personal information
- right to personal physical integrity
- legislative interference in standing judicial matters

**Insufficiently defined administrative powers:**

- insufficiently defined or wide powers

**Non-reviewable decisions:**

- excludes access to review
- limits type of evidence available to a decision-maker
- provides decision-maker is not required to provide reasons for a decision
- decisions made in private

**Inappropriate delegation of legislative powers:**

- provides the executive with unilateral authority to commence an Act (i.e. commencement by proclamation)
- wide power of delegation
- wide regulation-making powers (e.g. creation of offences or setting penalties)
- Henry VIII clauses (clauses that allow amendment of Acts by regulation)
- imposition of tax or levy by regulation

**Insufficiently subjects the exercise of legislative power to parliamentary scrutiny**

- subordinate legislation not tabled in Parliament and not subject to disallowance
- insufficient disallowance period
- significant matters which should be set by Parliament (e.g. definitions)
- incorporating rules or standards of other bodies in force not subject to disallowance

In practice, the Committee highlights issues of concern and takes into consideration the potential reasons for introducing such a provision and any safeguards in place. The Committee determines if the provisions may be reasonable in the circumstances or should be referred to Parliament for further consideration.

Under section 8A(2) of the Act, Parliament may pass a Bill whether or not the Committee has reported on it. However, this does not prevent the Committee from reporting on any passed or enacted Bill.



## Part Two: Functions Regarding Regulations with Comments

The Committee's functions regarding regulations are established under section 9 of the Act:

- (a) to consider all regulations while they are subject to disallowance by resolution of either or both Houses of Parliament, and
- (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.

The Committee may write to the relevant Minister for further information or, as with Bills, refer particular matters to the Parliament for further consideration. As above, the Committee may also recommend that Parliament disallow a regulation that has been made.

### **Part Three: Regulations without Comment**

The Committee reviews all disallowable regulations which have been tabled in Parliament. However, unlike Bills, the Committee is only required by statute to report on those regulations with identified issues under section 9, rather than reporting on every regulation made.

Part Three to the Digest contains a brief summary of the regulations that do not engage with any issues under section 9 or, in the Committee's view, do not warrant further comment.

## Conclusions on Bills and Regulations

Part One of the Digest contains the Committee's reports on Bills which were introduced into Parliament. Under the section titled 'Issues considered by the Committee', the report includes commentary about whether the Bill engages with one or more of the five criteria for scrutiny set out in section 8A(1)(b) of the Act. This will include either:

- Where no issues set out in section 8A(1)(b) are identified, that 'The Committee makes no comment in respect of the issues set out in section 8A of the LRA.'
- Where issues set out in section 8A(1)(b) are identified, a distinct comment on each issue identified.

Part Two of the Digest contains the Committee's reports on regulations and other statutory instruments which are tabled in Parliament and are still subject to disallowance. As noted, the Committee only reports on regulations and other statutory instruments with identified issues under section 9 of the Act, and those instruments which don't have identified issues are listed in Appendix Two of the Digest. Like Bill reports, the Committee's regulation reports includes a distinct comment on each issue identified under the section titled 'Issues considered by the Committee'.

For every issue identified in a report, the Committee's comment will conclude either that the Committee 'refers/notes the matter to Parliament' or 'makes no further comment'.

Where the Committee concludes to **refer/notes the matter to Parliament**, the Committee considers that it requires a response or further comment by the Member with carriage of the Bill (for Bill reports) or the responsible Minister (for regulation reports).

Where the Committee concludes to **make no further comment** on an identified issue in the report, the Committee considers that the issue may technically engage with the criteria under section 8A or 9 of the Act but, given counterbalancing considerations (e.g. legislated safeguards), it is unlikely in practice to raise the issues under the relevant section. The Committee invites but does not otherwise require the Member with carriage (for Bill reports) or the responsible Minister (for regulation reports) to comment on these identified issues.

# Digest Snapshot

## PART ONE – BILLS

### [1. Community Housing Providers \(Adoption of National Law\) Amendment Bill 2025](#)

Issue identified	Conclusion of Committee
Penalties based on regulatory detail and Registrar discretion	Referred
Commencement by proclamation	No further comment

### [2. Constitution Amendment \(Right to Possess and Carry Firearms\) Bill 2025\\*](#)

Issue identified	Conclusion of Committee
Potential impact on human rights and unclear interaction with existing laws	Referred

### [3. District Court Legislation Amendment Bill 2025](#)

Issue identified	Conclusion of Committee
No issues identified	

### [4. Government Sector Audit Amendment \(Performance Audit Reports\) Bill 2025](#)

Issue identified	Conclusion of Committee
No issues identified	

### [5. Local Government Amendment \(Elections\) Bill 2025](#)

Issue identified	Conclusion of Committee
Right to participate in public elections – removal of countback elections	Referred
Right to participate in public elections – reduction of pre-poll period and limitation of polling booth locations	Referred

### [6. Suicide Prevention Bill 2025](#)

Issue identified	Conclusion of Committee
Disclosure of information impacting privacy rights and protection of personal information	Referred
Wide regulation-making powers	No further comment
Commencement by proclamation	No further comment

### [7. Water Management Amendment \(Intergovernmental Agreements\) Bill 2025\\*](#)

Issue identified	Conclusion of Committee
No issues identified	

## PART TWO – REGULATIONS WITH COMMENT

### [1. Community Services Sector \(Portable Long Service Leave\) Regulation 2025](#)

Issue identified	Conclusion of Committee
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Henry VIII provision	No further comment
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## **2. Property and Stock Agents Amendment (Landcom Exemptions) Regulation 2025**

<b>Issue identified</b>	<b>Conclusion of Committee</b>
Henry VIII provision	No further comment

## **3. Residential Tenancies Amendment Regulation 2025**

<b>Issue identified</b>	<b>Conclusion of Committee</b>
Henry VIII provision	No further comment
Lack of clarity concerning scope of animal numbers and species, and property types in pet refusal grounds	Referred
Extent of required disclosure and privacy implication	Referred

# Summary of Conclusions

## PART ONE – BILLS

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### 1. Community Housing Providers (Adoption of National Law) Amendment Bill 2025

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

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##### *Penalties based on regulatory detail and Registrar discretion*

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The Bill seeks to amend the *Community Housing Providers (Adoption of National Law) Act 2012* (the Act) to introduce new regulatory requirements for affordable housing. It would require housing managers, property owners, and those granting development approvals to comply with the Minister's affordable housing guidelines (the Guidelines). The Bill proposes several absolute liability offences for failure to comply with these obligations. It would also give the Registrar of Community Housing (the Registrar) powers to set application requirements and issue contravention notices. A person who fails to comply with such a notice may be liable for a penalty.

The proposed offences would be linked to requirements that may be set out in regulations or administrative guidelines. The Committee recognises that the Guidelines must be published on the Registrar's website. The Committee also notes that regulations made under this provision are required to be tabled in Parliament and are therefore subject to disallowance under section 41 of the *Interpretation Act 1987*. Further, the Committee understands that incorporating requirements and relying on the regulations may provide flexibility and allow updates to reflect changing regulatory needs.

However, the Committee generally comments on provisions that permit the incorporation of external materials, such as guidelines, by reference, thereby giving them legal force. There does not appear to be any requirement for the Guidelines, or any updates to them, to be tabled in Parliament. As such, they are not subject to parliamentary scrutiny. The Committee also generally comments on absolute liability offences as they depart from the common law principle that the mental element of 'fault' should be proven to establish criminal liability.

In particular, the Committee notes that the scope of these offences is not fully defined in the Bill or the Act, and would instead depend on future regulatory details and administrative discretion. In addition, the Registrar would have broad discretion to determine application requirements and issue contravention notices. The Committee notes that the Bill does not provide for a process for reviewing the Registrar's decisions, despite the possibility of criminal penalties. This may raise concerns about legal certainty, particularly where individuals may be penalised for failing to comply with requirements that are not yet clearly set out in the primary legislation. The Committee generally prefers that substantive matters are set out in legislation where they can be subjected to a greater level of parliamentary scrutiny, particularly where they affect individual rights and liberties. For these reasons, the Committee refers the matter to Parliament for consideration.

##### *Commencement by proclamation*

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The Bill would commence by proclamation. The Committee generally prefers legislation to commence on a fixed date or on the date of assent to provide certainty for affected persons. Commencement by proclamation effectively delegates the role of Parliament in determining when legislation commences to the Executive.

However, the Committee acknowledges the practical reasons for allowing a flexible start date, such as providing time for relevant agencies and concerned parties to establish administrative procedures necessary to implement the Bill's provisions. In the circumstances, the Committee makes no further comment.

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## 2. Constitution Amendment (Right to Possess and Carry Firearms) Bill 2025\*

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

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#### *Potential impact on human rights and unclear interaction with existing laws*

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The Bill seeks to amend the *Constitution Act 1902* to create a right for citizens and permanent residents who reside in NSW to possess and carry firearms. Proposed section 59 provides that this right may only be limited by an Act of Parliament. The creation of such a right may have uncertain interactions with existing rights and legislation, including instruments at both NSW and Commonwealth levels.

The Committee notes that it is unclear how the proposed right would operate alongside existing laws regulating firearms, particularly the *Firearms Act 1996* and the National Firearms Agreement (the NFA), which together constitute a national approach to the regulation of firearms. Under the NFA, possession and use of firearms are regarded as a 'privilege that is conditional on the overriding need to ensure public safety...' The express creation of a constitutional right to possess and carry firearms may be inconsistent with this principle.

