

JUSTICE LEGISLATION AMENDMENT (CHILDREN) BILL 2024

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 keeps pace with developments in the community and the legal system. This Bill introduces several miscellaneous amendments to improve and clarify court and legal processes and ensure transparency in sentencing statistics, and correct a drafting error.

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 that 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.

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

If the amendments were not made, relevant legislation would not appropriately reflect developments in the legal system. It would also result in adverse consequences, including a lack of clarity in legislation and uncertainty about operational practices in light of case law developments.

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 limited consultation as the proposals are non-contentious and have limited policy impact. Targeted stakeholder consultation was conducted with various stakeholders including the Children's Court of NSW, Legal Aid, Youth Justice, Office of the Director of Public Prosecution, Aboriginal Legal Service, the Law Society of NSW, the Bar Association, NSW Police and the Chief Magistrate's Office.