

Legislation Review Committee



PARLIAMENT OF  
NEW SOUTH WALES

# Legislation Review Digest



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The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

# Contents

Membership.....	4
Guide to the Digest.....	5
Digest Snapshot.....	12
Summary of Conclusions.....	13
<b>PART ONE – BILLS.....</b>	<b>19</b>
1. Electricity Supply Amendment (Renewable Fuel Scheme) Bill 2026 .....	20
2. Health Legislation Amendment (Miscellaneous Provisions) Bill 2026 .....	22
3. Local Jobs First Bill 2026 .....	28
4. Parliamentary Budget Officer Amendment Bill 2026 .....	35
5. Standard Time Amendment (Reduction of Daylight Saving) Bill 2026* .....	37
<b>PART TWO – REGULATIONS WITHOUT COMMENT.....</b>	<b>38</b>
<b>APPENDICES.....</b>	<b>41</b>
Appendix One – Functions of the Committee.....	42
Appendix Two – Unconfirmed extracts of minutes.....	44

# Membership

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# Guide to the Digest

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

## Part One: Functions Regarding Bills

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

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

- (a) to consider any Bill introduced into Parliament, and
- (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise:
  - (i) trespasses unduly on personal rights and liberties
  - (ii) makes rights, liberties and obligations unduly dependent upon insufficiently defined administrative powers
  - (iii) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions
  - (iv) inappropriately delegates legislative powers, or
  - (v) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

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

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

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

**Insufficiently defined administrative powers:**

- insufficiently defined or wide powers

**Non-reviewable decisions:**

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

**Inappropriate delegation of legislative powers:**

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

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

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

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

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

## Part Two: Functions Regarding Regulations with Comments

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

- (a) to consider all regulations while they are subject to disallowance by resolution of either or both Houses of Parliament, and
- (b) to consider whether the special attention of Parliament should be drawn to any such regulation on any ground, including any of the following:
  - (i) that the regulation trespasses unduly on personal rights and liberties
  - (ii) that the regulation may have an adverse impact on the business community
  - (iii) that the regulation may not have been within the general objects of the legislation under which it was made
  - (iv) that the regulation may not accord with the spirit of the legislation under which it was made, even though it may have been legally made
  - (v) that the objective of the regulation could have been achieved by alternative and more effective means
  - (vi) that the regulation duplicates, overlaps or conflicts with any other regulation or Act
  - (vii) that the form or intention of the regulation calls for elucidation, or
  - (viii) that any of the requirements of sections 4, 5 and 6 of the [Subordinate Legislation Act 1989](#), or of the guidelines and requirements in Schedules 1 and 2 to that Act, appear not to have been complied with, to the extent that they were applicable in relation to the regulation, and

- (c) to make such reports and recommendations to each House of Parliament as it thinks desirable as a result of its consideration of any such regulations, including reports setting out its opinion that a regulation or portion of a regulation ought to be disallowed and the grounds on which it has formed that opinion.

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

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

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

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

## Conclusions on Bills and Regulations

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

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

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

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

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

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

# Digest Snapshot

## PART ONE – BILLS

### 1. Electricity Supply Amendment (Renewable Fuel Scheme) Bill 2026

No issues identified

### 2. Health Legislation Amendment (Miscellaneous Provisions) Bill 2026

<b>Issue identified</b>	<b>Conclusion of Committee</b>
Wide regulatory powers impacting privacy rights	Referred
Procedural fairness – commencement of proceedings by the Health Care Complaints Commission	Referred
Removal of right to appeal decision	Referred
Commencement by proclamation	Referred

### 3. Local Jobs First Bill 2026

<b>Issue identified</b>	<b>Conclusion of Committee</b>
Exclusion of right to compensation	Referred
Wide regulatory powers impacting privacy rights	Referred
Substantive matters deferred to regulations	Referred
Powers of government agency heads to create exemptions from local procurement policy	Referred
Exemption of regulations from requirement for a Regulatory Impact Statement	Referred
Commencement by proclamation	Referred

### 4. Parliamentary Budget Officer Amendment Bill 2026

No issues identified

### 5. Standard Time Amendment (Reduction of Daylight Saving) Bill 2026\*

No issues identified

# Summary of Conclusions

## PART ONE – BILLS

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### 1. Electricity Supply Amendment (Renewable Fuel Scheme) Bill 2026

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

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### 2. Health Legislation Amendment (Miscellaneous Provisions) Bill 2026

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

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##### *Wide regulatory powers impacting privacy rights*

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The Bill would insert section 126A into the *Health Services Act 1997* (the Health Services Act) to give the Health Secretary the power to authorise a 'relevant worker' to use surveillance devices to mitigate or respond to risks of harm, or 'for prescribed purposes'.

Proposed section 126A would allow a relevant worker to use a surveillance device without prior notification if the worker has made a 'reasonable attempt' to ensure that the person being recorded is aware that the device may record sound and images. It would also allow a worker who holds a 'reasonable opinion' that there is a significant risk of harm to themselves or others to use the device, or allow recording, where it is 'inadvertent or unexpected'.

The Committee recognises that these provisions are intended to address issues that health sector workers experience in the workplace, including being assaulted while providing medical care. The Committee also understands that the Bill aims to deter aggression, particularly when the use of surveillance devices is overt and individuals are advised that recording may occur.

However, the Committee notes that the scope of permissible authorisation is not confined to circumstances of imminent risk, as the Health Secretary may exercise this power 'for other prescribed purposes'. Further, relevant workers' 'reasonable opinion' gives significant discretion to individual health workers. The Committee also notes that the recording of sound and images without consent would be allowed if it is 'inadvertent or unexpected'. Cumulatively, these exceptions would allow the use of surveillance devices in a broad range of circumstances. This may impact a person's right to privacy, as both visual and auditory information about them, and from them, may be recorded without their consent. For these reasons, the Committee refers the matter to Parliament for consideration.

##### *Procedural fairness – commencement of proceedings by the Health Care Complaints Commission*

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The Bill proposes to insert section 39(1)(h) into the *Health Care Complaints Act 1993* (the Health Care Complaints Act), which would give the Health Care Complaints Commission (the Commission) the power to commence and conduct proceedings for certain offences under the Health Care Complaints Act and the *Public Health Act 2010*, following its investigation of a complaint.

Currently, after an investigation, the Commission refers criminal matters that are the subject of a complaint to the Director of Public Prosecutions, which is an independent prosecutorial authority.

