



New South Wales

Prisoners (Interstate Transfer) Regulation 2014

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*.

BRAD HAZZARD, MP
Minister for Justice

Explanatory note

The object of this Regulation is to remake, without substantive changes, the *Prisoners (Interstate Transfer) Regulation 2009*, which would otherwise be repealed on 1 September 2014 by section 10 (2) of the *Subordinate Legislation Act 1989*.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 evidencing consent to, or a request for, an order of transfer 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.

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.

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Consent to transfer	3
5 Certification of documents	3
6 Application for revocation of order of transfer	4
7 Repeal and savings	4

Prisoners (Interstate Transfer) Regulation 2014

under the

Prisoners (Interstate Transfer) Act 1982

1 Name of Regulation

This Regulation is the *Prisoners (Interstate Transfer) Regulation 2014*.

2 Commencement

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

Note. This Regulation replaces the *Prisoners (Interstate Transfer) Regulation 2009*.

3 Definitions

(1) In this Regulation:

Commissioner means the Commissioner of Corrective Services.

Corrective Services NSW has the same meaning as in the *Crimes (Administration of Sentences) Act 1999*.

Department means the Department of Police and Justice.

Secretary means the Secretary of the Department.

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

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

4 Consent to transfer

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

- (a) the Secretary,
- (b) an officer of the Department authorised by the Secretary 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 Corrective Services NSW authorised by the Commissioner to certify the copy,
- (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 Corrective Services NSW 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.

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 Justice,
- (c) the Commissioner,
- (d) the Director of Public Prosecutions.

7 Repeal and savings

- (1) The *Prisoners (Interstate Transfer) Regulation 2009* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Prisoners (Interstate Transfer) Regulation 2009*, had effect under that Regulation continues to have effect under this Regulation.