The Committee acknowledges that the right may be limited by an Act of the NSW Parliament. However, the Committee notes that the proposed right may have implications for Australia's obligations under international human rights frameworks. The United Nations Human Rights Commissioner has previously stated that increased civil access to firearms is associated with higher levels of violence and insecurity, which may negatively impact human rights.

While the proposed right could be limited by future Acts of the NSW Parliament, its constitutional entrenchment may constrain the ability of Parliament to regulate firearms flexibly and responsively. The potential for inconsistency with existing NSW legislation, the NFA and Australia's international human rights obligations raises concerns about the broader legal implications of the Bill. For these reasons, the Committee refers the Bill to Parliament for consideration.

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## 3. District Court Legislation Amendment Bill 2025

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The Committee makes no comment in respect of the issues set out in section 8A of the *Legislation Review Act 1987*.

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## 4. Government Sector Audit Amendment (Performance Audit Reports) Bill 2025

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The Committee makes no comment in respect of the issues set out in section 8A of the *Legislation Review Act 1987*.

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## 5. Local Government Amendment (Elections) Bill 2025

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

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#### *Right to participate in public elections – removal of countback elections*

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The Bill seeks to amend the *Local Government Act 1993* (the Act) by repealing section 291A, which currently requires casual councillor vacancies occurring within 18 months of the last ordinary election to be filled by a countback election. It also seeks to introduce a new process for filling vacancies under proposed section 291B. Where a vacating councillor was part of a group on the ballot, the vacancy would be filled by the next highest listed unsuccessful candidate from that group. If no eligible candidate is available, a by-election must be held. The Bill would also allow political parties to advise the Electoral Commissioner not to appoint a previously endorsed candidate.

The Committee acknowledges that the Bill is intended to preserve the outcome of the original election by ensuring that the political composition of a council remains stable throughout the term. It also recognises that the proposed mechanism may provide administrative efficiency and reduce the time and cost associated with conducting countback elections or by-elections.

However, the Committee notes that the Bill would depart from the current approach of using voters' expressed preferences in a countback election to fill vacancies. By allowing vacancies to be filled based on group affiliation and party endorsement, the proposed approach may detract from the right of individuals to participate in public affairs and elections under Article 25 of the International Covenant on Civil and Political Rights. While local council elections are not entrenched in the *Constitution Act 1902*, they are compulsory and directly facilitate community representation and decision-making. The right to vote remains a significant component of democratic participation at the local level. For these reasons, the Committee refers this matter to Parliament for consideration.

#### *Right to participate in public elections – reduction of pre-poll period and limitation of polling booth locations*

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The Bill seeks to insert new restrictions into the *Local Government Act 1993* (the Act) regarding early voting and polling booth locations. Proposed section 296C(2) would set the pre-poll period at five business days before election day, unless otherwise determined by regulation. Currently, the Act does not prescribe a pre-poll period, and the Local Government (General) Regulation 2021 provides for a seven business day pre-poll period. The Bill would also prevent polling places from being located outside the relevant local government area, which is not currently restricted under existing legislation. In his second reading speech, the Minister explained that some polling places are on the boundary of multiple council areas and accept votes for multiple elections.

By reducing the early voting period and restricting polling booth locations, the Bill may impact a person's right to vote and participate in public elections. The right to vote is protected by Article 25 of the International Covenant on Civil and Political Rights, which upholds universal and equal suffrage.

The Committee acknowledges that the Bill is intended to reduce election costs and support independent candidates by shortening campaign obligations. The Committee also recognises that Article 25 allows for reasonable and objective limitations on the right to vote. However, the Committee is concerned that the Bill places voting restrictions directly into the Act, where they were previously managed by regulation. This may limit future flexibility and access. For these reasons, the Committee refers this matter to Parliament for consideration.



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## 6. Suicide Prevention Bill 2025

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

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#### *Disclosure of information impacting privacy rights and protection of personal information*

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Part 4 of the Bill would establish a register of information about confirmed or suspected deaths by suicide and allow the Secretary of NSW Health to disclose that information to government agencies or other entities. Proposed subsection 18(2) would permit disclosure in certain circumstances, including where prescribed by the regulations. While proposed subsection 18(2)(b) requires information disclosed for research purposes to be de-identified, there is no equivalent requirement for disclosures under subsections 18(2)(a), (c) and (d). Under proposed subsection 18(9), this information may be shared despite any other law, including the *Privacy and Personal Information Act 1998* and the *Health Records and Information Privacy Act 2002*. Therefore, the Bill may permit the sharing of identifiable and sensitive personal information, including culturally sensitive information about the deaths of Aboriginal persons, without clear limits or privacy safeguards.

The Committee acknowledges that the information is intended to support suicide prevention and broader public health efforts. It also notes that the Bill would outline certain purposes for which information may be disclosed and that, in some instances, disclosure must be for a specified function, such as research or agency-level reviews.

However, the Committee notes that these safeguards do not apply in all cases, and that the Bill would allow future regulations to expand the scope of disclosure without clear limits or requirements for de-identification. Although the information would only be shared between government agencies or entities, it may include highly sensitive and culturally significant information, particularly in relation to deaths of Aboriginal persons. The Bill may therefore permit disclosure of this information in broad and undefined circumstances. The Committee generally comments on laws that could impact a person's privacy and protection of personal information. Given the removal of privacy safeguards, the lack of clear limits on disclosure, and the potential for culturally sensitive information to be shared without consent or oversight, the Committee refers the matter to Parliament for consideration.

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

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#### *Wide regulation-making powers*

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The Bill would provide for a general power to make regulations for matters that are 'necessary or convenient' for 'carrying out or giving effect' to the Bill. The Committee notes that the Bill does not define or narrow the meaning of 'convenient', which may result in a wide regulation-making power. Unlike primary legislation, regulations are subordinate legislation, which are not required to be passed by Parliament and may commence without direct parliamentary control.

The Committee generally comments on wide regulation-making powers where they delegate legislative power in respect of matters that are substantive and not just administrative in nature. It generally prefers that significant matters, such as the creation of offences, are specified in primary legislation.

The Committee recognises that a general regulation-making power may support flexibility in government administration. It also acknowledges that this is common legislative practice and that any regulations made under the provision are required to be tabled in Parliament and are therefore subject to disallowance under section 41 of the *Interpretation Act 1987*. In the circumstances, the Committee makes no further comment.

### *Commencement by proclamation*

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The Bill would commence by proclamation. The Committee generally prefers legislation to commence on a fixed date, or on assent, to provide certainty for those affected by the Bill's provisions, particularly where the provisions would affect individual rights or obligations. Commencement by proclamation may give rise to some uncertainty about when the provisions would take effect, and there is a possibility that delays could affect how the legislation operates alongside other privacy laws.

However, the Committee acknowledges that a flexible commencement date may allow time for inter-agency planning and coordination in the development and implementation of suicide prevention plans. In the circumstances, the Committee makes no further comment.

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## **7. Water Management Amendment (Intergovernmental Agreements) Bill 2025\***

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The Committee makes no comment in respect of the issues set out in section 8A of the *Legislation Review Act 1987*.

## **PART TWO – REGULATIONS WITH COMMENT**

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### **1. Community Services Sector (Portable Long Service Leave) Regulation 2025**

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#### **Objective could have been achieved by alternative and more effective means: s 9(1)(b)(v) of the LRA**

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#### *Henry VIII provision*

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The Regulation is a principal statutory rule made under the *Community Services Sector (Portable Long Service Leave) Act 2024* (the Act). Schedule 2 of the Regulation expands the definition of 'community service' in Schedule 1 of the Act to include 'Services provided by community services sector peak bodies'.

Regulations are generally used to support the operation of an Act by prescribing details or procedures. In this case, however, the Regulation changes the scope of the Act by expanding the key definition of 'community service'. This alters how the Act applies in practice and goes beyond prescribing administrative details, and may therefore amount to a Henry VIII clause. The Committee generally prefers amendments to an Act to be made by an amending bill rather than through subordinate legislation. This is to provide for a greater level of parliamentary oversight, as unlike primary legislation, subordinate legislation is not required to be passed by Parliament.

However, the Act expressly allows for changes to the definition of 'community service' to be made under section 4(3). The Regulation made under this provision is still required to be tabled in Parliament and is subject to disallowance under section 41 of the *Interpretation Act 1987*. While the Committee does not encourage the use of Henry VIII clauses as a general rule, it notes that, in this case, the approach appears to be intended to consolidate the definition of 'community service' within the Act rather than prescribing it separately in the Regulation, which may support legislative clarity. In the circumstances, the Committee makes no further comment.

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## 2. Property and Stock Agents Amendment (Landcom Exemptions) Regulation 2025

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**Objective could have been achieved by alternative and more effective means: s 9(1)(b)(v) of the LRA**

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### *Henry VIII provision*

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The Regulation inserts clause 52AA into the Property and Stock Agents Regulation 2022 to exempt Landcom from specified sections of the *Property and Stock Agents Act 2002* (the Act). The exemption alters the operation of the Act in relation to Landcom, as it removes the obligations to comply with certain statutory requirements.

The Committee generally considers that provisions allowing a regulation to alter the operation of an Act, commonly referred to as Henry VIII clauses, constitute an inappropriate delegation of legislative power. The Committee prefers that changes to the operation of an Act are made by way of amending legislation to ensure appropriate parliamentary scrutiny.