This divide between investigator and prosecutor ordinarily protects an individual's right to procedural fairness. However, the proposed changes would allow the same body, that being the Commission, to investigate a matter and then commence and conduct proceedings. This would conflate the roles of investigator and prosecutor, and therefore may impact an individual's right to procedural fairness.

Further, proposed section 39(3) would allow the Commission to exercise the proposed power to commence proceedings without consulting the appropriate professional council. This would create an exemption to existing section 39(2), which requires the Commission to consult with the appropriate professional council before taking one of the required actions under section 39 of the Health Care Complaints Act.

The Committee notes that the specialist expertise of professional councils is important when making decisions affecting practitioners. In addition, consultation with the relevant council before commencing proceedings against a practitioner would provide the practitioner with another layer of procedural protection. By removing this protection, the Bill would give the Commission sole authority to investigate a matter and commence and conduct proceedings against a practitioner, without any consultation. The Committee notes that such proceedings may carry significant consequences for the individuals concerned, including potential reputational, professional, and legal consequences, with potential custodial penalties for some offences. For these reasons the Committee refers the matter to Parliament for consideration.

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**Makes rights, liberties or obligations unduly dependent upon non-reviewable decisions: s 8A(1)(b)(iii) of the LRA**

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*Removal of right to appeal decision*

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The Bill would insert proposed section 106(2)(a) into the *Health Services Act 1997*, which would remove the existing avenue of appeal available to a visiting health practitioner following a decision by a public health organisation not to reappoint them. This removal of the right to appeal would apply in two circumstances: firstly, if the organisation has ceased to offer appointments of the kind to which the practitioner seeks reappointment, and secondly, if the practitioner was appointed for six months or less, and not through an advertised recruitment process.

The Committee notes that the removal of the existing right to appeal a decision may limit procedural fairness and make a visiting practitioner's rights unduly dependent upon a decision that cannot be reviewed. For a visiting practitioner whose livelihood depends on their relationship with a particular public health organisation, the loss of that appointment may have significant professional consequences.

The Committee acknowledges that the Bill would allow for regulations to create exemptions to the proposed amendment, which may enable a visiting practitioner to have a decision reviewed in some circumstances. However, this is not guaranteed and the Bill does not prescribe what exemptions may be appropriate. For these reasons, the Committee refers the matter to Parliament for consideration.

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

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*Commencement by proclamation*

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The proposed Act would commence on assent, with the exception of Schedule 6, which would commence on a day or days to be appointed by proclamation.

The Committee acknowledges that the proposed commencement by proclamation may be intended to facilitate necessary arrangements between the Health Secretary, pathology laboratories and relevant health practitioners, prior to the new reporting and notification obligations taking effect. It is reasonable to anticipate that affected parties will require time to understand their obligations and update laboratory procedures, accordingly.

However, the Committee generally prefers legislation to commence on a fixed date, or on assent, to provide certainty for those affected by the bill's provisions, particularly where the provisions would affect individual rights or obligations and create criminal offences. Commencement by proclamation effectively delegates the role of Parliament in determining when legislation commences to the Executive. For these reasons, the Committee refers the matter to Parliament for consideration.

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### 3. Local Jobs First Bill 2026

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

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##### *Exclusion of right to compensation*

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The Bill would expressly preclude a person's entitlement to compensation or remedy for loss or damage arising from a range of actions taken under the proposed Act. These include the disclosure of information, actions carried out in relation to a performance management process, and a decision by the Commissioner that a supplier is non-compliant. The Bill would also amend the *Public Works and Procurement Act 1912* to remove a similar right to compensation for loss arising from any actions taken in connection with the debarment regime, including a supplier being placed on the debarred suppliers list and publication of this status on a NSW Government website.

The Committee recognises that the exclusion of compensation may be intended to ensure that the Commissioner and government agencies are able to carry out their regulatory functions without the risk of civil claims arising from compliance actions.

However, the Committee notes that the impacts of this exclusion may be significant. For example, a supplier found to be non-compliant may suffer commercial harm from the publication of the decision. The only recourse expressly provided for in the Bill is the right of appeal to the NSW Civil and Administrative Tribunal against a non-compliance decision, which would still not provide a right to compensation, even if successful. The Bill does not provide any avenue to recover lost contracts, lost revenue, or reputational damage caused by the publication of a non-compliance decision. For these reasons, the Committee refers the matter to Parliament for consideration.

##### *Wide regulatory powers impacting privacy rights*

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The Bill would confer wide powers on the Local Jobs First Commissioner (the Commissioner) to require government agencies to provide information that the Commissioner considers 'necessary' for the exercise of the Commissioner's functions. Proposed section 25(3) of the Bill provides that information must be provided, despite the *Privacy and Personal Information Protection Act 1998* (the Privacy and Personal Information Protection Act), to the extent that the information is 'relevant' to the exercise of certain functions of the Commissioner under section 9(1)(f), (g), (i) and (j). Proposed section 35 would allow disclosure of the information obtained in connection with the administration of the Act in certain circumstances, including legal proceedings, compliance actions, and with 'another lawful excuse'.

The Committee recognises that these provisions are intended to ensure compliance with the proposed reforms, and specifically with the local procurement policy framework. However, the

Committee notes that the scope of the information that may be required by the Commissioner is broad and would allow for significant discretion, where the Commissioner has formed an opinion that certain information is 'necessary' to the exercise of their functions. The Committee also notes that proposed section 25(3) would override the privacy protections ordinarily available to individuals under the Privacy and Personal Information Protection Act, in circumstances that the Commissioner considers 'relevant'. This may enable the disclosure of sensitive personal and commercial information about individuals and businesses. Additionally, the exceptions permitting disclosure are broadly expressed, and would allow disclosure 'with another lawful excuse'. These provisions may impact a person's right to privacy, which would otherwise be protected under the Privacy and Personal Information Protection Act. For these reasons, the Committee refers the matter to Parliament for consideration.

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

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#### *Substantive matters deferred to regulations*

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The Bill would insert section 176IB into the *Public Works and Procurement Act 1912* to establish the debarment regime. Under proposed subsection 176IB(1), a supplier can be debarred as a result of convictions, penalties, adverse findings, and other adverse events of a kind prescribed by regulations.

