

Legislation Review Committee



PARLIAMENT OF
NEW SOUTH WALES

Legislation Review Digest



Digest No. 42/58 – 17 March 2026

New South Wales Parliamentary Library cataloguing-in-publication data:



A catalogue record for this
book is available from the
National Library of Australia

ISSN: 1448-6954

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
PART ONE – BILLS	20
1. Contract Cleaning Industry (Portable Long Service Leave Scheme) Amendment Bill 2026	21
2. Crimes and Roads Legislation Amendment (Obstruction Offences Repeals) Bill 2026*	23
3. Greater Sydney Parklands Trust Amendment (Review) Bill 2026.....	26
4. Greyhound Racing Amendment (Whole-of-life Tracking) Bill 2026*.....	28
5. Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Bill 2026	29
6. Music Bill 2026.....	33
7. National Parks and Wildlife Amendment (Land Boundaries and Acquisitions) Bill 2026*	37
8. Road Transport Amendment (Demerit Points Reduction) Bill 2026	38
9. Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026	39
PART TWO – REGULATIONS WITH COMMENT	43
1. Court Security and Surveillance Devices Amendment (Body-worn Recording Devices) Regulation 2025	44
PART THREE – REGULATIONS WITHOUT COMMENT.....	47
APPENDICES.....	61
Appendix One – Functions of the Committee.....	62
Appendix Two – Unconfirmed extracts of minutes.....	64

Membership

Chair	Ms Lynda Voltz MP, Member for Auburn
Deputy Chair	Ms Maryanne Stuart MP, Member for Heathcote
Members	Ms Donna Davis MP, Member for Parramatta Mr Nathan Hagarty MP, Member for Leppington Ms Sue Higginson MLC Mr Dave Layzell MP, Member for Upper Hunter The Hon. Jacqui Munro MLC The Hon. Cameron Murphy MLC
Contact details	Legislation Review Committee Parliament of New South Wales 6 Macquarie Street Sydney NSW 2000
Telephone	0491 961 338
E-mail	Legislation.Review@parliament.nsw.gov.au
Website	www.parliament.nsw.gov.au/lrc

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. Contract Cleaning Industry (Portable Long Service Leave Scheme) Amendment Bill 2026

Issue identified	Conclusion of Committee
Henry VIII clause	Referred

2. Crimes and Roads Legislation Amendment (Obstruction Offences Repeals) Bill 2026*

Issue identified	Conclusion of Committee
Lack of clarity regarding intended amendment to penalty provisions	Referred
Lack of clarity regarding proposed changes to police powers	Referred

3. Greater Sydney Parklands Trust Amendment (Review) Bill 2026

Issue identified	Conclusion of Committee
Commencement by proclamation	No further comment

4. Greyhound Racing Amendment (Whole-of-life Tracking) Bill 2026*

No issues identified

5. Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Bill 2026

Issue identified	Conclusion of Committee
Lack of clarity regarding use of body-worn video potentially impacting procedural fairness	Referred
Retrospectivity	No further comment

6. Music Bill 2026

Issue identified	Conclusion of Committee
Wide power of delegation to unspecified persons	No further comment
Commencement by proclamation	No further comment
Guidelines for the venue accreditation scheme	No further comment

7. National Parks and Wildlife Amendment (Land Boundaries and Acquisitions) Bill 2026*

No issues identified

8. Road Transport Amendment (Demerit Points Reduction) Bill 2026

No issues identified

9. Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026

Issue identified	Conclusion of Committee
------------------	-------------------------

Right to privacy	Referred
Procedural fairness	Referred
Commencement by proclamation	Referred

PART TWO – REGULATIONS WITH COMMENT

1. Court Security and Surveillance Devices Amendment (Body-worn Recording Devices) Regulation 2025

Issue identified	Conclusion of Committee
Privacy rights - body-worn recording devices	Referred

Summary of Conclusions

PART ONE – BILLS

1. Contract Cleaning Industry (Portable Long Service Leave Scheme) Amendment Bill 2026

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

Henry VIII clause

The Bill would insert Schedule 1A into the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* to specify the classes of workers who have transferred into the public service, for the purposes of accessing long service leave entitlements under the scheme. Proposed section 114C(3) would empower the Minister, by order published on the NSW legislation website, to amend proposed Schedule 1A, including to specify additional classes of workers.

This provision may therefore amount to a Henry VIII clause by allowing the Executive to amend the operation of the parent Act by way of a Ministerial order, without reference to the Parliament. The Committee generally considers Henry VIII clauses in bills to be an inappropriate delegation of legislative power, as delegated legislation is not subject to the same level of parliamentary scrutiny as primary legislation.

Additionally, there does not appear to be a requirement for the orders to be tabled in Parliament. This means that, unlike regulations, they are not subject to disallowance under section 41 of the *Interpretation Act 1987*. For this reason, the Committee refers the matter to the Parliament for consideration.

2. Crimes and Roads Legislation Amendment (Obstruction Offences Repeals) Bill 2026*

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

Lack of clarity regarding intended amendment to penalty provisions

The Bill seeks to amend the *Crimes Act 1900* by changing the penalty for obstructing railways under section 213(1) of the Act. The maximum penalty for this offence is currently 200 penalty units, or 2 years' imprisonment, or both, for an offence dealt with summarily. Where the offence is dealt with on indictment, the maximum penalty is 2 years' imprisonment. The Bill proposes to replace the words 'commits an offence' with 'is liable to a penalty of 200 penalty units or imprisonment for 2 years'. It then proposes to 'Omit the penalty' from section 213(1). It is not clear which penalty the Bill is referring to, or which specific words are proposed to be removed from the Act. This may impact the rule of law principle that a person is entitled to have knowledge of the law that applies to them at any given point in time.

The Committee notes Ms Shetty's acknowledgement that amendments to the Bill will be necessary, given recent legislative changes. However, the Committee's role is to consider bills as they are introduced in Parliament. In this case, the lack of clarity relates to criminal penalties for individuals, including potential custodial penalties. For this reason, the Committee refers the issue to Parliament for clarification on the proposed amendments.

Lack of clarity regarding proposed changes to police powers

The Bill seeks to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* (the LEPR) by omitting the words '(4) or (5)' from section 200(2). However, these words are no longer found in section 200(2), following amendments that were made to the LEPR in December 2025. The operative effect of the Bill on section 200(2) is therefore unclear, and this may impact the rule of law principle that a person is entitled to have knowledge of the law that applies to them at any given time.

The Committee notes Ms Shetty's acknowledgement that amendments to the Bill will be necessary, given recent legislative changes. However, the Committee's role is to consider bills as they are introduced in Parliament. In this case, the lack of clarity is around police powers in relation to demonstrations, protests, processions or organised assemblies, which has the potential to impact individual rights and liberties. For this reason, the Committee refers the issue to Parliament for clarification on the proposed amendment.

3. Greater Sydney Parklands Trust Amendment (Review) Bill 2026

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

Commencement 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.

The Committee acknowledges that commencement by proclamation may be intended to facilitate greater flexibility in the making of administrative arrangements. This may be needed, for example, to set up the arrangements for administering the new leasing and licencing processes for the Greater Sydney Parklands. For this reason, the Committee makes no further comment.

4. Greyhound Racing Amendment (Whole-of-life Tracking) Bill 2026*

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

5. Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Bill 2026

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

Lack of clarity regarding use of body-worn video potentially impacting procedural fairness

The Bill seeks to amend Part 8A of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPR), which relates to the use of police in-car video equipment (ICV equipment), by allowing body-worn video equipment (BWV equipment) to be used where ICV equipment is currently required (for example, where a vehicle has been stopped or detained). 'ICV equipment' is currently defined as 'equipment installed in a vehicle and capable of recording visual images and sound outside the vehicle (including by means of a microphone that is separate from the equipment and vehicle)'.

However, the Bill would define 'BWV equipment' as 'body-worn video equipment', with no further detail. It is unclear whether BWV equipment would include visual images and sound, or sound

only. It is also unclear whether the scope of the recording is intended to be consistent with what is currently recorded by ICV equipment. This lack of clarity may therefore impact on an individual's right to procedural fairness, where they are the driver or occupant of a vehicle that has been stopped or detained by police.

The Committee acknowledges the Minister's statement that BWV is the 'optimal option' for recording conversations, due to its higher quality audio. However, the Bill does not specify which type of recording is to be used in police activities, which would confer broad discretion upon police officers to determine which recording device is used in a given interaction. This discretion may be exercised inconsistently, and may result in materially different evidence being produced, which may further impact on an individual's right to procedural fairness. For these reasons, the Committee refers the matter to Parliament for consideration.

Retrospectivity

Schedule 2[8] would insert savings and transitional provisions into the *Surveillance Devices Act 2007* to provide that the exceptions under proposed section 8A apply retrospectively to the use of a listening device or surveillance device that occurred before the commencement of that section. The Committee generally comments on provisions that are drafted to have retrospective effect because they impact on the rule of law principle that a person is entitled to have knowledge of the law that applies to them at any given time.

However, in this case, the Committee notes that the retrospective application of the amendments would not adversely impact a person's rights or liberties as it seeks to clarify the existing legislative framework only, where another Act has already authorised the use of surveillance devices. For this reason, the Committee makes no further comment.

6. Music Bill 2026

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

Wide power of delegation to unspecified persons

Section 22 of the proposed *Music Act 2026* would empower the Minister and the Secretary to delegate their powers under the proposed *Music Act 2026* to a Public Service employee or 'a person authorised for this section by the regulations.' The Bill therefore provides for the wide delegation of statutory functions to a class of unknown persons authorised by the regulations.

This broad delegation of functions may enable private individuals to be delegated functions under the Act that may be expected to be performed by appointed authorities or senior public officials. The Committee generally prefers that the classes of persons who may be delegated statutory functions are detailed in primary legislation and that they are appropriately limited. This is to provide greater clarity and better oversight of the exercise of those Executive and public functions.

