

CRIME AND CRIMINAL PROCEDURE LEGISLATION 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 that laws remain fit for purpose and keep pace with developments in the community and the legal system. The amendments in this Bill update, improve and add clarity to processes in the criminal justice system in response to matters identified by a range of stakeholders.

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

The amendments made by this Bill include amendments to support the operation of youth and adult correctional centres, to add efficiency and consistency into criminal justice processes, and will introduce necessary updates to the *Drug Misuse and Trafficking Act 1985* and the Digital Evidence Access Order Scheme.

An effective and fit for purpose criminal justice system is critical to maintaining community safety and safeguarding a fair and just legal system. Regularly reviewing and updating crime and criminal procedure legislation enhances and supports the work of the court, legal practitioners, and law enforcement agencies.

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

The amendments contained in this Bill have been introduced to address gaps in legislation, update legislation to ensure it is fit for purpose, and provide clarity. The various issues being addressed through this Bill have been identified as those which cannot be overcome without legislative amendment.

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

Not implementing these legislative amendments would fail to address identified gaps in the law and improvements that could be made to criminal and criminal procedure legislation. A failure to respond to the identified issues may give rise to time and resource burdens for courts and key legal agencies, as well as risks of inconsistent application of the law.

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 with the Women's Legal Service.