



New South Wales

Justice Legislation Amendment (Miscellaneous) Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make various amendments to the following Acts relating to courts, crimes and other Communities and Justice portfolio matters—

- (a) the *Bail Act 2013*,
- (b) the *Children (Criminal Proceedings) Act 1987*,
- (c) the *Civil Procedure Act 2005*,
- (d) the *Coroners Act 2009*,
- (e) the *Crimes Act 1900*,
- (f) the *Crimes (Administration of Sentences) Act 1999*,
- (g) the *Crimes (Appeal and Review) Act 2001*,
- (h) the *Crimes (Domestic and Personal Violence) Act 2007*,
- (i) the *Crimes (High Risk Offenders) Act 2006*,
- (j) the *Criminal Appeal Act 1912*,
- (k) the *Criminal Procedure Act 1986*,
- (l) the *Director of Public Prosecutions Act 1986*,
- (m) the *District Court Act 1973*,
- (n) the *Drug Court Act 1998*,
- (o) the *Drug Misuse and Trafficking Act 1985*,

- (p) the *Government Information (Information Commissioner) Act 2009*,
- (q) the *Government Information (Public Access) Act 2009*,
- (r) the *Land and Environment Court Act 1979*,
- (s) the *Law Enforcement (Powers and Responsibilities) Act 2002*,
- (t) the *Legal Profession Uniform Law Application Act 2014*,
- (u) the *Personal Injury Commission Act 2020*,
- (v) the *Protection of the Environment Operations Act 1997*,
- (w) the *Racing Appeals Tribunal Act 1983*,
- (x) the *Security Industry Act 1997*,
- (y) the *Terrorism (High Risk Offenders) Act 2017*,
- (z) the *Trustee Act 1925*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 provides that explanatory notes in schedules of the proposed Act do not form part of the proposed Act.

Schedule 1 contains amendments to the Acts specified in the overview.



New South Wales

Justice Legislation Amendment (Miscellaneous) Bill 2026

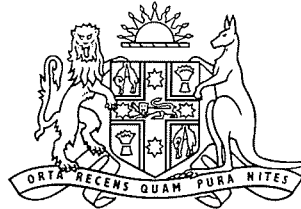
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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Justice Legislation Amendment (Miscellaneous) Bill 2026

No , 2026

A Bill for

An Act to amend various Acts relating to courts, crimes and other Communities and Justice portfolio matters.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Justice Legislation Amendment (Miscellaneous) Act 2026</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedules 1.1, 1.3[4], 1.8[7] and 1.11[7]—on a day or days to be appointed by proclamation,	6
(b) otherwise—on the date of assent to this Act.	7
3 Explanatory notes	8
An explanatory note in a schedule of this Act does not form part of this Act.	9
	10

Schedule 1	Amendment of Acts	1
1.1	Bail Act 2013 No 26	2
[1]	Section 21 Special rule for offences for which there is a right to release	3
	Insert after section 21(3)—	4
	(3A) A court is taken to have dispensed with bail for an offence if—	5
	(a) the offence relates to a matter involving a child, and	6
	(b) the court refers the matter to be dealt with by conference under the <i>Young Offenders Act 1997</i> , section 40(1A).	7
		8
[2]	Section 21(5)	9
	Omit “subsection (1)”.	10
	Insert instead “subsections (1) and (3A)”.	11
	Explanatory note	12
	Item [1] of the proposed amendments provides that a court is taken to have dispensed with bail for an offence if the court refers the matter relating to the offence to be dealt with by conference under the <i>Young Offenders Act 1997</i> , section 40(1A). Item [2] makes a consequential amendment.	13
		14
		15
1.2	Children (Criminal Proceedings) Act 1987 No 55	16
	Section 33 Penalties	17
	Insert at the end of section 33(1)—	18
	Note— When the Children’s Court does one of the things referred to in paragraphs (a)–(c1) or (d)–(g) for an offence, bail for the offence ceases to have effect under the <i>Bail Act 2013</i> , section 12(1)(b).	19
		20
		21
	Explanatory note	22
	The proposed amendment inserts a note clarifying that bail ceases to have effect when the Children’s Court imposes certain penalties under the <i>Children (Criminal Proceedings) Act 1987</i> , section 33(1).	23
		24
1.3	Civil Procedure Act 2005 No 28	25
[1]	Section 18, heading	26
	Insert “and levies” after “Fees”.	27
[2]	Section 18(1)(e1)	28
	Insert after section 18(1)(e)—	29
	(e1) the levies payable on the proceeds of enforcement arising from the execution of writs for the levy of property under Part 8 by the Sheriff,	30
		31
[3]	Section 18(4)	32
	Insert “and levies” after “fees”.	33
[4]	Section 18B	34
	Insert after section 18A—	35
	18B Delegation	36
	(1) A registrar of a court may delegate to a person, or class of persons, prescribed by the regulations the exercise of the registrar’s functions under this Act or the regulations.	37
		38
		39