However, the Committee notes that section 4(1) of the Act expressly authorises exemptions by regulation. In this case, the Regulation applies the power to a single entity only, and it remains subject to disallowance under section 41 of the *Interpretation Act 1987*. The exemption may relate to Landcom's status as a State-owned corporation with a public development role, rather than as a commercial real estate agent. The Committee further notes that the use of the exemption power may provide administrative flexibility within the existing regulatory framework. For these reasons, the Committee makes no further comment.

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## 3. Residential Tenancies Amendment Regulation 2025

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**Objective could have been achieved by alternative and more effective means: s 9(1)(b)(v) of the LRA**

---

### *Henry VIII provision*

---

The Regulation inserts clause 22A into the Residential Tenancies Regulation 2019, which specifies the reasons for which a landlord may refuse to give consent to a tenant keeping pets in the rented property under the *Residential Tenancies Act 2010* (the Act).

The Regulation changes the operation of the Act and may therefore amount to a Henry VIII clause. The Committee generally prefers amendments to an Act to be made by an amending bill rather than through subordinate legislation. This is to provide for a greater level of parliamentary oversight, as, unlike primary legislation, subordinate legislation is not required to be passed by Parliament.

However, the Act expressly allows exemptions to be created by regulations under subsection 73F(2). Regulations made under this provision are also required to be tabled in Parliament and are subject to disallowance under section 41 of the *Interpretation Act 1987*. For these reasons, the Committee makes no further comment.

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**Form or intention of the regulation calls for elucidation: LRA 9(1)(b)(vii)**

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*Lack of clarity concerning scope of animal numbers and species, and property types in pet refusal grounds*

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The Regulation inserts clause 22A into the Residential Tenancies Regulation 2019, which sets out the grounds on which a landlord may refuse a tenant's request to keep pets under the Residential Tenancies Act 2010 (the Act). The clause includes a specific threshold defining more than four animals as an 'unreasonable number'.

The Committee acknowledges that clause 22A provides additional detail not specified in the Act. However, the Regulation does not indicate whether the threshold applies across all species or whether different property types should be treated differently. Without further clarification, the provision may be applied inconsistently by landlords, tenants and agents. For this reason, the Committee refers the matter to Parliament for consideration.

*Extent of required disclosure and privacy implication*

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The Regulation inserts clause 23B into the Residential Tenancies Regulation 2019. The clause outlines the information a landlord must provide when giving a termination notice to a tenant on the grounds of the actual sale of a premises. It requires the disclosure of various details of the sale, including the name of the purchaser and the name of the purchaser's solicitor or licensed conveyancer (if any). This may raise privacy concerns for the purchaser, particularly where the information is disclosed without their consent. When the sale of the property has not yet settled, the parties may reasonably expect their details to remain confidential at that stage of the transaction.

The Committee recognises that clause 23J of the Regulation offers some privacy protection by allowing a landlord to redact information not expressly required under clause 23B(a). The redacted information may include the landlord's address, email address and phone number. However, the safeguard does not extend to the purchaser's name, which is still required to be disclosed and may raise privacy concerns, particularly prior to settlement.

Section 85 of the *Residential Tenancies Act 2010* imposes penalties for providing false or misleading information with a termination notice. While a defence is available where a landlord does not know or could not reasonably know that the information being provided is false or misleading, the provision relies on the landlord correctly identifying what can and cannot be redacted. Without clear guidance, this may result in non-compliance, over-disclosure, or inconsistent application. This may be particularly challenging for landlords who are not being professionally advised and are preparing termination notices on their own. Further clarification may assist in ensuring consistent and lawful application of the provisions. For these reasons, the Committee refers the matter to Parliament for consideration.



# Part One – Bills

# 1. Community Housing Providers (Adoption of National Law) Amendment Bill 2025

Date introduced	3 June 2025
House introduced	Legislative Council
Member with carriage	The Hon. Rose Jackson MLC
Portfolio	Housing

## Purpose and description

- 1.1 The object of the Bill is to amend the *Community Housing Providers (Adoption of National Law) Act 2012* (the **Act**) to:
- (a) establish State-wide registers of affordable housing assets and affordable housing managers (the **registers**)
  - (b) require affordable housing to be managed in accordance with guidelines approved by the Minister.

## Background

- 1.2 The Bill seeks to amend the Act to regulate the developing affordable housing management sector. It would require property owners who provide affordable housing under a development approval to be appropriately regulated by the Registrar of Community Housing (the **Registrar**) to ensure compliance with the Minister's affordable housing guidelines (the **Guidelines**).
- 1.3 The Bill proposes to insert a new Part 3A, requiring the Registrar to maintain two publicly accessible registers. It also proposes to designate certain 'Housing Agencies' that must notify the Registrar if a community housing provider breaches its funding agreement or ceases receiving funding.
- 1.4 Individuals or entities would be required to apply to be registered as affordable housing managers, subject to conditions, prescribed information, and a fee. These managers would be required to follow the Guidelines published on the Registrar's website.
- 1.5 The Bill also proposes to introduce new requirements for development approvals. It would give the Registrar enforcement powers over affordable housing managers and impose duties on property owners and on the appointed managers.
- 1.6 In her second reading speech, the Hon. Rose Jackson MLC, Minister for Housing, stated that:

The bill seeks to close a longstanding regulatory gap requiring for-profit and not-for-profit providers of affordable housing dwellings that are subject to affordable housing conditions, whether required by their development consent or otherwise, to be appropriately regulated by the New South Wales Registrar of Community Housing and ensure compliance with affordable housing guidelines.

- 1.7 The Statement of Public Interest tabled with the Bill states that:

It is in the public interest to ensure the delivery and maintenance of affordable rental housing, so the people of NSW continue to have a safe, secure and affordable home in the communities in which they work, grew up in and have a community connection.

### Issues considered by the Committee

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

##### *Penalties based on regulatory detail and Registrar discretion*

- 1.8 The Bill seeks to insert a new Part 3A into the Act concerning affordable housing. Proposed section 27B would give the Minister the power to make Guidelines for this Part, which must be published on the Registrar's website.
- 1.9 The Bill would introduce several absolute liability offences related to affordable housing management, including the requirement that:
- a person granting a development approval for a notifiable development must record an affordable housing restriction in the Register under the *Real Property Act 1900* and provide certain information to the Registrar (proposed section 27J)
  - the registered owner of a registrable dwelling must ensure that it is managed, in accordance with the Guidelines, by a responsible housing manager (proposed section 27K).
- 1.10 Failure to comply with these requirements may result in a maximum penalty of a \$2,750 fine (25 penalty units).
- 1.11 Proposed subsection 16(4) would require a Housing Agency to notify the Registrar in certain circumstances, including when a proposed community housing agreement would likely impose a 'significant burden' (proposed subsection 16(4)). The Bill does not define 'significant burden', leaving this to be set out in regulations (proposed subsection 16(5)(b)).
- 1.12 Proposed section 27M would allow the Registrar to issue a notice if they reasonably believe an affordable housing manager has breached one or more of their obligations under section 27L. The notice must identify the breaches and set a reasonable timeframe for rectification.
- 1.13 Failure to comply with such a notice would be an offence, carrying a maximum penalty of a \$2,750 fine (25 penalty units).

The Bill seeks to amend the *Community Housing Providers (Adoption of National Law) Act 2012* (the Act) to introduce new regulatory requirements for affordable housing. It would require housing managers, property owners, and those granting development approvals to comply with the Minister's affordable housing guidelines (the Guidelines). The Bill proposes several absolute liability offences for failure to comply with these obligations. It would also give the Registrar of Community Housing (the Registrar) powers to set application requirements and issue contravention notices. A person who fails to comply with such a notice may be liable for a penalty.

The proposed offences would be linked to requirements that may be set out in regulations or administrative guidelines. The Committee recognises that the Guidelines must be published on the Registrar's website. The Committee also notes that regulations made under this provision are required to be tabled in Parliament and are therefore subject to disallowance under section 41 of the *Interpretation Act 1987*. Further, the Committee understands that incorporating requirements and relying on the regulations may provide flexibility and allow updates to reflect changing regulatory needs.

However, the Committee generally comments on provisions that permit the incorporation of external materials, such as guidelines, by reference, thereby giving them legal force. There does not appear to be any requirement for the Guidelines, or any updates to them, to be tabled in Parliament. As such, they are not subject to parliamentary scrutiny. The Committee also generally comments on absolute liability offences as they depart from the common law principle that the mental element of 'fault' should be proven to establish criminal liability.

In particular, the Committee notes that the scope of these offences is not fully defined in the Bill or the Act, and would instead depend on future regulatory details and administrative discretion. In addition, the Registrar would have broad discretion to determine application requirements and issue contravention notices. The Committee notes that the Bill does not provide for a process for reviewing the Registrar's decisions, despite the possibility of criminal penalties. This may raise concerns about legal certainty, particularly where individuals may be penalised for failing to comply with requirements that are not yet clearly set out in the primary legislation. The Committee generally prefers that substantive matters are set out in legislation where they can be subjected to a greater level of parliamentary scrutiny, particularly where they affect individual rights and liberties. For these reasons, the Committee refers the matter to Parliament for consideration.

#### *Commencement by proclamation*

- 1.14 Proposed clause 2(a) provides that the Bill would commence on a day or days to be appointed by proclamation.

