

1995—No. 136

**DIRECTOR OF PUBLIC PROSECUTIONS ACT 1986—  
REGULATION**

(Director of Public Prosecutions Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 34 of 24 March 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Director of Public Prosecutions Act 1986, has been pleased to make the Regulation set forth hereunder.

J. P. Hannaford,  
Attorney General.

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**Citation**

1. This Regulation may be cited as the Director of Public Prosecutions Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. In this Regulation:

“**consent**” includes authorisation, sanction and any similar authority;

“**the Act**” means the Director of Public Prosecutions Act 1986.

**Prescribed summary offences: sec. 3**

4. (1) All summary offences are prescribed summary offences for the purposes of the Act, other than those that may not be prosecuted except with the consent of a Minister or a person authorised by a Minister to grant consent on behalf of the Minister.

(2) A summary offence that would not otherwise be a prescribed summary offence (because of the fact that it may not be prosecuted except with the consent of a Minister or a person authorised by a Minister to grant consent on behalf of that Minister) is a prescribed summary offence for the purposes of the Act:

- (a) if the Minister concerned makes an order under section 11 (2) of the Act in relation to offences of that kind; or
- (b) in relation to proceedings for a particular offence, if the Minister concerned refers the offence to the Director for prosecution.

### **Repeal**

5. (1) The Director of Public Prosecutions Regulation 1987 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Director of Public Prosecutions Regulation 1987, had effect under that Regulation continues to have effect under this Regulation.

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### **NOTES**

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### **EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with minor changes only, the provisions of the Director of Public Prosecutions Regulation 1987. The new Regulation prescribes certain summary offences as “prescribed summary offences” for the purposes of the Act. Under the Act, the Director of Public Prosecutions may not institute proceedings for summary offences, take over the prosecution of proceedings for summary offences, issue guidelines for the prosecution of summary offences or require prosecutors to provide information with respect to the prosecution of summary offences unless the offences are prescribed summary offences.

This Regulation is made under the Director of Public Prosecutions Act 1986, including section 37 (the general regulation making power) and section 3.

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This Regulation comprises or relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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