



New South Wales

Justices of the Peace Amendment (Court Appointed Questioner) Regulation 2022

under the

Justices of the Peace Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices of the Peace Act 2002*.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to amend the *Justices of the Peace Regulation 2020* to provide that—

- (a) the function of being a court appointed questioner under the *Criminal Procedure Act 1986*, section 289VA is conferred on justices of the peace but only if appointed by a court under that section, and
- (b) if a justice of a peace exercises the function of being a court appointed questioner, the justice of the peace may be paid a fee despite the general prohibition on charging fees or accepting gifts for providing justice of the peace services.

Justices of the Peace Amendment (Court Appointed Questioner) Regulation 2022

under the

Justices of the Peace Act 2002

1 Name of Regulation

This Regulation is the *Justices of the Peace Amendment (Court Appointed Questioner) Regulation 2022*.

2 Commencement

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

3 Amendment of Justices of the Peace Regulation 2020

(1) Clause 3A

Insert after clause 3—

3A Additional function of justices of the peace—the Act, s 8

(1) For the purposes of the Act, section 8(1), the function of being a court appointed questioner is conferred on justices of the peace.

(2) To avoid doubt, a justice of the peace may exercise a function conferred by subclause (1) only if the person is appointed by a court under the relevant provision.

(3) In this clause—

court appointed questioner means a person who, under the relevant provision, is appointed to examine in chief, cross-examine or re-examine a complainant or a vulnerable witness.

relevant provision means the *Criminal Procedure Act 1986*, section 289VA.

(2) Schedule 1 Code of conduct for justices of the peace

Insert after clause 3(1)—

(1A) Subclause (1) does not apply to the payment of a fee to a justice of the peace for performing the function of being a court appointed questioner in accordance with clause 3A.