



New South Wales

Crimes (General) Regulation 2000

under the

Crimes Act 1900

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes Act 1900*.

BOB DEBUS, M.P.,

Attorney General

Explanatory note

This Regulation replaces, without any changes in substance, the *Crimes (General) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation deals with the following matters:

- (a) the forms for records concerning domestic violence and child assault and the forms for complaints concerning apprehended violence,
- (b) prescribing relevant professions, occupations and callings for the purposes of section 316 (4) of the *Crimes Act 1900* (which relates to the prosecution of certain persons for failing to disclose a serious offence committed by another person),
- (c) specifying short descriptions for certain offences under the Act to facilitate the issue of summonses, warrants and other legal processes.

This Regulation is made under the *Crimes Act 1900*, including section 582 (the general regulation-making power).

This Regulation relates to matters of a machinery nature.

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Crimes (General) Regulation 2000

1 Name of Regulation

This Regulation is the *Crimes (General) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note. This Regulation replaces the *Crimes (General) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

(1) In this Regulation:

the Act means the *Crimes Act 1900*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

(3) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Forms for records concerning domestic violence and child assault

The forms referred to in the Table to this clause are prescribed for the purposes of the provisions of the Act so referred to.

Table

Section 357G (7)	Form 1
Section 357G (12)	Part 1 of Form 2
Section 357G (13) (a)	Part 2 of Form 2

5 Forms for complaints and orders concerning apprehended violence

For the purposes of Part 15A of the Act:

- (a) a complaint for an order may be made in a form approved by the Minister, and
- (b) an application to vary or revoke an order may be made in a form approved by the Minister,

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- (c) a telephone interim order made under section 562H of the Act may be in a form approved by the Minister, and
- (d) a court may make an order in a form approved by the Minister.

6 Concealment of offences by certain persons

For the purposes of section 316 (4) of the Act, the following professions, callings or vocations are prescribed:

- (a) a legal practitioner,
- (b) a medical practitioner,
- (c) a psychologist,
- (d) a nurse,
- (e) a social worker, including:
 - (i) a support worker for victims of crime, and
 - (ii) a counsellor who treats persons for emotional or psychological conditions suffered by them,
- (f) a member of the clergy of any church or religious denomination,
- (g) a researcher for professional or academic purposes.

7 Short descriptions of certain offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision of the Act specified in Column 1 of Schedule 2 is:
 - (a) the text set out in relation to the offence in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offence or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

- (3) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (4) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (5) Subclause (4) applies to any information, complaint, summons warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

8 Savings provision

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

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Schedule 1 Forms

Schedule 1 Forms

(Clause 4)

Form 1 Record of complaint requesting the issue of a warrant to enter a dwelling-house to investigate a suspected domestic violence offence

Crimes Act 1900
(Section 357G (7))

I, the undersigned Magistrate, received a complaint (details overleaf) in person*/by telephone* (which was transmitted by of Police Station)* from of Police Station (hereinafter called the complainant) alleging that the complainant had been denied entry to a dwelling-house at in which the complainant suspects or believes a domestic violence offence has been committed*/is being committed*/is imminent*/is likely to be committed* making it necessary to immediately enter the dwelling-house to investigate*/take action* and for which purpose the complainant requests I issue my warrant authorising such entry.

And being satisfied there were reasonable grounds for that suspicion or belief (give details):
.....
.....

on [date] at a.m.*/p.m.* I granted my warrant authorising the complainant to enter the abovementioned dwelling-house pursuant to section 357G of the *Crimes Act 1900*, (subject to the following additional terms)*:
.....
.....

Magistrate.

