



New South Wales

Evidence (Audio and Audio Visual Links) Amendment (Bail Matters) Regulation 2013

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) (e) of the *Evidence (Audio and Audio Visual Links) Act 1998* provides an exemption from this requirement in respect of bail proceedings that relate to an accused detainee who is being held in custody at a place prescribed by the regulations.

The *Evidence (Audio and Audio Visual Links) Regulation 2010* currently prescribes the cells at Surry Hills Police Station as a place for the purposes of section 5BA (2) (e) of the Act. The object of this Regulation is to prescribe Amber Laurel Correctional Centre so that an accused detainee who is being held there will also be exempt from the requirement to appear physically before the court in bail proceedings.

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

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Evidence (Audio and Audio Visual Links) Act 1998

1 Name of Regulation

This Regulation is the *Evidence (Audio and Audio Visual Links) Amendment (Bail Matters) Regulation 2013*.

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

Clause 4

Omit the clause. Insert instead:

4 Exemption from requirement to appear physically in bail proceedings

The following places are prescribed for the purposes of section 5BA (2) (e) of the Act:

- (a) the cells at Surry Hills Police Station, 151–241 Goulburn Street, Surry Hills,
- (b) Amber Laurel Correctional Centre, 1 Old Bathurst Road, Emu Plains.