



New South Wales

Criminal Procedure Amendment (Public Officers) Regulation 2008

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*.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Criminal Procedure Regulation 2005* to declare the Office of the Director of Public Prosecutions of the Commonwealth to be a body whose officers and employees are public officers for the purposes of the *Criminal Procedure Act 1986*. The effect of this is to enable officers and employees of that Office to commence and conduct prosecutions in NSW courts as public, rather than private, prosecutors, with the powers and certain of the protections conferred on public prosecutors.

This Regulation also makes amendments to the *Criminal Procedure Regulation 2005* in the nature of law revision.

This Regulation is made under the *Criminal Procedure Act 1986*, including the definition of **public officer** in section 3 (1), sections 4 (the general regulation-making power), 218 and 257E.

2008 No 59

Clause 1 Criminal Procedure Amendment (Public Officers) Regulation 2008

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1 Name of Regulation

This Regulation is the *Criminal Procedure Amendment (Public Officers) Regulation 2008*.

2 Amendment of Criminal Procedure Regulation 2005

The *Criminal Procedure Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 20 Public officers

Insert after clause 20 (p):

- (q) the Office of the Director of Public Prosecutions of the Commonwealth.

[2] Clause 25

Omit the clause. Insert instead:

25 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 sections 218 (2) and 257E (2) of the Act:

- (a) the Royal Society for the Prevention of Cruelty to Animals, New South Wales,
- (b) the Animal Welfare League NSW,
- (c) the Australian Federal Police,
- (d) the Australian Securities and Investments Commission,
- (e) the Office of the Director of Public Prosecutions of the Commonwealth.