However, the Committee acknowledges that regulations are required to be tabled in Parliament and are therefore subject to disallowance under section 41 of the *Interpretation Act 1987*. It also acknowledges that, noting the subject matter, it is unlikely that the provision would impact on individual rights and liberties. In the circumstances, the Committee makes no further comment.

Commencement by proclamation

Schedules 4.5 and 4.6 would commence on a day or days to be appointed by proclamation. The Committee generally prefers legislation to commence on a fixed date, or on 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, including to allow the Environment Protection Authority time to update the guidance setting out the relevant noise assessment methodologies. The Committee also notes that the Environment Protection Authority has committed to updating this guidance over the next six months, which provides some indication as to the proposed timing. For this reason, the Committee makes no further comment.

Insufficiently subjects the exercise of legislative power to parliamentary scrutiny: s 8A(1)(b)(v) of the LRA

Guidelines for the venue accreditation scheme

Section 12 of the proposed *Music Act 2026* provides that the Secretary may make guidelines for the purposes of the accreditation of a live music venue. The guidelines must include the criteria to be considered when making an accreditation decision, the approach to be taken when assessing a venue, and the period of time for which the accreditation of a venue would be in force. Noting the substance of the guidelines, the Committee considers that they would impact any accreditation decisions.

The Committee generally prefers that substantive matters, like those provided for in the guidelines, are set out in legislation where they can be subjected to a greater level of parliamentary scrutiny. However, the Committee recognises that the purpose of the guidelines, and the venue accreditation scheme more broadly, is to support live music venues, and that individual rights and liberties are unlikely to be impacted. In the circumstances, the Committee makes no further comment.

7. National Parks and Wildlife Amendment (Land Boundaries and Acquisitions) Bill 2026*

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

8. Road Transport Amendment (Demerit Points Reduction) Bill 2026

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

9. Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026

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

Right to privacy

The Bill seeks to introduce exceptions to a number of offences under the *Surveillance Devices Act 2007*, which relate to the communication, publication and possession of records of private conversations and activities obtained through the use of surveillance devices (surveillance device records).

The exceptions under proposed sections 12(2) and 14B would permit an officer of an investigative body to possess, communicate or publish surveillance device records if it is in connection with the exercise of the investigative body's functions. Proposed section 14A would also allow a person to communicate or publish a surveillance device record to an investigative body where it is 'in the public interest' to do so. By allowing surveillance device records to be produced and used by an investigative body, without consent or a warrant, the Bill has the potential to impact an individual's right to privacy.

The Committee understands that the proposed exceptions are intended to support investigations into crime, corruption and other unlawful conduct. It also notes that a person who is not an officer of an investigative body can only communicate a surveillance device record to an investigative body if it is 'in the public interest'. However, the definition of public interest under proposed section 14A(2) is non-exhaustive.

The Committee acknowledges the Attorney General's remarks that an exhaustive statutory definition of 'public interest' risks being overly rigid and inflexible. However, noting the potentially significant intrusions on an individual's privacy, the Committee considers it necessary to appropriately limit the circumstances under which a person may communicate or publish a surveillance device record, where the publication of that record would otherwise be an offence. For this reason, the Committee refers the matter to Parliament for consideration.

Procedural fairness

The Bill would introduce exceptions to offences under Part 2 of the *Surveillance Devices Act 2007*, which would allow investigative bodies to legally use evidence that has been unlawfully obtained by a third party through the use of a surveillance device. Normally, evidence that has been unlawfully obtained would be inadmissible under the rules of evidence.

The Committee understands that the exceptions are intended to support the investigation of crime, corruption and other unlawful conduct. However, the Committee is concerned about the potential impact of the Bill on an individual's right to procedural fairness, particularly where the use of unlawfully obtained evidence may lead to prosecution of the individual. For this reason, the Committee refers the matter to Parliament for consideration.

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

Commencement by proclamation

Clause 2 of the Bill stipulates that the Act would commence on a day or days to be appointed by proclamation. The Committee generally prefers legislation to commence on a fixed date, or on assent, to provide certainty for affected persons. Commencement by proclamation effectively delegates the role of Parliament in determining when legislation commences to the Executive.

The Committee acknowledges that there may be practical reasons for allowing a flexible start date. However, given the potential impact on privacy rights, the Committee refers the matter to Parliament for consideration.

PART TWO – REGULATIONS WITH COMMENT

1. Court Security and Surveillance Devices Amendment (Body-worn Recording Devices) Regulation 2025

Trespasses unduly on personal rights and liberties: s 9(1)(b)(i) of the LRA

Privacy rights – body-worn recording devices

The Regulation amends the Court Security Regulation 2021 and the Surveillance Devices Regulation 2022 to further extend the trial of body-worn recording devices by sheriff's officers. This trial was introduced by the Court Security and Surveillance Devices Amendment (Body-Worn Recording Devices) Regulation 2023 (the 2023 Regulation) to permit sheriff's officers to use body-worn recording devices, including while in a court, for a trial period of one year. It also amended those regulations so that sheriff's officers are exempt from certain requirements and prohibitions under the *Court Security Act 2005* and the *Surveillance Devices Act 2007*. The Court Security and Surveillance Devices Amendment (Body-Worn Recording Devices Regulation 2024 (the 2024 regulation) extended the trial by an additional year, to 30 November 2025.

The Committee previously reported on the 2023 regulation in Digest No. 5/58, and on the 2024 regulation in Digest 25/58. Consistent with those comments, the Committee notes that the 2023 regulation permitted the broad use of body-worn recording devices inside courthouses, which may infringe on a person's privacy rights. It notes again that sheriff's officers are likely to interact with vulnerable members of the public in their capacity as court security officers, including victims of crime.

The Committee also notes that individuals who may be recorded are likely to be litigants, witnesses, legal practitioners or other parties involved in court proceedings. These people may have an expectation of privacy within a court setting, should they choose to discuss proceedings they are involved in, or receive legal advice. If these discussions may be recorded by body-worn surveillance devices and then transmitted, individuals' rights to a fair trial and access to justice may also be impeded.

The current Regulation raises these issues again as it extends the trial by another year. The Committee recognises that the trial remains time-limited and that there are public interest issues in deterring violence and anti-social behaviour towards these officers in the course of their duties, which may include executing court warrants and monitoring and securing court proceedings. However, the Committee notes that by extending the trial by an additional year, the trial would effectively occur over a combined period of three years. This may further impact a person's right to privacy. For these reasons, the Committee refers the matter to Parliament for its consideration.

Part One – Bills

1. Contract Cleaning Industry (Portable Long Service Leave Scheme) Amendment Bill 2026

Date introduced	11 February 2026
House introduced	Legislative Assembly
Member with carriage	The Hon Sophie Cotsis MP

Purpose and description

- 1.1 The object of the Bill is to amend the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* to provide that persons employed in the contract cleaning industry who later take up employment in the Public Service will, subject to unbroken employment, have their prior service recognised for extended leave and long service leave.

Background

- 1.2 In her second reading speech, the Hon Sophie Cotsis, Minister for Industrial Relations, explained the operation of the contract cleaning industry portable long service leave scheme:

The scheme recognises that cleaners often work across different employers and job sites. The purpose of the scheme is to ensure that workers can still accrue long service leave entitlements despite the transient and contract-based nature of their employment.

- 1.3 The Minister also explained:

Following community and workers' concerns about the working conditions for many contract cleaners in New South Wales, especially school cleaners, the Government has committed to insourcing contract cleaners working on whole-of-government sites in the Hunter and Central Coast region. Since 1 January this year, approximately 850 contract cleaners have been in the process of commencing employment with the Department of Education. The private cleaning contract for this region will not be renewed, and all government cleaning work will be insourced by the Department of Education.

- 1.4 As part of the process of insourcing, the Bill would recognise the portable long service leave entitlements accrued by contract cleaners who transfer to public service employment in the Hunter and Central Coast region.

- 1.5 The Minister explained that, without the proposed amendments:

... workers impacted by the Government's decision to insource would not be able to use long service leave they have earned in the portable long service leave scheme, and may have planned to take, even if they are

continuing to clean the same school they have worked at for many years. These workers would be required to start accruing long service leave from zero in the public service and would not be able to take the meaningful break afforded by long service leave for seven to 10 years.

Issues considered by the Committee

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

Henry VIII clause

- 1.6 Proposed section 114C defines a 'transferred ordinary worker' and a 'transferred casual worker' with reference to '... a class of worker specified in Schedule 1A ...'.
- 1.7 Proposed section 114C(3) would empower the Minister to, '... by order published on the NSW legislation website, amend Schedule 1A, including to specify additional classes of worker.'
- 1.8 The table under Schedule 1A specifies classes of transferred workers, including the relevant public service agency, transfer day and transfer cut-off day.

The Bill would insert Schedule 1A into the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* to specify the classes of workers who have transferred into the public service, for the purposes of accessing long service leave entitlements under the scheme. Proposed section 114C(3) would empower the Minister, by order published on the NSW legislation website, to amend proposed Schedule 1A, including to specify additional classes of workers.

This provision may therefore amount to a Henry VIII clause by allowing the Executive to amend the operation of the parent Act by way of a Ministerial order, without reference to the Parliament. The Committee generally considers Henry VIII clauses in bills to be an inappropriate delegation of legislative power, as delegated legislation is not subject to the same level of parliamentary scrutiny as primary legislation.

Additionally, there does not appear to be a requirement for the orders to be tabled in Parliament. This means that, unlike regulations, they are not subject to disallowance under section 41 of the *Interpretation Act 1987*. For this reason, the Committee refers the matter to the Parliament for consideration.

2. Crimes and Roads Legislation Amendment (Obstruction Offences Repeals) Bill 2026*

Date introduced	12 February 2026
House introduced	Legislative Assembly
Member with carriage	Ms Kobi Shetty MP
	*Private member's bill

Purpose and description

- 2.1 The object of the Bill is to amend crimes and roads legislation to abolish certain offences for behaviour that causes damage or disruption to major roads, major public facilities or places of worship.

