



Australian Capital Territory

Evidence (Miscellaneous Provisions) Regulation 2009

SL2009-23

made under the

Evidence (Miscellaneous Provisions) Act 1991

Republication No 5

Effective: 9 March 2020

Republication date: 9 March 2020

Last amendment made by [A2019-41](#)

About this republication

The republished law

This is a republication of the *Evidence (Miscellaneous Provisions) Regulation 2009*, made under the *Evidence (Miscellaneous Provisions) Act 1991* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 9 March 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 9 March 2020.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



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Part 1 Preliminary

1 Name of regulation

This regulation is the *Evidence (Miscellaneous Provisions) Regulation 2009*.

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation.

Note 2 A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Witness intermediaries

3A **Intermediaries administrator—Act, s 4AG (2), definition of *intermediaries administrator***

The intermediaries administrator is the victims of crime commissioner.

3B **Prescribed witnesses—Act, s 4AK (1)**

- (1) The following witnesses are prescribed:
 - (a) a child complainant in a sexual offence proceeding;
 - (b) a child in a serious violent offence proceeding involving the death of a person.

- (2) In this section:

child, in a proceeding, see the [Act](#), section 42.

complainant, in relation to a proceeding for an offence—see the [Act](#), section 42.

serious violent offence proceeding—see the [Act](#), section 40.

sexual offence proceeding—see the [Act](#), section 41.

Part 3 Sexual, violent and family violence offence proceedings

4 Prescribed person—Act, s 51 (1) and (3)

- (1) For the [Act](#), section 51 (1) and (3), a prescribed person is—
- (a) a police officer who has completed training in the making of audiovisual recordings of witnesses answering questions in relation to the investigation of sexual or violent offences; or
 - (b) for an audiovisual recording of a witness in a proceeding mentioned in the [Act](#), section 41 (b) and (c)—a police officer; or
 - (c) an intermediary.
- (2) The training mentioned in subsection (1) (a) may be completed—
- (a) in the ACT or elsewhere; and
 - (b) before or after the commencement of this section.
- (3) In this section:

police officer includes a person who is a member of the police force of a State or another Territory if—

- (a) provisions of the law of that State or Territory correspond (or substantially correspond) to the [Act](#), division 4.3.3 (Special requirements—audiovisual recording of police interview); and
- (b) the person is trained in the taking of evidence under those provisions.

5 Responsible person—Act, s 53 (4) (b)

For the [Act](#), section 53 (4) (b), a prescribed position is the Superintendent of Prosecution and Judicial Support.

Dictionary

(see s 2)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following term:

- victims of crime commissioner.

Note 3 Terms used in this regulation have the same meaning that they have in the [Evidence \(Miscellaneous Provisions\) Act 1991](#) (see [Legislation Act](#), s 148). For example, the following term is defined in the [Evidence \(Miscellaneous Provisions\) Act 1991](#), dict:

- intermediary (see s 4AG).

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Evidence (Miscellaneous Provisions) Regulation 2009 SL2009-23

notified LR 28 May 2009

s 1, s 2 commenced 28 May 2009 (LA s 75 (1))

remainder commenced 30 May 2009 (s 2 and see [Sexual and Violent Offences Legislation Amendment Act 2008](#) A2008-41, s 2 and [CN2009-3](#))

as amended by

Crimes (Domestic and Family Violence) Legislation Amendment Act 2015 A2015-40 sch 1 pt 1.9

notified LR 4 November 2015

s 1, s 2 commenced 4 November 2015 (LA s 75 (1))

sch 1 pt 1.9 commenced 4 May 2016 (s 2 (2))

Royal Commission Criminal Justice Legislation Amendment Act 2018 A2018-46 pt 5

notified LR 4 December 2018

s 1, s 2 commenced 4 December 2018 (LA s 75 (1))

pt 5 commenced 5 December 2018 (s 2)

Evidence (Miscellaneous Provisions) Amendment Act 2019 A2019-41 pt 3

notified LR 31 October 2019

s 1, s 2 commenced 31 October 2019 (LA s 75 (1))

s 3 commenced 31 January 2020 (s 2 and [CN2020-2](#))

s 9, s 10, s 11 (so far as it ins pt 2 hdg, s 3A), ss 12-14 commenced 31 January 2020 (s 2 and [CN2020-2](#))

pt 3 remainder commenced 9 March 2020 (s 2 and [CN2020-4](#))

Endnotes

4 Amendment history

4 Amendment history

Preliminary

pt 1 hdg ins [A2019-41](#) s 9

Dictionary

s 2 om LA s 89 (4)
ins [A2019-41](#) s 10

Witness intermediaries

pt 2 hdg ins [A2019-41](#) s 11

Intermediaries administrator—Act, s 4AG (2), definition of *intermediaries administrator*

s 3A ins [A2019-41](#) s 11

Prescribed witnesses—Act, s 4AK (1)

s 3B ins [A2019-41](#) s 11

Sexual, violent and family violence offence proceedings

pt 3 hdg ins [A2019-41](#) s 12

Prescribed person—Act, s 51 (1) and (3)

s 4 am [A2015-40](#) amdt 1.15
sub [A2018-46](#) s 54
am [A2019-41](#) s 13

Responsible person—Act, s 53 (4) (b)

s 5 sub [A2018-46](#) s 54

Dictionary

dict ins [A2019-41](#) s 14

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 30 May 2009	30 May 2009– 3 May 2016	not amended	new regulation
R2 4 May 2016	4 May 2016– 4 Dec 2018	A2015-40	amendments by A2015-40
R3 5 Dec 2018	5 Dec 2018– 30 Jan 2020	A2018-46	amendments by A2018-46
R4 31 Jan 2020	31 Jan 2020– 8 Mar 2020	A2019-41	amendments by A2019-41

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