



Criminal Procedure Amendment (Public Officers) Regulation 2004

under the

Criminal Procedure Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Criminal Procedure Act 1986*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Criminal Procedure Regulation 2000* so as:

- (a) to facilitate the commencement of prosecutions for criminal offences by officers and employees of the Independent Commission Against Corruption (the *ICAC*), the Royal Society for the Prevention of Cruelty to Animals, New South Wales (the *RSPCA*), and the Animal Welfare League (the *AWL*), and
- (b) to prevent officers or employees of the *RSPCA* or the *AWL* being indemnified by the State of New South Wales for any costs awarded against them personally as the prosecutor in any criminal proceedings.

This Regulation, by making officers and employees of the *ICAC*, the *RSPCA* and the *AWL* **public officers** under the *Criminal Procedure Act 1986*, gives officers of the *ICAC*, the *RSPCA* and the *AWL* the same powers to issue court attendance notices and subpoenas as police officers have under that Act.

Under section 218 of the *Criminal Procedure Act 1986*, a public officer is entitled to be indemnified by the State for any costs awarded against the officer personally as the prosecutor in any criminal proceedings. This Regulation excludes officers and employees of the *RSPCA* and the *AWL* from this entitlement to an indemnity.

This Regulation is made under the *Criminal Procedure Act 1986*, including section 4 (the general regulation-making power), the definition of **public officer** in section 3 (1) and section 218.

2004 No 193

Clause 1 Criminal Procedure Amendment (Public Officers) Regulation 2004

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1 Name of Regulation

This Regulation is the *Criminal Procedure Amendment (Public Officers) Regulation 2004*.

2 Amendment of Criminal Procedure Regulation 2000

The *Criminal Procedure Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clauses 12B and 12C

Insert after clause 12A:

12B Public officers

The following bodies are declared to be public bodies for the purposes of paragraph (f) of the definition of *public officer* in section 3 (1) of the Act:

- (a) the Independent Commission Against Corruption,
- (b) the Royal Society for the Prevention of Cruelty to Animals, New South Wales,
- (c) the Animal Welfare League.

12C Exclusion of indemnity for personal liability for costs

An officer or employee of any of the following bodies is prescribed as a person who is not a *public officer* for the purposes of section 218 of the Act:

- (a) the Royal Society for the Prevention of Cruelty to Animals, New South Wales,
- (b) the Animal Welfare League.