The Committee acknowledges that the proposed debarment scheme seeks to implement a recommendation made by the Independent Commission Against Corruption in its 'Operation Hector' report. The Committee also recognises that its purpose is to protect the integrity of government procurement by preventing engagement with suppliers convicted of serious offences or subject to serious adverse findings, and that there is a legitimate public interest in that objective.

However, the Committee notes that the categories of debarment events are entirely prescribed by regulations. The consequences of debarment are severe and may exclude a supplier from all NSW Government procurement for up to five years. The Committee generally prefers that substantive matters, particularly those that carry significant consequences for individuals, are set out in primary legislation. For these reasons, the Committee refers the matter to Parliament for consideration.

#### *Power of government agency heads to create exemptions from local procurement policy*

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Proposed section 22 would allow a government agency head to authorise that the local procurement policy does not apply to a particular procurement, where the agency head determines that compliance is 'not feasible'. In doing so, the Bill would delegate significant power to the Executive to grant exemptions from the local procurement policy.

The Committee acknowledges that the proposed exemption power is intended to provide necessary flexibility in the procurement process, and that regulations will prescribe criteria for assessing 'feasibility', including the quality, complexity and scale of the procurement and the availability of suitable local alternatives. The Committee also notes that the exemption power that is available to agency heads will be restricted to procurements below \$25 million, and any authorisations by the Minister and/or agency heads must be published on a NSW Government website, providing a measure of transparency.

However, the Committee notes that the Bill does not contain any criteria for assessing feasibility. Therefore, the scope of the exemption powers and the circumstances in which the local procurement policy may be set aside are vague and unable to be ascertained from the proposed Act. The Committee generally prefers that the criteria governing the exercise of this type of power

is set out in primary legislation. For these reasons, the Committee refers the matter to Parliament for consideration.

#### *Exemption of regulations from requirement for a Regulatory Impact Statement*

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The Bill would insert a transitional provision that exempts a regulation, made under the proposed Act before 31 December 2026 from Part 2 of the *Subordinate Legislation Act 1989* (Subordinate Legislation Act). Part 2 sets out a number of requirements regarding the making of statutory rules. For example, section 5 requires that a Regulatory Impact Statement (RIS) is prepared in connection with a principal statutory rule. Section 5 also requires the RIS to be made publicly available, and for consultation to occur with groups that are likely to be affected by the regulation. The RIS process is a key accountability mechanism for the making of delegated legislation.

The Committee acknowledges that there are existing RIS exemption categories under the Subordinate Legislation Act. However, these exemptions apply specifically to regulations that are machinery in nature, or of limited impact. In this case, the Bill would exempt principal regulations, with potentially significant social and economic impacts, from the accountability mechanisms under Part 2. If such regulations are made before 31 December, this means that there would be no legislative requirement for consultation or exhibition for at least 5 years (and potentially longer, if the automatic repeal of those regulations is deferred, or if subsequent changes to the regulation are machinery in nature).

The Committee notes that the Parliament would still have the ability to disallow any regulations once they are tabled. However, exempting regulations from the requirements under Part 2 would eliminate an important level of scrutiny over delegated legislation that may have significant impacts. For these reasons, the Committee refers the matter to Parliament.

#### *Commencement by proclamation*

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The proposed Act would commence on assent, except for Parts 4 and 5, Divisions 2 and 3 and Schedule 4.2, which would commence on a day or days to be appointed by proclamation. The sections of the Bill that would commence by proclamation provide for matters, such as the creation of binding obligations on suppliers and agencies, restrictions on access to government procurement, and the debarment regime.

The Committee acknowledges that the proposed commencement by proclamation may be intended to facilitate the establishment of necessary administrative frameworks and arrangements, the updating of procurement policies and processes, and engagement with affected suppliers and government agencies prior to the provisions taking effect.

However the Committee generally prefers legislation to commence on a fixed date, or on assent, to provide certainty for those affected by the bill's provisions, particularly where the provisions would affect individual rights or obligations. Commencement by proclamation effectively delegates the role of Parliament in determining when legislation commences to the Executive. For these reasons, the Committee refers the matter to Parliament for consideration.

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## **4. Parliamentary Budget Officer Amendment Bill 2026**

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

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## **5. Standard Time Amendment (Reduction of Daylight Saving) Bill 2026\***

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



# Part One – Bills

# 1. Electricity Supply Amendment (Renewable Fuel Scheme) Bill 2026

Date introduced	27 May 2026
House introduced	Legislative Assembly
Member with carriage	The Hon Jihad Dib MP

## Purpose and description

- 1.1 The object of the Bill is to amend the *Electricity Supply Act 1995* (the **Act**) and the Electricity Supply (General) Regulation 2014 (the **Regulation**) to:
- (a) provide for scheme targets for different renewable fuel groups and compliance requirements under the renewable fuel scheme (the **RFS**)
  - (b) make other minor and consequential amendments relating to the administration of, and compliance with, the RFS.

## Background

- 1.2 The Bill seeks to amend the Act and the Regulation to facilitate the growth in the production and use of renewable fuels in electricity supply.
- 1.3 During his second reading speech, the Hon Jihad Dib MP, on behalf of the Minister for the Environment, stated:
- The Renewable Fuel Scheme currently incentivises green hydrogen production through a single target. Gas retailers and self-contracting gas users are required to buy and surrender certificates to meet their share of the scheme's green hydrogen target in a year or pay the penalty rate for each certificate they fail to surrender. The bill's amendments will enable the scheme to operate with two renewable fuel targets, specifically an early-mover green hydrogen target and a mixed fuel target for renewable methane and green hydrogen.
- 1.4 Schedule 1 of the Bill seeks to amend the Act to modify provisions for the scheme target for a renewable fuel group for a compliance period. It also proposes consequential amendments regarding certification and calculation of renewable fuel groups within a compliance period. This includes modifying how shortfalls for a compliance period for a scheme target can be brought forward.
- 1.5 Schedule 1 also proposes to insert a new part into the Act to allow regulations to be made that reduce the total amount of gigajoules prescribed as the scheme target for a specified compliance period. A reduction made by a regulation under proposed section 152(1) can only be made if the Minister is satisfied that the reduction is appropriate and is wholly offset by an increase to one of more of the scheme targets.

- 1.6 Schedule 2 of the Bill further seeks to amend the Regulation to prescribe details for the RFS. It establishes definitions for the relevant renewable fuel groups, RFS targets, scheme penalty rates and classes of certificates.

