

Witness Protection Regulation 2006

[2006-534]



New South Wales

Status Information

Currency of version

Repealed version for 1 September 2006 to 31 August 2012 (accessed 12 July 2024 at 8:25)

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—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2012.

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 1 September 2012

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Witness Protection Regulation 2006



New South Wales

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the [Witness Protection Act 1995](#).

CARL SCULLY, M.P., Minister for Police

Part 1 Preliminary

1 Name of Regulation

This Regulation is the [Witness Protection Regulation 2006](#).

2 Commencement

This Regulation commences on 1 September 2006.

Note—

This Regulation replaces the [Witness Protection Regulation 2001](#) which is repealed on 1 September 2006 under section 10 (2) of the [Subordinate Legislation Act 1989](#).

3 Definitions

(1) In this Regulation:

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

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

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

Part 2 Prescription of forms

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.

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.

Part 3 Savings

6 Saving

Any act, matter or thing that had effect under the *Witness Protection Regulation 2001* immediately before the repeal of that Regulation is taken 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.