



New South Wales

Children (Interstate Transfer of Offenders) Regulation 2020

under the

Children (Interstate Transfer of Offenders) Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Interstate Transfer of Offenders) Act 1988*.

GARETH WARD, MP
Minister for Families, Communities and Disability Services

Explanatory note

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with minor amendments, the *Children (Interstate Transfer of Offenders) Regulation 2015*, which would otherwise be repealed on 1 September 2020 by section 10(2) of the *Subordinate Legislation Act 1989*.

This Regulation declares other States (which is defined in the *Children (Interstate Transfer of Offenders) Act 1988* to include Territories) that have enacted legislation dealing with the interstate transfer of young offenders. This enables the Minister for Families, Communities and Disability Services to enter into agreements with those States and Territories for the transfer of young offenders between those States and Territories and New South Wales.

This Regulation is made under the *Children (Interstate Transfer of Offenders) Act 1988*, including sections 4(2) and 22 (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 that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of Regulation

This Regulation is the *Children (Interstate Transfer of Offenders) 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repeals and replaces the *Children (Interstate Transfer of Offenders) Regulation 2015*, which would otherwise be repealed on 1 September 2020 by section 10(2) of the *Subordinate Legislation Act 1989*.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 *Children (Interstate Transfer of Offenders) Act 1988*.

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 Legislation of other States and Territories

For the purposes of section 4(2) of the Act, the following States are declared to have enacted legislation dealing with the interstate transfer of young offenders—

Australian Capital Territory

Northern Territory

Queensland

South Australia

Tasmania

Victoria

5 Repeal and savings

(1) The *Children (Interstate Transfer of Offenders) Regulation 2015* is repealed.

(2) An act, matter or thing that, immediately before the repeal of the *Children (Interstate Transfer of Offenders) Regulation 2015*, had effect under that Regulation continues to have effect under this Regulation.