



New South Wales

Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Act 2004 No 71

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New South Wales

Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Act 2004 No 71

Act No 71, 2004

An Act to amend the *Crimes (Administration of Sentences) Act 1999* to make further provision with respect to the transfer of prisoners from Norfolk Island; and for other purposes. [Assented to 28 September 2004]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Act 2004*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Crimes (Administration of Sentences) Act 1999 No 93

The *Crimes (Administration of Sentences) Act 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 47

Omit the section. Insert instead:

47 Definitions

(1) In this Division:

authorised person, constable, court, magistrate and *order* have the same meanings as they have in the Norfolk Island Act.

Norfolk Island Act means the *Removal of Prisoners Act 2004* of Norfolk Island.

Norfolk Island warrant means a warrant issued under the Norfolk Island Act.

prisoner means a person who is liable to undergo imprisonment or other detention in custody under a law in force in Norfolk Island.

(2) For the purposes of this Division, a reference to an order of a court or magistrate includes a reference to a warrant issued by a court or magistrate, other than a Norfolk Island warrant.

[2] Section 47A

Insert after section 47:

47A Application of Division

This Division does not apply to a person who is the subject of a direction under section 9 of the Norfolk Island Act.

[3] Section 48 Conveyance and detention of prisoners from Norfolk Island

Omit “Commonwealth warrant” from section 48 (1)–(3) and (5) wherever occurring.

Insert instead “Norfolk Island warrant”.

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Schedule 1 Amendments

[4] Section 48 (3)

Omit “Magistrate”. Insert instead “magistrate”.

[5] Section 48 (6)

Omit “Commonwealth Act”. Insert instead “Norfolk Island Act”.

[6] Section 49 Return of prisoners to Norfolk Island

Omit “Commonwealth warrant” from section 49 (1).

Insert instead “Norfolk Island warrant”.

[7] Section 50

Omit the section. Insert instead:

50 Evidentiary provision

A document purporting to be a Norfolk Island warrant and to be signed by an authorised person is admissible in any proceedings and is in all courts exercising jurisdiction in New South Wales and on all occasions evidence of the particulars stated in the document.

[8] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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[9] Schedule 5

Insert in appropriate order with appropriate Part and clause numbers:

**Part Provisions consequent on enactment of
Crimes (Administration of Sentences)
Amendment (Norfolk Island Prisoners) Act
2004**

Persons in custody

The amendments made to this Act by the *Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Act 2004* extend to any person who, immediately before the commencement of those amendments, is in custody for an offence under the law in force in Norfolk Island.

[Second reading speech made in—

Legislative Assembly on 21 September 2004

Legislative Council on 22 September 2004]

BY AUTHORITY