



New South Wales

Director of Public Prosecutions Amendment (Pre-trial Disclosure) Regulation 2001

under the

Director of Public Prosecutions Act 1986

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

BOB DEBUS, M.P.,

Attorney General

Explanatory note

The object of this Regulation is to prescribe a form for a disclosure certificate in relation to disclosures made by police officers to the Director of Public Prosecutions pursuant to section 15A of the *Director of Public Prosecutions Act 1986*.

This Regulation is made under the *Director of Public Prosecutions Act 1986*, including section 15A and section 37 (the general regulation-making power).

2001 No 894

Clause 1 Director of Public Prosecutions Amendment (Pre-trial Disclosure)
Regulation 2001

Director of Public Prosecutions Amendment (Pre-trial Disclosure) Regulation 2001

1 Name of Regulation

This Regulation is the *Director of Public Prosecutions Amendment (Pre-trial Disclosure) Regulation 2001*.

2 Commencement

This Regulation commences on 19 November 2001.

3 Amendment of Director of Public Prosecutions Regulation 2000

The *Director of Public Prosecutions Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 2 Definitions

Insert after clause 2 (2):

- (3) A reference in this Regulation to a form is a reference to a form in Schedule 1.

[2] Clause 3A

Insert after clause 3:

3A Prescribed form for police officer disclosure

Disclosures by a police officer to the Director of Public Prosecutions for the purposes of section 15A of the Act must:

- (a) be in Form 1, and
- (b) be completed, signed and dated by the police officer in charge of the investigation, and
- (c) be signed and dated by the police officer who holds the position of Brief Manager in the Police Service.

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Schedule 1 Amendments

[3] Schedule 1

Insert after clause 4:

Schedule 1 Forms

(Clause 2 (3))

**Form 1 Disclosure Certificate (for Prosecutions and
 Advisings)**

(Clause 3A)

(Director of Public Prosecutions Act 1986, section 15A)

Matter of: Charge No(s): H

For indictable offence(s) of:

Acknowledgement

I am aware that as a police officer investigating an alleged indictable offence I have a duty, under section 15A of the *Director of Public Prosecutions Act 1986*, to disclose to the Director of Public Prosecutions (DPP) all relevant information, documents or other things obtained during the investigation that might reasonably be expected to assist the case for the prosecution or the case for the accused person. I am aware that this duty continues until the DPP decides that the accused person will not be prosecuted for the alleged offence(s), the accused person is found guilty or acquitted, or the prosecution is terminated.

I am aware that my duty to disclose as outlined above is subject to bona fide claims of privilege, public interest immunity or statutory immunity and I am aware that such claims are to be directed through my Commander to the General Manager, Court and Legal Services of the Police Service.

Certification

1 Relevant sensitive material not contained in the brief to the DPP

There IS / IS NO (cross out the word or words that do not apply) sensitive material that is not contained in the brief of evidence provided to the DPP which might reasonably be expected to assist the case for the prosecution or the case for the accused person.

In this certificate, *sensitive material* means all relevant information, documents or other things obtained during the investigation that are subject to a bona fide claim of privilege, public interest immunity or statutory immunity.

2 Relevant non-sensitive material not contained in the brief to the DPP

I am aware that relevant material that is not sensitive material that is not contained in the brief is to be listed in the manner indicated in the Schedule to this Form and, unless it is impracticable, I am required to provide a copy to the DPP with this certificate. If it is impracticable to provide any or all of such material with this certificate, I am aware that I must retain the material for as long as the duty to disclose it exists and facilitate access to the material by the DPP.

There IS / IS NO (cross out the word or words that do not apply) relevant material that is not sensitive material that is not contained in the brief of evidence provided to the DPP which might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Undertaking

I undertake to advise the DPP in writing, as soon as practicable, if I become aware of any additional information, documents or other things that might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Signed (OIC of case): Date:

Name: Rank:

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Schedule 1 Amendments

Received and noted by Brief Manager

Signed (Brief Manager): Date:

Name: Rank:

Director of Public Prosecutions Amendment (Pre-trial Disclosure)
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Amendments

Schedule 1

Schedule

Page. . . . of

Matter of: Charge No(s): H

Schedule of relevant non-sensitive information, documents or other things
(Not included in the brief of evidence)

Description of Information, document or other things (Accurately list all relevant material briefly)	Is the material attached? (Mark "YES" or "NO" against each)

BY AUTHORITY