

1993—No. 123

**PRE-TRIAL DIVERSION OF OFFENDERS ACT 1985—
REGULATION**

(Relating to guidelines for assessments and maximum adjournment periods)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Pre-Trial Diversion of Offenders Act 1985, has been pleased to make the Regulation set forth hereunder.

JOHN P. HANNAFORD, M.L.C.,
Attorney-General.

The Pre-Trial Diversion of Offenders Regulation 1989 is amended:

- (a) by omitting from clause 4 (2) the matter “4” and by inserting instead the matter “8”;
 - (b) by omitting from clause 5 (1) the words “may not be” and by inserting instead the words “is not”.
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EXPLANATORY NOTE

The object of this Regulation is to amend the Pre-Trial Diversion of Offenders Regulation 1989:

- (a) to extend, from 4 to 8 weeks, the maximum period for which proceedings can be adjourned to allow an assessment to be made in relation to a person’s suitability for participation in a special programme under the Act (being a programme approved for the treatment of persons who have committed child sexual assault offences); and

- (b) to narrow the range of persons who can be referred by prosecutors for assessment by providing that, in the prescribed guidelines which a prosecutor must consider in determining whether a person is to be referred for assessment, the person is not (instead of may not be as is the case at present) suitable for participation in a special programme if, for example, the child sexual assault offence with which the person is charged is alleged to have been accompanied by acts of violence towards the alleged victims or others or the person has a prior conviction for a sexual offence.