



New South Wales

Witness Protection Regulation 1996

under the
Witness Protection Act 1995

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Witness Protection Act 1995*.

PAUL WHELAN, MP
Minister for Police

Explanatory note

The object of this Regulation is to prescribe the forms to be used to permit a participant in a witness protection program (established and maintained under the Witness Protection Act 1995 or under a law of the Commonwealth, another State or a Territory) who has been provided with a new identity not to disclose his or her former identity if the participant would otherwise be required by law to do so.

The Regulation is made under the Witness Protection Act 1995, including section 24 (1) and (5).

This Regulation comprises or relates to matters of a machinery nature.

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Witness Protection Regulation 1996

1 Name of Regulation

This Regulation is the *Witness Protection Regulation 1996*.

2 Commencement

This Regulation commences on 18 April 1996.

3 Definitions

(1) In this Regulation:

the Act means the *Witness Protection Act 1995*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

4 Form permitting non-disclosure of former identity (participant under NSW witness protection program)

For the purposes of section 24 (1) of the Act, the prescribed form is Form 1.

5 Form permitting non-disclosure of former identity (participant under complementary witness protection law)

For the purposes of section 24 (5) of the Act, the prescribed form is Form 2.

6 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Schedule 1 Forms

Form 1

(Cl. 4)

PERMISSION FOR NON-DISCLOSURE OF FORMER IDENTITY (PARTICIPANT UNDER NSW WITNESS PROTECTION PROGRAM)

WITNESS PROTECTION ACT 1995

(Section 24 (1))

On ,
(*date*) (*new identity of participant*)
("the participant") was provided with a new identity under the
witness protection program operating in New South Wales.

The participant is required by or under
.....
(*law that requires disclosure, including section number of Act if
relevant*)
to disclose the participant's former identity for the purpose of
.....
(*purpose*)

Pursuant to the Witness Protection Act 1995,
I,.....
(*name*)

.....
(*rank*) (*position*)
the duly appointed delegate of the Commissioner of Police give
the participant permission not to disclose the participant's former
identity to any person as required by that law for that purpose.

Dated: Signed:

Note. Section 24 of the Act enables permission to be given to a participant who has been provided with a new identity not to disclose his or her former identity if the participant would otherwise be required by law to do so. In such a case, it is lawful for the participant in any proceedings or for any purpose in respect of the law concerned to claim that the participant's new identity is his or her only identity.

This permission remains valid while the participant retains that new identity even though the participant's participation in the witness protection program may have been terminated.

This document must be surrendered by the participant in accordance with any notice issued under section 21 (5) of the Act if the participant's participation in the program is terminated and action is taken by the Commissioner of Police to restore the participant's former identity.

Form 2

(Cl. 5)

**PERMISSION FOR NON-DISCLOSURE OF FORMER
IDENTITY (PARTICIPANT UNDER A
COMPLEMENTARY WITNESS PROTECTION LAW)**

WITNESS PROTECTION ACT 1995

(Section 24 (5))

On ,
(*date*) (*new identity of participant*)
("the participant") was provided with a new identity under the
witness protection program operating under
.....
(*complementary witness protection law*)

The participant is required by or under
.....
(*law that requires disclosure, including section number of Act if
relevant*)
to disclose the participant's former identity for the purpose of
.....
(*purpose*)

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Pursuant to the Witness Protection Act 1995,

I
(name)

.....
(rank)
(position)

the duly appointed delegate of the Commissioner of Police give
the participant permission not to disclose the participant's former
identity to any person as required by that law for that purpose.

Dated: Signed:

Note. This permission remains valid while the participant retains his or her
new identity even though the participant's participation in the witness
protection program concerned may have been terminated.

This permission is subject to the complementary witness protection law
referred to above.