



New South Wales

Evidence (Audio and Audio Visual Links) Regulation 2015

under the

Evidence (Audio and Audio Visual Links) Act 1998

His 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*.

GABRIELLE UPTON, MP
Attorney General

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Evidence (Audio and Audio Visual Links) Regulation 2010*, which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation exempts an accused detainee from the requirement in section 5BA (1) of the *Evidence (Audio and Audio Visual Links) Act 1998* to appear physically before a NSW court in certain proceedings relating to bail if the accused detainee is being held in custody at Surry Hills Police Station, Amber Laurel Correctional Centre or Wollongong Police Station.

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).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of Regulation

This Regulation is the *Evidence (Audio and Audio Visual Links) Regulation 2015*.

2 Commencement

This Regulation commences on 1 September 2015 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Evidence (Audio and Audio Visual Links) Regulation 2010* which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Evidence (Audio and Audio Visual Links) Act 1998*.

(2) Notes included in this Regulation do not form part of this Regulation.

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,
- (c) the cells at Wollongong Police Station, corner of Church and Market Streets, Wollongong.

5 Savings

Any act, matter or thing that, immediately before the repeal of the *Evidence (Audio and Audio Visual Links) Regulation 2010*, had effect under that Regulation continues to have effect under this Regulation.