(2)	The Sheriff may delegate to a person, or class of persons, prescribed by the regulations the exercise of the Sheriff's functions under this Act or the regulations.	1 2 3
(3)	A power of delegation under this section cannot be delegated.	4
Explanatory note		5
Item [2] inserts a regulation-making power to prescribe levies payable on the proceeds of enforcement related to the execution of a writ for the levy of property under Part 8. Items [1] and [3] make consequential amendments.		6 7 8
Item [4] allows the registrar of a court or the Sheriff to delegate to a person the functions of the registrar or Sheriff under the <i>Civil Procedure Act 2005</i> or the <i>Civil Procedure Regulation 2017</i> , respectively.		9 10 11
1.4	Coroners Act 2009 No 41	12
[1]	Section 53 Power to obtain documents and things for purposes of coronial investigation	13 14
	Omit "his or her death." from section 53(2)(b).	15
	Insert instead—	16
	the deceased person's death, and	17
	(c) despite the <i>Children and Young Persons (Care and Protection) Act 1998</i> , section 29(1)(e), the power to direct a person to produce a report made under that Act, Chapter 3, Part 2.	18 19 20
[2]	Section 53(8)	21
	Insert after section 53(7)—	22
	(8) In this section—	23
	<i>produce a report</i> means—	24
	(a) providing a copy of, or an extract from, the report, and	25
	(b) disclosing or giving evidence of the contents of the report.	26
[3]	Section 66 Subpoena for appearance or warrant for arrest of witness	27
	Insert after section 66(5)—	28
	(6) Despite the <i>Children and Young Persons (Care and Protection) Act 1998</i> , section 29(1)(e), the coroner may issue a subpoena under subsection (1) in relation to a report made under that Act, Chapter 3, Part 2.	29 30 31
Explanatory note		32
The proposed amendments enable the coroner to direct a person, or issue a subpoena compelling a person, to produce or disclose information from a report made under the <i>Children and Young Persons (Care and Protection) Act 1998</i> , Chapter 3, Part 2, despite that Act, section 29(1)(e).		33 34 35
1.5	Crimes Act 1900 No 40	36
[1]	Section 57 Assault on persons preserving wreck	37
	Omit the section.	38
[2]	Section 428B Offences of specific intent to which Part applies	39
	Omit the matter relating to 57 from the Table, paragraph (b).	40
Explanatory note		41
The proposed amendments repeal an obsolete offence now captured by other provisions relating to assaults in the <i>Crimes Act 1900</i> .		42 43

1.6 Crimes (Administration of Sentences) Act 1999 No 93	1
[1] Section 79 Regulations	2
Insert “including the way and circumstances in which the telephone calls may be monitored or recorded,” after “inmates,” in section 79(1)(j).	3 4
[2] Section 79(1)(k)	5
Omit the paragraph.	6
Insert instead—	7
(k) the sending and receiving of correspondence by inmates, including the circumstances in which—	8 9
(i) correspondence may be opened for inspection, read, copied or confiscated, and	10 11
(ii) the governor of a correctional centre may share correspondence, or information contained in the correspondence, with a law enforcement agency,	12 13 14
[3] Section 106V	15
Omit the section.	16
Insert instead—	17
106V Application of Part 2 provisions to Stages 1 and 2 compulsory drug treatment detention	18 19
(1) The Part 2 provisions—	20
(a) apply in relation to an offender who is in closed detention (Stage 1) or semi-open detention (Stage 2) subject to any modifications made by the regulations, and	21 22 23
(b) have effect as if the provisions formed part of this part.	24
(2) Without limiting subsection (1), the regulations may modify the application of a Part 2 provision in relation to the offender by—	25 26
(a) providing that the provision does not apply in relation to the offender, or	27
(b) modifying the extent to which or the circumstances in which the provision applies in relation to the offender, or	28 29
(c) modifying the way in which the provision applies in relation to the offender, including by applying the provision as a condition of the offender’s drug treatment personal plan.	30 31 32
(3) In this section—	33
<i>Part 2 provisions</i> means—	34
(a) the provisions of Part 2, and	35
(b) the provisions of the regulations made under Part 2.	36
[4] Section 165 Parole Authority may reinstate revoked intensive correction order	37
Insert after section 165(5)—	38
Insert instead—	39
(5A) The Parole Authority must not make an order under subsection (1) to reinstate an intensive correction order that is subject to a community service work condition or home detention condition unless—	40 41 42

	(a)	the Parole Authority has referred the offender to the Commissioner for assessment under subsection (3), and	1 2
	(b)	the assessment of the offender confirms the offender is suitable to be the subject of that kind of condition.	3 4
[5]	Section 165(7)		5
		Insert after section 165(6)—	6
	(7)	In this section—	7
		<i>community service work condition</i> has the same meaning as in the <i>Crimes (Sentencing Procedure) Act 1999</i> .	8 9
		<i>home detention condition</i> has the same meaning as in the <i>Crimes (Sentencing Procedure) Act 1999</i> .	10 11
[6]	Section 180 Offenders to attend Parole Authority when called on		12
		Omit “Parole Authority.” from section 180(2)(b).	13
		Insert instead—	14
		Parole Authority, and	15
	(c)	must be in the form approved by the Minister.	16
[7]	Section 180(3)		17
		Insert “further” before “provision”.	18
[8]	Section 181 Warrants committing offenders to correctional centres		19
		Omit section 181(2).	20
		Insert instead—	21
	(2)	A warrant under this section must be—	22
	(a)	in the form approved by the Minister, and	23
	(b)	signed by the Secretary of the Parole Authority, and	24
	(c)	countersigned by a judicial member of the Parole Authority as soon as practicable after being signed by the Secretary.	25 26
[9]	Section 181(4)		27
		Insert “further” before “provision”.	28
[10]	Section 186 Power to require attendance of witnesses and production of documents		29
		Omit section 186(1).	30
		Insert instead—	31
	(1)	A judicial member may, by written notice, require a person to—	32
	(a)	appear before the Parole Authority for the purpose of giving evidence,	33
		or	34
	(b)	give the Parole Authority a document, including a document in the custody or under the control of the person and in the possession of or the property of the Crown, that is relevant to proceedings of the Parole Authority.	35 36 37 38
	(1A)	The notice must—	39
	(a)	be in the form approved by the Minister, and	40