Background

- 2.2 The Bill proposes amendments to the *Roads Act 1993*, the *Crimes Act 1900*, the *Law Enforcement (Powers and Responsibilities) Act 2002* and their respective regulations, to:

- modify and remove offences related to roads, bridges and tunnels, under the *Roads Act 1993*
- modify and remove offences related to railways, major facilities or places of worship, under the *Crimes Act 1900* (the **Crimes Act**)
- remove police officer 'move on' powers in relation to protests occurring in or near a place of worship, under the *Law Enforcement (Powers and Responsibilities) Act 2002* (the **LEPRA**).

- 2.3 The Committee notes that the Bill's provisions are identical to the provisions of the Crimes and Roads Legislation Amendment (Obstruction Offences Repeals) Bill 2025 (the **2025 bill**), which Ms Kobi Shetty MP introduced in the Legislative Assembly on 7 August 2025. The Committee reported on that bill in Digest 34/58 and further notes that it lapsed on 26 September 2025, in accordance with Standing Order 105.

- 2.4 In her second reading speech on the current bill, Ms Shetty noted that it does not address the recent legislative changes to police powers that were made under the *Law Enforcement (Powers and Responsibilities) Amendment (Places of Worship) Act 2025* and the *Terrorism and Other Legislation Amendment Act 2025*.

- 2.5 Ms Shetty stated:

These most recent reforms, particularly the granting of powers to the police commissioner to create [public assembly restriction declarations] PARDs with no oversight from the courts, are of particular concern and

will need to be addressed via amendments if the substance of this bill is supported.

- 2.6 Although the 2025 bill did not raise any issues under section 8A of the *Legislation Review Act 1987*, the Committee notes that the Bill no longer reflects the current legislative framework and, therefore, gives rise to issues under section 8A.

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

Lack of clarity regarding intended amendment to penalty provisions

- 2.7 Section 213 of the Crimes Act prohibits the obstruction of railways and is worded as follows:

- (1) A person who—
- (a) intentionally and without lawful excuse, does an act, or omits to do an act, which causes the passage or operation of a locomotive or other rolling stock on a railway to be obstructed, or
- (b) assists a person to do or omit to do such an act, with the knowledge that the person's intention to do or omit to do that act is without lawful excuse,

commits an offence.

Maximum penalty—

- (a) for an offence dealt with summarily—200 penalty units or imprisonment for 2 years, or both, or
- (b) for an offence dealt with on indictment—imprisonment for 2 years.

- 2.8 Schedule 3, item 1 of the Bill seeks to omit the words 'commits an offence' from section 213(1) and insert instead 'is liable to a penalty of 200 penalty units or imprisonment for 2 years'.

- 2.9 Schedule 3, item 2 also seeks to 'Omit the penalty' under section 213(1). The particular wording the Bill proposes to omit is not specified.

The Bill seeks to amend the *Crimes Act 1900* by changing the penalty for obstructing railways under section 213(1) of the Act. The maximum penalty for this offence is currently 200 penalty units, or 2 years' imprisonment, or both, for an offence dealt with summarily. Where the offence is dealt with on indictment, the maximum penalty is 2 years' imprisonment. The Bill proposes to replace the words 'commits an offence' with 'is liable to a penalty of 200 penalty units or imprisonment for 2 years'. It then proposes to 'Omit the penalty' from section 213(1). It is not clear which penalty the Bill is referring to, or which specific words are proposed to be removed from the Act. This may impact the rule of law principle that a person is entitled to have knowledge of the law that applies to them at any given point in time.

The Committee notes Ms Shetty's acknowledgement that amendments to the Bill will be necessary, given recent legislative changes. However, the Committee's role is to consider bills as they are introduced in Parliament. In this case, the lack of clarity relates to criminal penalties for individuals, including potential custodial penalties. For this reason, the Committee refers the issue to Parliament for clarification on the proposed amendments.

Lack of clarity regarding proposed changes to police powers

- 2.10 Section 200 of the LEPR creates limits on the exercise of police powers during demonstrations, protests, processions or organised assemblies.
- 2.11 The Bill seeks to omit the words ',(4) or (5)' from section 200(2) of the LEPR and insert the words 'or (4)'.
- 2.12 The words ',(4) or (5)' are not presently found at section 200(2) of the LEPR, following an amendment to this provision on 3 December 2025.

The Bill seeks to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* (the LEPR) by omitting the words ',(4) or (5)' from section 200(2). However, these words are no longer found in section 200(2), following amendments that were made to the LEPR in December 2025. The operative effect of the Bill on section 200(2) is therefore unclear, and this may impact the rule of law principle that a person is entitled to have knowledge of the law that applies to them at any given time.

The Committee notes Ms Shetty's acknowledgement that amendments to the Bill will be necessary, given recent legislative changes. However, the Committee's role is to consider bills as they are introduced in Parliament. In this case, the lack of clarity is around police powers in relation to demonstrations, protests, processions or organised assemblies, which has the potential to impact individual rights and liberties. For this reason, the Committee refers the issue to Parliament for clarification on the proposed amendment.

3. Greater Sydney Parklands Trust Amendment (Review) Bill 2026

Date introduced	11 February 2026
House introduced	Legislative Assembly
Member with carriage	The Hon Paul Scully MP

Purpose and description

3.1 The object of the Bill is to amend the following Acts to address recommendations made by the Joint Select Committee on the Greater Sydney Parklands Trust (the **Joint Select Committee**):

- (a) the *Greater Sydney Parklands Trust Act 2022* (the **GSPT Act**)
- (b) the *Callan Park (Special Provisions) Act 2002*
- (c) the *Centennial Park and Moore Park Trust Act 1983*
- (d) the *Parramatta Park Trust Act 2001*
- (e) the *Western Sydney Parklands Act 2006*.

Background

3.2 The Bill seeks to amend multiple Acts concerning the administration and governance of the Greater Sydney Parklands estate. It proposes amending the Acts to modify governance, leasing, property and community engagement arrangements.

3.3 During his second reading speech, the Hon Paul Scully MP, Minister for Planning and Public Spaces, stated:

The bill is important for the future of Greater Sydney's parklands – not only for their continued protection and improvement but also, crucially, for their long-term sustainability.

3.4 The Minister also explained that the Bill was introduced in response to the recommendations made by the Joint Select Committee on the GSPT Act. He said:

This bill is in direct response to the recommendations of the joint select committee and includes additional legislative amendments to make our iconic urban parks even better, and to support new parks under GSP's management.

3.5 The Bill proposes to amend the GSPT Act to:

- modify the objects and functions of the Trust

- modify leasing provisions and consultation processes with community trustee boards
- replace tender requirements for certain leases and licences and specify when open tenders are required
- modify procedures for the acquisition and transfer of land to the Trust
- provide for processes to give effect to the transfer of land and relevant rights and obligations.

3.6 The Bill also seeks to amend the *Callan Park (Special Provisions) Act 2002*, the *Centennial Park and Moore Park Trust Act 1983*, the *Parramatta Park Trust Act 2001* and the *Western Sydney Parklands Act 2006* (the **associated trusts Acts**) to:

- modify the objects of the associated trusts Acts
- prescribe certain requirements for the Trust to grant a lease, licence or easement over land within the Trust lands
- modify requirements for open tenders for certain leases and licences.

Issues considered by the Committee

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

Commencement by proclamation

3.7 Clause 2 of the Bill provides that it 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.

The Committee acknowledges that commencement by proclamation may be intended to facilitate greater flexibility in the making of administrative arrangements. This may be needed, for example, to set up the arrangements for administering the new leasing and licencing processes for the Greater Sydney Parklands. For this reason, the Committee makes no further comment.

4. Greyhound Racing Amendment (Whole-of-life Tracking) Bill 2026*

Date introduced	11 February 2026
House introduced	Legislative Council
Member with carriage	Ms Abigail Boyd MLC
	*Private member's bill

Purpose and description

- 4.1 The object of the Bill is to amend the *Greyhound Racing Act 2017* (the **Act**) to extend the Greyhound Welfare and Integrity Commission's powers to provide for whole-of-life tracking of greyhounds, including greyhounds that are rehomed and no longer owned by a greyhound racing industry participant.

Background

- 4.2 The Bill seeks to amend the Act to require the lifetime registration of greyhounds that have, at any time, been owned or kept in connection with greyhound racing.

- 4.3 During her second reading speech, Ms Abigail Boyd MLC explained:

... once a greyhound is no longer owned by someone directly involved in the racing industry, the welfare and integrity commission can neither see the dog nor act in its welfare, so greyhounds can and do still simply disappear.

- 4.4 Ms Boyd stated that the Bill:

... seeks to amend the Greyhound Racing Act 2017 to expand the remit of the Greyhound Welfare and Integrity Commission to include oversight of all rehomed and euthanised greyhounds, not just greyhounds owned by or euthanised in the care of industry participants.

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. Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Bill 2026

Date introduced	12 February 2026
House introduced	Legislative Council
Member with carriage	The Hon Daniel Mookhey MLC

Purpose and description

- 5.1 The object of the Bill is to amend:
- (a) the *Law Enforcement (Powers and Responsibilities) Act 2002* (the **LEPRA**) to enable the NSW Police Force to use body-worn video equipment (**BWV equipment**) to record conversations between police officers and certain persons
 - (b) the *Surveillance Devices Act 2007* (the **SD Act**) to:
 - (i) provide exceptions to offences for the use of listening devices and optical surveillance devices
 - (ii) make miscellaneous changes.

Background

- 5.2 The Bill seeks to allow the recording of police conversations with certain persons through BWV equipment, and to clarify the legal framework for the use of listening devices and optical surveillance devices by NSW Government agencies.
- 5.3 In his second reading speech, the Hon John Graham MLC, who introduced the Bill on behalf of the Hon Daniel Mookhey MLC, explained that the LEPRA currently permits police officers to record conversations with drivers and passengers of vehicles using in-car video (**ICV**) equipment. The Bill would replace these provisions to allow similar recordings using police BWV equipment. The Minister explained that BWV technology provides improved audio quality compared with existing ICV microphones and offers enhanced evidence management, storage and sharing capabilities.
- 5.4 The Bill would also insert exceptions to an offence under the SD Act where listening and optical surveillance devices are used by government agencies in the exercise of their functions.
- 5.5 In his second reading speech, the Minister explained that there are at least 76 Acts of a regulatory nature in NSW that authorise officers to make recordings in the

exercise of their functions. These are inconsistent with the current provisions of the SD Act. The Bill would therefore clarify that no offence would be committed under the SD Act, where an officer of an agency has an existing statutory authority to use a surveillance device in the course of their duties and they use the device overtly.