### 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*.**

## 2. Health Legislation Amendment (Miscellaneous Provisions) Bill 2026

Date introduced	26 May 2026
House introduced	Legislative Assembly
Member with carriage	The Hon Ryan Park MP

### Purpose and description

2.1 The object of the Bill is to make miscellaneous amendments to the following Acts:

- (a) the *Health Care Complaints Act 1993*
- (b) the *Health Practitioner Regulation (Adoption of National Law) Act 2009*
- (c) the *Health Services Act 1997*
- (d) the *Mental Health Act 2007*
- (e) the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*
- (f) the *Public Health Act 2010*.

### Background

2.2 The Bill would amend six pieces of legislation within the Health portfolio. The key changes include:

- permitting the authorised use of surveillance devices by a relevant worker or a class of relevant workers to mitigate or respond to the risk of harm to persons, or for other prescribed purposes.
- conferring additional functions and powers to the Health Care Complaints Commission (the **Commission**) to commence and conduct proceedings of certain offences under the *Health Care Complaints Act 1993* (the **Health Care Complaints Act**) and the *Public Health Act 2010* (the **Public Health Act**)
- removing the existing right of appeal that is available to a visiting health practitioner following a decision by a public health organisation not to reappoint them.

2.3 In his second reading speech, the Hon Ryan Park MP, Minister for Health, explained that the Bill proposes amendments in various areas, as part of the Government's regular review and maintenance of legislation.

## Issues considered by the Committee

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

#### *Wide regulatory powers impacting privacy rights*

- 2.4 The Bill would insert section 126A into the *Health Services Act 1997* (the **Health Services Act**) to give the Health Secretary the power to authorise a 'relevant worker' to use surveillance devices, such as body-worn cameras capable of recording images and sound, to mitigate or respond to risks of harm. Proposed subsection 126A(1)(b) would also allow the Health Secretary to authorise the use of surveillance devices for 'other prescribed purposes'.
- 2.5 Proposed subsection 126A(8) defines 'relevant worker' as a member of the NSW Health Service or a contractor of, or a student at, a relevant organisation. It also defines 'relevant organisation' as a statutory health organisation or the Health Administration Corporation. This would include local health districts, NSW Ambulance, and NSW Health Pathology.
- 2.6 Proposed subsection 126A(6) clarifies that a surveillance device may be used if:
- (a) before using the surveillance device, the relevant worker makes a reasonable attempt to ensure that the persons who are likely to be recorded by the device are aware that the device is capable of recording images or sound, or both, or
  - (b) in the relevant worker's reasonable opinion, there is a significant risk of harm to the relevant worker or another person, or
  - (c) the recording of images or sound, or both, by the surveillance device is inadvertent or unexpected.
- 2.7 Proposed subsection 126A(5) expressly states that a relevant worker authorised under proposed section 126A would not be committing an offence against the *Surveillance Devices Act 2007*.
- 2.8 In his second reading speech, the Minister stated that workers in the health sector '... who are there to help those in need of medical care ...' should not '... be subject to violence in the workplace ...'. He explained that 'Violence against NSW Health staff unfortunately does occur' and that 'It is a risk that must be addressed, including, where it is appropriate, through the use of technology such as body-worn cameras.'
- 2.9 The Minister added that 'The use of body-worn cameras is intended to deter aggression, particularly when their use is overt and individuals are advised recording may occur.'

**The Bill would insert section 126A into the *Health Services Act 1997* (the **Health Services Act**) to give the Health Secretary the power to authorise a 'relevant worker' to use surveillance devices to mitigate or respond to risks of harm, or 'for prescribed purposes'.**

**Proposed section 126A would allow a relevant worker to use a surveillance device without prior notification if the worker has made a 'reasonable attempt' to ensure that the person being recorded is aware**

that the device may record sound and images. It would also allow a worker who holds a 'reasonable opinion' that there is a significant risk of harm to themselves or others to use the device, or allow recording, where it is 'inadvertent or unexpected'.

The Committee recognises that these provisions are intended to address issues that health sector workers experience in the workplace, including being assaulted while providing medical care. The Committee also understands that the Bill aims to deter aggression, particularly when the use of surveillance devices is overt and individuals are advised that recording may occur.

However, the Committee notes that the scope of permissible authorisation is not confined to circumstances of imminent risk, as the Health Secretary may exercise this power 'for other prescribed purposes'. Further, relevant workers' 'reasonable opinion' gives significant discretion to individual health workers. The Committee also notes that the recording of sound and images without consent would be allowed if it is 'inadvertent or unexpected'. Cumulatively, these exceptions would allow the use of surveillance devices in a broad range of circumstances. This may impact a person's right to privacy, as both visual and auditory information about them, and from them, may be recorded without their consent. For these reasons, the Committee refers the matter to Parliament for consideration.

*Procedural fairness – commencement of proceedings by the Health Care Complaints Commission*

- 2.10 Section 39 of the Health Care Complaints Act currently requires the Commission to take one of six actions at the conclusion of an investigation. This includes referring a matter that is the subject of a complaint to the Director of Public Prosecutions, under section 39(1)(f).
- 2.11 Proposed subsection 39(1)(h) would expand the functions of the Commission to include the power to commence and conduct proceedings for certain offences under the *Health Care Complaints Act* and Part 7, Division 3 of the *Public Health Act*.
- 2.12 Under the existing section 39(2), the Commission is also required to consult with the appropriate professional council before taking action under section 39.
- 2.13 Proposed section 39(3) would create an exception to this requirement if the Commission decides to commence proceedings under proposed subsection 39(1)(h).

**The Bill proposes to insert section 39(1)(h) into the *Health Care Complaints Act 1993* (the *Health Care Complaints Act*), which would give the Health Care Complaints Commission (the Commission) the power to commence and conduct proceedings for certain offences under the *Health Care Complaints Act* and the *Public Health Act 2010*, following its investigation of a complaint.**

**Currently, after an investigation, the Commission refers criminal matters that are the subject of a complaint to the Director of Public Prosecutions, which is an independent prosecutorial authority. This divide between**

investigator and prosecutor ordinarily protects an individual's right to procedural fairness. However, the proposed changes would allow the same body, that being the Commission, to investigate a matter and then commence and conduct proceedings. This would conflate the roles of investigator and prosecutor, and therefore may impact an individual's right to procedural fairness.

Further, proposed section 39(3) would allow the Commission to exercise the proposed power to commence proceedings without consulting the appropriate professional council. This would create an exemption to existing section 39(2), which requires the Commission to consult with the appropriate professional council before taking one of the required actions under section 39 of the Health Care Complaints Act.