- (b) be served on the person personally or by post, and
- (c) include the following information—
 - (i) for a notice under subsection (1)(a)—the time and date by which, and the place at which, the person must appear,
 - (ii) for a notice under subsection (1)(b)—the time and date by which, and the place at which, the person must give the document.

[11] Schedule 2 Serious Offenders Review Council

Insert after clause 17(2)—

- (3) The regulations may make further provision in relation to the records of proceedings that must be made by the Review Council, including—
 - (a) the matters that must be included in the records, and
 - (b) how the records must be made or kept.

Explanatory note

Item [1] of the proposed amendments amends the *Crimes (Administration of Sentences) Act 1999 (the Act)*, section 79(1)(j) to clarify that the regulations about the making and receiving of telephone calls by inmates may provide for the way and circumstances in which inmates' telephone calls may be monitored or recorded.

Item [2] amends the Act, section 79(1)(k) to clarify that the regulations about the sending or receiving of correspondence by inmates may provide for the circumstances in which the governor of a correctional centre may share correspondence, or information contained in the correspondence, with a law enforcement agency.

Item [3] clarifies the regulation-making power under the Act, section 106V, enabling the regulations to modify the application of provisions of the Act, Part 2 and regulations made under that part.

Item [4] relocates an existing requirement relating to the circumstances in which the Parole Authority may reinstate particular intensive correction orders from the *Crimes (Administration of Sentences) Regulation 2014 (the regulation)*, clause 190(3) into the Act. Item [5] makes a consequential amendment.

Items [6] and [8] relocate existing requirements that particular warrants must be in the approved form from the regulation, clauses 239 and 240 into the Act and clarify that an approved form is a form approved by the Minister. Items [7] and [9] make consequential amendments.

Item [10] relocates an existing requirement that a written notice requiring a person to appear before the Parole Authority or give a document to the Parole Authority must be in the approved form from the regulation, clause 229 into the Act and clarifies that an approved form is a form approved by the Minister.

Item [11] enables the regulations to make further provision for matters relating to the record of proceedings by the Serious Offenders Review Council, including the matters that must be included in the records and how the records must be made or kept.

1.7 Crimes (Appeal and Review) Act 2001 No 120

Section 4 Applications to Local Court

Omit section 4(1B).

Insert instead—

- (1B) A defendant may not make an application for annulment of a conviction or sentence under this section if the defendant—
 - (a) lodged a written notice under the *Criminal Procedure Act 1986*, section 182, and
 - (b) the notice stated the defendant would plead guilty to the offence for which the defendant was convicted or the sentence imposed.

Explanatory note

The proposed amendment makes it clear that defendants who plead not guilty by written notice may make an application for annulment of a conviction or sentence. Defendants who plead not guilty in person are already permitted to make an application for annulment of a conviction or sentence.

1.8 Crimes (Domestic and Personal Violence) Act 2007 No 80	1
[1] Section 3 Definitions	2
Insert in alphabetical order in section 3(1)—	3
<i>Secretary</i> means the Secretary of the Department of Communities and Justice.	4
[2] Sections 40A(4) and 72, definition of “interested party”, paragraph (c)(ii)	5
Omit “Secretary of the Department of Family and Community Services” wherever occurring.	6
Insert instead “Secretary”.	8
[3] Sections 48(2)(c), 52A and 55(2A)	9
Omit “Secretary of the Department of Communities and Justice” wherever occurring.	10
Insert instead “Secretary”.	11
[4] Section 52A, heading	12
Omit “of Department of Communities and Justice”.	13
[5] Section 72B Making of application—police-initiated order where protected person is child	14
Omit section 72B(2). Insert instead—	16
(2) The court may grant leave for the interested party to make the application if—	17
(a) the defendant is a child, or	18
(b) the court is satisfied of one or more of the following—	19
(i) there has been a significant change in circumstances since the order was made or last varied,	20
(ii) the application is proposed to be made by the Secretary on the basis that a care plan, within the meaning of the <i>Children and Young Persons (Care and Protection) Act 1998</i> , for the protected person who is a child is inconsistent with the police-initiated order,	22
(iii) it is in the interests of justice to do so.	27
[6] Section 72B(3)	28
Omit “child”.	29
Insert instead “protected person who is a child”.	30
[7] Section 79C	31
Insert after section 79B—	32
79C Annulment of final apprehended violence orders by motion of court	33
(1) The court may, on its own motion, decide to annul a final apprehended violence order if—	34
(a) the defendant was not in attendance before the court when the order was made,	36
(b) it is in the interest of justice to annul the order.	38