5.6 The Minister explained:

The current legislative settings may inhibit agency officers from exercising powers conferred on them by Parliament for the purposes of their investigative and enforcement functions due to this lack of clarity. The Parliament cannot have been intending for agency officers to be given statutory authority to make audio and video recordings in the exercise of their functions while simultaneously creating an inconsistency with the operation of the provisions of the Surveillance Devices Act for the use of body-worn video or other devices to make such recordings. This anomaly is what the bill is seeking to resolve.

5.7 The Bill replicates key provisions of the Surveillance Devices and Other Legislation Amendment Bill 2025 (the **2025 Bill**), which was introduced on 21 October 2025. The Committee reported on the 2025 Bill in Digest No. 38/58. The Committee notes that the 2025 Bill was negated on its third reading on 5 February 2026.

5.8 The Committee also notes the introduction, on 12 February 2026, of the Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026, which is reported on in this Digest. That bill also replicates key provisions of the 2025 Bill with respect to the SD Act.

5.9 Together, both of the bills reported on in this Digest introduce provisions substantially similar to those previously considered and negated by Parliament. For this reason, the comments on both bills, when considered together, are largely consistent with the Committee's comments in Digest No. 38/58.

Issues considered by the Committee

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

Lack of clarity regarding use of body-worn video potentially impacting procedural fairness

5.10 Part 8A of the LEPRA relates to the use of police in-car video equipment (**ICV equipment**), which is currently defined as 'equipment installed in a vehicle and capable of recording visual images and sound outside the vehicle (including by means of a microphone that is separate from the equipment and vehicle)'. 'ICV recording' is also defined under section 108H(2) as 'any recording of visual images or sound made pursuant to this Part'.

5.11 The Bill would amend multiple sections that refer to 'ICV equipment' to include 'or BWV equipment'. These include section 108C, which currently requires the mandatory use of ICV equipment for certain police activities, including where police are pursuing, following, stopping or detaining a vehicle.

5.12 The Bill also proposes to insert a definition of 'BWV equipment', meaning 'body-worn video equipment', into section 108A of the LEPRA. Under section 108H, 'BWV recording' would be defined as 'a recording of sound made by BWV equipment under this part'.

5.13 In explaining the proposed rationale for the amendments, the Minister stated:

Body-worn video devices are technologically superior to existing in-car video equipment microphones because they can capture higher quality audio and offer increased evidence management, storage and sharing capabilities. ... Accordingly, body-worn video is the optimal option to record conversations ...!

The Bill seeks to amend Part 8A of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA), which relates to the use of police in-car video equipment (ICV equipment), by allowing body-worn video equipment (BWV equipment) to be used where ICV equipment is currently required (for example, where a vehicle has been stopped or detained). 'ICV equipment' is currently defined as 'equipment installed in a vehicle and capable of recording visual images and sound outside the vehicle (including by means of a microphone that is separate from the equipment and vehicle)'.

However, the Bill would define 'BWV equipment' as 'body-worn video equipment', with no further detail. It is unclear whether BWV equipment would include visual images and sound, or sound only. It is also unclear whether the scope of the recording is intended to be consistent with what is currently recorded by ICV equipment. This lack of clarity may therefore impact on an individual's right to procedural fairness, where they are the driver or occupant of a vehicle that has been stopped or detained by police.

The Committee acknowledges the Minister's statement that BWV is the 'optimal option' for recording conversations, due to its higher quality audio. However, the Bill does not specify which type of recording is to be used in police activities, which would confer broad discretion upon police officers to determine which recording device is used in a given interaction. This discretion may be exercised inconsistently, and may result in materially different evidence being produced, which may further impact on an individual's right to procedural fairness. For these reasons, the Committee refers the matter to Parliament for consideration.

Retrospectivity

- 5.14 The Bill proposes to insert section 8A into the SD Act, which would allow for exceptions to the offences under sections 7 and 8, where the use of the relevant device is authorised by another Act. Section 7 prohibits the installation, use and maintenance of listening devices, and section 8 prohibits the installation, use and maintenance of optical surveillance devices without consent.
- 5.15 Schedule 2[8] provides that proposed section 8A would extend to the use of a listening device or optical surveillance device that occurred before the commencement of that section.
- 5.16 In his second reading speech, the Minister clarified that the Bill would not provide any additional powers to use listening or optical surveillance devices that have not already been conferred on officers by the Parliament in other Acts. He explained that the Bill:

... simply clarifies that where an officer of an agency has an existing statutory authority to use a surveillance device in the course of their duties and they use the device overtly, no offence will be committed under the Surveillance Devices Act. Where an agency does not have such authority, Parliament will have to pass legislation to authorise the use of surveillance devices by the agency's officers, or a regulation authorising a trial period will be required.

Schedule 2[8] would insert savings and transitional provisions into the *Surveillance Devices Act 2007* to provide that the exceptions under proposed section 8A apply retrospectively to the use of a listening device or surveillance device that occurred before the commencement of that section. The Committee generally comments on provisions that are drafted to have retrospective effect because they impact on the rule of law principle that a person is entitled to have knowledge of the law that applies to them at any given time.

However, in this case, the Committee notes that the retrospective application of the amendments would not adversely impact a person's rights or liberties as it seeks to clarify the existing legislative framework only, where another Act has already authorised the use of surveillance devices. For this reason, the Committee makes no further comment.

6. Music Bill 2026

Date introduced	10 February 2026
House introduced	Legislative Council
Member with carriage	The Hon John Graham MLC

Purpose and description

- 6.1 The object of the Bill is to assist, promote and strengthen the contemporary music industry throughout New South Wales by:
- (a) establishing the Sound NSW Advisory Board
 - (b) setting out the principles that must be followed when a decision concerning the contemporary music industry is made
 - (c) providing for the accreditation of music venues as dedicated live music venues, significant live music venues or live music venues
 - (d) facilitating the resolution of disputes concerning dedicated live music venues and significant live music venues by requiring disputes to be submitted to mediation before the commencement of court proceedings
 - (e) establishing the role of a registrar of disputes, who has oversight of disputes that are submitted to mediation.

Background

- 6.2 The Bill seeks to assist, promote and strengthen the contemporary music industry in NSW through the establishment of the *Music Act 2026* and the Music Regulation 2026.
- 6.3 In his second reading speech, the Hon John Graham MLC, Minister for the Arts, noted the need for '... strategic and legislated support to ensure the [music] industry's full potential is realised.'
- 6.4 In providing context for the Bill, the Minister explained:

In December 2024 the Government published the State's first *Contemporary Music Strategy*. In that document we committed to creating a Music Act for New South Wales. This bill fulfils that promise, cementing legislative and regulatory improvements to support the promotion, protection and growth of the contemporary music industry in New South Wales. This new Music Act will create legislation critical to the regulation and support of the music industry. It lays the foundation. The proposed Act sets out the decision-making principles for all government sector agencies, including local councils, to consider when making decisions concerning contemporary music in New South Wales.

6.5 The objects of the proposed *Music Act 2026* are to:

- support human creativity in contemporary music, including to enable creative careers and build industry capacity
- encourage investment and innovation
- enhance export opportunities in the music industry
- support equitable participation in, and access to, opportunities in contemporary music and support programs
- promote coordination between the Government and the music industry
- promote contemporary music in creating opportunities for cultural participation and social connection
- develop and sustain live contemporary music touring
- deliver positive outcomes for contemporary music artists, industry professionals, businesses and audiences.

Issues considered by the Committee

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

Wide power of delegation to unspecified persons

6.6 Section 22 of the Bill would allow the Minister and the Secretary to delegate their powers under the proposed Act to a Public Service employee or 'a person authorised for this section by the regulations.'

Section 22 of the proposed *Music Act 2026* would empower the Minister and the Secretary to delegate their powers under the proposed *Music Act 2026* to a Public Service employee or 'a person authorised for this section by the regulations.' The Bill therefore provides for the wide delegation of statutory functions to a class of unknown persons authorised by the regulations.

This broad delegation of functions may enable private individuals to be delegated functions under the Act that may be expected to be performed by appointed authorities or senior public officials. The Committee generally prefers that the classes of persons who may be delegated statutory functions are detailed in primary legislation and that they are appropriately limited. This is to provide greater clarity and better oversight of the exercise of those Executive and public functions.

However, the Committee acknowledges that regulations are required to be tabled in Parliament and are therefore subject to disallowance under section 41 of the *Interpretation Act 1987*. It also acknowledges that, noting the subject matter, it is unlikely that the provision would impact on individual rights and liberties. In the circumstances, the Committee makes no further comment.

Commencement by proclamation

6.7 Clause 2 of the Bill stipulates that Schedules 4.5 and 4.6 would commence on a day or days to be appointed by proclamation. The proposed schedules relate to the prescribed noise assessment methodology for outdoor entertainment activities.

6.8 The Minister explained:

The EPA will work with these venues [Centennial Park and Moore Park, the Royal Botanic Gardens and The Domain, the Sydney Opera House, Darling Harbour, and Venues NSW sites] over the next six months to update the noise assessment methodologies detailed in the *Approved methods for the measurement and analysis of environmental noise in NSW* document.

Schedules 4.5 and 4.6 would commence on a day or days to be appointed by proclamation. The Committee generally prefers legislation to commence on a fixed date, or on 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, including to allow the Environment Protection Authority time to update the guidance setting out the relevant noise assessment methodologies. The Committee also notes that the Environment Protection Authority has committed to updating this guidance over the next six months, which provides some indication as to the proposed timing. For this reason, the Committee makes no further comment.

