



New South Wales

# Crimes (General) Regulation 2005

under the

Crimes Act 1900

Her 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

The object of this Regulation is to remake, without any changes in substance except for the omission of a provision that is no longer appropriate, the provisions of the *Crimes (General) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

- (a) the forms for records concerning domestic violence (clause 4),
- (b) the forms for complaints and orders concerning apprehended violence (clause 5),
- (c) prescribing relevant professions, callings and vocations 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 (clause 6).

This Regulation is made under the *Crimes Act 1900*, including sections 316 (4), 357G and 582 (the general regulation-making power).

This Regulation relates to matters of a machinery nature.

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## Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Forms for records concerning domestic violence	3
5 Forms for complaints and orders concerning apprehended violence	3
6 Concealment of offences by certain persons	4
7 Savings	4
Schedule 1 Forms	5

## Crimes (General) Regulation 2005

under the

Crimes Act 1900

### 1 Name of Regulation

This Regulation is the *Crimes (General) Regulation 2005*.

### 2 Commencement

This Regulation commences on 1 September 2005.

**Note.** This Regulation replaces the *Crimes (General) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

- (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) Notes included in this Regulation do not form part of this Regulation.

### 4 Forms for records concerning domestic violence

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

## 2005 No 447

Clause 6 Crimes (General) Regulation 2005

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- (b) an application to vary or revoke an order may be made in a form approved by the Minister, and
- (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 people practising 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,
- (h) if the serious indictable offence referred to in section 316 (1) of the Act is an offence under section 60E of the Act, a school teacher, including a principal of a school.

### 7 Savings

Any act, matter or thing that, immediately before the repeal of the *Crimes (General) Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.

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## Schedule 1 Forms

(Clause 3 (2))

### 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 [name] of [name of police station])\* from [name] of [name of police station] (who is called the complainant in this form) alleging that the complainant had been denied entry to a dwelling-house at [address of premises] 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 [time of grant] 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)\* [state 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 [name of offence] (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 (eg 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):

## 2005 No 447

### Crimes (General) Regulation 2005

#### Schedule 1 Forms

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**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*

### Form 2

(Crimes Act 1900)

(Section 357G (12))

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

On [date] at [time of grant] [name of Magistrate] Magistrate, being satisfied there were reasonable grounds for doing so, granted a warrant authorising [name] of [name of police station] (who is called the complainant in this form) to enter the dwelling-house at [address of premises the subject of the warrant] 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 [state 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.