The Committee notes that the specialist expertise of professional councils is important when making decisions affecting practitioners. In addition, consultation with the relevant council before commencing proceedings against a practitioner would provide the practitioner with another layer of procedural protection. By removing this protection, the Bill would give the Commission sole authority to investigate a matter and commence and conduct proceedings against a practitioner, without any consultation. The Committee notes that such proceedings may carry significant consequences for the individuals concerned, including potential reputational, professional, and legal consequences, with potential custodial penalties for some offences. For these reasons the Committee refers the matter to Parliament for consideration.

**Makes rights, liberties or obligations unduly dependent upon non-reviewable decisions: s 8A(1)(b)(iii) of the LRA**

*Removal of right to appeal decision*

- 2.14 Section 106 of the Health Services Act currently provides visiting health practitioners with a right of appeal to the Minister against a decision by a public health organisation not to reappoint them. Medical and dental practitioners that are engaged as contractors to provide services in hospitals are known as visiting practitioners. They are usually appointed for five years and are eligible for reappointment.
- 2.15 Proposed subsection 106(2)(a) introduces two exceptions to this right:
- where the organisation has ceased to offer appointments of the relevant kind
  - where the practitioner was appointed for six months or less, other than through an advertised recruitment process.
- 2.16 Proposed section 106(4) would allow regulations to make exemptions to proposed section 106(2)(a).
- 2.17 In his second reading speech, the Minister explained that these changes are based on the recommendations made by the Hon Jennifer Boland, AM, in a review of the committee of review processes for visiting practitioners, which was completed in July 2023. The Minister explained:

... it is accepted that there may be cases where an appeal will be appropriate for the short-term, non-advertised provision, so there will be

a regulation-making power to allow the provisions to be extended if appropriate.

**The Bill would insert proposed section 106(2)(a) into the *Health Services Act 1997*, which would remove the existing avenue of appeal available to a visiting health practitioner following a decision by a public health organisation not to reappoint them. This removal of the right to appeal would apply in two circumstances: firstly, if the organisation has ceased to offer appointments of the kind to which the practitioner seeks reappointment, and secondly, if the practitioner was appointed for six months or less, and not through an advertised recruitment process.**

**The Committee notes that the removal of the existing right to appeal a decision may limit procedural fairness and make a visiting practitioner's rights unduly dependent upon a decision that cannot be reviewed. For a visiting practitioner whose livelihood depends on their relationship with a particular public health organisation, the loss of that appointment may have significant professional consequences.**

**The Committee acknowledges that the Bill would allow for regulations to create exemptions to the proposed amendment, which may enable a visiting practitioner to have a decision reviewed in some circumstances. However, this is not guaranteed and the Bill does not prescribe what exemptions may be appropriate. For these reasons, the Committee refers the matter to Parliament for consideration.**

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

#### *Commencement by proclamation*

- 2.18 The proposed Act would commence on assent, except for Schedule 6, which would commence on a day or days to be appointed by proclamation.
- 2.19 Schedule 6 would make amendments to the *Public Health Act* to broaden the duty on pathology laboratories to report Category 3 scheduled medical conditions to the Health Secretary, regardless of who requested the test. It would also create a new offence where certifiers do not provide a patient with prescribed information about an infection following a positive test result. The maximum penalty for each new offence is a fine of \$5,500 (50 penalty units).

**The proposed Act would commence on assent, with the exception of Schedule 6, which would commence on a day or days to be appointed by proclamation.**

**The Committee acknowledges that the proposed commencement by proclamation may be intended to facilitate necessary arrangements between the Health Secretary, pathology laboratories and relevant health practitioners, prior to the new reporting and notification obligations taking effect. It is reasonable to anticipate that affected parties will require time to understand their obligations and update laboratory procedures, accordingly.**

**However, the Committee generally prefers legislation to commence on a fixed date, or on assent, to provide certainty for those affected by the bill's provisions, particularly where the provisions would affect individual**

**rights or obligations and create criminal offences. Commencement by proclamation effectively delegates the role of Parliament in determining when legislation commences to the Executive. For these reasons, the Committee refers the matter to Parliament for consideration.**

## 3. Local Jobs First Bill 2026

Date introduced	28 May 2026
House introduced	Legislative Council
Member with carriage	The Hon Courtney Houssos MLC

### Purpose and description

- 3.1 The object of the Bill are:
- (a) to establish the office of the Local Jobs First Commissioner
  - (b) to make further provision about the procurement of goods and services by government agencies
  - (c) to make provision about the debarment of suppliers from NSW Government procurement.

### Background

- 3.2 The Bill seeks to establish the office of the Local Jobs First Commissioner (the **Commissioner**), who would be responsible for promoting locally produced goods and services, local employment opportunities, and the implementation of the local procurement policy framework. The local procurement policy is to be issued by the Procurement Minister, and is to set out the obligations on suppliers and government agencies in relation to locally produced goods and services and the employment of local workers.
- 3.3 The Bill would also introduce a supplier debarment scheme by amending the *Public Works and Procurement Act 1912* (the **Public Works and Procurement Act**) to remove suppliers found to have committed serious misconduct from the government supply chain.
- 3.4 In her second reading speech, the Hon Courtney Houssos MLC, Minister for Domestic Manufacturing and Government Procurement, explained that the Bill was developed through consultation with a range of stakeholders, which highlighted ‘... community expectations that government procurement should prioritise locally produced goods and services, support local small businesses and drive local employment.’
- 3.5 The Minister added that the Bill would ensure that:
- ... the New South Wales Government actively uses its procurement spend to strengthen local capability, build sovereign capacity and deliver lasting benefits for businesses and communities. By investing in local industry, we safeguard critical manufacturing capacity. By buying locally, we support local jobs and ensure that essential goods and services can be produced here at home when they are needed most.

## Issues considered by the Committee

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

#### *Exclusion of right to compensation*

- 3.6 Proposed section 34 provides that a person is not entitled to compensation or remedy for loss or damage arising from a range of actions taken under the proposed Act. These actions include:
- a decision by the Commissioner, or a publication of the Commissioner's decision, that a supplier is non-compliant
  - actions carried out by a government agency in relation to a performance management process
  - the publication of information including in an annual report
  - the disclosure of information by a government agency to the Commissioner.
- 3.7 Proposed section 176IH, which would amend the Public Works and Procurement Act, similarly removes the right to compensation for loss arising from any actions taken in connection with the debarment regime, including a supplier being placed on the debarred suppliers list and publication of this status on a NSW Government website.
- 3.8 The Bill would, however, provide a right of appeal to the NSW Civil and Administrative Tribunal (**NCAT**), under proposed section 31(3), against a non-compliance decision.