Insufficiently subjects the exercise of legislative power to parliamentary scrutiny: s 8A(1)(b)(v) of the LRA

Guidelines for the venue accreditation scheme

6.9 The Bill proposes to establish a voluntary, incentive-based venue accreditation scheme for the purpose of supporting live music venues.

6.10 In his second reading speech, the Minister stated that the scheme had been proposed because '... there was not a clear way to distinguish between the 19,000 licensed venues in New South Wales. It was hard to tell whether a business model was based on being a pokies, alcohol or music venue.'

6.11 Proposed section 12 provides that the Secretary may make guidelines for the purposes of the venue accreditation scheme. The guidelines must provide for the process of accreditation, including:

- the criteria to be considered in determining whether a live music venue will be accredited
- the approach to be taken when assessing a live music venue for the purposes of accreditation

- the period of time for which the accreditation of a live music venue will be in force.

6.12 Proposed section 11(3) stipulates that the accreditation of music venues under the scheme must be carried out and determined in accordance with the guidelines issued by the Secretary.

Section 12 of the proposed *Music Act 2026* provides that the Secretary may make guidelines for the purposes of the accreditation of a live music venue. The guidelines must include the criteria to be considered when making an accreditation decision, the approach to be taken when assessing a venue, and the period of time for which the accreditation of a venue would be in force. Noting the substance of the guidelines, the Committee considers that they would impact any accreditation decisions.

The Committee generally prefers that substantive matters, like those provided for in the guidelines, are set out in legislation where they can be subjected to a greater level of parliamentary scrutiny. However, the Committee recognises that the purpose of the guidelines, and the venue accreditation scheme more broadly, is to support live music venues, and that individual rights and liberties are unlikely to be impacted. In the circumstances, the Committee makes no further comment.

7. National Parks and Wildlife Amendment (Land Boundaries and Acquisitions) Bill 2026*

Date introduced	12 February 2026
House introduced	Legislative Assembly
Member with carriage	Mr Roy Butler MP
	*Private member's bill

Purpose and description

- 7.1 The object of the Bill is to amend the *National Parks and Wildlife Act 1974* (the **Act**) for the following purposes:
- (a) to require the Minister, before acquiring land under the Act, to obtain a report on the policy objectives of the acquisition
 - (b) to require regional advisory committees to include a temporary member nominated, by the local council for the area in which the land is located, for the purposes of preparing the report
 - (c) to prohibit the acquisition of land under the Act until certain requirements are satisfied.

Background

- 7.2 The Bill seeks to amend the Act to insert restrictions on when land can be acquired for the NSW national park estate, including by requiring the Minister for the Environment to review the policy objectives of the acquisition.
- 7.3 During his second reading speech, Mr Roy Butler MP explained:

The purpose of the bill is to ensure that when land is acquired for the national park estate the purchase adds value, not only in environmental terms but also to the local community where the land is located.

I, like many people in our regions across New South Wales, am extremely concerned that land is being bought in regional New South Wales without the appropriate studies to determine what is being protected and the impact on the community.

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*.

8. Road Transport Amendment (Demerit Points Reduction) Bill 2026

Date introduced	10 February 2026
House introduced	Legislative Assembly
Member with carriage	The Hon Jenny Aitchison MP

Purpose and description

- 8.1 The object of the Bill is to establish a scheme for the reduction of demerit points recorded in the NSW demerit points register against a driver following the end of a period without committing a relevant driving offence.

Background

- 8.2 The Bill seeks to permanently implement the demerit points reduction scheme, which was established on a trial basis in 2023 under section 32A of the *Road Transport Act 2013*. The scheme removes one demerit point for drivers who remain offence-free for a 12-month period.
- 8.3 In her second reading speech, the Hon Jenny Aitchison MP, Minister for Roads, stated that the scheme was designed to incentivise safe driving by offering a reward to drivers who completed the 12-month period without further offences.
- 8.4 In describing the outcomes of the trial, the Minister stated:
- The evaluation of the initial 12 months of the trial program indicates that, while there is potential for the initiative to have an effect, there was no detectable effect on driver behaviours that could be attributed to the trial in the first 12 months. However, the evaluation noted that a longer term impact could not be ruled out.
- 8.5 The Minister also noted that there is '... strong support in the community for the trial program and for including a reward within the penalty-based demerit point system.'

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*.

9. Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026

Date introduced	12 February 2026
House introduced	Legislative Assembly
Member with carriage	The Hon Michael Daley MP

Purpose and description

- 9.1 The object of the Bill is to amend the *Surveillance Devices Act 2007* (the **Act**) to:
- (a) make it an offence in certain circumstances to possess a record of a private conversation or the carrying on of an activity obtained in contravention of the Act
 - (b) provide exceptions to certain offences relating to the communication or publication of a surveillance device record.

Background

9.2 The Bill would create a public interest exception to offences under Part 2 of the Act. This would permit law enforcement and investigative bodies to receive evidence relevant to their functions that may otherwise be in contravention of the Act.

9.3 In his second reading speech, the Hon Michael Daley MP, Attorney General, stated that the Bill reflects the outcomes of stakeholder consultation by the Department of Communities and Justice in 2024, which indicated support for a public interest exception. The Attorney General also noted that a public interest exception would be consistent with surveillance devices legislation in other Australian jurisdictions, many of which have much broader exceptions.

9.4 The Attorney General explained:

It is the Government's view, and the view of a majority of stakeholders, that the public interest is best served by removing barriers that prevent the sharing of evidence of crime or corruption with an appropriate agency. This proposition is not novel. It is consistent with the policy intent behind section 138 of the Evidence Act 1995, which permits a court to admit illegally or improperly obtained records into evidence in legal proceedings where the desirability of admitting such evidence outweighs the undesirability of admitting it. This reflects the principle that it may be in the public interest for courts to rely on illegally or improperly obtained information and records when determining legal matters. This includes records that were obtained in breach of an individual's privacy and confidentiality.

- 9.5 The Bill replicates key provisions of the Surveillance Devices and Other Legislation Amendment Bill 2025 (the **2025 Bill**), which was introduced on 21 October 2025. The Committee reported on the 2025 Bill in Digest No. 38/58. The Committee notes that the 2025 Bill was negated on its third reading on 5 February 2026.
- 9.6 The Committee also notes the introduction, on 12 February 2026, of the Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Bill 2026, which is reported on in this Digest. That bill replicates key provisions of the 2025 Bill.
- 9.7 Together, both of the bills reported on in this Digest introduce provisions substantially similar to those previously considered and negated by Parliament. For this reason, the comments on both bills, when considered together, are largely consistent with the Committee's comments in Digest No. 38/58.

Issues considered by the Committee

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

Right to privacy

- 9.8 The Act includes a number of offences regarding the communication, publication or possession of records of private conversations obtained through the use of surveillance devices. These include:
- Section 11, which prohibits the communication or publication of private conversations or recordings of activities
 - Section 12, which prohibits the possession of records of private conversations or activities
 - Section 14, which prohibits the communication or publication of information from the use of data surveillance devices.
- 9.9 The Bill seeks to introduce exceptions to the above offences. These exceptions would apply where:
- an officer of an investigative body is in possession of a surveillance device record in connection with the exercise of the investigative body's functions (proposed section 12(2))
 - a person communicates a surveillance device record to an investigative body in the public interest (proposed section 14A(1)(a))
 - an officer of an investigative body communicates or publishes a surveillance device record in the exercise of their functions as an officer of an investigative body (proposed section 14B).
- 9.10 Proposed section 14A(2) provides a non-exhaustive definition of 'public interest', which includes '... the communication or publication of surveillance device records to an investigative body if the records are relevant to the investigative body's functions ...' under a law of NSW or the Commonwealth.

9.11 In his second reading speech, the Attorney General stated that '... an exhaustive statutory definition of public interest is unnecessary and risks being overly rigid and inflexible.'

9.12 The Attorney General also acknowledged that the use of surveillance devices in contravention of the Act '... may involve serious invasions of privacy ... ', but stated that there may be circumstances where '... the public interest would be better served if exceptions were made for certain breaches' of the Act:

These amendments will ensure that the Surveillance Devices Act strikes an appropriate balance between protecting the privacy of individuals and not hampering the ability of investigative bodies to make use of important information obtained unlawfully by a third party without the body's knowledge.

9.13 The Attorney General further noted that there are existing protections in place to protect privacy in relation to personal information collected and held by NSW Government agencies, including under the *Privacy and Personal Information Protection Act 1998*.

The Bill seeks to introduce exceptions to a number of offences under the *Surveillance Devices Act 2007*, which relate to the communication, publication and possession of records of private conversations and activities obtained through the use of surveillance devices (surveillance device records).

The exceptions under proposed sections 12(2) and 14B would permit an officer of an investigative body to possess, communicate or publish surveillance device records if it is in connection with the exercise of the investigative body's functions. Proposed section 14A would also allow a person to communicate or publish a surveillance device record to an investigative body where it is 'in the public interest' to do so. By allowing surveillance device records to be produced and used by an investigative body, without consent or a warrant, the Bill has the potential to impact an individual's right to privacy.

The Committee understands that the proposed exceptions are intended to support investigations into crime, corruption and other unlawful conduct. It also notes that a person who is not an officer of an investigative body can only communicate a surveillance device record to an investigative body if it is 'in the public interest'. However, the definition of public interest under proposed section 14A(2) is non-exhaustive.

The Committee acknowledges the Attorney General's remarks that an exhaustive statutory definition of 'public interest' risks being overly rigid and inflexible. However, noting the potentially significant intrusions on an individual's privacy, the Committee considers it necessary to appropriately limit the circumstances under which a person may communicate or publish a surveillance device record, where the publication of that record would otherwise be an offence. For this reason, the Committee refers the matter to Parliament for consideration.

Procedural fairness

- 9.14 As discussed above, the Bill would introduce exceptions to the offences under Part 2 of the Act to permit investigative bodies to lawfully use certain material that has been obtained illegally by a third party with the use of a surveillance device.
- 9.15 'Investigative body' would be defined under section 4 as a law enforcement agency, or 'another person, agency, authority or organisation whose functions under a law of the State or the Commonwealth include investigative functions that may result in the person, agency, authority or organisation taking formal action or proceedings against a person in relation to whom the investigative functions are exercised.'