(2)	If the court decides to annul the order, the court may, on its own motion and in the interests of justice, make an interim court order under Part 6 as if an application for the order had been duly made.	1 2 3
(3)	If the court does not make the interim court order and an interim court order ceased to have effect when the final apprehended violence order was made, an interim court order is taken to have been made—	4 5 6
(a)	when the decision to annul the final apprehended violence order was made, and	7 8
(b)	on the same terms as the interim court order that ceased to have effect.	9
(4)	Section 77 applies to an interim court order taken to have been made under subsection (3) in the same way the section applies to the making of an interim court order.	10 11 12
(5)	The <i>Crimes (Appeal and Review) Act 2001</i> , sections 9 and 10 apply, subject to the regulations under that Act, to the annulment of a final apprehended violence order in the same way the sections apply to the annulment of a conviction or sentence.	13 14 15 16
[8]	Sections 98A, definition of “central referral point” and 98P	17
	Omit “Secretary of the Department of Justice” wherever occurring.	18
	Insert instead “Secretary”.	19
[9]	Section 98P(a)	20
	Omit “that Department”.	21
	Insert instead “the Department of Communities and Justice”.	22
	Explanatory note	23
	Items [1]–[4] and [8] of the proposed amendments replace references to the Secretary of the Department of Family and Community Services and the Secretary of the Department of Justice with references to the Secretary of the Department of Communities and Justice following machinery of government changes. Item [9] makes a consequential amendment.	24 25 26 27
	Item [5] of the proposed amendments allows a court to grant leave for a person to make an application to vary or revoke a final or interim apprehended violence order or apprehended domestic violence order under which a child is a protected person if the defendant is a child. Item [6] makes a consequential amendment.	28 29 30 31
	Item [7] confers on a court that makes a final apprehended violence order the power to, on its own motion, annul the order in certain circumstances.	32 33
1.9	Crimes (High Risk Offenders) Act 2006 No 7	34
	Sections 10A(a) and 18A(a)	35
	Omit “will expire” wherever occurring.	36
	Insert instead “may expire”.	37
	Explanatory note	38
	The proposed amendment clarifies the basis on which the Supreme Court may make certain interim orders.	39 40
1.10	Criminal Appeal Act 1912 No 16	41
[1]	Section 5AF Appeals by offenders against sentences imposed by the Drug Court	42
	Omit section 5AF(3)(a) and (b).	43
	Insert instead—	44

(a)	in relation to an appeal against a sentence dealt with on indictment—by 2 or 3 judges of the Supreme Court directed by the Chief Justice to hear and determine the appeal, or	1 2 3
(b)	otherwise—	4
(i)	by a single judge of the Supreme Court directed by the Chief Justice to hear and determine the appeal, or	5 6
(ii)	if the single judge considers, and notifies the Chief Justice, that the appeal raises matters of principle or it is otherwise in the interests of justice for the appeal to be dealt with by the full Court of Criminal Appeal—by 3 or more judges of the Supreme Court directed by the Chief Justice to hear and determine the appeal.	7 8 9 10 11
[2]	Section 5DC Appeals by Crown against sentences imposed by Drug Court	12
	Omit section 5DC(2)(a) and (b).	13
	Insert instead—	14
(a)	in relation to an appeal against a sentence dealt with on indictment—by 3 judges of the Supreme Court directed by the Chief Justice to hear and determine the appeal, or	15 16 17
(b)	otherwise—	18
(i)	by a single judge of the Supreme Court directed by the Chief Justice to hear and determine the appeal, or	19 20
(ii)	if the single judge considers, and notifies the Chief Justice, that the appeal raises matters of principle or it is otherwise in the interests of justice for the appeal to be dealt with by the full Court of Criminal Appeal—by 3 or more judges of the Supreme Court directed by the Chief Justice to hear and determine the appeal.	21 22 23 24 25
	Explanatory note	26
	Item [1] of the proposed amendments provides for the number of judges, in an appeal by an offender to the Court of Criminal Appeal against a sentence imposed by the Drug Court, to depend on whether the sentence was dealt with on indictment, not whether the sentence could have been dealt with on indictment.	27 28 29 30
	Item [2] makes a corresponding amendment in relation to appeals by the Crown.	31
1.11	Criminal Procedure Act 1986 No 209	32
[1]	Section 165 Definitions and application	33
	Insert in alphabetical order in section 165(1)—	34
	<i>special hearing</i> has the same meaning as in the <i>Mental Health and Cognitive Impairment Forensic Provisions Act 2020</i> .	35 36
[2]	Section 167 Manner of dealing with back up and related offences	37
	Insert after section 167(2)—	38
(3)	A court must deal with a back up offence or related offence in accordance with this part if—	39 40
(a)	the person charged with the back up offence or related offence is charged with an indictable offence, and	41 42
(b)	the court—	43
(i)	holds a special hearing because the person has been found unfit to be tried for the indictable offence, or	44 45

