



**Inquiry into the consolidation of the provisions of the *Interpretation Act 1987*,
Subordinate Legislation Act 1989 and *Legislation Review Act 1987* relating to delegated
legislation**

TERMS OF REFERENCE

- (1) That the Delegated Legislation Committee notes that:
 - (a) the framework for the management of delegated legislation is currently split across three separate Acts: the *Interpretation Act 1987*, *Subordinate Legislation Act 1989* and *Legislation Review Act 1987*,
 - (b) the Committee's 2022 report entitled *Options for reform of the management of delegated legislation in New South Wales* recommended that the relevant provisions of these acts be consolidated into a single Legislation Act which includes all provisions relating to the making, consultation, notice, tabling, publication, disallowance, remaking, sunseting and scrutiny of primary and delegated legislation, on the basis that the interaction between the provisions of these acts is complex and in some cases, inconsistent, and
 - (c) the Committee's 2024 report entitled *Evaluation of the Regulation Committee's technical scrutiny function* recommended that the Committee conduct an inquiry in 2025 into the consolidation of the provisions of the *Interpretation Act 1987*, *Subordinate Legislation Act 1989* and *Legislation Review Act 1987*.
- (2) That the Delegated Legislation Committee inquire into and report on the consolidation of the provisions of the *Interpretation Act 1987*, *Subordinate Legislation Act 1989* and *Legislation Review Act 1987* relating to delegated legislation, including:
 - (a) approaches taken by other jurisdictions regarding the management of delegated legislation,
 - (b) options for potential legislative reform relating to the definitions, making, consultation, notice, tabling, publication, disallowance, remaking, sunseting and scrutiny of delegated legislation in New South Wales,
 - (c) examination of recurring technical scrutiny concerns in delegated legislation as identified by the Committee, such as the making of indefinite exemptions from provisions of the parent Act through the successive use of a regulation-making power that is seemingly transitional in nature, and potential legislative options for addressing such concerns, and
 - (d) any other related matters.