
Draft minutes no. 1

Friday 9 June 2023

Regulation Committee

Room 1136, Parliament House, Sydney, 11.01 am

1. Members present

Ms Boyd (via videoconference)

Mr Donnelly

Mr Farlow (substituting for Mrs Carter)

Dr Kaine (via videoconference)

Mrs Maclaren-Jones

Mr Murphy

Mr Nanva

2. Apologies

Ms Mihailuk

3. Tabling of resolution establishing the committee

The Clerk tabled the resolution of the House of 10 May 2023 establishing the committee, which reads as follows:

That, notwithstanding anything to the contrary contained in the standing orders:

Appointment

- (1) A Regulation Committee be appointed.

Functions

- (2) The committee may inquire into and report on:
 - (a) any instrument of a legislative nature regardless of its form, including the policy or substantive content of the instrument,
 - (b) draft delegated legislation, and
 - (c) trends or issues in relation to delegated legislation.

Referral of inquiries

- (3) The committee:
 - (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House, and
 - (b) may self-refer an inquiry into any matter relevant to the functions of the committee.
- (4) A committee meeting to consider a self-reference under paragraph (3)(b) must be convened at the request of any three committee members in writing to the Committee Clerk.
- (5) The Committee Clerk must convene a meeting within seven calendar days of receipt of the request providing that members are given at least 24 hours' notice.

- (6) A majority of committee members is required to adopt the self-reference.
- (7) Whenever a committee resolves to self-refer a matter, the terms of reference are to be reported to the House on the next sitting day.
- (8) Where a regulation referred to the committee is the subject of a notice of motion or order of the day for the disallowance of the regulation:
 - (a) the notice or order shall stand postponed until the tabling of the committee report,
 - (b) unless otherwise ordered, the committee must table its report within six weeks, and
 - (c) on tabling of the committee report, the Clerk is to place the notice of motion or order of the day on the Notice Paper at the stage it had reached prior to the regulation being referred.

Membership

- (9) The committee is to consist of eight members, comprising:
 - (a) four government members,
 - (b) two opposition members, and
 - (c) two crossbench members.

Chair and Deputy Chair

- (10) The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
- (11) The Chair of the committee is to be a non-government member.

Quorum

- (12) The quorum of the committee is three members, of whom two must be government members and one a non-government member.

Sub-committees

- (13) The committee has the power to appoint sub-committees.

Conduct of committee proceedings

- (14) Unless the committee decides otherwise:
 - (a) all inquiries are to be advertised via social media, stakeholder emails and a media release distributed to all media outlets in New South Wales,
 - (b) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (c) attachments to submissions are to remain confidential,
 - (d) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
 - (e) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each,
 - (f) transcripts of evidence taken at public hearings are to be published,

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- (g) supplementary questions are to be lodged with the Committee Clerk within two business days, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness,
 - (h) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration, and
 - (i) media statements on behalf of the committee are to be made only by the Chair.

4. Election of Chair

The Committee Clerk called for nominations for the Chair.

Mr Farlow moved: That Mrs Maclaren-Jones be elected Chair of the committee.

There being no further nominations, the Clerk declared Mrs Maclaren-Jones elected Chair.

5. Election of Deputy Chair

Mrs Maclaren-Jones took the Chair.

The Chair called for nominations for Deputy Chair.

Mr Nanva moved: That Ms Boyd be elected Deputy Chair of the committee.

There being no further nominations, the Chair declared Ms Boyd elected Deputy Chair.

6. Briefing on the resolution establishing the committee and conduct of committee proceedings

The secretariat provided a briefing to committee members on the resolution establishing the committee and conduct of committee proceedings.

7. Conduct of committee proceedings

7.1 Media

The Committee noted the Broadcast of Proceedings resolution (as amended by the Legislative Council on 19 October 2022), in particular the provisions relating to the filming, broadcasting, rebroadcasting and photography of committee proceedings, including:

- (4) That unless resolved otherwise by a committee, this House authorises:
 - (a) the filming, broadcasting and photography of members and witnesses in committee proceedings:
 - (i) by representatives of media organisations, including from around the committee meeting table,
 - (ii) by any member of the public, from the position of the audience, and
 - (b) the rebroadcasting of committee proceedings on the Legislative Council and Parliament's social media channels.

8. Publication of minutes of the first meeting

Resolved, on the motion of Mr Murphy: That the committee publish the minutes of the first meeting on the committee's webpage, subject to the draft minutes being circulated to members.

9. Adjournment

The committee adjourned at 11.03 am, *sine die*.

Shaza Barbar
Committee Clerk