



New South Wales

Director of Public Prosecutions Regulation 2000

under the

Director of Public Prosecutions Act 1986

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Director of Public Prosecutions Act 1986*.

JEFFREY WILLIAM SHAW, M.L.C.,

Attorney General

Explanatory note

The object of this Regulation is to repeal and remake, with no substantial changes, the *Director of Public Prosecutions Regulation 1995*. 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 3 (1) (the definition of “prescribed summary offence”) and section 37 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature and 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 statutory rules under Part 3 of the *Subordinate Legislation Act 1989*.

Director of Public Prosecutions Regulation 2000

1 Name of Regulation

This Regulation is the *Director of Public Prosecutions Regulation 2000*.

2 Definitions

(1) In this Regulation:

consent includes authorisation, sanction and any similar authority.

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

(2) The explanatory note does not form part of this Regulation.

3 Prescribed summary offences: section 3

(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.

4 Repeal

(1) The *Director of Public Prosecutions Regulation 1995* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the *Director of Public Prosecutions Regulation 1995*, had effect under that Regulation continues to have effect under this Regulation.

BY AUTHORITY