



New South Wales

Crimes Regulation 2010

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*.

JOHN HATZISTERGOS, MLC
Attorney General

Explanatory note

The object of this Regulation is to remake, with some changes, the provisions of the *Crimes (General) Regulation 2005*, which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

Provisions relating to domestic violence and apprehended violence orders have not been included in this Regulation as those matters are now dealt with by the *Crimes (Domestic and Personal Violence) Act 2007* rather than the *Crimes Act 1900*.

This Regulation makes provision with respect to the following:

- (a) prescribing relevant professions, callings and vocations for the purposes of section 316 of the *Crimes Act 1900*, which relates to the prosecution of certain persons for failing to disclose a serious offence committed by another person,
- (b) savings and formal matters.

This Regulation is made under the *Crimes Act 1900*, including sections 316 (5) and 582 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Crimes Act 1900

1 Name of Regulation

This Regulation is the *Crimes Regulation 2010*.

2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Crimes (General) Regulation 2005* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

the Act means the *Crimes Act 1900*.

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

4 Concealment of offences by certain persons

For the purposes of section 316 (5) of the Act, the following 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,

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- (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,
- (i) an arbitrator,
- (j) a mediator.

5 Savings

Any act, matter or thing that, immediately before the repeal of the *Crimes (General) Regulation 2005*, had effect under that Regulation continues to have effect under this Regulation.