

Passed by both Houses



New South Wales

Criminal Case Conferencing Trial Repeal Bill 2012

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2012

Clerk of the Parliaments



New South Wales

Criminal Case Conferencing Trial Repeal Bill 2012

Act No , 2012

An Act to repeal the *Criminal Case Conferencing Trial Act 2008* and to make provision consequent on that repeal.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Criminal Case Conferencing Trial Repeal Act 2012*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Repeal of Criminal Case Conferencing Trial Act 2008 No 10 and Regulation

The following are repealed:

- (a) *Criminal Case Conferencing Trial Act 2008*,
- (b) *Criminal Case Conferencing Trial Regulation 2008*.

Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

[1] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Criminal Case Conferencing Trial Repeal Act 2012

[2] Schedule 2

Insert at the end of the Schedule with appropriate Part and clause numbering:

Part Provisions consequent on repeal of Criminal Case Conferencing Trial Act 2008

Definitions

In this Part:

repeal date means the date of assent to the *Criminal Case Conferencing Trial Repeal Act 2012*.

repealed Act means the *Criminal Case Conferencing Trial Act 2008*, as in force immediately before its repeal.

Effect of repeal of Act

Except as provided by this Part, the repealed Act ceases to apply on and from the repeal date to and in respect of any proceedings for an offence to which the repealed Act applied immediately before the repeal date (regardless of what steps have been taken with respect to any compulsory conference under the repealed Act in the proceedings).

Continued operation of sentencing discount arrangements

- (1) Part 4 (Sentences—guilty pleas) of the repealed Act continues to apply (as if it had not been repealed) to and in respect of the sentencing of an offender on or after the repeal date in proceedings for an offence to which the repealed Act applied immediately before the repeal date, but not to the sentencing of an offender who pleads guilty, on or after the repeal date, at any time after being committed for trial.
- (2) The repeal of the repealed Act does not affect a sentence imposed before the repeal date.

Continued operation of certain protections and offences

The following provisions of the repealed Act continue to apply (as if the Act had not been repealed):

- (a) section 6 (4) of the repealed Act, to and in respect of the admissibility of evidence of anything said or admission made (as referred to in that provision) before the repeal date, in any proceedings before a court, tribunal or body commenced before, or on or after, that date,
- (b) section 9 (3) (as qualified by section 9 (7)) of the repealed Act, to and in respect of a pre-conference disclosure certificate filed with the Local Court before the repeal date, in relation to any Local Court proceedings with respect to the matters set out in it commenced before, or on or after, the repeal date,
- (c) section 12 (5) of the repealed Act, to and in respect of a compulsory conference certificate filed before the repeal date,
- (d) section 13 of the repealed Act, to and in respect of:
 - (i) the production and admissibility of a compulsory conference certificate filed before the repeal date (or a copy of such a certificate), in any proceedings before a court, tribunal or body commenced before, or on or after, that date, and
 - (ii) a disclosure of a compulsory conference certificate filed before the repeal date or a copy of such a certificate (or any of its contents) that occurs on or after the repeal date,

Note. Section 13 (5) of the repealed Act creates an offence of disclosing the contents of a filed compulsory conference certificate (or copy) in contravention of section 13 (1) of the repealed Act.

- (e) section 14 of the repealed Act, to and in respect of a disclosure of information referred to in that section that occurs before, or on or after, the repeal date.

General

- (1) The provisions of this Part are subject to any regulations made under clause 1.
- (2) Except to the extent otherwise provided by this Part, nothing in this Part affects the application of section 30 of the *Interpretation Act 1987*.