

Crimes (General) Regulation 2005

[2005-447]



New South Wales

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The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Crimes (General) Regulation 2005



New South Wales

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

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This Regulation replaces the [Crimes \(General\) Regulation 2000](#) which is repealed on 1 September 2005 by section 10 (2) of the [Subordinate Legislation Act 1989](#).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
- (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.

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):
- 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.