* *Delete if inapplicable*

Details of incident

- 1 Names of persons involved (if known):
.....
- 2 Location of incident (full address or description of dwelling-house):
.....
- 3 Name of civilian informant and relationship (if any) to aggrieved person:
.....
- 4 It is suspected that the offence of
(a domestic violence offence) has been committed*/is being committed*/is imminent*/is likely to be committed* in the dwelling-house.
- 5 Other information obtained by investigating police:
 - (a) Personal observations by police (e.g. noise from the house etc):
 - (b) Resident's or neighbour's information:
 - (c) Other information:
- 6 Was the investigating police officer denied entry to the dwelling-house? yes*/no*.
- 7 Details of denial of entry (including anything said or done):
.....
.....
- 8 The complainant requests the grant of a warrant believing it is necessary to immediately enter the dwelling-house:
to investigate whether a domestic violence offence:
 - (a) has been committed*
 - (b) is being committed*
 or to take action:
 - (c) to prevent the commission of a domestic violence offence*
 - (d) to prevent the further commission of a domestic violence offence*.

* Delete if inapplicable

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Schedule 1 Forms

Form 2

Part 1 Record of grant of a warrant to enter a dwelling-house to investigate a suspected domestic violence offence

Crimes Act 1900

(Section 357G (12))

On [date] at a.m.*/p.m.*
..... Magistrate, being satisfied there
were reasonable grounds for doing so, granted a warrant authorising of
..... Police Station
(hereinafter called the complainant) to enter the dwelling-house at

after receiving a complaint that:

- 1 The complainant had been denied entry to the dwelling-house.
- 2 The complainant suspects or believes:
 - (a) a domestic violence offence has recently been committed* is being committed* is imminent* is likely to be committed* in the dwelling-house, and
 - (b) it is necessary to immediately enter the dwelling-house to investigate or take action in relation to the complaint.

And the warrant was granted subject to the following additional terms:*

.....
Signature of complainant
(Police Officer)

* *Delete if inapplicable*

Part 2 Important information for residents

- 1 A warrant has been granted by a Magistrate authorising the police to enter your home to investigate the matter referred to in paragraph 2 (a) above relating to a domestic violence offence.
- 2 If necessary, the police may use reasonable force to enter your home and any person attempting to prevent the police from entering could be prosecuted for that as a criminal offence.
- 3 The police are authorised by the warrant to remain in your home only as long as is reasonably necessary for them to do the following things:
 - (a) to investigate whether a domestic violence offence has been committed,
 - (b) to prevent a domestic violence offence from being committed,
 - (c) to arrest a person for a domestic violence offence,
 - (d) to assist any person who is injured.

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Schedule 2 Short descriptions of offences

Schedule 2 Short descriptions of offences

(Clause 7)

Column 1	Column 2
Offence	Prescribed expression
Section 58—assault person with intent to commit felony	assault with intent to commit felony
Section 58—assault, resist or wilfully obstruct any officer while in execution of duty	assault/resist/wilfully obstruct officer
Section 58—assault, resist or wilfully obstruct any person acting in the aid of an officer in execution of duty	assault/resist/wilfully obstruct person aiding officer
Section 58—assault person with intent to resist or prevent the lawful apprehension or detainer of any person for any offence	assault to resist/prevent arrest/detention
Section 59—assault person occasioning actual bodily harm	assault occasioning actual bodily harm
Section 61—assault person not occasioning actual bodily harm	common assault
Section 117—commit larceny	larceny
Section 125—fraudulently take property or part of property held as bailee to own use	bailee fraudulently take property to own use
Section 125—fraudulently take property or part of property held as bailee to the use of person other than owner or bailee	bailee fraudulently take property to other's use
Section 125—fraudulently take property or part of property for which property held as bailee has been converted or exchanged to own use	bailee fraudulently take converted/exchanged property to own use
Section 125—fraudulently take property or part of property for which property held as bailee has been converted or exchanged to use of person other than owner or bailee	bailee fraudulently take converted/exchanged property to other's use
Section 125—fraudulently convert property or part of property held as bailee to own use	bailee fraudulently convert property to own use
Section 125—fraudulently convert property or part of property held as bailee to use of person other than owner or bailee	bailee fraudulently convert property to other's use

