



New South Wales

# Criminal Procedure Amendment (Children's Champions) Regulation 2016

under the

Criminal Procedure Act 1986

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Criminal Procedure Act 1986*.

GABRIELLE UPTON, MP  
Attorney General

## Explanatory note

The object of this Regulation is to deal with matters relating to children's champions (also called witness intermediaries) involved in the pilot scheme relating to the giving of evidence by children in criminal proceedings concerning certain sexual offences. This Regulation:

- (a) provides that a person is qualified to be included on a panel of persons who are suitable to be appointed as children's champions if the person has successfully completed the witness intermediary training course run by the Department of Justice in addition to having a tertiary qualification in psychology, social work, speech pathology or occupational therapy, and
- (b) makes it clear that Victims Services in the Department of Justice (or, if the Attorney General has nominated another agency to establish a panel of suitable persons, that agency) may suspend or revoke a person's inclusion on such a panel, make that inclusion subject to conditions, vary or revoke any condition of inclusion or impose additional conditions on inclusion, and
- (c) prescribes the form of oath or affirmation to be taken or made by a children's champion, and
- (d) specifies the fees payable to children's champions.

This Regulation is made under the *Criminal Procedure Act 1986*, including section 4 (the general regulation-making power) and clauses 89 (2), 90 (5) and 93 (1) (b) of Schedule 2.

## **Criminal Procedure Amendment (Children's Champions) Regulation 2016**

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### **1 Name of Regulation**

This Regulation is the *Criminal Procedure Amendment (Children's Champions) Regulation 2016*.

### **2 Commencement**

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

## **Schedule 1      Amendment of Criminal Procedure Regulation 2010**

### **Part 8A**

Insert after Part 8:

### **Part 8A Child sexual offence evidence pilot scheme**

#### **100A Qualifications for inclusion on panel of suitable children's champions**

For the purposes of clause 89 (2) of Schedule 2 to the Act, successful completion of the witness intermediary training course provided by the Department of Justice in addition to tertiary qualifications in psychology, social work, speech pathology or occupational therapy are prescribed.

#### **100B Suspension or revocation of inclusion of children's champions on panel**

Victims Services in the Department of Justice (or, if the Attorney General has nominated another agency under clause 89 (1) of Schedule 2 to the Act, that agency) may:

- (a) suspend or revoke the inclusion of a person on a panel under clause 89 of Schedule 2 to the Act, or
- (b) make such inclusion subject to conditions, or
- (c) vary or revoke any condition of inclusion or impose additional conditions on inclusion.

#### **100C Form of oath or affirmation taken or made by children's champions**

The following are prescribed as the form of oath to be taken, or affirmation to be made, respectively, by a children's champion for the purposes of clause 90 (4) of Schedule 2 to the Act:

- (a) I swear that I will well and faithfully communicate questions and answers and make true explanation of all matters and things as may be required of me according to the best of my skill and understanding,
- (b) I solemnly and sincerely declare and affirm that I will well and faithfully communicate questions and answers and make true explanation of all matters and things as may be required of me according to the best of my skill and understanding.

**Note.** A person must either take an oath, or make an affirmation, before acting as a children's champion in proceedings to which Part 29 of Schedule 2 to the Act applies.

#### **100D Fees**

The following fees are payable to a children's champion (not including the amount of any Goods and Services Tax payable in respect of the relevant work or report):

- (a) \$144 for each hour of work done,
- (b) \$550 for each report provided.