	(ii) enters a special verdict of act proven but not criminally responsible for the indictable offence, or	1
	(iii) is informed that no further proceedings will be taken against the person for the indictable offence, and	2
	(c) it is in the interests of justice to deal with the back up offence or related offence.	3
		4
(3A)	A court must deal with a back up offence or related offence with which the accused person has been charged in accordance with this part if—	5
	(a) the court enters a special verdict of act proven but not criminally responsible for an indictable offence, and	6
	(b) it is in the interests of justice to deal with the back up offence or related offence.	7
		8
(3B)	A court must deal with a back up offence or related offence with which the person has been charged in accordance with this part if—	9
	(a) the court is informed that no further proceedings will be taken against an accused person for an indictable offence, and	10
	(b) it is in the interests of justice to deal with the back up offence or related offence.	11
		12
[3]	Section 167(5)	13
	Insert after section 167(4)—	14
	(5) In this section—	15
	<i>special verdict of act proven but not criminally responsible</i> has the same meaning as in the <i>Mental Health and Cognitive Impairment Forensic Provisions Act 2020</i> .	16
		17
		18
[4]	Section 168 Procedures for dealing with certain offences related to indictable offences	19
	Omit section 168(1).	20
	Insert instead—	21
	(1) The court must deal with a back up offence or related offence under this part—	22
	(a) without a jury, and	23
	(b) on the basis only of evidence given during the relevant hearing in the same proceedings and additional evidence given under this section.	24
		25
		26
[5]	Section 168(5)	27
	Insert after section 168(4)—	28
	(5) In this section—	29
	<i>relevant hearing</i> means—	30
	(i) the trial of the accused person for the relevant indictable offence, or	31
	(ii) the special hearing in relation to the relevant indictable offence.	32
		33
[6]	Section 314A Review of pre-trial disclosure provisions enacted by Criminal Procedure Amendment (Case Management) Act 2009	34
	Omit the section.	35
		36
		37
		38
		39
		40
		41

[7] Section 317B	1
Insert after section 317A—	2
317B Delegation of functions	3
(1) The registrar of a court may delegate to a person, or class of persons, prescribed by the regulations the exercise of the registrar’s functions under this Act or the regulations.	4 5 6
(2) The Sheriff may delegate to a person, or class of persons, prescribed by the regulations the exercise of the Sheriff’s functions under this Act or the regulations.	7 8 9
(3) The Secretary may delegate to a person, or class of persons, prescribed by the regulations the exercise of the Secretary’s functions under this Act or the regulations.	10 11 12
(4) A power of delegation under this section cannot be delegated.	13
[8] Schedule 1 Indictable offences triable summarily	14
Omit “57,” from Table 1, clause 2.	15
Explanatory note	16
Items [1]–[5] of the proposed amendments enable a court to deal with back up and related offences to an indictable offence in additional circumstances, including where a special hearing has been held in relation to the indictable offence.	17 18 19
Item [6] repeals the requirement to review the <i>Criminal Procedure Act 1986</i> , Chapter 3, Part 3, Division 3 as inserted by the <i>Criminal Procedure Amendment (Case Management) Act 2009</i> .	20 21
Item [7] allows the registrar of a court, the Sheriff or the Secretary to delegate functions conferred on the person under the <i>Criminal Procedure Act 1986</i> or the regulations.	22 23
Item [8] omits a reference to an obsolete offence now captured by other provisions relating to assaults in the <i>Crimes Act 1900</i> .	24 25
1.12 Director of Public Prosecutions Act 1986 No 207	26
[1] Section 29	27
Omit the section.	28
Insert instead—	29
29 Attorney General may exercise Director’s functions in certain circumstances	30
(1) The Director may request that the Attorney General exercise the Director’s functions for a particular case.	31 32
(2) The Director may make a request under subsection (1) only if satisfied the Attorney General exercising the Director’s functions for the particular case is in the interests of justice.	33 34 35
(3) If requested by the Director, the Attorney General may, for the particular case, exercise the Director’s functions under this Act or another Act, including functions conferred on the Director as a prosecutor under the <i>Criminal Procedure Act 1986</i> .	36 37 38 39
[2] Schedule 2 Savings, transitional and other provisions	40
Insert at the end of the schedule, with appropriate part numbering—	41

