

SHERIFF AND COURT SECURITY AMENDMENT BILL 2023

STATEMENT OF PUBLIC INTEREST

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

The Sheriff and Court Security Amendment Bill 2023 (**the Bill**) ensures that the law reflects the contemporary role of the NSW Sheriff's Office and the important role it plays in the administration of justice. The amendments were identified through consultation with key stakeholders. This Bill will provide clarity, support the continued safety and security of NSW courts, tribunals and judicial officers, and support operational improvements.

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

The Sheriff's Office plays an important role in supporting the NSW justice system. Sheriff's officers are responsible for the safety and security of courts and tribunals across NSW.

These amendments are necessary to maintain an effective and efficient Sheriff's Office. There is strong public interest in ensuring the law is fit for purpose and can effectively achieve its intended purposes.

The Bill includes amendments that will:

- provide a clearly embedded and identifiable role, function and structure of the Sheriff's Office,
- authorise sheriff's officers to support police and custodial officers during a court incident, if requested, and
- establish a framework for the Sheriff to enter into agreements with NSW agencies to provide support in an emergency.

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. The only alternative would be to not make the necessary amendments to the legislation.

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

Failure to legislate would result in a lack of clarity in the existing legislative framework, limitations on the ability of sheriff's officers to support police and custodial officers during a court incident, and undesirable legal uncertainty when sheriff's officers provide support to NSW agencies in an emergency.

The amendments ensure the Sheriff's Office, and its governing legislation, are fit-for-purpose and up-to-date.

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. It will result in minor changes to procedure but there is not expected to be any resourcing impact. The Sheriff's Office supports the amendments.

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

Targeted consultation during the development of these amendments occurred with impacted stakeholders, including the NSW Sheriff's Office and Heads of Jurisdiction (Supreme Court, District Court, Chief Magistrate's Office, Children's Court).

The Bill was subject to consultation with NSW Civil and Administrative Tribunal, Office of the Director of Public Prosecutions, Legal Aid Commission of NSW, NSW Police Force, Corrective Services NSW, Victims Services, Youth Justice NSW, NSW Crime Commission, NSW Trustee and Guardian, the Cabinet Office, NSW Treasury, Aboriginal Legal Service (NSW/ACT) Limited, Law Society of NSW and the NSW Bar Association.