



Tabled, by leave,
Mr Graham
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Clerk of the Parliaments
18 / 10 / 2023

JUSTICE MISCELLANEOUS AMENDMENT BILL 2023
STATEMENT OF PUBLIC INTEREST

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

Legislation needs to be regularly reviewed and updated to ensure the law is fit for purpose and keeps pace with developments in the community and the legal system. This bill introduces several miscellaneous amendments to address developments in caselaw, close gaps in the law, provide clarity where needed and support operational improvements.

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

These amendments are necessary to maintain an effective and functioning justice system and regulatory framework. There is strong public interest in ensuring the law is fit for purpose and can effectively achieve its intended purposes.

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

The identified issues and policy outcomes targeted in this bill can only be achieved through legislative amendment.

If a consolidated miscellaneous bill was not brought forward by Government, the alternative option would be for the Parliament to consider a high number of separate amendment bills across the Communities and Justice portfolio, or not to make necessary updates to legislation.

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

If the amendments were not made, this would result in legislation failing to reflect developments in the community and legal system. It would also result in adverse consequences, including a lack of clarity in legislation, continued uncertainty about operational practices in light of caselaw developments and the undesirable sunseting of effective provisions.

If a miscellaneous bill 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.

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

The amendments in this Bill will commence on assent. Once the relevant provisions in the Bill commence, the amendments will take effect.

Ministers responsible for administering the legislation being amended, and the agencies supporting those ministers, will advise stakeholders of the amendments where relevant and implement any operational changes required

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

The Bill was subject to consultation, including with Heads of Jurisdiction (Supreme Court, District Court, Chief Magistrate's Office, Children's Court), NSW Civil and Administrative Tribunal, Office of the Director of Public Prosecutions, Legal Aid

Commission of NSW, Court Services NSW, NSW Police Force, Corrective Services NSW, Victims Services, Youth Justice NSW, NSW Crime Commission, NSW Trustee and Guardian, the Cabinet Office, Treasury, Aboriginal Legal Service (NSW/ACT) Limited, Law Society of NSW and the NSW Bar Association.

Stakeholders were given the opportunity to submit proposals for consideration, comment on proposals and provide feedback on drafting.

Targeted consultation with stakeholders impacted by specific proposals also occurred, including Revenue NSW, the NSW Sherriff's Office, and the Children's Guardian.