



Australian Capital Territory

# **Prisoners (International Transfer) Act 1999**

**A1999-9**

**Republication No 2**

**Effective: 19 December 2003 – 1 June 2006**

Republication date: 19 December 2003

Last amendment made by A2003-56

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Prisoners (International Transfer) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 19 December 2003. It also includes any amendment, repeal or expiry affecting the republished law to 19 December 2003.

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](http://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 does not include 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.



Australian Capital Territory

# Prisoners (International Transfer) Act 1999

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Australian Capital Territory

# Prisoners (International Transfer) Act 1999

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An Act relating to the transfer of prisoners to and from Australia

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**1 Name of Act**

This Act is the *Prisoners (International Transfer) Act 1999*.

**3 Object**

The object of this Act is to give effect to the scheme for the international transfer of prisoners set out in the Commonwealth Act by enabling such prisoners to be transferred to and from the ACT.

**4 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**4A Terms defined in Commonwealth Act**

A term defined in the Commonwealth Act has the same meaning in this Act.

**4B Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**5 Minister's functions**

The Minister may exercise any function given to the Minister under the Commonwealth Act.

**6 Functions of prison officers, police officers and others**

- (1) A prison officer, police officer and any other officer of the Territory may exercise any function given or expressed to be given to him or her—
  - (a) under the Commonwealth Act or a corresponding law; or
  - (b) in accordance with any arrangements made under section 7.
- (2) It is lawful for a prison officer, police officer or other officer of the Territory—
  - (a) to hold and deal with any prisoner in accordance with the terms of a warrant issued under the Commonwealth Act in relation to the prisoner; and
  - (b) to take any action in relation to a prisoner transferred, or to be transferred, to or from Australia in accordance with the Commonwealth Act that the officer is authorised to take by or under that Act.

**7 Arrangements for administration of Act**

- (1) The Chief Minister may, in accordance with section 50 of the Commonwealth Act, make arrangements for the administration of that Act including arrangements relating to the exercise by officers of the Territory of functions under the Commonwealth Act.
- (2) An arrangement may be varied or terminated in accordance with the Commonwealth Act.

**8 Prisoners transferred to Australia**

- (1) A prisoner who is transferred to Australia under the Commonwealth Act shall be treated for a relevant enforcement law as if he or she were a federal prisoner serving a sentence of

imprisonment that is imposed under a law of the Commonwealth.

- (2) Without limiting subsection (1), enforcement laws relating to the following matters apply to a prisoner who is transferred to Australia under the Commonwealth Act:
- (a) conditions of imprisonment and treatment of prisoners;
  - (b) release on parole of prisoners;
  - (c) classification and separation of prisoners;
  - (d) removal of prisoners between prisons, hospitals and other places;
  - (e) treatment of mentally impaired prisoners;
  - (f) eligibility for participation in prison programs, including release under a pre-release permit scheme (however called);
  - (g) temporary absence from prison (for example, to work or seek work, to attend a funeral or visit a relative suffering a serious illness, or to attend a place of education or training);
  - (h) transfer of prisoners between States and Territories.
- (3) Any direction given by the Attorney-General of the Commonwealth under section 44 of the Commonwealth Act shall be given effect in the ACT.
- (4) Any direction given by the Attorney-General of the Commonwealth, under section 49 of the Commonwealth Act, shall be given effect in the ACT.
- (5) In this section:
- enforcement law*** means—
- (a) any Territory law; or



- (b) any law of the Commonwealth, a State or another Territory; or
- (c) any practice or procedure lawfully observed; concerning the detention of prisoners.

## **9 Prisoners transferred from Australia**

- (1) The laws of the Territory relating to the enforcement of a sentence of imprisonment imposed by a court of the Territory on a person cease to apply to a prisoner on whom such a sentence has been imposed who is transferred from Australia under the Commonwealth Act to complete serving such a sentence of imprisonment.
- (2) Nothing in this section limits the power of the Executive to grant a pardon or remit a sentence of imprisonment or other penalty.

## **10 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Dictionary

(see s 4)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- Australia
- Commonwealth
- Executive
- Federal Court
- function
- Minister (see s 162)
- State
- the Territory.

***Commonwealth Act*** means the *International Transfer of Prisoners Act 1997* (Cwlth).

***corresponding law*** means a law of a State or another Territory that provides for the international transfer of prisoners.

## 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.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	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

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### 3 Legislation history

#### **Prisoners (International Transfer) Act 1999 No 9**

notified 1 March 1999 (Gaz 1999 No S8)

s 1, s 2 commenced 1 March 1999 (s 2 (1))

remainder commenced 1 July 2002 (s 2 (2) and CN 2002 No 5)

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 296**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 296 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.16**

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.16 commenced 19 December 2003 (s 2)

### 4 Amendment history

#### **Commencement**

s 2 om 2001 No 44 amdt 1.3275

#### **Dictionary**

s 4 defs reloc to dict A2003-56 amdt 3.166  
def **function** om A2003-56 amdt 3.165  
sub A2003-56 amdt 3.167

#### **Terms defined in Commonwealth Act**

s 4A ins A2003-56 amdt 3.167

#### **Notes**

s 4B ins A2003-56 amdt 3.167

#### **Minister's functions**

s 5 hdg sub A2003-56 amdt 3.168

#### **Functions of prison officers, police officers and others**

s 6 hdg sub A2003-56 amdt 3.169

#### **Regulation-making power**

s 10 sub 2001 No 44 amdt 1.3276

**Dictionary**

dict

ins A2003-56 amdt 3.170

def **Commonwealth Act** reloc from s 4 A2003-56 amdt 3.166def **corresponding law** reloc from s 4 A2003-56 amdt 3.166**5 Earlier republications**

Some earlier republications 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 republications have also been published in printed format. These republications 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	A2001-44	1 July 2002

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