Column 1	Column 2
Offence	Prescribed expression
Section 125—fraudulently convert property or part of property for which property held as bailee has been converted or exchanged to own use	bailee fraudulently take converted/exchanged property to own use
Section 125—fraudulently convert property or part of property for which property held as bailee has been converted or exchanged to use of person other than owner or bailee	bailee fraudulently take converted/exchanged property to other's use
Section 126—steal any cattle	steal cattle
Section 126—wilfully kill any cattle with intent to steal the carcass, or skin, or other part, of the cattle so killed	kill cattle with intent to steal carcass/skin/part of cattle
Section 134—steal the whole or any part of any valuable security	steal whole/part valuable security
Section 134—embezzle the whole or any part of any valuable security	embezzle whole/part valuable security
Section 134—destroy the whole or any part of any valuable security for any fraudulent purpose	destroy whole/part valuable security
Section 134—cancel the whole or any part of any valuable security for any fraudulent purpose	cancel whole/part valuable security
Section 134—obliterate the whole or any part of any valuable security for any fraudulent purpose	obliterate whole/part valuable security
Section 134—conceal the whole or any part of any valuable security for any fraudulent purpose	conceal whole/part valuable security
Section 148—steal any property in a dwelling house	steal in dwelling house
Section 154A (1) (a)—take and drive a conveyance without the consent of the owner or person in lawful possession of the conveyance	take and drive conveyance
Section 154A (1) (a)—take a conveyance without the consent of the owner or person in lawful possession of the conveyance for the purpose of driving the conveyance	take conveyance for purposes of driving
Section 154A (1) (a)—take a conveyance without the consent of the owner or person in lawful possession of the conveyance for the purpose of secreting it	take conveyance for purpose of secreting it

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Schedule 2 Short descriptions of offences

Column 1

Offence

Section 154A (1) (a)—take a conveyance without the consent of the owner or person in lawful possession of the conveyance for the purpose of obtaining a reward for its restoration or pretended restoration

Section 154A (1) (a)—take a conveyance without the consent of the owner or person in lawful possession of the conveyance for a fraudulent purpose (other than the purpose of driving, secreting or of obtaining a reward for the conveyance’s restoration or pretended restoration)

Section 154A (1) (b)—drive a conveyance knowing that it has been taken without the consent of the owner or person in lawful possession of the conveyance

Section 154A (1) (b)—allow oneself to be carried in or on a conveyance knowing that it has been taken without the consent of the owner or person in lawful possession of the conveyance

Section 156—being a clerk or servant, steal any property belonging to master or employer

Section 156—being a clerk or servant, steal any property in the possession of master or employer

Section 156—being a clerk or servant, steal any property in the power of master or employer

Section 156—being a clerk or servant, steal any property into which property belonging to master or servant has been converted or exchanged

Section 156—being a clerk or servant, steal any property into which property in possession of master or employer has been converted or exchanged

Section 156—being a clerk or servant, steal any property into which property in power of master or employer has been converted or exchanged

