



INSTITUTIONS LEGISLATION AMENDMENT BILL 2023

STATEMENT OF PUBLIC INTEREST

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

The Bill amends the constituting statutes of four statutory bodies – the Legal Profession Admission Board (**LPAB**), Legal Aid NSW, the Personal Injury Commission (**PIC**) and NextSense (previously the Royal Institute for Deaf and Blind Children). These bodies have identified limitations or issues within their establishing statutes that impact their capacity to effectively deliver services. The amendments within this Bill will enable the work of these bodies to be conducted efficiently and appropriately, and to reflect developments in their practices.

Separately, the Parliamentary Counsel's Office has identified amendments being progressed in the Bill to provide greater specificity in enabling regulation making provisions.

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

The LPAB, Legal Aid NSW, the PIC and NextSense each perform important functions for their respective users/clients and for the NSW community. It is critical that the legislation underpinning these organisations enables their functions, operations and governance to ensure they can continue to provide effective services for the community.

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

Each of the issues addressed by these amendments arise from the legislation and therefore cannot be overcome except through legislative amendment.

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

If the amendments were not made, the LPAB, Legal Aid NSW, the PIC and NextSense would be unable to implement necessary improvements to their operation or governance structures. This would contribute to overall inefficiencies in their functions and render aspects of the establishing legislation inconsistent with the current needs of these organisations.

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.

The Attorney General, being the Minister responsible for administering the legislation being amended, and the agencies supporting the Attorney General, will advise stakeholders of the amendments and implement any operational changes required.

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

The proposed amendments were developed in consultation with the primary statutory bodies impacted by the amendments, before being circulated to a wider group of stakeholders for comment and feedback. This group included 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.

The proposals relating to the regulation-making power of the *Legal Profession Uniform Law Application Act 2014* were not broadly consulted on, as they are technical in nature and do not constitute a change in practice. They were developed in consultation with the Parliamentary Counsel's Office and consulted on with the Crown Solicitor's Office and the Auditor General. Similarly, the Crown Solicitor's Office and Auditor General were consulted on the amendment relating to the Crown Solicitor's Trust Account.