



New South Wales

Prisoners (Interstate Transfer) Regulation 2009

under the

Prisoners (Interstate Transfer) Act 1982

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

JOHN ROBERTSON, MLC
Minister for Corrective Services

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Prisoners (Interstate Transfer) Regulation 2004* which is repealed on 1 September 2009 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (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 *Prisoners (Interstate Transfer) Act 1982 (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,
- (d) savings and formal matters.

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 comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

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Prisoners (Interstate Transfer) Regulation 2009

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Prisoners (Interstate Transfer) Act 1982

1 Name of Regulation

This Regulation is the *Prisoners (Interstate Transfer) Regulation 2009*.

2 Commencement

This Regulation commences on 1 September 2009.

Note. This Regulation replaces the *Prisoners (Interstate Transfer) Regulation 2004*, which is repealed on 1 September 2009 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

(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 Director-General of the Attorney General's Department,
- (b) an officer of the Attorney General's Department authorised by the Director-General of that Department for the purposes of this clause.

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 in the following manner:

- (a) by the Commissioner or by an officer of the Department of Corrective Services authorised by the Commissioner to certify the copy,

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- (b) by endorsement of the copy with a statement, signed by the person certifying it, that indicates the following:
 - (i) the name of the person certifying the copy,
 - (ii) the position in the Department of Corrective Services held by the person certifying the copy,
 - (iii) 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 Corrective Services,
- (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 2004*, had effect under that Regulation is taken to have effect under this Regulation.