



LEGISLATIVE COUNCIL

REGULATION COMMITTEE

MEDIA RELEASE

REPORT TABLED ON DELEGATED LEGISLATION IN NSW

FOR IMMEDIATE RELEASE

22 October 2020

The Upper House Regulation Committee has today tabled its report into the making of delegated legislation in New South Wales – the culmination of the committee's inquiry into the extent to which the Parliament has delegated power to make this kind of legislation to the executive government, and the government's use of that power.

'The making of new laws through delegated legislation, as opposed to primary legislation, is not often the subject of detailed inquiry or public attention. Yet it is the principal form of law-making in the state,' the committee chair, the Hon Mick Veitch MLC, observed.

Mr Veitch continued, 'This inquiry has highlighted the importance of facilitating good legislative practice and improving the processes and safeguards for delegated legislation. Because of the complexity of the laws and procedures governing delegated legislation and the variety of possible approaches to reform, the committee has recommended that the Attorney General consider referring terms of reference to the NSW Law Reform Commission to review and report on the extent and use of delegated legislative powers in New South Wales, powers and safeguards relating to delegated legislation in other jurisdictions, and suggestions for improvements in the use of delegated legislative powers to prevent executive overreach.'

The committee also recommended a number of more immediate measures to improve transparency, parliamentary scrutiny and public awareness of delegated legislation, including a requirement for explanatory notes to bills to include a justification for broad delegations of law-making power where this is being proposed, and the expansion of the Regulation Committee's remit.

Further information about the inquiry, including the committee's final report, is publicly available on the committee's [website](#).

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For further information please contact Committee Chairman, The Hon Mick Veitch MLC, on 9230 2714