



Australian Capital Territory

Parole Orders (Transfer) Act 1983 No 10

Republication No 2

Republication date: 4 April 2002

Last amendment made by Act 2001 No 82

Amendments incorporated to 24 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Parole Orders (Transfer) Act 1983* as in force on 4 April 2002. It includes any amendment, repeal or expiry affecting the republished law to 24 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
24 September 2001



Australian Capital Territory

Parole Orders (Transfer) Act 1983

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Amendments incorporated to
24 September 2001



Australian Capital Territory

Parole Orders (Transfer) Act 1983

An Act relating to the reciprocal enforcement of parole orders

1 Short title

This Act may be cited as the *Parole Orders (Transfer) Act 1983*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

board means the Sentence Administration Board established under the Rehabilitation of Offenders Act.

corresponding law, in relation to a State or another Territory, means a law of that State or Territory specified in a declaration under section 4.

designated authority, in relation to a State or another Territory, means the person or body with powers under the corresponding law of that State or Territory that correspond to those of the Minister under section 6.

parole order means—

- (a) a parole order under the Rehabilitation of Offenders Act or under a law of a State or another Territory relating to parole; or
- (b) an authority under a law of a State or another Territory for the release on parole of a person from imprisonment or lawful detention;

and includes such a parole order or authority as varied from time to time.

registrar means the registrar of transferred parole orders under section 5.

Rehabilitation of Offenders Act means the *Rehabilitation of Offenders (Interim) Act 2001*.

sentence of imprisonment includes an order, direction, declaration or other authority under which a person may be lawfully detained in a prison.

4 Declaration of corresponding laws

- (1) The Minister may, in writing, declare any law of a State or another Territory relating to the transfer of parole orders to be a corresponding law for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

5 Registrar of transferred parole orders

- (1) There shall be a registrar of transferred parole orders.
- (2) The chief executive shall create and maintain an office in the public service the duties of which include exercising the functions of the registrar of transferred parole orders.
- (3) The registrar shall be the public servant for the time being exercising the duties of the public service office referred to in subsection (2).

6 Requests for registration of transferred parole orders

- (1) The Minister may, on the request in writing of the designated authority for a State or another Territory, by instrument in writing, direct the registrar to register under this Act a parole order that was, on the date of the request, in force under a law of that State or Territory.
- (2) The Minister may, by instrument in writing addressed to the designated authority for a State or another Territory, request that a parole order that is in force in the Australian Capital Territory be registered under the corresponding law of that State or Territory.
- (3) The Minister may, in writing, delegate to a public servant all or any of his or her powers under or in relation to this section.

7 Documents to accompany requests

- (1) If the Minister makes a request under section 6 (2), he or she shall cause to be sent to the designated authority for the relevant State or Territory—
 - (a) the parole order to which the request relates; and
 - (b) the judgment or order under which the parolee became liable to the imprisonment to which the parole order relates or a certificate of conviction or warrant of commitment that is evidence, or shows, that the parolee became liable to that imprisonment; and
 - (c) particulars in writing of the address of the parolee last known to the Minister; and
 - (d) all documents relating to the parolee that were before the board or other body that made the parole order and any other documents relating to the parolee that appear to be likely to be of assistance to any relevant court, authority or officer of that State or Territory including, in particular, details as to class of prisoner and of any convictions, sentences of imprisonment, minimum terms of imprisonment, periods of imprisonment served, remissions earned and other grants of parole; and
 - (e) a report in writing relating to the parolee containing such additional information as appears to be likely to be of assistance to any relevant court, authority or officer in that State or Territory.
- (2) A reference in subsection (1) to a parole order, judgment, order or other document is a reference to the original or to a copy certified as a true copy by the person to whose custody the original is entrusted.

8 Regard for interests of parolee

- (1) The Minister shall not direct the registration of a parole order under this Act unless he or she is satisfied, after having considered the relevant documents forwarded to him or her by the designated

authority for the relevant State or Territory, that, having regard to the interests of the parolee, it is desirable that the parole order be so registered and the parolee—

- (a) has consented to, or has requested, the registration of the parole order under this Act; or
 - (b) is residing in the Australian Capital Territory.
- (2) The Minister shall not make a request for the registration of a parole order under the corresponding law of a State or another Territory unless he or she is satisfied that, having regard to the interests of the parolee, it is desirable that the parole order be so registered and—
- (a) the parolee has consented to, or has requested, the registration of the parole order under that corresponding law; or
 - (b) there are reasonable grounds for believing that the parolee is residing in that State or Territory.

9 Registration

- (1) When directed to do so under section 6 (1), the registrar shall register a parole order by endorsing on the parole order or a copy of the parole order a memorandum signed by him or her to the effect that the parole order was, on the date of the endorsement, registered under this Act.
- (2) If the registrar has registered a parole order under subsection (1), he or she shall—
 - (a) cause notice in writing of the fact and date of the registration of the parole order—
 - (i) to be served personally on the parolee; and
 - (ii) to be forwarded to the designated authority for the relevant State or Territory;
 - (b) give the chairperson of the board a copy of the documents required under paragraph (c) to be kept in a register; and

- (c) while the parole order is in force in the Australian Capital Territory, but subject to section 7 (1), keep in a register—
 - (i) the endorsed parole order or endorsed copy of the parole order; and
 - (ii) the judgment or order under which the parolee became liable to imprisonment, or a certificate of conviction or warrant of commitment that is evidence, or shows, that the parolee became liable to that imprisonment, or a copy of that judgment, order, certificate of conviction or warrant of commitment.
- (3) A reference in this section to a copy of a parole order or a copy of a judgment, order, certificate of conviction or warrant of commitment is a reference to a copy certified as a true copy by the person to whose custody the original is entrusted.

