



New South Wales

Prisoners (Interstate Transfer) Regulation 2019

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*.

ANTHONY ROBERTS, MP
Minister for Counter Terrorism and Corrections

Explanatory note

The object of this Regulation is to repeal and remake, without substantial amendments, the provisions of the *Prisoners (Interstate Transfer) Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation contains provisions relating to the certification of documents and other machinery and formal matters under the *Prisoners (Interstate Transfer) Act 1982*.

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 of a machinery nature and 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) Act 1982

1 Name of Regulation

This Regulation is the *Prisoners (Interstate Transfer) Regulation 2019*.

2 Commencement

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

Note. This Regulation repeals and replaces the *Prisoners (Interstate Transfer) Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

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

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

4 Consent to transfer prisoner to a participating State

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

- (a) the Secretary of the Department of Family and Community Services and Justice,
- (b) an officer of the Department authorised by the Secretary for the purposes of this clause.

5 Certification of documents

For the purposes 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 of Corrective Services, or an officer of Corrective Services NSW (within the meaning of the *Crimes (Administration of Sentences) Act 1999*) authorised by the Commissioner to certify the copy, by signing the copy and including:

- (a) the name and position of the person certifying the copy, and
- (b) a statement that the person certifies that the copy is a true and accurate copy of the original order or document.

6 Application for revocation of order of transfer

For the purposes 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, and Minister for the Prevention of Domestic Violence,

- (b) the Minister for Counter Terrorism and Corrections,
- (c) the Commissioner of Corrective Services,
- (d) the Director of Public Prosecutions.

7 Repeal and savings

- (1) The *Prisoners (Interstate Transfer) Regulation 2014* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Prisoners (Interstate Transfer) Regulation 2014*, had effect under that Regulation continues to have effect under this Regulation.