

# Witness Protection Regulation 2017

[2017-346]



New South Wales

## Status Information

### Currency of version

Current version for 7 July 2017 to date (accessed 2 May 2024 at 12:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 28 July 2023

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New South Wales

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# Witness Protection Regulation 2017



New South Wales

## 1 Name of Regulation

This Regulation is the [Witness Protection Regulation 2017](#).

## 2 Commencement

This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.

### Note—

This Regulation replaces the [Witness Protection Regulation 2012](#), which is repealed on 1 September 2017 under section 10 (2) of the [Subordinate Legislation Act 1989](#).

## 3 Definition

(1) In this Regulation:

**the Act** means the [Witness Protection Act 1995](#).

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes in this Regulation (other than in a Form) do not form part of this Regulation.

## 4 Form permitting non-disclosure of former identity (participant under NSW witness protection program)

For the purposes of section 24 (1) of the Act, the prescribed form is Form 1 as set out in Schedule 1.

## 5 Form permitting non-disclosure of former identity (participant under complementary witness protection law)

For the purposes of section 24 (5) of the Act, the prescribed form is Form 2 as set out in Schedule 1.

## 6 Saving

Any act, matter or thing that, immediately before the repeal of the [Witness Protection](#)

[Regulation 2012](#), had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Forms

### Form 1 Permission for non-disclosure of former identity (participant under NSW witness protection program)

(Clause 4)

([Witness Protection Act 1995](#), section 24 (1))

On [date], [new identity of participant] ("the participant") was provided with a new identity under the witness protection program operating in New South Wales.

The participant is required by or under [law that requires disclosure, including section number of Act if relevant] to disclose the participant's former identity for the purpose of [purpose].

Pursuant to the [Witness Protection Act 1995](#), I, [name, rank and position], the duly appointed delegate of the Commissioner of Police, give the participant permission not to disclose the participant's former identity to any person as required by that law for that purpose.

Signed:

Date:

#### Note—

Section 24 of the Act enables permission to be given to a participant who has been provided with a new identity not to disclose his or her former identity if the participant would otherwise be required by law to do so. In such a case, it is lawful for the participant in any proceedings or for any purpose in respect of the law concerned to claim that the participant's new identity is his or her only identity.

This permission remains valid while the participant retains that new identity even though the participant's participation in the witness protection program may have been terminated.

This document must be surrendered by the participant in accordance with any notice issued under section 21 (5) of the Act if the participant's participation in the program is terminated and action is taken by the Commissioner of Police to restore the participant's former identity.

### Form 2 Permission for non-disclosure of former identity (participant under a complementary witness protection law)

(Clause 5)

([Witness Protection Act 1995](#), section 24 (5))

On [date], [new identity of participant] ("the participant") was provided with a new identity under the witness protection program operating under [complementary witness protection law].

The participant is required by or under [law that requires disclosure, including section number of Act if relevant] to disclose the participant's former identity for the purpose of [purpose].

Pursuant to the [Witness Protection Act 1995](#), I, [name, rank and position], the duly appointed delegate of the Commissioner of Police, give the participant permission not to disclose the participant's former identity to any person as required by that law for that purpose.

Signed:

Date:

#### Note—

This permission remains valid while the participant retains his or her new identity even though the participant's participation in the witness protection program concerned may have been terminated.

This permission is subject to the complementary witness protection law referred to above.