10 Effect of registration

- (1) Subject to this section, while a parole order (including a parole order that was, at any time, in force in the Australian Capital Territory) is registered under this Act, the laws of the Australian Capital Territory apply in relation to the parole order and the parolee.
- (2) Where a parole order registered under this Act was made under a law of a State or another Territory, subsection (1) has effect as if—
 - (a) each sentence of imprisonment to which the parolee was subject immediately before the making of the parole order had been imposed by the appropriate court of the Australian Capital Territory; and
 - (b) each period of imprisonment served by the parolee for the purpose of such a sentence had been served for the purpose of a sentence imposed by the appropriate court of the Australian Capital Territory; and

- (c) the parole order had been made and were in force under the Rehabilitation of Offenders Act.
- (3) For subsection (2), the appropriate court of the Australian Capital Territory in relation to a sentence of imprisonment is—
 - (a) where the sentence was imposed by a court of summary jurisdiction or by a court on appeal from a court of summary jurisdiction—the Magistrates Court; and
 - (b) in any other case—the Supreme Court.
- (4) If a parole order registered under this Act is revoked under the Rehabilitation of Offenders Act, the parolee is liable to serve a sentence of imprisonment equal to the period for which the parolee was liable to be imprisoned on the day the parolee was released on parole under the order.

11 Effect of transfer of parole order to a State or another Territory

On the registration under a corresponding law of a State or another Territory of a parole order that was, immediately before that registration, in force in the Australian Capital Territory—

- (a) the parole order ceases to be in force in the Australian Capital Territory; and
- (b) if the parole order was registered under this Act—the parole order ceases to be so registered; and
- (c) each sentence of imprisonment to which the parolee was subject immediately before that registration ceases to have effect in the Australian Capital Territory.

12 Evidence

- (1) An instrument in writing that purports to be a memorandum endorsed on a parole order on a specified date under section 9 (1)

and to have been signed by the registrar is evidence that the parole order was registered under this Act on that date.

- (2) A parole order registered under this Act is admissible in evidence in any court by the production of a copy of the parole order certified as a true copy by the registrar, and such a copy is evidence of the matters stated in the parole order.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 **Legislation history**

The *Parole Orders (Transfer) Act 1983* was originally the *Parole Orders (Transfer) Ordinance 1983*. It became an ACT Act on self-government (11 May 1989).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before self-government

Parole Orders (Transfer) Act 1983 No 10

notified 30 June 1983 (Cwlth Gaz 1983 No S130)

s 1, s 2 commenced 30 June 1983 (s 2 (1))

remainder commenced 1 May 1984 (s 2 (2) and Cwlth Gaz 1984 No S147)

as amended by

Magistrates Court Ordinance 1985 No 67 sch pt 1

notified 19 December 1985 (Cwlth Gaz 1985 No S542)

commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

Parole Orders (Transfer) (Amendment) Ordinance 1987 No 17

notified 13 May 1987 (Cwlth Gaz 1987 No S81)

commenced 13 May 1987

Administrative Arrangements (Consequential Amendments)

Ordinance 1988 No 17 sch 2

notified 22 April 1988 (Cwlth Gaz 1988 No S114)

commenced 22 April 1988

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after self-government

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)

s 1, s 2 commenced 15 December 1994 (s 2 (1))
 sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994
 No S293)

**Justice and Community Safety Legislation Amendment Act 2000
 (No 2) 2000 No 2 sch**

notified 9 March 2000 (Gaz 2000 No 10)
 commenced 9 March 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 274

notified 26 July 2001 (Gaz 2001 No 30)
 s 1, s 2 commenced 26 July 2001 (IA s 10B)
 pt 274 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Rehabilitation of Offenders (Interim) Act 2001 No 82 sch 1 pt 1.4

notified 10 September 2001 (Gaz 2001 No S66)
 s 1, s 2 commenced 10 September 2001 (IA s 10B)
 sch 1 pt 1.4 commenced 24 September 2001 (s 2 and CN 2001 No 4)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.3094

Definitions for Act

s 3 def **board** ins 2001 No 82 amdt 1.6
 def **corresponding law** am 2001 No 44 amdt 1.3095
 def **designated authority** am 1988 No 17 sch 2
 def **Parole Board** om 2001 No 82 amdt 1.7
 def **parole order** am 2001 No 82 amdt 1.8
 def **Registrar** sub 1994 No 97 sch pt 1
 def **Rehabilitation of Offenders Act** ins 2001 No 82 amdt 1.9

Declaration of corresponding laws

s 4 am 1988 No 17 sch 2; 2001 No 44 amdt 1.3096, amdt 1.3097

Registrar of transferred parole orders

s 5 am 1988 No 17 sch 2; 1989 No 38 sch 1
 sub 1994 No 97 sch pt 1

Requests for registration of transferred parole orders

s 6 am 1988 No 17 sch 2; 2000 No 2 sch

Documents to accompany requests

s 7 am 1987 No 17 s 3; 1988 No 17 sch 2; 2001 No 82 amdt 1.10

Endnotes

5 Earlier republishings

Regard for interests of parolee

s 8 am 1988 No 17 sch 2

Registration

s 9 am 1987 No 17 s 4; 2001 No 82 amdt 1.11

Effect of registration

s 10 am 1985 No 67 sch pt 1; 2001 No 82 amdt 1.12, amdt 1.13

5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord 1989 No 38	31 October 1990

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