The Bill would commence by proclamation. The Committee generally prefers legislation to commence on a fixed date or on the date of assent to provide certainty for affected persons. Commencement by proclamation effectively delegates the role of Parliament in determining when legislation commences to the Executive.



**However, the Committee acknowledges the practical reasons for allowing a flexible start date, such as providing time for relevant agencies and concerned parties to establish administrative procedures necessary to implement the Bill's provisions. In the circumstances, the Committee makes no further comment.**

## 2. Constitution Amendment (Right to Possess and Carry Firearms) Bill 2025\*

Date introduced	4 June 2025
House introduced	Legislative Council
Member with carriage	The Hon. John Ruddick MLC
*Private Members Bill	

### Purpose and description

- 2.1 The object of the Bill is to amend the *Constitution Act 1902* (the **NSW Constitution**) to establish a right to possess and carry firearms.

### Background

- 2.2 The Bill proposes to amend the NSW Constitution by inserting Part 11 to establish a right for Australian citizens and permanent residents who reside in NSW to possess and carry firearms.
- 2.3 Proposed sections 58 and 59 would establish the right and provide that the right may only be limited by an Act of Parliament.
- 2.4 During his second reading speech, the Hon. John Ruddick MLC said that the Bill 'seeks to enshrine in the Constitution of New South Wales the fundamental right to possess and carry firearms.' He also said that, under the amendments, the 'Minister or police would be unable to curtail the rights of citizens and residents to possess and carry firearms.'

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

#### *Potential impact on human rights and unclear interaction with existing laws*

- 2.5 The Bill proposes to insert section 58 into the NSW Constitution to establish a right to possess and carry firearms for each Australian citizen and permanent resident who resides in NSW.
- 2.6 Proposed section 59 provides that the right may only be limited by an Act of Parliament.
- 2.7 Proposed section 60 is a savings and transitional provision. It states that proposed Part 11 does not affect the operation of the *Firearms Act 1996* (the **Firearms Act**), or its regulations, as in force at the time the new Part commences. However, any future amendment to the Firearms Act or its regulations that would limit the right to possess and carry firearms would need to be made by an Act of Parliament.

The Bill seeks to amend the *Constitution Act 1902* to create a right for citizens and permanent residents who reside in NSW to possess and carry firearms. Proposed section 59 provides that this right may only be limited by an Act of Parliament. The creation of such a right may have uncertain interactions with existing rights and legislation, including instruments at both NSW and Commonwealth levels.

The Committee notes that it is unclear how the proposed right would operate alongside existing laws regulating firearms, particularly the *Firearms Act 1996* and the National Firearms Agreement (the NFA), which together constitute a national approach to the regulation of firearms. Under the NFA, possession and use of firearms are regarded as a 'privilege that is conditional on the overriding need to ensure public safety...'<sup>1</sup> The express creation of a constitutional right to possess and carry firearms may be inconsistent with this principle.

The Committee acknowledges that the right may be limited by an Act of the NSW Parliament. However, the Committee notes that the proposed right may have implications for Australia's obligations under international human rights frameworks. The United Nations Human Rights Commissioner has previously stated that increased civil access to firearms is associated with higher levels of violence and insecurity, which may negatively impact human rights.<sup>2</sup>

While the proposed right could be limited by future Acts of the NSW Parliament, its constitutional entrenchment may constrain the ability of Parliament to regulate firearms flexibly and responsively. The potential for inconsistency with existing NSW legislation, the NFA and Australia's international human rights obligations raises concerns about the broader legal implications of the Bill. For these reasons, the Committee refers the Bill to Parliament for consideration.

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<sup>1</sup> Australian Government Attorney General, [2017 National Firearms Agreement](#), 1 February 2017, p 2.

<sup>2</sup> United Nations, Human Rights Council, [Impact of civilian acquisition, possess and use of firearms on civil, political, economic, social and cultural rights](#), Report of the United Nations High Commission for Human Rights, 3 July 2019, paras 60 and 61.

### 3. District Court Legislation Amendment Bill 2025

Date introduced	4 June 2025
House introduced	Legislative Assembly
Member with carriage	The Hon. Michael Daley MP
Portfolio	Attorney General

#### Purpose and description

3.1 The objects of the Bill are as follows:

- (a) to amend the *District Court Act 1973* (the **Act**) to:
  - (i) establish the office of Deputy Chief Judge of the District Court of New South Wales (the **Court**)
  - (ii) confer specified powers on the Chief Judge and Deputy Chief Judge of the Court to ensure the orderly and expeditious discharge of the business of the Court
  - (iii) provide that more than one Judicial Registrar may be appointed to the Court at a time
  - (iv) make other minor amendments to the Act
- (b) to make consequential amendments to other Acts.

#### Background

3.2 The Bill proposes several amendments to the Act to address the increasing workload of the Court. The amendments mainly relate to the internal arrangements of the Court's operations.

3.3 As noted by Dr Hugh McDermott MP, on behalf of the Attorney General, in his second reading speech, 'it is imperative that the legislative and operational framework supporting [the Court] is fit for purpose.' To achieve this, the Bill proposes three key amendments.

3.4 Firstly, the Bill proposes to introduce a new section 17A to establish the office of Deputy Chief Judge. The role is intended to support the Chief Judge in administering the Court and managing the increasing demands on the Court. Appointments to this role would be made by the Governor on the recommendation of the Attorney General. In the second reading speech, Dr McDermott stated that two current judges would be appointed as Deputy Chief Judges and would retain their judicial commissions until they reach the mandatory retirement age.

- 3.5 Secondly, proposed section 18FAA would give the Chief Judge and Deputy Chief Judges the power to direct other judges to hear particular matters in specific locations and perform certain functions. The provision would formalise an existing practice and confirm that Deputy Chief Judges would have the necessary authority to manage judicial assignments.
- 3.6 Thirdly, the Bill seeks to amend Subdivision 1 to allow the appointment of more than one Judicial Registrar. Currently, only one Registrar holds this position. As Dr McDermott stated in the second reading speech, 'This additional office holder will ease the workload demands on the current sole office holder and increase the capacity of this office to support the efficient and effective resolution of civil matters before the court.'
- 3.7 The Bill also includes minor consequential amendments to other Acts, including the *Civil Procedure Act 2005*, the *Constitution Act 1902* and the *Statutory and Other Offices Remuneration Act 1975*.

### Issues considered by the Committee

**The Committee makes no comment in respect of the issues set out in section 8A of the *Legislation Review Act 1987*.**

## 4. Government Sector Audit Amendment (Performance Audit Reports) Bill 2025

Date introduced	3 June 2025
House introduced	Legislative Council
Member with carriage	The Hon. John Graham MLC
Portfolio	Treasurer

### Purpose and description

- 4.1 The object of the Bill is to amend the *Government Sector Audit Act 1983* (the **Act**) to provide that the Auditor-General must, as soon as practicable after making a report on the Auditor-General's performance audit of a government sector finance agency or another auditable entity:
- (a) present the report to each House of Parliament, if that House is sitting, or
  - (b) if the Auditor-General does not consider it in the public interest to present the report to each House of Parliament as soon as practicable after making the report:
    - (i) present a notice stating the Auditor-General's intention to present the report by a specified date or after the occurrence of a specified particular event
    - (ii) present the report by the specified date or after the occurrence of the specified particular event.

### Background

- 4.2 The Bill was introduced at the request of the NSW Auditor-General and seeks to make amendments to the Act to give the Auditor-General greater discretion to delay the tabling of performance audit reports in Parliament, in certain circumstances.
- 4.3 The relevant audits are those conducted under section 38EA of the Act, which assess whether an auditable entity is performing its activities effectively, economically, efficiently, and in compliance with relevant laws.
- 4.4 The Bill provides that if the Auditor-General were to delay the tabling of a report on public interest grounds, they must table a notice in each House of Parliament. The notice must specify either the intended tabling date or the event after which the report will be tabled.
- 4.5 In his second reading speech, the Hon. John Graham MLC, Special Minister of State, noted that:

This bill does not remove the essential requirement that the Auditor-General table reports in Parliament and in doing so make them public. Rather, this bill authorises the Auditor-General to exercise discretion as to when to table a performance audit report in limited circumstances when there are public interest reasons as to delay the tabling of the report.

4.6 The Statement of Public Interest tabled with the Bill provides that:

The Bill balances the need for transparency to Parliament about the exercise of the Auditor-General's functions with the need to ensure that the Auditor-General has independence in determining when sensitive performance audit reports are tabled in Parliament and published. The Auditor-General is best placed to assess whether it is in the public interest to table, and therefore make public, a report.

**Issues considered by the Committee**

**The Committee makes no comment in respect of the issues set out in section 8A of the *Legislation Review Act 1987*.**

## 5. Local Government Amendment (Elections) Bill 2025

Date introduced	4 June 2025
House introduced	Legislative Assembly
Member with carriage	The Hon. Ron Hoenig MP
Portfolio	Local Government

### Purpose and description

5.1 The objects of the Bill are as follows:

(a) to amend the *Local Government Act 1993* (**the Act**):

- (i) to require an election, poll or constitutional referendum of a council to be administered by the Electoral Commissioner rather than by either the Electoral Commissioner or an electoral services provider engaged by the council
- (ii) to provide that pre-poll voting may only occur during the 5 business days immediately before the date of an election
- (iii) to provide that a polling place for a council election must not be located outside the council's local government area

(b) to make consequential amendments.

