



New South Wales

Crimes (Interstate Transfer of Community Based Sentences) Regulation 2020

under the

Crimes (Interstate Transfer of Community Based Sentences) Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Interstate Transfer of Community Based Sentences) Act 2004*.

ANTHONY ROBERTS, MP
Minister for Counter Terrorism and Corrections

Explanatory note

The object of this Regulation is to repeal and remake, with minor amendments, the *Crimes (Interstate Transfer of Community Based Sentences) Regulation 2015*, which would otherwise be repealed on 1 September 2020 by section 10(2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following—

- (a) prescribing the Australian Capital Territory as a participating jurisdiction,
- (b) the details to be entered in the local register for the registration of an interstate community based sentence,
- (c) formal matters.

This Regulation is made under the *Crimes (Interstate Transfer of Community Based Sentences) Act 2004*, including sections 8(3), 22(3) (definition of **required details**) and 31 (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, matters arising under legislation that is substantially uniform or complementary with legislation of the Australian Capital Territory and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Crimes (Interstate Transfer of Community Based Sentences) Regulation 2020

under the

Crimes (Interstate Transfer of Community Based Sentences) Act 2004

1 Name of Regulation

This Regulation is the *Crimes (Interstate Transfer of Community Based Sentences) Regulation 2020*.

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and replaces the *Crimes (Interstate Transfer of Community Based Sentences) Regulation 2015*, which would otherwise be repealed on 1 September 2020 by section 10(2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation—

the Act means the *Crimes (Interstate Transfer of Community Based Sentences) Act 2004*.

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 Participating jurisdiction

The Australian Capital Territory is declared to be a participating jurisdiction for the purposes of the Act.

5 Registration of interstate sentences—required details

The following are the required details that are to be entered in the local register for the registration of an interstate sentence—

(a) **Offender details**

The following details regarding the offender—

- (i) names (given and surname),
- (ii) aliases (if any),
- (iii) date of birth.

(b) **Sentence details**

The following details regarding the offender's sentence—

- (i) name or kind of interstate sentence,
- (ii) name or kind of corresponding sentence in New South Wales,
- (iii) length of sentence,
- (iv) start date,

- (v) date when offender first reported for interstate sentence in participating jurisdiction,
- (vi) end date,
- (vii) remaining period of sentence to be served in New South Wales,
- (viii) sentence history including appeals and registrations in other participating jurisdictions.

6 Repeal and savings

- (1) The *Crimes (Interstate Transfer of Community Based Sentences) Regulation 2015* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Crimes (Interstate Transfer of Community Based Sentences) Regulation 2015*, had effect under that Regulation continues to have effect under this Regulation.