

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Justice and Attorney-General
Name of the proposal	<i>Criminal Law Regulation 2024</i>
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Criminal Law Amendment Act 1945</i>
Date of issue	August 2024

Proposal type	Details
Regulatory proposals where no RIA is required	<p>The proposal relates to the administration of corrective services. The <i>Criminal Law Regulation 2024</i> supports a legislative framework (in the <i>Criminal Law Amendment Act 1945</i>) that provides for indeterminate detention for sexual offenders in certain circumstances.</p> <p>The <i>Criminal Law Regulation 2014</i> (the 2014 Regulation) expires on 1 September 2024 as per the <i>Statutory Instruments Act 1992</i>, section 54 and must be remade before this date to enable the <i>Criminal Law Amendment Act 1945</i> (the Act) to perform its function as intended.</p> <p>The 2014 Regulation is subordinate legislation under the Act. Section 18(12) of the Act provides that the Governor in Council may from time to time make all such regulations as appear necessary for giving effect to this section and particularly for giving effect to the provisions of this section.</p> <p>Section 18(12) and (14) of the Act provide for the prescription by regulation of an institution in which such declared offenders are detained. The 2014 Regulation currently prescribes an institution for the purposes of the definition in section 18(14) of the Act. The facility, defined as an institution, currently prescribed by the regulation is The Park – Centre for Mental Health. The <i>Criminal Law Regulation 2024</i> (the Regulation) is needed to replace the 2014 Regulation as it is the only place where The Park – Centre for Mental Health is prescribed. The Regulation is not required to provide further institutions or powers and includes a single provision only.</p> <p>No regulatory impact analysis is required under the Better Regulation Policy.</p>

Signed


 Jasmina Joldić PSM
 Director-General
 Department of Justice and Attorney-General

Date: 15.08.2024


 Yvette D'Ath MP
 Attorney-General and Minister for Justice and Minister
 for the Prevention of Domestic and Family Violence

Date: 19/08/2024