



New South Wales

Justices (General) Amendment (Briefs of Evidence) Regulation 1998

under the
Justices Act 1902

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices Act 1902*.

J. W. Shaw
Attorney General

Explanatory note

The object of this Regulation is to prescribe certain requirements in relation to copies of briefs of evidence served on defendants in proceedings for prescribed summary offences under Subdivision 6A of Division 2 of Part 4 of the *Justices Act 1902*.

This Regulation is made under the *Justices Act 1902*, including sections 66D and 154 (2) (the general regulation-making power).

1998 No 171

Clause 1 Justices (General) Amendment (Briefs of Evidence) Regulation 1998

Justices (General) Amendment (Briefs of Evidence) Regulation 1998

1 Name of Regulation

This Regulation is the *Justices (General) Amendment (Briefs of Evidence) Regulation 1998*.

2 Commencement

This Regulation commences on 30 March 1998.

3 Amendment of justices (General) Regulation 1993

The *Justices (General) Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Part 4A

Insert after Part 4:

Part 4A Briefs of evidence

13A Definitions

In this Part:

address includes a private, business or official address.

telephone number includes a private, business or official telephone number.

13B Addresses and phone numbers not to be disclosed: section 66D

- (1) A copy of a brief of evidence served on a defendant under section 66B of the Act must not include any written statement that discloses the address or telephone number of the person who made the statement or of any other living person, unless:
 - (a) the address or telephone number is a materially relevant part of the evidence, or
 - (b) a Justice or Justices make an order permitting the disclosure in the statement.
- (2) An application for such an order may be made by the defendant or the prosecuting authority.
- (3) The Justice or Justices must not make such an order unless satisfied that the disclosure is not likely to present a reasonably ascertainable risk to the welfare or protection of any person or that the interests of justice (including the defendant's right to prepare properly for the hearing of the evidence for the prosecution) outweigh any such risk.

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Schedule 1 Amendment

- (4) This clause does not prevent the disclosure of an address in a written statement if the statement does not identify it as a particular person's address, or it could not reasonably be inferred from the statement that it is a particular person's address.
- (5) An address or telephone number that must not be disclosed may, without reference to the person who made the written statement, be deleted from the statement, or rendered illegible, before the statement is served on the defendant.

13C Written statements: section 66D

- (1) A written statement that is included in a copy of a brief of evidence may be in the form of questions and answers.
- (2) If a copy of the brief of evidence includes any written statement that is, wholly or in part, in a language other than English, there must be annexed to it a document purporting to contain a translation of the statement, or so much of it as is not in the English language, into the English language.