Column 2

Prescribed expression

take conveyance for reward for actual/pretended restoration

take conveyance for fraudulent purpose

knowingly drive stolen conveyance

knowingly be carried in/on stolen conveyance

steal property of master/ employer

steal property in possession of master/employer

steal property in power of master/employer

steal property out of converted/exchanged property of master/employer

steal property out of converted/exchanged property master/employer possessed

steal property out of converted/exchanged property in power of master/employer

Column 1	Column 2
Offence	Prescribed expression
Section 157—being a clerk or servant, fraudulently embezzle whole or part of property delivered to, or received or taken into possession by, clerk or servant for, in the name or on account of master or employer	embezzlement by clerk/servant
Section 158—being a clerk or servant, destroy, alter or mutilate any book, paper, writing, valuable security or account of employer with intent to defraud	destroy/alter/mutilate book/ paper/writing/valuable security/account
Section 158—being a clerk or servant, falsify any book, paper, writing, valuable security or account of employer with intent to defraud	falsify book/paper/writing/ valuable security/account
Section 158—being a clerk or servant, make or concur in making a false entry in any book, writing or account of employer with intent to defraud	make/concur in making false entry in book/writing/account
Section 158—being a clerk or servant, omit or alter, or concur in omitting or altering, material particular of book, writing or account of employer with intent to defraud	omit/alter/concur in omitting/ altering material particular of book/writing/account
Section 178A—fraudulently misappropriate for own use money or valuable security collected or received and required to be delivered to, or accounted for or paid to other person	fraudulently misappropriate money/valuable security
Section 178A—fraudulently omit to account for money or valuable security collected or received and required to be delivered to, or accounted for or paid to other person	fraudulently omit to account for money/valuable security
Section 178B—obtain chattel, money or valuable security by passing any cheque that is not paid on presentation	obtain chattel/money/valuable security by passing valueless cheque
Section 178BA—dishonestly obtain any money, valuable thing or financial advantage by deception	obtain money/valuable thing/ financial advantage by deception
Section 178BB—make or publish, or concur in making or publishing, false or misleading statement with intent to obtain any money, valuable thing or financial advantage	obtain money/valuable security/financial advantage by false/misleading statement
Section 178C—obtain credit by false pretence or false promise when incurring debt or liability	obtain credit by false pretence/false promise

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Schedule 2 Short descriptions of offences

Column 1	Column 2
Offence	Prescribed expression
Section 178C—obtain credit by fraud when incurring debt or liability	obtain credit by fraud
Section 179—obtain property by false promise with intent to defraud	obtain property by false promise
Section 179—obtain property by false pretence with intent to defraud	obtain property by false pretence
Section 188—knowing that property is stolen, receive, dispose of or attempt to dispose of property where the stealing amounts to a felony	receive/dispose of stolen property
Section 189A—knowing that property is stolen, without lawful excuse receive, dispose of, or attempt to dispose of, or have possession of, property stolen outside NSW	receive/dispose of/attempt to dispose of/possess property stolen outside NSW
Section 195 (a)—maliciously destroy or damage property belonging to another person otherwise than by means of fire or explosives	maliciously destroy/damage property
Section 195 (a)—maliciously destroy or damage property belonging to the person and another person otherwise than by means of fire or explosives	maliciously destroy/damage partly owned property
Section 353B—carrying razor, razor blade or other cutting weapon when apprehended for any crime or offence or immediately before being apprehended	carry cutting weapon
Section 527A—obtain or attempt to obtain money, valuable thing or benefit by wilful false representation	obtain money/valuable thing/benefit by wilful false representation
Section 527C (1) (a)—have any thing in custody which may be reasonably suspected of being unlawfully obtained	unlawfully obtained goods (personal custody)
Section 527C (1) (b)—have any thing in the custody of another person which may be reasonably suspected of being unlawfully obtained	unlawfully obtained goods (in another's custody)
Section 527C (1) (c)—have any thing, in or on premises, which may be reasonably suspected of being unlawfully obtained	unlawfully obtained goods (in/on premises)

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Short descriptions of offences

Schedule 2

Column 1**Offence**

Section 527C (1) (d)—give custody of any thing which may be reasonably suspected of being unlawfully obtained to person not entitled

Section 546C—resist or hinder, or incite another to assault, resist or hinder, a member of the police force in execution of duty

Section 547B—knowingly falsely represent to police that an act has been, or will be, done or an event has occurred or will occur, being an act or event that calls for police investigation

Section 547C—being in or near a building without reasonable cause with intent to peep or pry on another person

Column 2**Prescribed expression**

give unlawfully obtained goods to person not entitled

resist police/hinder police/incite another to assault/resist/hinder police

falsely represent to police act/event calling for investigation

peep/pry