



New South Wales

# Crimes (Sentencing Procedure) Amendment (Certificates) Regulation 2011

under the

Crimes (Sentencing Procedure) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Sentencing Procedure) Act 1999*.

GREG SMITH, MP  
Attorney General

## Explanatory note

The object of this Regulation is to allow the following persons to sign certain documents on behalf of the Director of Public Prosecutions:

- (a) in relation to documents that specify other offences with which an offender has been charged, but not convicted, that the offender wants the court to take into account when dealing with the offender for another offence—certain staff of the Department of Finance and Services, the Department of Health and the Compensation Authorities Staff Division of the Government Service, and
- (b) in relation to certificates concerning consultation between the victims of an offence and police regarding charge negotiations between the prosecution and the offender—police officers, the Commissioner for Fair Trading and certain staff of the Department of Finance and Services.

This Regulation also updates a reference to the Commissioner for Fair Trading.

This Regulation is made under the *Crimes (Sentencing Procedure) Act 1999*, including sections 35A and 103 (the general regulation-making power).

## **2011 No 607**

Clause 1 Crimes (Sentencing Procedure) Amendment (Certificates) Regulation 2011

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# **Crimes (Sentencing Procedure) Amendment (Certificates) Regulation 2011**

under the

Crimes (Sentencing Procedure) Act 1999

### **1 Name of Regulation**

This Regulation is the *Crimes (Sentencing Procedure) Amendment (Certificates) Regulation 2011*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## **Schedule 1      Amendment of Crimes (Sentencing Procedure) Regulation 2010**

### **[1]    Clause 4 Lists of additional charges**

Omit clause 4 (2) (b). Insert instead:

- (b) the Commissioner for Fair Trading, Department of Finance and Services or, if there is no such position in that Department, the Director-General of that Department,

### **[2]    Clause 4 (2) (d)–(j)**

Insert after clause 4 (2) (c):

- (d) the Director of the WorkCover Legal Group, Compensation Authorities Staff Division of the Government Service,
- (e) legal officers employed in the Compensation Authorities Staff Division of the Government Service who have a salary not lower than the minimum salary applicable to a grade 1 senior officer's position in the Public Service,
- (f) the General Counsel, Department of Finance and Services,
- (g) legal officers employed in the Department of Finance and Services who have a salary not lower than the minimum salary applicable to a grade 12 clerk's position in the Public Service,
- (h) the Director General of the Department of Health,
- (i) the Chief Health Officer, Department of Health,
- (j) the General Counsel, Department of Health.

### **[3]    Clause 7A**

Insert after clause 7:

#### **7A    Consultation with victim and police in relation to charge negotiations**

For the purposes of section 35A (4) (b) of the Act, the following persons or classes of persons are prescribed:

- (a) in relation to proceedings being prosecuted by a police prosecutor—police officers,
- (b) the Commissioner for Fair Trading, Department of Finance and Services or, if there is no such position in that Department, the Director-General of that Department,
- (c) the General Counsel, Department of Finance and Services,

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- (d) legal officers in the Department of Finance and Services who have a salary not lower than the minimum salary applicable to a grade 12 clerk's position in the Public Service.