The Bill would introduce exceptions to offences under Part 2 of the *Surveillance Devices Act 2007*, which would allow investigative bodies to legally use evidence that has been unlawfully obtained by a third party through the use of a surveillance device. Normally, evidence that has been unlawfully obtained would be inadmissible under the rules of evidence.

The Committee understands that the exceptions are intended to support the investigation of crime, corruption and other unlawful conduct. However, the Committee is concerned about the potential impact of the Bill on an individual's right to procedural fairness, particularly where the use of unlawfully obtained evidence may lead to prosecution of the individual. For this reason, the Committee refers the matter to Parliament for consideration.

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

Commencement by proclamation

- 9.16 Clause 2 of the Bill stipulates that the Act would commence on a day or days to be appointed by proclamation.

Clause 2 of the Bill stipulates that the Act would commence on a day or days to be appointed by proclamation. The Committee generally prefers legislation to commence on a fixed date, or on assent, to provide certainty for affected persons. Commencement by proclamation effectively delegates the role of Parliament in determining when legislation commences to the Executive.

The Committee acknowledges that there may be practical reasons for allowing a flexible start date. However, given the potential impact on privacy rights, the Committee refers the matter to Parliament for consideration.

Part Two – Regulations with comment

1. Court Security and Surveillance Devices Amendment (Body-worn Recording Devices) Regulation 2025

Date tabled	LA: 22 December 2025 LC: 22 December 2025
Disallowance date	LA: 5 May 2026 LC: 6 May 2026
Minister responsible	The Hon Michael Daley MP

Purpose and description

- 1.1 The object of the Regulation is to extend the trial of body-worn recording devices by sheriff's officers to 30 November 2026.
- 1.2 The Regulation is made under the *Court Security Act 2005* and the *Surveillance Devices Act 2007*. It amends the Court Security Regulation 2021 (the **Court Security Regulation**) and the Surveillance Devices Regulation 2022 (the **Surveillance Devices Regulation**).

Issues considered by the Committee

Trespasses unduly on personal rights and liberties: s 9(1)(b)(i) of the LRA

Privacy rights – body-worn recording devices

- 1.3 The Court Security and Surveillance Devices Amendment (Body-Worn Recording Devices) Regulation 2023 (the **2023 Regulation**) permitted sheriff's officers to use body-worn recording devices in court premises for a trial period of 1 year, commencing on 1 December 2023 and ending on 30 November 2024.
- 1.4 The 2023 regulation inserted section 5A into the Court Security Regulation. Under section 5A, sheriff's officers may record using body-worn devices in court premises where at least one of the following applies:
- before making a recording, the officer has made a reasonable attempt to ensure the person likely to be recorded is aware that the device is capable of recording images, sound, or both
 - in the opinion of the officer, there is a significant risk of harm to the officer or another person
 - the recording of images, sound, or both by the device is inadvertent or unexpected.
- 1.5 The 2023 Regulation also inserted section 6A into the Court Security Regulation and section 6B into the Surveillance Devices Regulation. These sections exempt the use

of body-worn recording devices by sheriff's officers from the prohibitions under the *Court Security Act 2005* and the *Surveillance Devices Act 2007*, respectively.

- 1.6 On 22 November 2024, the Court Security and Surveillance Devices Amendment (Body-Worn Recording Devices) Regulation 2024 (**the 2024 Regulation**) extended the trial by one year, by replacing references to '30 November 2024' with '30 November 2025'.
- 1.7 The Committee previously commented on the 2023 Regulation in Digest No. 5/58, and on the 2024 Regulation in Digest 25/58.
- 1.8 The current Regulation extends the trial by an additional year, by replacing references to '30 November 2025' to '30 November 2026'.

The Regulation amends the Court Security Regulation 2021 and the Surveillance Devices Regulation 2022 to further extend the trial of body-worn recording devices by sheriff's officers. This trial was introduced by the Court Security and Surveillance Devices Amendment (Body-Worn Recording Devices) Regulation 2023 (the 2023 Regulation) to permit sheriff's officers to use body-worn recording devices, including while in a court, for a trial period of one year. It also amended those regulations so that sheriff's officers are exempt from certain requirements and prohibitions under the *Court Security Act 2005* and the *Surveillance Devices Act 2007*. The Court Security and Surveillance Devices Amendment (Body-Worn Recording Devices Regulation 2024 (the 2024 regulation) extended the trial by an additional year, to 30 November 2025.

The Committee previously reported on the 2023 regulation in Digest No. 5/58, and on the 2024 regulation in Digest 25/58. Consistent with those comments, the Committee notes that the 2023 regulation permitted the broad use of body-worn recording devices inside courthouses, which may infringe on a person's privacy rights. It notes again that sheriff's officers are likely to interact with vulnerable members of the public in their capacity as court security officers, including victims of crime.

The Committee also notes that individuals who may be recorded are likely to be litigants, witnesses, legal practitioners or other parties involved in court proceedings. These people may have an expectation of privacy within a court setting, should they choose to discuss proceedings they are involved in, or receive legal advice. If these discussions may be recorded by body-worn surveillance devices and then transmitted, individuals' rights to a fair trial and access to justice may also be impeded.

The current Regulation raises these issues again as it extends the trial by another year. The Committee recognises that the trial remains time-limited and that there are public interest issues in deterring violence and anti-social behaviour towards these officers in the course of their duties, which may include executing court warrants and monitoring and securing court proceedings. However, the Committee notes that by extending the trial by an additional year, the trial would effectively occur over a combined period of three years. This may further impact a

person's right to privacy. For these reasons, the Committee refers the matter to Parliament for its 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. Industrial Court – Criminal Practice Note No. 1 (NSWGG-2025-474-2)

This is an amended version of the Practice Note that commenced on 1 July 2024. The Practice Note applies to all criminal proceedings commenced in the Court pursuant to section 229B(1)(b) of the *Work Health and Safety Act 2011*.

The object of the Practice Note is to explain the administrative and case management procedures followed in the Court for Work Health and Safety Prosecutions. It is issued pursuant to section 185A of the *Industrial Relations Act 1996*.

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

2. Community Improvement Districts Amendment Regulation 2025

The object of the Regulation is to amend the Community Improvement Districts Regulation 2025 to make further provision about the establishment and operation of community improvement districts (**CIDs**) and community improvement district entities (**CID entities**). The further provisions relate to the following:

- (a) the contents of CID proposals
- (b) consultation about CID proposals and consultation reports
- (c) the conduct of CID proposal ballots
- (d) approval of CID proposals
- (e) matters relating to CID entities
- (f) financial matters, including CID levies
- (g) other miscellaneous matters.

The Regulation is made under the *Community Improvement Districts Act 2025* and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

3. Health Records and Information Privacy Amendment (Single Digital Patient Record) Regulation (No 2) 2025

The object of the Regulation is to amend the Health Records and Information Privacy Regulation 2022 to prescribe the Single Digital Patient Record as not being a health records linkage system for Health Privacy Principle 15.

The Regulation is made under the *Health Records and Information Privacy Act 2002* and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

4. Public Health Amendment Regulation (No 2) 2025

The object of the Regulation is to amend the Public Health Regulation 2022 to:

- (a) update references to certain Australian Standards addressing infection control
- (b) provide for the cremation of unidentifiable human remains in certain circumstances.

The regulation is made under the *Public Health Act 2010*, including section 134(2)(n) and (o), the general regulation-making power. It does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

5. Local Court of New South Wales – Practice Note – Bail Proceedings

The Practice Note applies to bail application proceedings pursuant to the *Bail Act 2013* in the Local Court and is intended to reflect the legislative objective set out in section 3 of the Act.

The Practice Note applies to all first instance bail application proceedings on weekdays, weekends and public holidays by adult applicants who have been police bail refused and section 19 (*Mental Health Cognitive Impairment Forensic Provisions Act 2020*) returns.

The Practice Note commenced on 22 November 2025 and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

6. Land and Environment Court of New South Wales – Practice Note – Class 3 Compensation Claims

The Practice Note applies to Class 3 claims for compensation by reason of the acquisition of land, including claims under the *Land Acquisition (Just Terms Compensation) Act 1991*. It commenced on 12 November 2025 and replaced the previous version of the Practice Note dated 10 September 2024.

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

7. Land and Environment Court of New South Wales – Practice Note – Class 3 Valuation Objections

The Practice Note applies to Class 3 proceedings, which are objections to valuations under section 37 of the *Valuation of Land Act 1916*. It commenced on 12 November 2025 and replaced the previous version of the Practice Note dated 2 April 2024.

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

8. [Electricity Supply \(General\) Amendment \(Scheduled Bidirectional Units Exclusion\) Regulation \(No 2\) 2025](#)

The object of the Regulation is to amend the Electricity Supply (General) Regulation 2014 to provide that a purchase, made during a year by a scheme participant, of electricity for use by a scheduled bidirectional unit is not a liable acquisition made during the year when calculating the scheme participant's:

- (a) individual energy savings target for the year under the energy savings scheme, or
- (b) individual liable demand for the year under the peak demand reduction scheme.

The Regulation is made under the *Electricity Supply Act 1995* and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

9. [Environmental Planning and Assessment Amendment \(Mid-Rise Housing Patterns\) Regulation 2025](#)

The objects of the Regulation are to:

- (a) provide that sections 29, 102 and 288C do not apply to development to which State Environmental Planning Policy (Housing) 2021, Chapter 7 applies
- (b) require development applications for development to which State Environmental Planning Policy (Housing) 2021, Chapter 7 applies to be accompanied by a written statement from a qualified designer
- (c) require modification applications relating to development to which State Environmental Planning Policy (Housing) 2021, Chapter 7 applies to be accompanied by a written statement from a qualified designer.

