



New South Wales

# Evidence (Audio and Audio Visual Links) Further Amendment (Bail Matters) Regulation 2012

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 first appearance 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 2012–2013 Christmas holiday period (that is, 24 December 2012 to 4 January 2013) 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).

**2012 No 603**

Clause 1 Evidence (Audio and Audio Visual Links) Further Amendment (Bail Matters) Regulation 2012

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**Evidence (Audio and Audio Visual Links) Further Amendment (Bail Matters) Regulation 2012**

under the

Evidence (Audio and Audio Visual Links) Act 1998

**1 Name of Regulation**

This Regulation is the *Evidence (Audio and Audio Visual Links) Further Amendment (Bail Matters) Regulation 2012*.

**2 Commencement**

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

**3 Amendment of Evidence (Audio and Audio Visual Links) Regulation 2010**

(1) **Clause 5 Exemption from requirement to appear physically in bail proceedings during 2012–2013 Christmas holiday period**

Omit “Werrington” from clause 5 (1) (c). Insert instead “St Marys”.

(2) **Clause 5 (2)**

Omit the subclause. Insert instead:

- (2) Subclause (1) has effect only in relation to the following dates:
- (a) 24, 27, 28 or 31 December 2012,
  - (b) 2, 3 or 4 January 2013.