**The Bill would expressly preclude a person's entitlement to compensation or remedy for loss or damage arising from a range of actions taken under the proposed Act. These include the disclosure of information, actions carried out in relation to a performance management process, and a decision by the Commissioner that a supplier is non-compliant. The Bill would also amend the *Public Works and Procurement Act 1912* to remove a similar right to compensation for loss arising from any actions taken in connection with the debarment regime, including a supplier being placed on the debarred suppliers list and publication of this status on a NSW Government website.**

**The Committee recognises that the exclusion of compensation may be intended to ensure that the Commissioner and government agencies are able to carry out their regulatory functions without the risk of civil claims arising from compliance actions.**

**However, the Committee notes that the impacts of this exclusion may be significant. For example, a supplier found to be non-compliant may suffer commercial harm from the publication of the decision. The only recourse expressly provided for in the Bill is the right of appeal to the NSW Civil and Administrative Tribunal against a non-compliance decision, which would still not provide a right to compensation, even if successful. The Bill does not provide any avenue to recover lost contracts, lost revenue, or reputational damage caused by the publication of a non-compliance decision. For these reasons, the Committee refers the matter to Parliament for consideration.**

*Wide regulatory powers impacting privacy rights*

- 3.9 Proposed section 25 confers on the Commissioner a broad power to require government agencies to provide information the Commissioner considers 'necessary' for the exercise of the Commissioner's functions.
- 3.10 Proposed section 25(3) provides that information must be provided in accordance with the proposed section, despite the *Privacy and Personal Information Protection Act 1998*, to the extent that the information is 'relevant' to the exercise of certain functions of the Commissioner under section 9(1)(f), (g), (i) and (j).
- 3.11 Proposed section 35 makes it an offence to disclose information obtained in connection with the administration or execution of the proposed Act. However, the proposed provision simultaneously authorises disclosure in certain circumstances. These include circumstances in connection with the administration, execution or enforcement of the proposed Act under Part 5, for legal proceedings arising out of the proposed Act, or 'with another lawful excuse'.

**The Bill would confer wide powers on the Local Jobs First Commissioner (the Commissioner) to require government agencies to provide information that the Commissioner considers 'necessary' for the exercise of the Commissioner's functions. Proposed section 25(3) of the Bill provides that information must be provided, despite the *Privacy and Personal Information Protection Act 1998* (the Privacy and Personal Information Protection Act), to the extent that the information is 'relevant' to the exercise of certain functions of the Commissioner under section 9(1)(f), (g), (i) and (j). Proposed section 35 would allow disclosure of the information obtained in connection with the administration of the Act in certain circumstances, including legal proceedings, compliance actions, and with 'another lawful excuse'.**

**The Committee recognises that these provisions are intended to ensure compliance with the proposed reforms, and specifically with the local procurement policy framework. However, the Committee notes that the scope of the information that may be required by the Commissioner is broad and would allow for significant discretion, where the Commissioner has formed an opinion that certain information is 'necessary' to the exercise of their functions. The Committee also notes that proposed section 25(3) would override the privacy protections ordinarily available to individuals under the Privacy and Personal Information Protection Act, in circumstances that the Commissioner considers 'relevant'. This may enable the disclosure of sensitive personal and commercial information about individuals and businesses. Additionally, the exceptions permitting disclosure are broadly expressed, and would allow disclosure 'with another lawful excuse'. These provisions may impact a person's right to privacy, which would otherwise be protected under the Privacy and Personal Information Protection Act. For these reasons, the Committee refers the matter to Parliament for consideration.**

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

#### *Substantive matters deferred to regulations*

3.12 The Bill would defer a number of significant and substantive matters to regulations. For example, proposed section 176IB would amend the Public Works and Procurement Act, which establishes the debarment regime. Under proposed subsection 176IB(1), a supplier can be debarred as a result of:

- a conviction of the supplier or principal officer for an offence prescribed by regulations
- a penalty prescribed by regulations
- a finding of a kind prescribed by regulations
- another adverse event of a kind prescribed by regulations.

3.13 In her second reading speech, the Minister stated that the debarment scheme implements a recommendation made by the Independent Commission Against Corruption in its report, entitled *Investigation into the Awarding of Transport for NSW and Inner West Council Contracts*, referred to as 'Operation Hector'.

3.14 The Minister added:

Regulations under the Public Works and Procurement Act 1912 will define when a supplier becomes debarred from doing business with the Government. The regulations will prescribe offences where conviction of a supplier, or a senior officer of a supplier, debar that supplier from participating in government procurement for a prescribed period of up to five years. Debarment will also apply to a supplier that is a successor to a debarred supplier.

**The Bill would insert section 176IB into the *Public Works and Procurement Act 1912* to establish the debarment regime. Under proposed subsection 176IB(1), a supplier can be debarred as a result of convictions, penalties, adverse findings, and other adverse events of a kind prescribed by regulations.**

**The Committee acknowledges that the proposed debarment scheme seeks to implement a recommendation made by the Independent Commission Against Corruption in its 'Operation Hector' report. The Committee also recognises that its purpose is to protect the integrity of government procurement by preventing engagement with suppliers convicted of serious offences or subject to serious adverse findings, and that there is a legitimate public interest in that objective.**

**However, the Committee notes that the categories of debarment events are entirely prescribed by regulations. The consequences of debarment are severe and may exclude a supplier from all NSW Government procurement for up to five years. The Committee generally prefers that substantive matters, particularly those that carry significant consequences for individuals, are set out in primary legislation. For these reasons, the Committee refers the matter to Parliament for consideration.**

*Power of government agency heads to create exemptions from local procurement policy*

- 3.15 Proposed section 22 allows a government agency head to authorise that the local procurement policy does not apply to a particular procurement where the agency head determines that compliance is 'not feasible'.
- 3.16 In her second reading speech, the Minister explained:

An agency head may authorise that the policy does not apply to a particular procurement if they determine it is not feasible. Regulations will restrict this authorisation to procurements of a prescribed value and outline criteria for assessing feasibility, including the procurement's quality, complexity and scale, and the availability of suitable local alternatives. This provision is available only to procurements of a value lower than \$25 million. The local procurement policy is mandatory for procurements valued above \$25 million. Authorisations by the Minister or a government agency head must be justified and published on the Government's website to ensure transparency in the procurement process and clear oversight.

