

Passed by both Houses



New South Wales

# **Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill 2004**

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*I certify that this PUBLIC BILL,  
which originated in the LEGISLATIVE ASSEMBLY, has finally passed the  
LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2004*



New South Wales

## **Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill 2004**

Act No , 2004

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An Act to amend the *Crimes (Administration of Sentences) Act 1999* to make further provision with respect to the transfer of prisoners from Norfolk Island; and for other purposes.

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*I have examined this Bill, and find it to correspond in all respects with the Bill  
as finally passed by both Houses.*

*Chairman of Committees of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Act 2004*.

**2    Commencement**

This Act commences on the date of assent.

**3    Amendment of Crimes (Administration of Sentences) Act 1999 No 93**

The *Crimes (Administration of Sentences) Act 1999* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 47**

Omit the section. Insert instead:

**47 Definitions**

(1) In this Division:

*authorised person, constable, court, magistrate* and *order* have the same meanings as they have in the Norfolk Island Act.

*Norfolk Island Act* means the *Removal of Prisoners Act 2004* of Norfolk Island.

*Norfolk Island warrant* means a warrant issued under the Norfolk Island Act.

*prisoner* means a person who is liable to undergo imprisonment or other detention in custody under a law in force in Norfolk Island.

(2) For the purposes of this Division, a reference to an order of a court or magistrate includes a reference to a warrant issued by a court or magistrate, other than a Norfolk Island warrant.

**[2] Section 47A**

Insert after section 47:

**47A Application of Division**

This Division does not apply to a person who is the subject of a direction under section 9 of the Norfolk Island Act.

**[3] Section 48 Conveyance and detention of prisoners from Norfolk Island**

Omit “Commonwealth warrant” from section 48 (1)–(3) and (5) wherever occurring.

Insert instead “Norfolk Island warrant”.

Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill 2004

Schedule 1 Amendments

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**[4] Section 48 (3)**

Omit “Magistrate”. Insert instead “magistrate”.

**[5] Section 48 (6)**

Omit “Commonwealth Act”. Insert instead “Norfolk Island Act”.

**[6] Section 49 Return of prisoners to Norfolk Island**

Omit “Commonwealth warrant” from section 49 (1).

Insert instead “Norfolk Island warrant”.

**[7] Section 50**

Omit the section. Insert instead:

**50 Evidentiary provision**

A document purporting to be a Norfolk Island warrant and to be signed by an authorised person is admissible in any proceedings and is in all courts exercising jurisdiction in New South Wales and on all occasions evidence of the particulars stated in the document.

**[8] Schedule 5 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Act 2004*

**[9] Schedule 5**

Insert in appropriate order with appropriate Part and clause numbers:

**Part Provisions consequent on enactment of  
Crimes (Administration of Sentences)  
Amendment (Norfolk Island Prisoners) Act  
2004**

**Persons in custody**

The amendments made to this Act by the *Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Act 2004* extend to any person who, immediately before the commencement of those amendments, is in custody for an offence under the law in force in Norfolk Island.