

**CHILDREN (CARE AND PROTECTION) (PERSONAL AND
FAMILY VIOLENCE) AMENDMENT ACT 1987 No. 186**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Act No. 54, 1987
-

THE UNIVERSITY OF CHICAGO
LIBRARY

**CHILDREN (CARE AND PROTECTION) (PERSONAL AND FAMILY
VIOLENCE) AMENDMENT ACT 1987 No. 186**

NEW SOUTH WALES



Act No. 186, 1987

An Act to amend the Children (Care and Protection) Act 1987 with respect to the taped recording of interviews with young victims of certain serious offences. [Assented to 4 December 1987]

*Children (Care and Protection) (Personal and Family Violence) Amendment
1987*

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Children (Care and Protection) (Personal and Family Violence) Amendment Act 1987.

Commencement

2. This Act shall commence on a day to be appointed by proclamation.

Amendment of Act No. 54, 1987

3. The Children (Care and Protection) Act 1987 is amended by inserting after section 24 the following section:

Taped recordings of interviews with certain child crime victims

24A. (1) In this section—

“personal assault offence” means any offence under—

- (a) Part III of the Crimes Act 1900;
- (b) section 493 or 494 of the Crimes Act 1900; or
- (c) section 25 of this Act,

or an offence of attempting, or of conspiracy or incitement, to commit such an offence.

(2) The regulations may regulate the recording by videotape or audiotape of any interview with a child concerning the alleged commission of a personal assault offence on the child.

(3) In particular, the regulations may make provision for or with respect to—

- (a) the making of any such recording (including the circumstances in which it may be made, any consents required and the persons who may interview the child);
- (b) the joint making or use of any such recording by law enforcement, child welfare, health care and other agencies; and
- (c) the use, possession, storage and destruction of any such recording.

(4) If any such recording was made for therapeutic purposes in connection with the treatment or counselling of the child, the recording (or any transcript) is not admissible in evidence in any criminal or civil proceedings unless the court considers it is in the interests of justice to admit the recording.

*Children (Care and Protection) (Personal and Family Violence) Amendment
1987*

(5) Subsection (4) applies whether or not the recording was made in accordance with the regulations under this section.

(6) This section applies to recordings made by the State or an authority of the State as well as to recordings made by any other person or agency.

CHILDREN (CARE AND PROTECTION) (PERSONAL AND FAMILY VIOLENCE) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Crimes (Personal and Family Violence) Amendment Bill 1987.

The object of this Bill is to amend the Children (Care and Protection) Act 1987 to further protect child victims of personal and family violence in connection with the taped recording of interviews with the child.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day to be appointed by proclamation.

Clause 3 amends the Children (Care and Protection) Act 1987 by inserting proposed section 24A into that Act. The proposed section—

- (a) authorises the making of regulations to regulate the recording by videotape or audiotape of interviews with child victims of certain personal (including sexual) assault offences conducted by State or private agencies; and
 - (b) prevents any such recording made in connection with the treatment or counselling of the child from being admitted in evidence in criminal or civil proceedings unless the court considers that it is in the interests of justice to do so.
-

CHILDREN (CARE AND PROTECTION) (PERSONAL AND FAMILY VIOLENCE) AMENDMENT BILL 1987

NEW SOUTH WALES

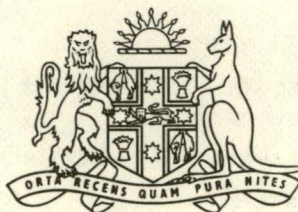


TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Act No. 54, 1987
-

CHILDREN (CARE AND PROTECTION) (PERSONAL AND FAMILY VIOLENCE) AMENDMENT BILL 1987

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Children (Care and Protection) Act 1987 with respect to the taped recording of interviews with young victims of certain serious offences.

*Children (Care and Protection) (Personal and Family Violence) Amendment
1987*

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Children (Care and Protection) (Personal and Family Violence) Amendment Act 1987.

5 Commencement

2. This Act shall commence on a day to be appointed by proclamation.

Amendment of Act No. 54, 1987

3. The Children (Care and Protection) Act 1987 is amended by inserting after section 24 the following section:

10 **Taped recordings of interviews with certain child crime victims**

24A. (1) In this section—

“personal assault offence” means any offence under—

(a) Part III of the Crimes Act 1900;

(b) section 493 or 494 of the Crimes Act 1900; or

15 (c) section 25 of this Act,

or an offence of attempting, or of conspiracy or incitement, to commit such an offence.

(2) The regulations may regulate the recording by videotape or audiotape of any interview with a child concerning the alleged
20 commission of a personal assault offence on the child.

(3) In particular, the regulations may make provision for or with respect to—

(a) the making of any such recording (including the circumstances
25 in which it may be made, any consents required and the persons who may interview the child);

(b) the joint making or use of any such recording by law enforcement, child welfare, health care and other agencies; and

(c) the use, possession, storage and destruction of any such recording.

30 (4) If any such recording was made for therapeutic purposes in connection with the treatment or counselling of the child, the recording (or any transcript) is not admissible in evidence in any criminal or civil proceedings unless the court considers it is in the interests of justice to admit the recording.

35 (5) Subsection (4) applies whether or not the recording was made in accordance with the regulations under this section.

(6) This section applies to recordings made by the State or an authority of the State as well as to recordings made by any other person or agency.