**Proposed section 22 would allow a government agency head to authorise that the local procurement policy does not apply to a particular procurement, where the agency head determines that compliance is 'not feasible'. In doing so, the Bill would delegate significant power to the Executive to grant exemptions from the local procurement policy.**

**The Committee acknowledges that the proposed exemption power is intended to provide necessary flexibility in the procurement process, and that regulations will prescribe criteria for assessing 'feasibility', including the quality, complexity and scale of the procurement and the availability of suitable local alternatives. The Committee also notes that the exemption power that is available to agency heads will be restricted to procurements below \$25 million, and any authorisations by the Minister and/or agency heads must be published on a NSW Government website, providing a measure of transparency.**

**However, the Committee notes that the Bill does not contain any criteria for assessing feasibility. Therefore, the scope of the exemption powers and the circumstances in which the local procurement policy may be set aside are vague and unable to be ascertained from the proposed Act. The Committee generally prefers that the criteria governing the exercise of this type of power is set out in primary legislation. For these reasons, the Committee refers the matter to Parliament for consideration.**

*Exemption of regulations from requirement for a Regulatory Impact Statement*

- 3.17 Schedule 2 of the Bill provides that the *Subordinate Legislation Act 1989* (the **Subordinate Legislation Act**) does not apply to regulations made under the proposed Act between the date of assent and 31 December 2026.
- 3.18 Part 2 of the Subordinate Legislation Act sets out a number of requirements regarding the making of statutory rules. For example, under section 5, proposed statutory rules require a Regulatory Impact Statement (**RIS**) to be prepared before those rules are

made. Section 5 also requires the RIS to be made publicly available, and for consultation to occur with groups that are likely to be affected by the regulation.

**The Bill would insert a transitional provision that exempts a regulation, made under the proposed Act before 31 December 2026 from Part 2 of the *Subordinate Legislation Act 1989* (Subordinate Legislation Act). Part 2 sets out a number of requirements regarding the making of statutory rules. For example, section 5 requires that a Regulatory Impact Statement (RIS) is prepared in connection with a principal statutory rule. Section 5 also requires the RIS to be made publicly available, and for consultation to occur with groups that are likely to be affected by the regulation. The RIS process is a key accountability mechanism for the making of delegated legislation.**

**The Committee acknowledges that there are existing RIS exemption categories under the Subordinate Legislation Act. However, these exemptions apply specifically to regulations that are machinery in nature, or of limited impact. In this case, the Bill would exempt principal regulations, with potentially significant social and economic impacts, from the accountability mechanisms under Part 2. If such regulations are made before 31 December, this means that there would be no legislative requirement for consultation or exhibition for at least 5 years (and potentially longer, if the automatic repeal of those regulations is deferred, or if subsequent changes to the regulation are machinery in nature).**

**The Committee notes that the Parliament would still have the ability to disallow any regulations once they are tabled. However, exempting regulations from the requirements under Part 2 would eliminate an important level of scrutiny over delegated legislation that may have significant impacts. For these reasons, the Committee refers the matter to Parliament.**

#### *Commencement by proclamation*

- 3.19 The proposed Act would commence on assent, except for Parts 4 and 5, Divisions 2 and 3 and Schedule 4.2, which would commence on a day or days to be appointed by proclamation.
- 3.20 Part 4 establishes the local procurement policy framework, which would require the Procurement Minister to issue a policy setting out expectations and obligations for government agencies.
- 3.21 Part 5, Divisions 2 and 3 deal with compliance and enforcement. Division 2 would create the mechanism by which the Commissioner would monitor supplier compliance with local procurement plans, including the performance management process and the power to declare a supplier non-compliant, with appeal rights to NCAT. Division 3 allows the Commissioner to notify the Procurement Board where a government agency has not met its obligations.
- 3.22 Schedule 4.2 would insert into the *Public Works and Procurement Act 1912* conditions about debarment, as discussed above. This means that a supplier who is convicted of a prescribed offence, has a prescribed penalty imposed, or is the subject of a prescribed adverse finding, would become a debarred supplier automatically for

up to five years. Government agencies are prohibited from entering into new contracts with debarred suppliers and must avoid extending existing contracts.

**The proposed Act would commence on assent, except for Parts 4 and 5, Divisions 2 and 3 and Schedule 4.2, which would commence on a day or days to be appointed by proclamation. The sections of the Bill that would commence by proclamation provide for matters, such as the creation of binding obligations on suppliers and agencies, restrictions on access to government procurement, and the debarment regime.**

**The Committee acknowledges that the proposed commencement by proclamation may be intended to facilitate the establishment of necessary administrative frameworks and arrangements, the updating of procurement policies and processes, and engagement with affected suppliers and government agencies prior to the provisions taking effect.**

**However the Committee generally prefers legislation to commence on a fixed date, or on assent, to provide certainty for those affected by the bill's provisions, particularly where the provisions would affect individual rights or obligations. Commencement by proclamation effectively delegates the role of Parliament in determining when legislation commences to the Executive. For these reasons, the Committee refers the matter to Parliament for consideration.**

## 4. Parliamentary Budget Officer Amendment Bill 2026

Date introduced	28 May 2026
House introduced	Legislative Council
Member with carriage	The Hon Daniel Mookhey MLC

### Purpose and description

4.1 The object of the Bill is to amend the *Parliamentary Budget Officer Act 2010* (the **Act**) as follows:

- (a) to provide for the costing by the Parliamentary Budget Officer of announced or proposed election policies for members of Parliament who are:
  - (i) certain members of a minor party, or
  - (ii) independent members facing election
- (b) to provide for the appointment of the Parliamentary Budget Officer for the 2027 State general election
- (c) to make other miscellaneous amendments to the Act.

### Background

4.2 The Bill seeks to implement a number of recommendations from the Parliamentary Budget Office's 2023 Post-Election Report, in the lead up to the 2027 State election.