Part	Provision consequent on Justice Legislation Amendment (Miscellaneous) Act 2026	1
		2
1	Application of amendment	3
	Section 29, as substituted by the <i>Justice Legislation Amendment (Miscellaneous) Act 2026</i> , extends to the following—	4
		5
	(a) criminal proceedings commenced but not finally determined before the substitution of that section,	6
		7
	(b) a criminal investigation commenced before the substitution of that section.	8
		9
	Explanatory note	10
	Item [1] of the proposed amendments provides that the Attorney General may, on receiving a request from the Director of Public Prosecutions, exercise the Director's functions for a particular case. Item [2] inserts a transitional provision consequent on the amendment made by item [1].	11
		12
		13
1.13	District Court Act 1973 No 9	14
	Section 18 Acting Judges	15
	Insert “, other than the Local Court,” after “another court” in section 18(4).	16
	Explanatory note	17
	The proposed amendment makes it clear that a retired Judge of the Local Court is not eligible for appointment as an acting Judge of the District Court after reaching the mandatory judicial retirement age. The <i>Local Court and Bail Legislation Amendment Act 2025</i> changed the title of a judicial officer of the Local Court from “Magistrate” to “Judge”. Before this change, a retired Magistrate of the Local Court was not eligible for appointment as an acting Judge of the District Court under the <i>District Court Act 1973</i> , section 18 after reaching the mandatory judicial retirement age.	18
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		22
		23
1.14	Drug Court Act 1998 No 150	24
	Section 31A	25
	Insert after section 31—	26
31A	Publication must not identify person participating in program	27
	(1) A person must not publish material that identifies, or is reasonably likely to identify, another person as a person who is participating, or has participated, in a program.	28
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		30
	Maximum penalty—	31
	(a) for an individual—50 penalty units or imprisonment for 12 months, or both, or	32
		33
	(b) otherwise—500 penalty units.	34
	(2) A person does not commit an offence under this section for anything done—	35
	(a) with the consent of the person who is participating, or has participated, in a program, or	36
		37
	(b) in the proper exercise of official functions as a member of staff of a registry or other officer of a court in connection with the conduct and determination of proceedings of a court, or	38
		39
		40
	(c) in the publication or broadcasting of an official report of the proceedings of a court.	41
		42
	(3) Proceedings for an offence under this section may be dealt with summarily before—	43
		44

(a) the Local Court, or	1
(b) the Supreme Court in the Court's summary jurisdiction.	2
(4) If proceedings are dealt with before the Local Court, the maximum penalty the Court may impose, other than on an individual, is 50 penalty units.	3
	4
(5) In this section—	5
<i>publish</i> means disseminate or provide access to the public or a section of the public.	6
	7
Explanatory note	8
The proposed amendment makes it an offence to publish material that identifies a person as participating in a program of supervision and control under the <i>Drug Court Act 1998</i> except in limited circumstances.	9
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	11
1.15 Drug Misuse and Trafficking Act 1985 No 226	12
Section 23 Offences with respect to prohibited plants	13
Omit section 23(4)(a) and (5).	14
Explanatory note	15
The proposed amendment removes the defence that the accused did not know or suspect, or could not reasonably be expected to know or suspect, that a plant was a prohibited plant for the offences relating to the cultivation, supply or possession of a prohibited plant.	16
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1.16 Government Information (Information Commissioner) Act 2009 No 53	19
Section 6 Remuneration	20
Omit section 6(2).	21
Insert instead—	22
(2) The Commissioner is not entitled to remuneration under this Act if the Commissioner is also receiving remuneration for being a judge of a New South Wales Court other than the Local Court.	23
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Explanatory note	26
The proposed amendment makes it clear that the provision for the remuneration of a Judge of a New South Wales Court acting as the Information Commissioner does not apply to a Judge of the Local Court. The <i>Local Court and Bail Legislation Amendment Act 2025</i> changed the title of a judicial officer of the Local Court from "Magistrate" to "Judge". Before this change, the provision did not apply to a Magistrate of the Local Court.	27
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1.17 Government Information (Public Access) Act 2009 No 52	32
[1] Schedule 1 Information for which there is conclusive presumption of overriding public interest against disclosure	33
	34
Omit "and regulations under section 283 (Regulations)" from clause 1(1).	35
[2] Schedule 2 Excluded information of particular agencies	36
Insert in appropriate order in clause 4—	37
Corrective Services NSW—functions relating to the administration of the Victims Register established under the <i>Crimes (Administration of Sentences) Act 1999</i> , Part 16.	38
	39
	40
The Department of Communities and Justice—functions relating to the administration of the Victims Register established under the <i>Children (Detention Centres) Act 1987</i> , Part 5.	41
	42
	43

Explanatory note	1
Item [2] of the proposed amendments prevents information about functions relating to the administration of the Corrective Services NSW Victims Register and the Youth Justice Victims Register from being disclosed or the subject of an access application to a government agency. Item [1] makes a consequential amendment.	2 3 4 5
1.18 Land and Environment Court Act 1979 No 204	6
Section 11 Acting Judges	7
Insert “, other than the Local Court,” after “another court” in section 11(4).	8
Explanatory note	9
The proposed amendment makes it clear that a retired Judge of the Local Court is not eligible for appointment as an acting Judge of the Land and Environment Court after reaching the mandatory judicial retirement age. The <i>Local Court and Bail Legislation Amendment Act 2025</i> changed the title of a judicial officer of the Local Court from “Magistrate” to “Judge”. Before this change, a retired Magistrate of the Local Court was not eligible for appointment as an acting Judge of the Land and Environment Court under the <i>Land and Environment Court Act 1979</i> , section 11 after reaching the mandatory judicial retirement age.	10 11 12 13 14 15 16
1.19 Law Enforcement (Powers and Responsibilities) Act 2002 No 103	17
[1] Section 61 Telephone warrant	18
Omit section 61(1), note.	19
[2] Section 61(3)	20
Omit the subsection.	21
[3] Section 132 Regulations	22
Omit section 132(c).	23
Insert instead—	24
(c) record keeping relating to the following persons, including the formal record of the conduct of an investigative procedure in which the person participates—	25 26 27
(i) a person detained under this part,	28
(ii) a protected suspect,	29
Explanatory note	30
Items [1] and [2] of the proposed amendments remove the requirement that applications for urgent warrants be made by facsimile.	31 32
Item [3] expands the regulation-making power under the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , section 132(2)(c) to clarify that the regulations may provide for record keeping requirements for protected suspects in addition to persons detained under that Act, Part 9.	33 34 35
1.20 Legal Profession Uniform Law Application Act 2014 No 16	36
[1] Section 18C	37
Insert after section 18B—	38
18C Protection of information for referral for pro bono legal services	39
(1) A protected person is not required to give a person, court or tribunal information or a document if the information or document—	40 41
(a) is required in response to a subpoena, summons or notice to produce, and	42 43

