



# Evidence (Audio and Audio Visual Links) Amendment Regulation 2011

under the

Evidence (Audio and Audio Visual Links) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Evidence (Audio and Audio Visual Links) Act 1998*.

GREG SMITH, MP  
Attorney General

## Explanatory note

In most cases, an accused detainee who is charged with an offence is required to appear physically before a court in bail proceedings. However, section 5BA (2) of the *Evidence (Audio and Audio Visual Links) Act 1998* provides an exemption from this requirement in respect of bail proceedings that occur during a weekend or on a public holiday or that relate to an accused detainee who is being held in custody at a place prescribed by the regulations.

The object of this Regulation is to provide that an accused detainee who is being held at the police cells at Penrith Police Station or certain specified juvenile detention centres on any of the days of the 2011–2012 Christmas holiday period (ie 25 December 2011 to 6 January 2012) that do not occur on a weekend or on a public holiday will be exempt from the requirement to appear physically before the court in bail proceedings occurring on those days.

This Regulation is made under the *Evidence (Audio and Audio Visual Links) Act 1998*, including sections 5BA (2) and 22 (the general regulation-making power).

## **2011 No 668**

Clause 1 Evidence (Audio and Audio Visual Links) Amendment Regulation 2011

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under the

Evidence (Audio and Audio Visual Links) Act 1998

### **1 Name of Regulation**

This Regulation is the *Evidence (Audio and Audio Visual Links) Amendment Regulation 2011*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Evidence (Audio and Audio Visual Links) Regulation 2010**

### **Clause 5**

Insert after clause 4:

#### **5      Exemption from requirement to appear physically in bail proceedings during 2011–2012 Christmas holiday period**

- (1) The following places are prescribed for the purposes of section 5BA (2) of the Act:
  - (a) the cells at Penrith Police Station, 317 High Street, Penrith,
  - (b) Acmena Juvenile Justice Centre, Grafton,
  - (c) Cobham Juvenile Justice Centre, Werrington,
  - (d) Frank Baxter Juvenile Justice Centre, Kariong,
  - (e) Juniperina Juvenile Justice Centre, Lidcombe,
  - (f) Orana Juvenile Justice Centre, Dubbo,
  - (g) Reiby Juvenile Justice Centre, Airs,
  - (h) Riverina Juvenile Justice Centre, Wagga Wagga.
- (2) Subclause (1) has effect only in relation to the following dates:
  - (a) 28, 29 or 30 December 2011,
  - (b) 3, 4, 5 or 6 January 2012.