The Regulation is made under the *Environmental Planning and Assessment Act 1979* and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

10. [Legal Profession Uniform Law Application Amendment Regulation 2025](#)

The object of the Regulation is to amend the Legal Profession Uniform Law Application Regulation 2025 to:

- (a) provide that it is the responsibility of a barrister to appoint an external examiner and obtain a report from the external examiner about the barrister's trust money account

- (b) provide that a barrister is not required to have a trust money account examined for a certain period if the barrister satisfies the Bar Association the trust money account did not receive or hold money during the period
- (c) increase the fixed costs payable for certain legal services for the enforcement of the following:
 - (i) a lump sum debt or liquidated sum for damages
 - (ii) a judgment, including a judgment for the possession of land, by a judgment creditor.

The Regulation is made under the *Legal Profession Uniform Law Application Act 2014*, including sections 59(1)(d) and (e) and 166, the general regulation-making power. It does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

11. [Road Transport \(General\) Amendment \(Mobility Parking Scheme Authorities\) Regulation 2025](#)

The objects of the Regulation are as follows:

- (a) to amend requirements relating to the return of expired mobility parking scheme authorities
- (b) to provide that contraventions of requirements relating to the return of expired mobility parking scheme authorities are offences for which penalty notices may be issued
- (c) to remove a limitation on the keeping, use and disclosure of information collected in relation to mobility parking scheme authorities
- (d) to reduce the fee payable for the issue of certain documents containing information from the records of Transport for NSW.

The Regulation is made under the *Road Transport Act 2013*, sections 23, the general regulation-making power, 24 and 26 and Schedule 1, clause 6(a). It does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

12. [Road Transport Amendment \(Identity Documents\) Regulation 2025](#)

The object of the Regulation is to amend the Road Transport (Driver Licensing) Regulation 2017 and the Road Transport (General) Regulation 2021 consequent on changes made to the Australian Government's Document Verification Service by the *Identity Verification Services Act 2023* of the Commonwealth.

The Regulation is made under the *Road Transport Act 2013* and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

13. [Bail Amendment \(Authorised Justices\) Regulation 2025](#)

The object of the Regulation is to amend the Bail Regulation 2021 consequent on the commencement of the *Local Court and Bail Legislation Amendment Act 2025*, Schedule 3.

The Regulation is made under the *Bail Act 2013* and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

14. [Casino Control Amendment \(Vibrancy Reforms\) Regulation 2025](#)

The object of the Regulation is to amend the Casino Control Regulation 2019 to apply modified provisions of the *Liquor Act 2007* as a result of amendments made to that Act by the following:

- (a) the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*
- (b) the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024*.

The Regulation is made under shell legislation as the application of the *Liquor Act 2007* to casinos and casino areas is specified by regulation in accordance with the *Casino Control Act 1992*, section 89.

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

15. [Civil Procedure Act 2005 and Industrial Relations Act 1996 – Practice Note 13](#)

The Practice Note is issued for the purpose of setting out the procedures to be followed by the Industrial Relations Commission of NSW when conducting reviews of awards under the *Industrial Relations Act 1996*, section 19.

The Practice Note commenced on 9 December 2025 and replaced previous Practice Note 13. It does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

16. [Education Amendment \(Non-Government Schools\) Regulation 2025](#)

The object of the Regulation is to amend the Education Regulation 2017 to:

- (a) set out, for funding purposes, additional circumstances in which a non-government school does not operate for profit
- (b) enable the Minister to direct a non-government school, or the proprietor of a non-government school, to take specified action to remedy a breach of the obligation to not operate for profit.

Clauses 10A and 10C–10G are made under the *Education Act 1990*, section 83C(3), which is a Henry VIII provision because it allows regulations to have effect despite the Act, section 83C(2).

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

17. [Electricity Infrastructure Investment Amendment \(IIO Reports\) Regulation 2025](#)

The object of the Regulation is to amend the *Electricity Infrastructure Investment Regulation 2021* to:

- (a) set out the required contents of an infrastructure investment objectives report prepared under the *Electricity Infrastructure Investment Act 2020* (the **Act**), section 45(3)
- (b) provide that, in preparing an infrastructure investment objectives report, other than a report prepared under the Act, section 45(3), the consumer trustee must take into account any commitments in the Renewable Energy Transformation Agreement between the NSW Government and the Commonwealth Government that concern the counting towards the minimum objectives specified in the Act, section 44(3)(a) of generation capacity from generation infrastructure constructed under the first tender round of the Commonwealth Government's Capacity Investment Scheme.

This regulation is made under the Act, including sections 45 and 79, the general regulation-making power. It does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

18. [Environmental Planning and Assessment Amendment \(Designated Development\) Regulation 2025](#)

The object of the Regulation is to extend the area in which certain developments are not designated development.

The Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 4.10, and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

19. [Environmental Planning and Assessment Amendment \(Future Infrastructure Corridors\) Regulation 2025](#)

The object of the Regulation is to require a planning certificate issued by a council in relation to land in a future infrastructure corridor identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021* to include information about a condition of development consent granted in relation to the land that is a condition of the concurrence granted by Transport for NSW.

The Regulation is made under the *Environmental Planning and Assessment Act 1979*, sections 10.7 and 10.13, the general regulation-making power. It does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

20. [Fire and Rescue NSW Amendment \(Charges\) Regulation 2025](#)

The objects of the Regulation are:

- (a) to prescribe the maximum charges payable in relation to hazardous material incidents
- (b) to prescribe the charges payable for certain services performed by the Commissioner or by members of a fire brigade
- (c) to provide for the annual indexation of the charges referred to in paragraphs (a) and (b).

The Regulation is made under the *Fire and Rescue NSW Act 1989*, including sections 40(4A) and 42(1), and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

21. [Inspector of Custodial Services Regulation 2025](#)

The object of the Regulation is to prescribe certain categories of high risk offenders as restricted persons. Under the *Inspector of Custodial Services Act 2012*, section 8K, an Official Visitor (Adults) is not permitted to receive or deal with a complaint or inquiry from restricted persons.

The Regulation is made under the *Inspector of Custodial Services Act 2012*, including section 8K(2), definition of *restricted person*, paragraph (b). It does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

22. [Land Tax Management Amendment \(Build-to-Rent Concessions Register\) Regulation 2025](#)

The object of the Regulation is to amend the Land Tax Management Regulation 2024 to set out the requirements for the public register of parcels of land that are subject to the reduction in land value under the *Land Tax Management Act 1956*, section 9F that must be kept and maintained by the Chief Commissioner of State Revenue.

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

23. [Major Events Amendment \(AFC Women's Asian Cup\) Regulation 2025](#)

The object of the Regulation is to prescribe the following for the AFC Women's Asian Cup 2026:

- (a) certain government agencies as agencies the Minister for Jobs and Tourism may direct to comply with a request, direction or decision made by Destination NSW for the major event
- (b) the official title and official insignia of the major event.

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

24. [Motor Accident Guidelines Version 10.1 – State Insurance Regulatory Authority](#)

The Guidelines provide mechanisms for the regulation of insurance premiums matters under Part 2, Division 2.3 and clause 2 of Schedule 4 of the *Motor Accident Injuries Act 2017*. They are issued by the State Insurance Regulatory Authority.

The Guidelines are effective for policies that come into effect on or after 15 January 2026. For policies that come into effect from 15 January 2025 to 14 January 2026, Part 1 of the Motor Accident Guidelines v 9.3 continues to apply.

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

25. [Pipelines Amendment \(Miscellaneous\) Regulation 2025](#)

The object of the Regulation is to amend the Pipelines Regulation 2023 to make provision in relation to the following:

- (a) applying for authorities and licenses under the *Pipelines Act 1967* (the **Act**)
- (b) the design, construction, operation and maintenance of pipelines, including requirements for:
 - (i) pipeline management systems and pipeline management plans
 - (ii) audits of the pipeline management system
- (c) notifications of the extinguishment of easements after variation of a licence area
- (d) the matters to be included in:
 - (i) an instrument of transfer of a licence under the Act, section 42(3)(a)
 - (ii) an instrument of transfer of legal or equitable interest as referred to in the Act, section 45
- (e) reporting about incidents and other matters relating to pipelines
- (f) fees for applications, registrations and other matters
- (g) offences under the Pipelines Regulation 2023

- (h) penalty notice offences under the Act or Regulation
- (i) other minor and consequential amendments.

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

26. [Point to Point Transport \(Taxis and Hire Vehicles\) Amendment \(Assistance Animal Refusal Offences\) Regulation 2025](#)

The objects of the Regulation are as follows:

- (a) to provide that it is a disqualifying offence for a driver of a passenger vehicle if:
 - (i) the driver is convicted of the offence of refusing to carry an assistance animal or assistance animal in training
 - (ii) the driver has previously been convicted of that offence
 - (iii) both convictions are on or after the commencement of this regulation
- (b) to increase the maximum penalty and the amount payable under a penalty notice for the following offences:
 - (i) the driver of a passenger vehicle refusing to carry an assistance animal or assistance in animal training
 - (ii) the driver of a taxi that is available for hire refusing to immediately accept a hiring when offered
 - (iii) offences relating to the operation of fare calculation devices by a taxi driver
- (c) to increase the amount payable under a penalty notice for an offence under *the Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (the **Act**), section 76(5), relating to contraventions of fares orders made by Transport for NSW under the Act, section 76.

The Regulation is made under the Act, sections 32, 135 and 158, the general regulation-making power. It does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

27. [Prevention of Cruelty to Animals Amendment \(Virtual Fencing\) Regulation 2025](#)

The object of the Regulation is to amend the Prevention of Cruelty to Animals Regulation 2025 for the following purposes:

- (a) to prescribe virtual fencing devices as electrical devices not to be used upon animals except for particular purposes and in particular circumstances

- (b) to specify requirements for the use of virtual fencing devices
- (c) to adopt the NSW Animal Welfare Guide for Virtual Fencing of Cattle, published by the Department of Primary Industries and Regional Development, as a guideline.

The Regulation is made under the *Prevention of Cruelty to Animals Act 1979* and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

On 12 February 2026, the Hon Emma Hurst MLC gave notice of a motion to disallow the Regulation. The motion negatived on 12 February 2026, meaning that it was not disallowed.

