



New South Wales

Criminal Procedure Amendment (Miscellaneous) Regulation 2019

under the

Criminal Procedure Act 1986

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

MARK SPEAKMAN, MP
Attorney General, and Minister for the Prevention of Domestic Violence

Explanatory note

The objects of this Regulation are to—

- (a) update, as a consequence of the commencement of the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*, references to certain community-based sentencing options in the eligibility criteria for participation in a circle sentencing intervention program, and
- (b) replace the fixed fees prescribed as payable to a children's champion (otherwise known as a witness intermediary) with a provision that provides for the Secretary to determine the fees payable (subject to certain minimum fee amounts) to a children's champion and, if the Secretary considers it appropriate, to reimburse a children's champion for expenses incurred in providing services, and
- (c) permit the Secretary to delegate his or her functions in relation to determining the fees or reimbursements payable to a children's champion.

This Regulation is made under the *Criminal Procedure Act 1986*, including sections 4 (the general regulation-making power), 4A(1)(c) and 347(3)(b) and clause 93(1)(b) of Schedule 2.

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1 Name of Regulation

This Regulation is the *Criminal Procedure Amendment (Miscellaneous) Regulation 2019*.

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 2017

[1] Clause 3 Definitions

Omit the definitions of *community service order* and *good behaviour bond* from clause 3(1).

[2] Clause 3(1), definition of “Department” and Schedule 3

Insert “Communities and” before “Justice” wherever occurring.

[3] Clause 40 Eligibility to participate in program

Omit clause 40(2). Insert instead—

(2) In this clause—

community correction order, *conditional release order* and *intensive correction order* have the same meanings as in the *Crimes (Sentencing Procedure) Act 1999*.

relevant sentence means—

- (a) any sentence of imprisonment, including a sentence the subject of an intensive correction order, or
- (b) a community correction order, or
- (c) a conditional release order.

[4] Clause 112

Omit the clause. Insert instead—

112 Fees payable to a children’s champion

- (1) A children’s champion is entitled to be paid the fees determined from time to time by the Secretary in respect of services provided by a children’s champion, subject to subclause (2).
- (2) The minimum fees that may be determined under subclause (1) are—
 - (a) for a report—\$660, and
 - (b) for each hour of work done—\$144.
- (3) The amounts referred to in subclause (2) are exclusive of any GST payable in respect of the services.
- (4) The Secretary may reimburse a children’s champion for expenses the children’s champion incurs in providing the services (such as for travel) if the Secretary considers it appropriate in the circumstances.
- (5) In this clause, *GST* has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

[5] Clause 118 Delegation of functions

Omit “and 106” from clause 118(3). Insert instead “, 106 or 112”.