	(b) was received, sent or produced by the protected person in connection with an application for referral for pro bono legal services.	1 2
(2)	In this section—	3
	<i>pro bono legal services</i> means legal services provided to a person—	4
	(a) without fee, gain or reward, or	5
	(b) at a reduced fee, or	6
	(c) for a fee to be paid only if an order for costs is made in favour of the person and the fee is deducted from the amount paid under the order.	7 8
	<i>protected person</i> means—	9
	(a) the Bar Association or Law Society, or	10
	(b) a Council or a member of a Council, or	11
	(c) a committee or member of a committee of the Bar Association, Law Society or a Council, or	12 13
	(d) an Australian legal practitioner to whom a person or body mentioned in paragraphs (a)–(c) gives information or a document for the purpose of advising the person or body on the application, or	14 15 16
	(e) an employee or agent of, or a person acting at the direction of, a person or body mentioned in paragraphs (a)–(d).	17 18
[2]	Section 44 Crown Solicitor	19
	Omit “The Crown Solicitor may, in his or her official capacity, act as solicitor for” from section 44(1).	20 21
	Insert instead “The Crown Solicitor, or a nominated person, may act as solicitor for”.	22
[3]	Section 44(2) and (4)	23
	Insert “, or nominated person,” after “Crown Solicitor” wherever occurring.	24
[4]	Section 44(6)	25
	Insert after section 44(5)—	26
	(6) In this section—	27
	<i>nominated person</i> , for an inquiry or proceeding, means a person who is—	28
	(a) an Australian legal practitioner, and	29
	(b) employed in the office of the Crown Solicitor, and	30
	(c) nominated by the Crown Solicitor to act as solicitor on the record for—	31
	(i) the inquiry or proceeding, or	32
	(ii) inquiries or proceedings of a class that includes the inquiry or proceeding, and	33 34
	(d) approved by the Attorney General to act as solicitor on the record for—	35
	(i) the inquiry or proceeding, or	36
	(ii) inquiries or proceedings of a class that includes the inquiry or proceeding.	37 38
[5]	Section 163 Delegation	39
	Insert after section 163(2)—	40

(3)	Without limiting subsection (1), the Attorney General is authorised to delegate the function of the Attorney General specified in section 44 to a person or persons.	1 2 3
	Explanatory note	4
	Item [1] of the proposed amendments provides that particular persons are not required, in response to a subpoena, summons or notice to produce, to give information or a document to a person, court or tribunal if the information or document was received, sent or produced by the person in connection with an application for referral for pro bono legal services.	5 6 7 8
	Items [2]–[4] of the proposed amendments provide that a legal practitioner in the Crown Solicitor's Office may act as solicitor on the record for a person or body in place of the Crown Solicitor if nominated to do so by the Crown Solicitor and approved by the Attorney General. Item [5] makes it clear that the Attorney General may delegate this function.	9 10 11 12
1.21	Personal Injury Commission Act 2020 No 18	13
[1]	Section 10 Qualifications of members	14
	Insert “other than the Local Court” after “record” in section 10(1).	15
[2]	Schedule 2 Provisions relating to members of Commission	16
	Insert “or Local Court” after “Court” in clause 14A(1).	17
	Explanatory note	18
	The proposed amendments are consequent on the <i>Local Court and Bail Legislation Amendment Act 2025</i> , which changed the title of a judicial officer of the Local Court from “Magistrate” to “Judge”. Before this change, the provisions proposed to be amended did not provide for Magistrates of the Local Court.	19 20 21 22
	Item [1] makes it clear a Judge of the Local Court is not eligible for appointment as a President of the Personal Injury Commission.	23 24
	Item [2] makes it clear that a provision relating to the appointment of a holder of a judicial office as President of the Personal Injury Commission does not apply to a Judge of the Local Court.	25 26
1.22	Protection of the Environment Operations Act 1997 No 156	27
[1]	Section 199 Search warrants	28
	Omit “authorised officer under this Act” wherever occurring in section 199(1) and (2).	29
	Insert instead “authorised officer”.	30
[2]	Section 199(1)	31
	Omit “an authorised officer within the meaning of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> ” from section 199(1).	32 33
	Insert instead “a warrant issuing officer”.	34
[3]	Section 199(2)	35
	Omit “An authorised officer within the meaning of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> ”.	36 37
	Insert instead “A warrant issuing officer”.	38
[4]	Section 199(4)	39
	Insert in alphabetical order—	40
	<i>warrant issuing officer</i> has the same meaning as authorised officer in the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	41 42
[5]	Section 280 Powers of entry by police by warrant	43
	Omit “an authorised officer” from section 280(1).	44