28. [Road Transport Legislation Amendment \(Electric Scooter Trial Extension\) Regulation 2025](#)

The objects of the Regulation are to:

- (a) amend the Road Rules 2014 to postpone the repeal of provisions relating to the electric scooter trial to 22 January 2027
- (b) make consequential amendments to:
 - (i) the Road Transport (Driver Licensing) Regulation 2017
 - (ii) the Road Transport (Vehicle Registration) Regulation 2017.

The Regulation is made under the *Road Transport Act 2013* and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

29. [Water Management \(General\) Amendment \(Access Licences for Water Return Flow Rules\) Regulation 2025](#)

The object of the Regulation is to limit the kinds of access licences for which water allocations may be recredited in accordance with the water return flow rules to access licences held by certain government entities that authorise water to be taken from water sources in the Southern Basin of the Murray-Darling Basin.

The Regulation is made under the *Water Management Act 2000* and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

30. [Witness Protection Regulation 2025](#)

The object of the Regulation is to repeal and remake, with amendments, the Witness Protection Regulation 2017, which would otherwise be repealed on 1 September 2026 by the *Subordinate Legislation Act 1989*, section 10(2).

The Regulation provides for the following:

- (a) the making of requests to the Commissioner of Police to keep certain identity records
- (b) the keeping and handling of confidential documents, including non-disclosure certificates
- (c) forms permitting the non-disclosure of former identities.

The Regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely:

- (a) matters of a machinery nature
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

The Regulation is made under the *Witness Protection Act 1995* and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

31. [Local Court Act 2007 – Practice Note – Generative Artificial Intelligence](#)

The Practice Note was issued to confirm that the Local Court of New South Wales adopts the Supreme Court Practice Note SC Gen 23 – Use of Generative Artificial Intelligence in its current form and as it may, from time to time, be amended.

The Practice Note commenced on 12 January 2026 and does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

32. [Local Court Act 2007 – Practice Note – Temporary Court Closure AVL Proceedings](#)

The Practice Note was issued for the purpose of directing the AVL appearance in certain matters before Waverley Local Court, having regard to the resource constraints imposed by the temporary closure of Waverley Local Court.

The Practice Note commenced on 12 January 2026 and expires on 25 December 2026 unless revoked earlier or extended by the Chief Magistrate.

It does not appear to engage with any of the issues set out at section 9 of the *Legislation Review Act 1987*.

33. [Environmental Planning and Assessment Amendment \(Planning System Reforms\) Regulation 2025](#)

The object of the Regulation is to make provision for certain matters of a savings or transitional nature consequent on the enactment of the *Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025*.

The Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 10.15, and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

34. [Environmental Planning and Assessment Amendment \(Regionally Significant Development\) Regulation 2025](#)

The object of the Regulation is to amend the Environmental Planning and Assessment Regulation 2021 to prescribe the determination of a development application as a function of a Sydney district or regional planning panel that must be exercised by the council of the area if a local planning panel has been constituted for the area, unless the application is of a kind specified in the *Instruction on functions not exercisable by council on behalf of Sydney district or regional planning panels—certain regionally significant development applications* published on the NSW planning portal.

The Regulation is made under the *Environmental Planning and Assessment Act 1979* and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

35. [Personal Injury Commission \(Amendment No 4\) Rule 2025](#)

The object of the Rule is to amend the Personal Injury Commission Rules 2021 as follows:

- (a) to facilitate the operation of the Police Officer Support Scheme Division established by the *Police Amendment (Police Officer Support Scheme) Act 2024*
- (b) to deal with the use of artificial intelligence in certain documents and in applicable proceedings
- (c) to specify appropriate decision-makers in relation to the commencement of different applicable proceedings
- (d) to amend the circumstances in which a decision-maker may extend the time within which certain applications may be made
- (e) to make other minor amendments.

The Rule is made under the *Personal Injury Commission Act 2020* and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

36. [Notice of Reservation of a National Park \(NSWGG-2025-531-1\)](#)

The Notice reserves an area of land as part of the Kosciuszko National Park.

The Notice is made under section 30A(1)(a) of the *National Parks and Wildlife Act 1974* and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

37. [District Court Criminal Practice Note 36 – Management of Criminal Proceedings listed in Wollongong District Court](#)

The Practice Note provides for the case management of criminal proceedings in the Wollongong District Court. It provides for procedural matters in relation to trials, sentence

hearings, conviction appeals, and the management of proceedings under the Child Sexual Offence Evidence Program.

The Practice Note is made under the *District Court Act 1973* and commenced on 1 December 2025. It does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

38. [Education and Care Services National Further Amendment Regulations 2025](#)

The Regulations amend the Education and Care Services National Regulations. The key amendments include:

- (a) increasing penalties for various offences
- (b) prescribing certain offences as infringement offences
- (c) modifying the requirements for the National Early Childhood Worker Register
- (d) prescribing information to be kept for the authorisation to possess or control a personal device.

The Regulations are made under sections 301 and 324 of the Education and Care Services National Law and do not appear to engage with any of 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. 43

TIME & DATE: 3:01 PM, 16 MARCH 2026

**LOCATION: ROOM 1136 VIA
VIDEOCONFERENCE**

MEMBERS PRESENT

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

APOLOGIES

Ms Munro.

OFFICERS PRESENT

Rohan Tyler, Carly McKenna (via videoconference), Charlie King, Natasha Moir, Nicolle Gill and Art Bae.

AGENDA ITEM

1. Confirmation of minutes

Resolved, on the motion of Mr Hagarty: That the minutes of the meeting of 9 February 2026 be confirmed.

2. ***

3. Consideration of bills with comment for Legislation Review Digest 42/58

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

- a) Contract Cleaning Industry (Portable Long Service Leave Scheme) Amendment Bill 2026
- b) Crimes and Roads Legislation Amendment (Obstruction Offences Repeals) Bill 2026
- c) Greater Sydney Parklands Trust Amendment (Review) Bill 2026
- d) Music Bill 2026
- e) Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026.

Resolved, on the motion of Ms Higginson:

That the following words be inserted on page 30, after paragraph 5.9:

Lack of clarity regarding use of body-worn video potentially impacting procedural fairness

- 5.10 Part 8A of the LEPRa relates to the use of police in-car video equipment (**ICV equipment**), which is currently defined as 'equipment installed in a vehicle and capable of recording visual images and sound outside the vehicle (including by means of a microphone that is separate from the equipment and vehicle)'. 'ICV recording' is also defined under section 108H(2) as 'any recording of visual images or sound made pursuant to this Part'.
- 5.11 The Bill would amend multiple sections that refer to 'ICV equipment' to include 'or BWV equipment'. These include section 108C, which currently requires the mandatory use of ICV equipment for certain police activities, including where police are pursuing, following, stopping or detaining a vehicle.
- 5.12 The Bill also proposes to insert a definition of 'BWV equipment', meaning 'body-worn video equipment', into section 108A of the LEPRa. Under section 108H, 'BWV recording' would be defined as 'a recording of sound made by BWV equipment under this part'.
- 5.13 In explaining the proposed rationale for the amendments, the Minister stated:
- 'Body-worn video devices are technologically superior to existing in-car video equipment microphones because they can capture higher quality audio and offer increased evidence management, storage and sharing capabilities. ... Accordingly, body-worn video is the optimal option to record conversations ... '.

The Bill seeks to amend Part 8A of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRa), which relates to the use of police in-car video equipment (ICV equipment), by allowing body-worn video equipment (BWV equipment) to be used where ICV equipment is currently required (for example, where a vehicle has been stopped or detained). 'ICV equipment' is currently defined as 'equipment installed in a vehicle and capable of recording visual images and sound outside the vehicle (including by means of a microphone that is separate from the equipment and vehicle)'.

However, the Bill would define 'BWV equipment' as 'body-worn video equipment', with no further detail. It is unclear whether BWV equipment would include visual images and sound, or sound only. It is also unclear whether the scope of the recording is intended to be consistent with what is currently recorded by ICV equipment. This lack of clarity may therefore impact on an individual's right to procedural fairness, where they are the driver or occupant of a vehicle that has been stopped or detained by police.

The Committee acknowledges the Minister's statement that BWV is the 'optimal option' for recording conversations, due to its higher quality audio. However, the Bill does not specify which type of recording is to be used in police activities, which would confer broad discretion upon police officers to determine which recording device is used in a given interaction. This discretion may be exercised inconsistently, and may result in materially different evidence being produced, which may further impact on an individual's right to procedural fairness. For these reasons, the Committee refers the matter to Parliament for consideration.

That the Committee adopts the following draft bill report, as amended:

- a) Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Bill 2026.

4. Consideration of bills without comment for Legislation Review Digest 42/58

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

- a) Greyhound Racing Amendment (Whole-of-life Tracking) Bill 2026
- b) National Parks and Wildlife Amendment (Land Boundaries and Acquisitions) Bill 2026
- c) Road Transport Amendment (Demerit Points Reduction) Bill 2026

5. Consideration of regulations with comment for Legislation Review Digest 42/58

Resolved, on the motion of Mr Layzell: That the Committee adopts the following draft report with comment:

- a) Court Security and Surveillance Devices Amendment (Body-worn Recording Devices) Regulation 2025.

6. Consideration of regulations without comment for Legislation Review Digest 42/58

Resolved, on the motion of Mr Murphy: That the Committee adopts the regulations without comment as Part Three to Digest No. 42/58.

7. Legislation Review Digest 42/58

Resolved, on the motion of Mr Murphy:

- That appropriate minute extracts of this meeting be published as Appendix Two of the Digest.
- That the Committee adopts the Legislation Review Digest No. 42/58, as amended, and that it be signed by the Chair and presented to the House.

8. Regulations to be reviewed

Resolved, on the motion of Ms Davis: That the Committee consider all regulations and statutory instruments that are currently subject to disallowance (tabled 3 February and 10 February 2026), even if the relevant regulations have been disallowed by the time the next Digest is adopted.

9. Next Meeting

The meeting adjourned at 3:15pm until Monday 23 March 2026.