### Background

5.2 The Bill proposes amendments to the Act to modify aspects of the council election process.

5.3 In his second reading speech, the Hon. Ron Hoenig MP, Minister for Local Government, stated that the Bill would:

...first, remove barriers to participation of candidates in council elections by reducing the pre-poll voting period to five days; secondly, minimise the risk of voter confusion and informal voting by requiring polling places for council elections to be located within the council's area; and, thirdly, ensure greater stability in a council's governance by requiring council vacancies to be filled by candidates from the same group as a vacating councillor.

5.4 The Bill's proposed amendments include:

- (a) appointing a replacement councillor from the same group or party to fill a councillor vacancy, instead of holding a countback election



- (b) requiring the Electoral Commissioner to run all council elections
- (c) shortening the pre-poll voting period from seven to five business days
- (d) requiring polling places to be located within the relevant council's local government area
- (e) introducing temporary provisions for certain Fairfield and Brewarrina council elections
- (f) making consequential amendments to the Act and the Local Government (General) Regulation 2021 (the **Regulation**).

### Issues considered by the Committee

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

##### *Right to participate in public elections – removal of countback elections*

- 5.5 Schedule 1[4] of the Bill would repeal section 291A of the Act before the next ordinary election for each council. Section 291A provides that if a councillor vacancy occurs within 18 months of the last election, it must be filled by a countback election.
- 5.6 Under schedule 9A of the Regulation, a countback election is used to fill a councillor vacancy where the original election was conducted by proportional representation. It involves recounting the previous votes, excluding preferences for the vacating councillor, and reallocating preferences to remaining eligible candidates. Only unelected candidates from the original election may apply to participate. If no eligible candidates apply, a by-election must be held.
- 5.7 The Bill proposes a new section 291B, which provides that if the vacating councillor was part of a group on the ballot, the vacancy must be filled by the next highest listed unsuccessful candidate from that group. Proposed section 291B(4) states that if no such candidate is available, a by-election must be held.
- 5.8 Proposed section 291B(3)(e) also specifies that a candidate endorsed by a political party at an election cannot be appointed through this process if the party advises the Electoral Commissioner that they no longer support the candidate's appointment.
- 5.9 In his second reading speech, the Minister stated that 'The use of countbacks to fill vacancies can result in councillors being elected who received little to no support at a general election', and possibly 'a change in the political balance on [a] council'. The Minister stated that 'the measures contained in the bill will preserve the ordinary election result'.

**The Bill seeks to amend the *Local Government Act 1993* (the Act) by repealing section 291A, which currently requires casual councillor vacancies occurring within 18 months of the last ordinary election to be filled by a countback election. It also seeks to introduce a new process for filling vacancies under proposed section 291B. Where a vacating councillor was part of a group on the ballot, the vacancy would be filled by the next highest listed unsuccessful candidate from that group. If no eligible candidate is available, a by-election must be held. The Bill would**

**also allow political parties to advise the Electoral Commissioner not to appoint a previously endorsed candidate.**

**The Committee acknowledges that the Bill is intended to preserve the outcome of the original election by ensuring that the political composition of a council remains stable throughout the term. It also recognises that the proposed mechanism may provide administrative efficiency and reduce the time and cost associated with conducting countback elections or by-elections.**

**However, the Committee notes that the Bill would depart from the current approach of using voters' expressed preferences in a countback election to fill vacancies. By allowing vacancies to be filled based on group affiliation and party endorsement, the proposed approach may detract from the right of individuals to participate in public affairs and elections under Article 25 of the International Covenant on Civil and Political Rights.<sup>3</sup> While local council elections are not entrenched in the *Constitution Act 1902*, they are compulsory and directly facilitate community representation and decision-making. The right to vote remains a significant component of democratic participation at the local level. For these reasons, the Committee refers this matter to Parliament for consideration.**

*Right to participate in public elections – reduction of pre-poll period and limitation of polling booth locations*

- 5.10 The Bill seeks to amend the Act and the Regulation to reduce the pre-poll or 'early voting' period for council elections from seven to five business days. Currently, sections 296A and 296B of the Act do not specify a pre-poll period for council elections, leaving election managers to determine this based on operational needs. Under section 326(1) of the Regulation, the period must fall between the seventh and first days before election day.
- 5.11 Proposed section 296C(3) would restrict pre-poll voting to five business days before election day, unless otherwise provided by regulation.
- 5.12 Proposed section 296C would also require polling places to be located within the relevant local government area, unless provided for by regulation. Currently, the Act and Regulation do not restrict the location of polling places.
- 5.13 In his second reading speech, the Minister explained that the pre-polling period had been two weeks, but was reduced to seven days by regulation at the last council election. The proposed additional reduction is intended to reduce election costs for councils and ease the burden on independent candidates who 'do not have the resources to maintain a presence at pre-poll voting venues over an extended period'.
- 5.14 The Minister also addressed the Bill's proposed restriction on polling booth locations:

Because absentee voting is not available during local government elections, the commission maintains multi-council polling places that are

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<sup>3</sup> United Nations, Office of the High Commissioner for Human Rights, [International Covenant on Civil and Political Rights](#), 1966.

located on or near the boundary between two or more council areas... Considering that there are multiple wards across multiple council areas, all with completely different sets of candidate groups handing out a range of how-to-vote cards, getting the card in an elector's hand borders on the impossible. This has led to confusion among some electors seeking to vote at these polling places and a reported increase in informal votes at these booths.

**The Bill seeks to insert new restrictions into the *Local Government Act 1993* (the Act) regarding early voting and polling booth locations. Proposed section 296C(2) would set the pre-poll period at five business days before election day, unless otherwise determined by regulation. Currently, the Act does not prescribe a pre-poll period, and the Local Government (General) Regulation 2021 provides for a seven business day pre-poll period. The Bill would also prevent polling places from being located outside the relevant local government area, which is not currently restricted under existing legislation. In his second reading speech, the Minister explained that some polling places are on the boundary of multiple council areas and accept votes for multiple elections.**

**By reducing the early voting period and restricting polling booth locations, the Bill may impact a person's right to vote and participate in public elections. The right to vote is protected by Article 25 of the International Covenant on Civil and Political Rights,<sup>4</sup> which upholds universal and equal suffrage.**

**The Committee acknowledges that the Bill is intended to reduce election costs and support independent candidates by shortening campaign obligations. The Committee also recognises that Article 25 allows for reasonable and objective limitations on the right to vote. However, the Committee is concerned that the Bill places voting restrictions directly into the Act, where they were previously managed by regulation. This may limit future flexibility and access. For these reasons, the Committee refers this matter to Parliament for consideration.**

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<sup>4</sup> United Nations, Office of the High Commissioner for Human Rights, [International Covenant on Civil and Political Rights](#), 1966.

## 6. Suicide Prevention Bill 2025

Date introduced	3 June 2025
House introduced	Legislative Council
Member with carriage	The Hon. Rose Jackson MLC
Portfolio	Mental Health

### Purpose and description

- 6.1 The object of the Bill is to reduce suicide distress and the incidence of suicide in New South Wales by:
- (a) increasing the capabilities of government sector agencies in relation to suicide prevention
  - (b) addressing the needs of populations disproportionately impacted by suicide, including through the implementation of culturally appropriate initiatives for Aboriginal people.

### Background

- 6.2 The Bill seeks to establish a regulatory framework to support suicide prevention initiatives across NSW, involving government agencies and entities.
- 6.3 In her second reading speech, the Hon. Rose Jackson MLC, Minister for Mental Health, said that the Bill would deliver on an election commitment to 'enshrine a whole-of-government approach to suicide prevention and to better understand, prevent and respond to suicide and suicidal distress across New South Wales.'
- 6.4 The Statement of Public Interest tabled with the Bill states that it would:
- ... [embed] shared accountability across NSW Government departments and prescribed agencies, requiring the development of suicide prevention plans and strengthening the role of lived experience in planning and oversight.
- 6.5 Part 2 of the Bill sets out a framework for developing a statewide suicide prevention plan and a statewide Aboriginal suicide prevention plan. Proposed section 6 sets out the matters that the Mental Health Commission (the **Commission**) must consider when making these plans.
- 6.6 Division 2 would require the head of specified agencies to prepare agency-level suicide prevention plans. It sets out matters to be considered and outlines implementation and reporting requirements.
- 6.7 Part 3 proposes to establish the Suicide Prevention Council and the Aboriginal Suicide Prevention Council. Proposed section 14 sets out the functions of these councils, which include advising the Commission on suicide prevention matters. Proposed sections 15 and 16 deal with the Councils' membership.

- 6.8 Part 4 proposes to outline processes for recording and sharing information about suicide deaths. It would establish a register of confirmed or suspected suicide deaths and a framework for the Secretary of NSW Health (the **Secretary**) to share information with other government agencies for specified purposes. Proposed section 18 would allow the Secretary to disclose personal information in prescribed circumstances.
- 6.9 Part 5 would provide for a review of the Act and the making of regulations.