Insert instead “a warrant issuing officer”.	1
[6] Section 280(1)	2
Omit “the authorised officer”.	3
Insert instead “the warrant issuing officer”.	4
[7] Section 280(2)–(5) and (10)(b)	5
Omit “authorised officer” wherever occurring.	6
Insert instead “warrant issuing officer”.	7
[8] Section 280(5), heading	8
Omit “Authorised officer”.	9
Insert instead “Warrant issuing officer”.	10
[9] Section 280(12)	11
Omit the definition of <i>authorised officer</i> .	12
Insert in alphabetical order—	13
<i>warrant issuing officer</i> has the same meaning as authorised officer in the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	14
Explanatory note	16
The proposed amendments update terminology to avoid confusion with the use of “authorised officer” elsewhere in the <i>Protection of the Environment Operations Act 1997</i> .	17
	18
1.23 Racing Appeals Tribunal Act 1983 No 199	19
[1] Section 4 Definitions	20
Insert “other than the Local Court” after “any court” wherever occurring in section 4(1), definition of <i>qualified person</i> .	21
	22
[2] Section 11 Effect of appointment of a judge as the Tribunal	23
Insert “other than the Local Court” after “any court” wherever occurring.	24
[3] Section 12 Remuneration	25
Insert “other than the Local Court” after “any court”.	26
[4] Section 13 Vacation of office	27
Insert “other than the Local Court” after “any court” wherever occurring.	28
Explanatory note	29
The proposed amendments are consequent on the <i>Local Court and Bail Legislation Amendment Act 2025</i> , which changed the title of a judicial officer of the Local Court from “Magistrate” to “Judge”. Before this change, the provisions proposed to be amended did not provide for Magistrates of the Local Court.	30
	31
Item [1] makes it clear that a person may not be appointed as the Racing Appeals Tribunal solely because the person is a Judge of the Local Court.	32
	33
Item [2] makes it clear that provisions relating to the effect on judicial officers of appointment as the Racing Appeals Tribunal do not apply to Judges of the Local Court.	34
	35
Item [3] makes it clear that being a Judge of the Local Court does not exclude a person from the provision for remuneration for holding office as, or acting as, the Racing Appeals Tribunal.	36
	37
Item [4] provides for Judges of the Local Court in relation to the vacation of an office of the Racing Appeals Tribunal.	38
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1.24 Security Industry Act 1997 No 157

[1] Section 16 Restrictions on granting licence—criminal and other related history

Omit section 16(1)(b).

Insert instead—

- (b) has, within the period of 5 years before the application for the licence was made, been found guilty, but with no conviction being recorded, by a court in New South Wales or elsewhere of—
 - (i) an offence prescribed by the regulations in relation to the class of licence sought, whether or not the offence is an offence under New South Wales law, or
 - (ii) an offence under the law of an Australian or overseas jurisdiction involving assault of any description that, in the Commissioner’s opinion, is a serious assault offence, or

[2] Section 26 Revocation of licence

Insert after section 26(1)(b)—

- (c) if the Commissioner considers that it would be contrary to the public interest for the person to whom the licence is granted to continue to hold the licence, or

[3] Section 26(5)

Insert “(1)(c) or” before “(1A)”.

[4] Section 27 Variation of licence

Insert after section 27(1)—

- (1A) The holder of a master licence may apply to the Commissioner to vary the subclass of the licence to another subclass.
- (1B) A master licence varied under this section remains in force only for the term of the licence, unless sooner surrendered or revoked or the licence otherwise ceases to be in force.

Explanatory note

Item [1] of the proposed amendments provides that the Commissioner of Police must refuse to grant an application for a licence under the *Security Industry Act 1997* if the Commissioner is satisfied the applicant has been found guilty of an offence, but with no conviction recorded, if, in the Commissioner’s opinion, the offence is a serious assault offence.

Item [2] provides that the Commissioner may revoke a licence if the Commissioner considers it is in the public interest to do so. Item [3] allows the Commissioner, when deciding to revoke a licence, to have regard to any criminal intelligence report or other criminal information held in relation to the licensee.

Item [4] makes provision in relation to applications for the variation of a master licence under the *Security Industry Act 1997*.

1.25 Terrorism (High Risk Offenders) Act 2017 No 68

Sections 27(a) and 41(a)

Omit “will expire” wherever occurring.

Insert instead “may expire”.

Explanatory note

The proposed amendment clarifies the basis on which the Supreme Court may make certain interim orders.

1.26 Trustee Act 1925 No 14	1
Section 90B	2
Insert after section 90A—	3
90B Court may determine terms of lost trust deed	4
(1) If satisfied that an instrument creating a trust has been lost, the Court may make an order determining the terms of the lost instrument.	5 6
(2) In making an order under this section, the Court may determine the terms and provisions of the lost instrument as the Court thinks fit.	7 8
(3) The terms of an instrument specified in an order take effect when the order is made.	9 10
(4) An order made under this section is final and binding even if the instrument that initially created the trust is found after the order is made.	11 12
Explanatory note	13
The proposed amendment empowers the Supreme Court to make an order determining the terms of a lost instrument that created a trust.	14 15