

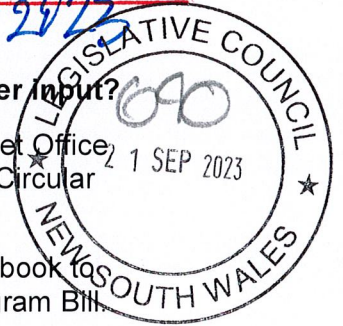
Tabled, by leave, Mr. G. Johnson

Clerk of the Parliaments

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2023

STATEMENT OF PUBLIC INTEREST

21/9/2023



Need: Why is the policy needed based on factual evidence and stakeholder input?

The State Law Revision Program (**SLR Program**) is administered by the Cabinet Office (TCO) and the Parliamentary Counsel's Office (PCO) in accordance with TCO Circular C2019-07 Statute Law Revision Program (**Circular**).¹

The SLR Program involves the regular and ongoing review of the NSW statute book to rectify any issues that are identified and appropriate for inclusion in a SLR Program Bill.

The SLR Program typically results in a Bill being prepared each Budget and Spring sitting period of Parliament. SLR Program Bills contain only:

- minor amendments proposed by government agencies
- minor amendments by way of pure statute law revision proposed by the Parliamentary Counsel
- repeals of obsolete or unnecessary Acts (subject to any remaining operative provisions being transferred to other appropriate Acts), proposed by government agencies or the Parliamentary Counsel
- savings and transitional provisions.

Amendments proposed by agencies must be approved by the relevant Minister, must be non-controversial and contain no more than minor policy changes.

Matters that are usually inappropriate for inclusion in the SLR Program include but are not limited to:

- amendments increasing sentences of imprisonment for offences, or creating offences punishable by imprisonment
- amendments increasing monetary penalties by very high amounts
- amendments that prejudice the private rights of any person
- amendments retrospectively imposing liabilities on any person
- amendments to Acts dealing with controversial subject matter
- amendments that have been the subject of disputes between agencies, or that require considerable whole of government consideration
- lengthy or voluminous amendments.

SLR Program Bills are comprised of legislative amendments that would not otherwise be significant enough to warrant separate amending legislation.

SLR Program Bills ensure that the NSW statute book remains current and accurate. The use of periodic SLR Program Bills allows for proposals from across all Ministerial portfolios to be

¹ See <https://arp.nsw.gov.au/c2019-07-statute-law-revision-program/>

consolidated into a single omnibus Bill. This is the most effective and efficient way for the NSW Parliament to consider such amendments.

Objectives: What is the policy's objective couched in terms of the public interest?

The SLR Program and the resulting Bills ensure that the NSW statute book remains accurate and current.

There is a strong public interest in ensuring the accuracy, coherence and quality of NSW legislation.

Options: What alternative policies and mechanisms were considered in advance of the bill?

Statute law revision can only be achieved through legislative amendment.

If consolidated omnibus SLR Program Bills were not brought forward by the Government regularly, the alternative options would be for the Parliament to consider a high number of separate amendment Bills or to not make legislative amendments to correct identified issues.

Analysis: What were the pros/cons and benefits/costs of each option considered?

If the amendments were not made, this would result in issues addressed by statute law revision – such as the correction of any typographical issues or redundant or obsolete references – remaining unaddressed.

If the SLR Program Bills were not used to deal with these amendments, it is likely that the Parliament would otherwise have to dedicate significant time and resources to considering a high number of separate amending Bills.

The use of SLR Program Bills is considered the most effective and efficient way for the NSW Parliament to consider such amendments.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The SLR Program is administered by TCO and the PCO in accordance with the Circular.

The internal timetables for Ministers and agencies to put forward proposals for inclusion in a SLR Program Bill are set out in the Circular.

Ministers and agencies instruct the PCO on the commencement of each separate proposal. SLR Program Bills typically commence on assent. Once the relevant provisions of the Bill commence, the amendments to the target legislation take effect.

Ministers responsible for administering the legislation being amended, and the agencies who support those Ministers, advise stakeholders of the minor amendments where relevant.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

Relevant Ministers and agencies are responsible for consulting with any relevant stakeholders before a proposal is put forward for inclusion in the SLR program. Proposals are only included in a SLR Program Bill if they are non-controversial and contain no more than minor changes.