



# Prisoners (Interstate Transfer) Regulation 2004

under the

Prisoners (Interstate Transfer) Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Prisoners (Interstate Transfer) Act 1982*.

JOHN HATZISTERGOS, M.L.C.,

Minister for Justice

## Explanatory note

The object of this Regulation is to remake, with some changes, the *Prisoners (Interstate Transfer) Regulation 1999*. That Regulation is to be repealed under section 10 (2) of the *Subordinate Legislation Act 1989* on 1 September 2004.

This Regulation contains provisions relating to the following matters:

- (a) the authorisation of certain persons to sign a certificate certifying that consent or a request for an order of transfer has been made under the Act,
- (b) the manner in which certain orders and documents are to be certified for the purposes of the Act,
- (c) the authorisation of certain office holders to apply for the revocation of an order of transfer made under the Act.

This Regulation and the *Prisoners (Interstate Transfer) Act 1982* form part of a scheme of uniform legislation for the transfer of prisoners between States and Territories.

This Regulation is made under the *Prisoners (Interstate Transfer) Act 1982* including sections 13 (2), 26 (2), 34 and 35 (the general regulation-making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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## Prisoners (Interstate Transfer) Regulation 2004

under the

Prisoners (Interstate Transfer) Act 1982

### 1 Name of Regulation

This Regulation is the *Prisoners (Interstate Transfer) Regulation 2004*.

### 2 Commencement

This Regulation commences on 1 September 2004.

**Note.** This Regulation replaces the *Prisoners (Interstate Transfer) Regulation 1999*, which is repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

**Commissioner** means the Commissioner of Corrective Services.

**the Act** means the *Prisoners (Interstate Transfer) Act 1982*.

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

### 4 Consent for transfer

For the purpose of section 13 (2) of the Act, the following are prescribed officers:

- (a) the Commissioner,
- (b) an officer of the Department of Corrective Services authorised by the Commissioner to certify that a consent or request required under section 13 (1) of the Act has been given or made.

### 5 Certification of documents

For the purpose of section 26 (2) of the Act, a copy of an order or document referred to in section 26 (1) of the Act is to be certified by the Commissioner, or an officer of the Department of Corrective

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Services authorised by the Commissioner to certify the copy, by endorsement of the copy with a statement, signed by the person certifying it, that indicates the following:

- (a) the name of the person certifying the copy,
- (b) the position in the Department of Corrective Services held by the person certifying the copy,
- (c) that the person certifies that the copy is a true and accurate copy of the original order or document described in the statement.

### 6 Application for revocation of order of transfer

For the purpose of section 34 of the Act, the holders of the following offices or positions are prescribed as persons who may make an application for the revocation of an order of transfer:

- (a) the Attorney General,
- (b) the Minister for Justice,
- (c) the Commissioner,
- (d) the Director of Public Prosecutions.

### 7 Savings

Any act, matter or thing that, immediately before the repeal of the *Prisoners (Interstate Transfer) Regulation 1999*, had effect under that Regulation is taken to have effect under this Regulation.

BY AUTHORITY

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