

Criminal Procedure Amendment (Sexual Assault Communications Privilege) Act 2002 No 13

[2002-13]



New South Wales

Status Information

Currency of version

Repealed version for 15 May 2002 to 21 July 2003 (accessed 11 July 2024 at 22:21)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by the [Statute Law \(Miscellaneous Provisions\) Act 2003 No 40](#), Sch 3 with effect from 22.7.2003.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Criminal Procedure Amendment (Sexual Assault Communications Privilege) Act 2002 No 13



New South Wales

An Act to amend the *Criminal Procedure Act 1986* to make further provision with respect to sexual assault communications privilege.

1 Name of Act

This Act is the *Criminal Procedure Amendment (Sexual Assault Communications Privilege) Act 2002*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of *Criminal Procedure Act 1986 No 209*

The *Criminal Procedure Act 1986* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 148 What is a protected confidence?

Omit paragraph (a) from the definition of ***counselling communication*** in section 148 (4).

Insert instead:

- (a) made in confidence by a person (the ***counselled person***) to another person (the ***counsellor***) who is counselling the person in relation to any harm the person may have suffered, or

[2] Section 148 (4), definition of “counselling communication”

Omit “relationship” from paragraph (b).

Insert instead “counselling”.

[3] Section 148 (4), definition of “counselling communication”

Omit “who is counselling or otherwise treating, or has counselled or otherwise treated, the counselled person at any time for any emotional or psychological condition of the person” from paragraph (d).

Insert instead “who is counselling, or has at any time counselled, the person”.

[4] Section 148 (5)

Insert after section 148 (4):

- (5) For the purposes of this section, a person ***counsels*** another person if:
- (a) the person has undertaken training or study or has experience that is relevant to the process of counselling persons who have suffered harm, and
 - (b) the person:
 - (i) listens to and gives verbal or other support or encouragement to the other person, or
 - (ii) advises, gives therapy to or treats the other person, whether or not for fee or reward.

[5] Schedule 2 Savings, transitional and other provisions

Insert after clause 24:

**Part 6 Provisions consequent on Criminal Procedure
Amendment (Sexual Assault Communications Privilege)
Act 2002**

25 Application of Part 7

- (1) The amended Part does not apply in relation to criminal proceedings the hearing of which began before it was amended. The Part, as in force before it was amended, continues to apply in relation to such proceedings.
- (2) The amended Part applies in relation to a requirement (whether by subpoena or other procedure) to produce a document on or after its amendment even if the requirement was issued before it was amended.
- (3) The amended Part applies in respect of a protected confidence whether made before or after it was amended.

(4) In this clause:

amended Part means Part 7 as amended by the amending Act.

amending Act means the *Criminal Procedure Amendment (Sexual Assault Communications Privilege) Act 2002*.

protected confidence has the meaning it has in Part 7.