### Issues considered by the Committee

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

##### *Disclosure of information impacting privacy rights and protection of personal information*

- 6.10 Proposed section 18 of the Bill would allow the Secretary to disclose information from the register of suspected or confirmed suicide deaths to a government sector agency or other entity. The information may be shared to help monitor and prevent suicide, evaluate related services, or support research.
- 6.11 Under proposed subsection 18(2), information may only be disclosed:
- (a) to review how an agency or entity interacted with a person who died or was suspected to have died by suicide
  - (b) for research purposes, provided the information does not identify the person
  - (c) with another lawful excuse
  - (d) in other circumstances prescribed by regulations.
- 6.12 Proposed subsection 18(9) provides that section 18 would apply despite any other law, including the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

**Part 4 of the Bill would establish a register of information about confirmed or suspected deaths by suicide and allow the Secretary of NSW Health to disclose that information to government agencies or other entities. Proposed subsection 18(2) would permit disclosure in certain circumstances, including where prescribed by the regulations. While proposed subsection 18(2)(b) requires information disclosed for research purposes to be de-identified, there is no equivalent requirement for disclosures under subsections 18(2)(a), (c) and (d). Under proposed subsection 18(9), this information may be shared despite any other law, including the *Privacy and Personal Information Act 1998* and the *Health Records and Information Privacy Act 2002*. Therefore, the Bill may permit the sharing of identifiable and sensitive personal information, including culturally sensitive information about the deaths of Aboriginal persons, without clear limits or privacy safeguards.**

**The Committee acknowledges that the information is intended to support suicide prevention and broader public health efforts. It also notes that the Bill would outline certain purposes for which information may be**

disclosed and that, in some instances, disclosure must be for a specified function, such as research or agency-level reviews.

However, the Committee notes that these safeguards do not apply in all cases, and that the Bill would allow future regulations to expand the scope of disclosure without clear limits or requirements for de-identification. Although the information would only be shared between government agencies or entities, it may include highly sensitive and culturally significant information, particularly in relation to deaths of Aboriginal persons. The Bill may therefore permit disclosure of this information in broad and undefined circumstances. The Committee generally comments on laws that could impact a person's privacy and protection of personal information. Given the removal of privacy safeguards, the lack of clear limits on disclosure, and the potential for culturally sensitive information to be shared without consent or oversight, the Committee refers the matter to Parliament for consideration.

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

##### *Wide regulation-making powers*

- 6.13 Section 20 of the Bill proposes to give the Governor a general power to make regulations under the Act. Proposed subsection 20(b) provides that the Governor may make regulations on matters 'necessary or convenient' for 'carrying out or giving effect' to the Act.
- 6.14 Proposed subsection 18(5) would create an absolute liability offence for failing to comply with a condition imposed on the disclosure of information under the information-sharing scheme. Failure to comply with the requirement would result in a maximum penalty of a \$11,000 fine (100 penalty units).

**The Bill would provide for a general power to make regulations for matters that are 'necessary or convenient' for 'carrying out or giving effect' to the Bill. The Committee notes that the Bill does not define or narrow the meaning of 'convenient', which may result in a wide regulation-making power. Unlike primary legislation, regulations are subordinate legislation, which are not required to be passed by Parliament and may commence without direct parliamentary control.**

**The Committee generally comments on wide regulation-making powers where they delegate legislative power in respect of matters that are substantive and not just administrative in nature. It generally prefers that significant matters, such as the creation of offences, are specified in primary legislation.**

**The Committee recognises that a general regulation-making power may support flexibility in government administration. It also acknowledges that this is common legislative practice and that any regulations made under the provision are required to be tabled in Parliament and are therefore subject to disallowance under section 41 of the *Interpretation Act 1987*. In the circumstances, the Committee makes no further comment.**

*Commencement by proclamation*

- 6.15 Proposed section 2 provides that the Bill commences on a day or days to be appointed by proclamation.

**The Bill would commence by proclamation. The Committee generally prefers legislation to commence on a fixed date, or on assent, to provide certainty for those affected by the Bill's provisions, particularly where the provisions would affect individual rights or obligations. Commencement by proclamation may give rise to some uncertainty about when the provisions would take effect, and there is a possibility that delays could affect how the legislation operates alongside other privacy laws.**

**However, the Committee acknowledges that a flexible commencement date may allow time for inter-agency planning and coordination in the development and implementation of suicide prevention plans. In the circumstances, the Committee makes no further comment.**

## 7. Water Management Amendment (Intergovernmental Agreements) Bill 2025\*

Date introduced	5 June 2025
House introduced	Legislative Assembly
Member with carriage	Mr Roy Butler MP
*Private Members Bill	

### Purpose and description

- 7.1 The object of the Bill is to enable parliamentary scrutiny of draft intergovernmental agreements about matters concerning the Murray-Darling Basin before the State enters into the agreements.

### Background

- 7.2 The Bill proposes to amend the *Water Management Act 2000* to prohibit the State from entering into an intergovernmental agreement unless a draft of the agreement has first been tabled in the NSW Parliament.
- 7.3 During his second reading speech, Mr Roy Butler MP said that, currently, the NSW Parliament 'has no visibility of these intergovernmental agreements until they are signed off on by the Premier or Executive Government.'
- 7.4 Proposed schedule 1, subclause (1) would require that the State must not enter into an intergovernmental agreement until 15 sitting days have passed since a copy of the draft agreement has been tabled in each House of Parliament.
- 7.5 The Bill defines an intergovernmental agreement as one between the State and another jurisdiction concerning the Murray-Darling Basin, including:
- (a) the Basin Plan 2012 of the Commonwealth
  - (b) the *Water Act 2007* of the Commonwealth
  - (c) the *Water (Commonwealth Powers) Act 2008*.

### Issues considered by the Committee

**The Committee makes no comment in respect of the issues set out in section 8A of the *Legislation Review Act 1987*.**





# Part Two – Regulations with comment

# 1. Community Services Sector (Portable Long Service Leave) Regulation 2025

Date tabled	LA: 6 May 2025 LC: 6 May 2025
Disallowance date	LA: 27 June 2025 LC: 9 September 2025
Minister responsible	The Hon. Sophie Cotsis MP
Portfolio	Industrial Relations

## Purpose and description

- 1.1 The object of the Regulation is to provide for matters in relation to the following:
- (a) the calculation of long service leave
  - (b) pro rata payments instead of long service leave in circumstances of injury, illness, or death
  - (c) the long service leave levy
  - (d) information required in returns by employers and contractors
  - (e) the cancellation and suspension of worker registrations
  - (f) appeals to the Community Services Sector Long Service Leave Committee
  - (g) other miscellaneous matters.
- 1.2 The Regulation amends the *Community Services Sector (Portable Long Service Leave) Act 2024* (the **Act**), Schedule 1 to add a community service. The amendment is made under section 4(3) of the Act, which is a Henry VIII provision that enables the regulations to amend the Act.

## Issues considered by the Committee

**Objective could have been achieved by alternative and more effective means: s 9(1)(b)(v) of the LRA**

*Henry VIII provision*

- 1.3 Section 4 of the Act defines the meaning of 'community service' as a service specified in Schedule 1 of the Act or a service prescribed by the regulations.

- 1.4 Schedule 2 of the Regulation amends the Act by inserting a new community service under Schedule 1 of the Act. The new community service is defined as 'services provided by community services sector peak bodies'. The clause expands the list of community services referred to in section 4(2).

**The Regulation is a principal statutory rule made under the *Community Services Sector (Portable Long Service Leave) Act 2024* (the Act). Schedule 2 of the Regulation expands the definition of 'community service' in Schedule 1 of the Act to include 'Services provided by community services sector peak bodies'.**

Regulations are generally used to support the operation of an Act by prescribing details or procedures. In this case, however, the Regulation changes the scope of the Act by expanding the key definition of 'community service'. This alters how the Act applies in practice and goes beyond prescribing administrative details, and may therefore amount to a Henry VIII clause. The Committee generally prefers amendments to an Act to be made by an amending bill rather than through subordinate legislation. This is to provide for a greater level of parliamentary oversight, as unlike primary legislation, subordinate legislation is not required to be passed by Parliament.

However, the Act expressly allows for changes to the definition of 'community service' to be made under section 4(3). The Regulation made under this provision is still required to be tabled in Parliament and is subject to disallowance under section 41 of the *Interpretation Act 1987*. While the Committee does not encourage the use of Henry VIII clauses as a general rule, it notes that, in this case, the approach appears to be intended to consolidate the definition of 'community service' within the Act rather than prescribing it separately in the Regulation, which may support legislative clarity. In the circumstances, the Committee makes no further comment.

## 2. Property and Stock Agents Amendment (Landcom Exemptions) Regulation 2025

Date tabled	LA: 6 May 2025
	LC: 6 May 2025
Disallowance date	LA: 27 June 2025
	LC: 9 September 2025
Minister responsible	The Hon. Anoulack Chanthivong MP
Portfolio	Better Regulation and Fair Trading

### Purpose and description

- 2.1 The object of the Regulation is to exempt Landcom from the operation of specified provisions of the Property and Stock Agents Act 2002 (the Act).
- 2.2 The exemption provision is made under a Henry VIII provision because the exemption impliedly amends the Act by affecting the application of the Act.
- 2.3 The Regulation is made under the Act, including sections 4 and 230.

### Issues considered by the Committee

**Objective could have been achieved by alternative and more effective means: s 9(1)(b)(v) of the LRA**

#### *Henry VIII provision*

- 2.4 Section 4 of the Act provides that the regulations may exempt specified persons or classes of persons from the operation of all, or specified sections of the Act in respect of any act or omission. This applies to acts or omissions done in the person's capacity as agent for a class of persons or activities involving a class of property.
- 2.5 The Regulation inserts clause 52AA into the Property and Stock Agents Regulation 2022 to exempt Landcom from specified sections of the Act.