4.3 In his second reading speech, the Hon Daniel Mookhey MLC, Treasurer, explained:

This bill provides the necessary legislative amendments to improve the operation and functionality of the Parliamentary Budget Office leading into the 2027 State Election and to improve transparency and voter confidence by ensuring publicly announced election policies, across all parties, are costed and presented for visibility and scrutiny. These amendments show the Government is committed to supporting the integral and important role of the Parliamentary Budget Office, not just to parliamentarians but to voters, government agencies, other stakeholders and all the people of New South Wales.

4.4 The Bill proposes the following key changes:

- moving the appointment of the Parliamentary Budget Officer forward by two weeks to align with the date of the 2027 State election
- extending the scope of who can seek an election costing beyond the Premier and the Leader of the Opposition

- moving the deadline forward for when parliamentary leaders are required to finalise their list of costed policies and when the Parliamentary Budget Office is required to release the final budget impact statements.

### **Issues considered by the Committee**

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

## 5. Standard Time Amendment (Reduction of Daylight Saving) Bill 2026\*

Date introduced	28 May 2026
House introduced	Legislative Assembly
Member with carriage	Mr Geoff Provest MP
	*Private member's bill

### Purpose and description

- 5.1 The object of the Bill is to amend the *Standard Time Act 1987* to reduce the summer time period for daylight saving time by one month at the period's beginning and end.

### Background

- 5.2 The Bill seeks to shorten the existing six-month daylight saving period, which runs from October to April each year, to four months.

- 5.3 In his second reading speech, Mr Geoff Provest MP stated:

Reducing daylight saving by one month on either side will ensure the benefits of long summer days continue while removing the nuisance of dark mornings.

- 5.4 Mr Provest noted that Tweed residents, in particular, experience distinct issues because Queensland does not implement daylight saving time and remains on Eastern Standard Time all year round. Residents living in the border community of the Tweed, Mr Provest explained, are therefore confused and frustrated due to having to experience the two conflicting time zones simultaneously.

- 5.5 He elaborated:

During daylight saving months, the constant time warp leads to people being an hour early or an hour late for appointments, events and even flights out of the Gold Coast Airport, which has a runway in New South Wales but is a Queensland airport and runs on Queensland time.

- 5.6 Mr Provest stated that the proposed reduction of daylight saving time would balance the benefits of daylight saving with addressing the '... frustrating and often confusing lived experience of border communities ...'.

### Issues considered by the Committee

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

# Part Two – Regulations without comment

# Regulations without comment

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

## 1. [Law Enforcement \(Controlled Operations\) Amendment \(Delegation of Functions\) Regulation 2026](#)

The object of the Regulation is to amend the Law Enforcement (Controlled Operations) Regulation 2025 to prescribe the Australian Border Force Commissioner, within the meaning of the *Australian Border Force Act 2015* of the Commonwealth, as the only position to which a chief executive officer's functions under the *Law Enforcement (Controlled Operations) Act 1997* may be delegated.

The Regulation is made under the *Law Enforcement (Controlled Operations) Act 1997* and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

## 2. [Sydney Olympic Park Authority Amendment \(Special Entertainment Precincts\) Regulation 2026](#)

The object of the Regulation is to confer on the Sydney Olympic Park Authority the functions under the *Local Government Act 1993*, Chapter 8, Part 3 to the extent to which the functions relate to a special entertainment precinct established by a State environmental planning policy.

The Regulation is made under the *Sydney Olympic Park Authority Act 2001*, section 19(1)(b), and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

## 3. [Building and Development Certifiers Amendment \(Building Work Inspections\) Regulation 2026](#)

The object of the Regulation is to amend the Building and Development Certifiers Regulation 2020 for the following purposes:

- (a) to prescribe conditions of registration
- (b) to authorise particular registered certifiers to carry out particular certification work under supervision
- (c) to make formal and consequential amendments.

The Regulation is made under the *Building and Development Certifiers Act 2018* and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

## 4. [Children's Guardian Amendment \(Fees\) Regulation 2026](#)

The object of the Regulation is to increase fees for an application for an employer's authority under the *Children's Guardian Act 2019*.

The Regulation is made under the *Children's Guardian Act 2019*, including section 94(2)(b), and does not appear to engage with any of the issues set out in section 9 of the *Legislation Review Act 1987*.

5. [Children's Court Act 1987 – Practice Note 11 – Youth Koori Court](#)

The object of the Practice Note is to establish procedures that apply in the Youth Koori Court, a specialist court for Aboriginal and Torres Strait Islander young people charged with criminal offences before the Children's Court.

The Practice Note was amended on 22 May 2026 and does 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. 48

TIME & DATE: 3:02PM, 1 JUNE 2026

LOCATION: ROOM 1136 AND  
VIDEOCONFERENCE

### MEMBERS PRESENT

Ms Voltz (**Chair**), Ms Davis (via videoconference), Mr Hagarty, Mr Layzell and Ms Munro.

### APOLOGIES

Ms Stuart (**Deputy Chair**), Ms Higginson and Mr Murphy.

### OFFICERS PRESENT

Rohan Tyler, Carly McKenna, Joan Douce, Natasha Moir, Alex Read, Art Bae and Nicolle Gill.

### AGENDA ITEM

#### 1. Confirmation of minutes

Resolved, on the motion of Mr Hagarty: That the minutes of the meeting of 25 May 2026 be confirmed.

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

#### 3. Consideration of bills with comment for Legislation Review Digest 47/58

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

- a) Health Legislation Amendment (Miscellaneous Provisions) Bill 2026
- b) Local Jobs First Bill 2026.

#### 4. Consideration of bills without comment for Legislation Review Digest 47/58

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

- a) Electricity Supply Amendment (Renewable Fuel Scheme) Bill 2026
- b) Parliamentary Budget Officer Amendment Bill 2026
- c) Standard Time Amendment (Reduction of Daylight Saving) Bill 2026.

#### 5. Consideration of regulations without comment for Legislation Review Digest 47/58

Resolved, on the motion of Mr Layzell: That the Committee adopts the regulations without comment as Part Two to Digest No. 47/58.

**6. Legislation Review Digest 47/58**

Resolved, on the motion of Ms Munro:

- That appropriate minute extracts of this meeting be published as Appendix Two of the Digest.
- That the Committee adopts the Legislation Review Digest No. 47/58 and that it be signed by the Chair and presented to the House.

**7. Regulations to be reviewed**

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

**8. General Business**

The Committee discussed making a submission to the Legislative Assembly Committee on Community Services' inquiry into the Human Rights Bill 2025.

**9. Next meeting**

The Committee adjourned at 3.07pm until Monday 22 June 2026.