**The Regulation inserts clause 52AA into the Property and Stock Agents Regulation 2022 to exempt Landcom from specified sections of the *Property and Stock Agents Act 2002* (the Act). The exemption alters the operation of the Act in relation to Landcom, as it removes the obligations to comply with certain statutory requirements.**

**The Committee generally considers that provisions allowing a regulation to alter the operation of an Act, commonly referred to as Henry VIII clauses, constitute an inappropriate delegation of legislative power. The**

**Committee prefers that changes to the operation of an Act are made by way of amending legislation to ensure appropriate parliamentary scrutiny.**

**However, the Committee notes that section 4(1) of the Act expressly authorises exemptions by regulation. In this case, the Regulation applies the power to a single entity only, and it remains subject to disallowance under section 41 of the *Interpretation Act 1987*. The exemption may relate to Landcom's status as a State-owned corporation with a public development role, rather than as a commercial real estate agent. The Committee further notes that the use of the exemption power may provide administrative flexibility within the existing regulatory framework. For these reasons, the Committee makes no further comment.**

### 3. Residential Tenancies Amendment Regulation 2025

Date tabled	LA: 6 May 2025 LC: 6 May 2025
Disallowance date	LA: 27 June 2025 LC: 9 September 2025
Minister responsible	The Hon. Anoulack Chanthivong MP
Portfolio	Housing

#### Purpose and description

- 3.1 The object of the Regulation is to amend the Residential Tenancies Regulation 2019 (the 2019 Regulation) consequent on the commencement of the Residential Tenancies Amendment Act 2024, including to:
- (a) clarify the grounds on which a landlord may refuse to give consent to a tenant keeping an animal at residential premises
  - (b) set out the supporting documents or information a landlord must give to a tenant when giving a termination notice
  - (c) require a landlord, or the landlord's agent, to give certain information to the Secretary
  - (d) exempt social housing tenancy agreements and purpose-built student accommodation from certain provisions of the *Residential Tenancies Act 2010* (the **Act**) and prescribe certain residential premises as purpose-built student accommodation
  - (e) provide for the times within which certain applications must be made to the Civil and Administrative Tribunal
  - (f) allow the Local Court to impose a maximum monetary penalty of 650 penalty units in proceedings for an offence against the Act
  - (g) update the standard form of residential tenancy agreement
  - (h) provide that the offences under the Act, sections 35(2)–(5), 73H, 85(2), 86(1) and 87(1) and (2) and the regulation, clause 23L(1) are penalty notice offences.
- 3.2 Schedule 1[5] may be made under a Henry VIII provision because proposed clause 22A impliedly amends the Act by affecting the application of the Act.

## Issues considered by the Committee

**Objective could have been achieved by alternative and more effective means: s 9(1)(b)(v) of the LRA**

*Henry VIII provision*

- 3.3 Schedule 1[5] of the Regulation inserts clause 22A into the 2019 Regulation. It sets out when a landlord may refuse a tenant's request to keep pets, which is permitted under section 73F of the Act.
- 3.4 Subclause 22A(1) defines an 'unreasonable number of animals' as more than four. Subclause 22A(2) clarifies when fencing is not considered 'inappropriate' by providing three specific criteria. Subclause 22A(3) sets out the circumstances in which a landlord may refuse consent due to 'insufficient open space'.

**The Regulation inserts clause 22A into the Residential Tenancies Regulation 2019, which specifies the reasons for which a landlord may refuse to give consent to a tenant keeping pets in the rented property under the *Residential Tenancies Act 2010* (the Act).**

The Regulation changes the operation of the Act and may therefore amount to a Henry VIII clause. The Committee generally prefers amendments to an Act to be made by an amending bill rather than through subordinate legislation. This is to provide for a greater level of parliamentary oversight, as, unlike primary legislation, subordinate legislation is not required to be passed by Parliament.

However, the Act expressly allows exemptions to be created by regulations under subsection 73F(2). Regulations made under this provision are also required to be tabled in Parliament and are subject to disallowance under section 41 of the *Interpretation Act 1987*. For these reasons, the Committee makes no further comment.

**Form or intention of the regulation calls for elucidation: LRA 9(1)(b)(vii)**

*Lack of clarity concerning scope of animal numbers and species, and property types in pet refusal grounds*

- 3.5 As previously stated, schedule 1[5] of the Regulation inserts clause 22A into the 2019 Regulation. It sets out when a landlord may refuse a tenant's request to keep pets, as allowed under section 73F of the Act.

**The Regulation inserts clause 22A into the Residential Tenancies Regulation 2019, which sets out the grounds on which a landlord may refuse a tenant's request to keep pets under the Residential Tenancies Act 2010 (the Act). The clause includes a specific threshold defining more than four animals as an 'unreasonable number'.**

The Committee acknowledges that clause 22A provides additional detail not specified in the Act. However, the Regulation does not indicate whether the threshold applies across all species or whether different property types should be treated differently. Without further clarification, the provision may be applied inconsistently by landlords,

**tenants and agents. For this reason, the Committee refers the matter to Parliament for consideration.**

*Extent of required disclosure and privacy implication*

- 3.6 The Regulation inserts clause 23B into the 2019 Regulation. It requires a landlord to provide specific information to a tenant when giving a termination notice for the actual sale of a premises under section 87D of the Act. The information must include a copy of the contract for sale or the part that identifies the purchaser by name or names the purchaser's solicitor or licensed conveyancer (if any), along with other prescribed details.
- 3.7 The Regulation also inserts clause 23J, which allows a landlord to redact any information not required under clause 23B(a) before giving the documentary material and information to the tenant. This includes the landlord's address, email address and phone number.
- 3.8 Section 85 of the Act allows the regulations to require landlords to provide supporting documents or information with a termination notice. It also imposes penalties for giving false or misleading information when giving a termination notice, unless the landlord does not know and could not reasonably know that the information is false or misleading.

**The Regulation inserts clause 23B into the Residential Tenancies Regulation 2019. The clause outlines the information a landlord must provide when giving a termination notice to a tenant on the grounds of the actual sale of a premises. It requires the disclosure of various details of the sale, including the name of the purchaser and the name of the purchaser's solicitor or licensed conveyancer (if any). This may raise privacy concerns for the purchaser, particularly where the information is disclosed without their consent. When the sale of the property has not yet settled, the parties may reasonably expect their details to remain confidential at that stage of the transaction.**

**The Committee recognises that clause 23J of the Regulation offers some privacy protection by allowing a landlord to redact information not expressly required under clause 23B(a). The redacted information may include the landlord's address, email address and phone number. However, the safeguard does not extend to the purchaser's name, which is still required to be disclosed and may raise privacy concerns, particularly prior to settlement.**

**Section 85 of the *Residential Tenancies Act 2010* imposes penalties for providing false or misleading information with a termination notice. While a defence is available where a landlord does not know or could not reasonably know that the information being provided is false or misleading, the provision relies on the landlord correctly identifying what can and cannot be redacted. Without clear guidance, this may result in non-compliance, over-disclosure, or inconsistent application. This may be particularly challenging for landlords who are not being professionally advised and are preparing termination notices on their own. Further clarification may assist in ensuring consistent and lawful application of the provisions. For these reasons, the Committee refers the matter to Parliament for consideration.**





# Part Three – Regulations without comment

# Regulations without comment

*Note: at the time of writing, the Committee makes no further comment about the following regulations.*

## 1. Births, Deaths and Marriages Registration Amendment (Fees) Regulation 2025

The object of the Regulation is to provide for the charging of fees for the following:

- (a) registering a change of sex of a person whose birth is not registered under the *Births, Deaths and Marriages Registration Act 1995* (the **Act**) or a corresponding law
- (b) supplying a document to a passport office, high commission, embassy, or consulate
- (c) mailing a certificate within Australia or otherwise.

The Regulation is made under the Act and does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

## 2. Children's Court of NSW Practice Note 19 – Support Plan Conference Pilot

The object of the Practice Note is to provide for the conduct of an Alternative Dispute Resolution Conference (the **Support Plan Conference**) by a Children's Registrar. It outlines the processes for undertaking the pilot model of the Support Plan Conference.

The Practice Note was issued and commenced on 2 May 2024. It was later amended on 15 November 2024 and 2 May 2025.

The Practice Note does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

## 3. Community Services Sector (Portable Long Service Leave) (Levy Determinations) Order 2025

The object of the Order is to prescribe the rate for the long service leave levy payable by certain employers and contractors.

The Order is made under the *Community Services Sector (Portable Long Service Leave) Act 2024* and does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

## 4. Crimes (Administration of Sentences) Amendment (Prescribed Information) Regulation 2025

The object of the Regulation is to make provision for the exchange of information between the Commissioner of Corrective Services and the Commissioner of Police, including information about the following:

- (a) domestic and personal violence orders and the persons subject to those orders
- (b) persons subject to parole orders
- (c) persons subject to certain non-custodial orders.

The Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including sections 257A and 271, the general regulation-making power.

The Regulation does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

5. [District Court Criminal Practice Note 26 - Walama List Sentencing Procedure Erratum](#)

The erratum clarifies that the words 'This Practice Note replaces District Court Criminal Practice Note 26, which commenced on 31 January 2022' were inadvertently omitted from the District Court Criminal Practice Note 26 Walama List Sentencing Procedure, and which were then inserted into the notice of that Practice Note published in NSW Government Gazette No 90 of 7 March 2025, number NSWGG-2025-90-10.

The erratum does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

6. [District Court Criminal Practice Note 30 – Management of Criminal Proceedings listed at Circuit Courts \(being Courts without a Resident Judge\)](#)

The Practice Note provides for case management proceedings for all proceedings on indictment committed to the District Court for trial at venues where there is no resident judge, but where a circuit court judge presides. The Practice Note replaces District Court Criminal Practice Notes 13 and 19.

The Practice Note does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

7. [District Court Criminal Practice Note 32 – Management of Criminal Proceedings listed in the Downing Centre](#)

The object of the Practice Note is to outline case management proceedings in the Downing Centre, excluding proceedings in the Walama List and proceedings where the District Court sits on a circuit basis.

The Practice Note replaces Practice Note 29 and makes minor amendments to clarify its application, address statutory disclosure requirements, and facilitate listing changes as agreed with the Commonwealth DPP.

The Practice Note does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

8. [District Court Criminal Practice Note 33 – Management of Criminal Proceedings listed at Circuit Courts](#)

The object of the Practice Note is to outline case management proceedings for proceedings on indictment committed to the District Court for trial at venues where there is no resident judge but where a circuit court judge presides.

The Practice Note commenced on 5 May 2025. It replaces Practice Note 30, with minor amendments to clarify its application and address statutory disclosure requirements imposed on the prosecution.

The Practice Note does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

9. [Environmental Planning and Assessment Amendment \(Bush Fire Protection Mechanisms\) Regulation 2025](#)

The object of the Regulation is to prescribe, for the *Environmental Planning and Assessment Act 1979*, section 4.14(1)(a), a revised version of *Planning for Bush Fire Protection* consequent on the publication of an addendum to the document.

The Regulation does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

10. [Fines Amendment \(Parking Fines\) Regulation 2025](#)

The object of the Regulation is to amend the Fines Regulation 2020 consequent on the commencement of the *Fines Amendment (Parking Fines) Act 2024*. It sets out provisions for parking offences such as requirements for signage in prescribed parking zones.

The Regulation is made under the *Fines Act 1996* and does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

11. [Industrial Relations Commission Amendment Rules 2025](#)

The Rules amend the Industrial Relations Commission Rules 2022 and are made under the *Industrial Relations Act 1996*.

The objects of the Rules are:

- (a) to enable a party appearing personally in proceedings before the Industrial Relations Commission to appoint an Australian legal practitioner or agent to act in the proceedings on the party's behalf
- (b) to require a case stated to the Industrial Court, unless the Court otherwise orders, to be in writing and signed by the member making the reference
- (c) to make provision relating to criminal appeals to the Full Bench of the Industrial Court.

The Rules do not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

12. [Land and Environment Court of New South Wales - Practice Note - Use of Generative Artificial Intelligence \(Gen AI\) \(2025-152-2\)](#)

The Practice Note relates to the use of generative AI and applies to both closed-source and open-source large language model Gen AI. It provides guidance to legal practitioners and clarifies the prohibited uses of generative AI.

The Practice Note does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

13. [Land and Environment Court of New South Wales - Practice Note - Use of Generative Artificial Intelligence \(Gen AI\) \(2025-152-3\)](#)

The Practice Note is largely identical to Land and Environment Court of New South Wales - Practice Note - Use of Generative Artificial Intelligence (Gen AI) (2025-152-2). It relates to the use of generative AI in the NSW Land and Environment Court, including when it may be used to draft documents, and provides general guidance to practitioners on the limits of the technology.

The Practice Note does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

14. [Local Court of NSW Practice Note – Coronial Practice Note No. 3 of 2021 - 2 May 2025](#)

The Practice Note was issued on 24 August 2021 and amended on 2 May 2025, in accordance with s 52 of the *Coroners Act 2009* (**the Act**). It applies to proceedings under the Act where it appears that a person has died in connection with police custody or operations.

The Practice Note does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

15. [Local Court of NSW Practice Note – Coronial Practice Note No. 3 of 2021 - 9 May 2025](#)

This Practice Note was issued on 24 August 2021 and commenced on 21 September 2021. It was amended on 9 May 2025. It is largely identical to Local Court of NSW Practice Note – Coronial Practice Note No. 3 of 2021 - 2 May 2025.

The object of the Practice Note is to outline the case management and listing of proceedings pursuant to the *Coroners Act 2009* for deaths or suspected deaths reported to the Coroner, where it appears a person has died in prescribed circumstances. It sets out the relevant jurisdiction, the stages of coronial investigations, and the purposes of those investigations and inquests.

The Practice Note does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

16. [Music Festivals Amendment \(Delegation\) Regulation 2025](#)

The object of the Regulation is to clarify that only the Health Secretary's functions under the *Music Festival Act 2019* may be delegated by the Health Secretary to members of staff of the Ministry of Health and the NSW Health Service.

The Regulation does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

17. [Notice of Reservation of a Nature Reserve](#)

The Notice reserves an area of land as part of Koukandowie Nature Reserve.

The Notice is made under section 30A(1)(f) of the *National Parks and Wildlife Act 1974*.

The Notice does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

18. [Notice of Reservation of a State Conservation Area](#)

The Notice is made under the *National Parks and Wildlife Act 1974*. It reserves certain land within Wagga Wagga district as part of the Livingstone State Conservation Area.

The Notice does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.

19. [Referable Debt Order](#)

The Order is made under subsection 7(2) of the *State Debt Recovery Act 2018*. The object of the Order is to set out the fees, charges and other amounts declared to be referable debts.

Column 1 lists the fees, charges and other amounts that are referable debts, and column 2 specifies the public authorities to which the amounts are payable. The Order does not appear to engage with any issues set out in section 9 of the *Legislation Review Act 1987*.

20. [The New South Wales Bar Association Professional Standards Scheme](#)

The New South Wales Bar Association Professional Standards Scheme was prepared by the Bar Association for the purposes of limiting occupational liability to the extent to which such liability may be limited under the *Professional Standards Act 1994*. The Scheme will commence in New South Wales on 1 July 2025.

The Scheme does not appear to engage with the issues set out in section 9 of the *Legislation Review Act 1987*.



# Appendices

# 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.
- (1A) The Committee is not precluded from exercising its functions under subsection (1) in relation to a regulation after it has ceased to be subject to disallowance if, while it is subject to disallowance, the Committee resolves to review and report to Parliament on the regulation.
- (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.
- (3) The functions of the Committee with respect to regulations 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.

# Appendix Two – Unconfirmed extracts of minutes

## Meeting no. 33

TIME & DATE: 3:04PM, 23 JUNE 2025

LOCATION: ROOM 1136, AND VIA  
VIDEOCONFERENCE AND  
TELECONFERENCE

### MEMBERS PRESENT

Ms Stuart (Deputy Chair) (via videoconference), Ms Davis (via teleconference), Mr Hagarty, Ms Higginson, Mr Layzell, Ms Munro and Mr Murphy.

### APOLOGIES

Ms Voltz (Chair).

### OFFICERS PRESENT

Rohan Tyler, Mengyuan Chen, Alex Read, Joan Douce, Natasha Moir and Nicolle Gill.

### AGENDA ITEM

The Deputy Chair opened the meeting with an Acknowledgement of Country.

#### 1. Confirmation of minutes

Resolved, on the motion of Mr Murphy: That the minutes of the meeting of 2 June 2025 be confirmed.

#### 2. \*\*\*

#### 3. Consideration of bills with comment for Legislation Review Digest 32/58

Resolved, on the motion of Mr Layzell: That the Committee adopts the following draft reports *in globo*:

- a) Community Housing Providers (Adoption of National Law) Amendment Bill 2025
- b) Constitution Amendment (Right to Possess and Carry Firearms) Bill 2025
- c) Local Government Amendment (Elections) Bill 2025
- d) Suicide Prevention Bill 2025.

#### 4. Consideration of bills without comment for Legislation Review Digest 32/58

Resolved, on the motion of Mr Murphy: That the Committee adopts the following draft reports *in globo*:

- a) District Court Legislation Amendment Bill 2025
- b) Government Sector Audit Amendment (Performance Audit Reports) Bill 2025
- c) Water Management Amendment (Intergovernmental Agreements) Bill 2025.

**5. Consideration of regulations with comment for Legislation Review Digest 32/58**

Resolved, on the motion of Ms Higginson: That the Committee adopts the following draft reports *in globo*:

- a) Community Services Sector (Portable Long Service Leave) Regulation 2025
- b) Property and Stock Agents Amendment (Landcom Exemptions) Regulation 2025
- c) Residential Tenancies Amendment Regulation 2025.

**6. Consideration of regulations without comment for Legislation Review Digest 32/58**

Resolved, on the motion of Mr Hagarty: That the Committee adopts the regulations without comment as Part Three to Digest No. 32/58.

**7. Legislation Review Digest 32/58**

Resolved, on the motion of Ms Munro:

- That appropriate minute extracts of this meeting be published as Appendix Two of the Digest.
- That the Committee adopts Legislation Review Digest No. 32/58 and that it be signed by the Chair and presented to the House.

**8. Regulations to be reviewed**

The Committee noted the table listing the status of regulations and statutory instruments to be reviewed.

**9. Next Meeting**

The meeting adjourned at 3:09pm until 4 August 2025.