



Australian Capital Territory

# **Parole Orders (Transfer) Act 1983**

**A1983-10**

**Republication No 1A**

**Effective: 15 December 1994 – 8 March 2000**

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Last amendment made by A1994-97

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Parole Orders (Transfer) Act 1983* effective 15 December 1994 to 8 March 2000.

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Australian Capital Territory

## PAROLE ORDERS (TRANSFER) ACT 1983

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

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An Act relating to the reciprocal enforcement of parole orders

### Short title

1. This Act may be cited as the *Parole Orders (Transfer) Act 1983*.<sup>1</sup>

### Commencement

- 2.<sup>1</sup> (1) Section 1 and this section shall come into operation on the date on which this Act is notified in the *Gazette*.

(2) The remaining sections of this Act shall come into operation on such date as is, or such dates as respectively are, fixed by the Minister of State for Territories and Local Government by notice in the *Gazette*.

### **Interpretation**

3. In this Act, unless the contrary intention appears—

“corresponding law”, in relation to a State or another Territory, means a law of that State or Territory specified in a notice 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 Board” means the Parole Board of the Australian Capital Territory established by section 9 of the *Parole Act 1976*;

“parole order” means—

- (a) a parole order under the *Parole Act 1976* 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;

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

### **Declaration of corresponding laws**

4. The Minister may, by notice in the *Gazette*, declare any law of a State or another Territory relating to the transfer of parole orders to be a corresponding law for the purposes of this Act.

### **Registrar of Transferred Parole Orders**

5. (1) There shall be a Registrar of Transferred Parole Orders.

(2) The Chief Executive shall create and maintain an office in the Government Service the duties of which include performing the functions of the Registrar of Transferred Parole Orders.

(3) The Registrar shall be the public servant for the time being performing the duties of the Government Service office referred to in subsection (2).

### **Requests for registration of transferred parole orders**

6. (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.

### **Documents to accompany requests**

7. (1) Where the Minister makes a request under subsection 6 (2), he shall cause to be sent to the designated authority for the relevant State or Territory—

- (a) the parole order to which the request relates;
- (b) the judgment or order by virtue of 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;
- (c) particulars in writing of the address of the parolee last known to the Minister;
- (d) all documents relating to the parolee that were before the Parole 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 shall be read as a reference to the original or to a copy certified as a true copy by the person to whose custody the original is entrusted.

### **Regard for interests of parolee**

8. (1) The Minister shall not direct the registration of a parole order under this Act unless he is satisfied, after having considered the relevant documents forwarded to him 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 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.

### **Registration**

9. (1) When directed to do so under subsection 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 to the effect that the parole order was, on the date of the endorsement, registered under this Act.

(2) Where the Registrar has registered a parole order pursuant to subsection (1), he 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) forward to the Chairman of the Parole Board a copy of the documents to be kept in a register pursuant to paragraph (c); and
- (c) while the parole order is in force in the Australian Capital Territory, but subject to subsection 7 (1), keep in a register—
  - (i) the endorsed parole order or endorsed copy of the parole order; and
  - (ii) the judgment or order by virtue of 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 shall be read as a reference to a copy certified as a true copy by the person to whose custody the original is entrusted.

#### **Effect of registration**

**10. (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;
- (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 *Parole Act 1976*.

(3) For the purpose of 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) Where a parole order registered under this Act is revoked or is to be deemed to have been revoked under the *Parole Act 1976*, the parolee shall be liable to serve a period of imprisonment equal to the period for which he was liable, on the date on which he was released on parole under the order, to be imprisoned.

### **Effect of transfer of parole order to a State or another Territory**

11. Upon 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;
- (b) where 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.

### **Evidence**

12. (1) An instrument in writing that purports to be a memorandum endorsed on a parole order on a specified date under subsection 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.

**NOTE**

1. The *Parole Orders (Transfer) Act 1983* as shown in this reprint comprises Act No. 10, 1983 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

**Table of Ordinances**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Parole Orders (Transfer) Ordinance 1983</i>	10, 1983	30 June 1983	Ss. 1 and 2: 30 June 1983 Remainder: 1 May 1984 (see <i>Gazette</i> 1984, No. S147)	
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1966 (see <i>Gazette</i> 1986, No. G3, p. 265)	—
<i>Parole Orders (Transfer) (Amendment) Ordinance 1987</i>	17, 1987	13 May 1987	13 May 1987	—
<i>Administrative Arrangements (Consequential Amendments) Ordinance 1988</i>	17, 1988	22 Apr 1988	22 Apr 1988	S. 4
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

**Self-Government day 11 May 1989**

**NOTE—continued**

Table 2

**Table of Acts**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Statutory Offices (Miscellaneous Provisions) Act 1994</i>	97, 1994	15 Dec 1994	Ss. 1 and 2: 15 Dec 1994 Remainder: 15 December 1994 (see <i>Gazette</i> 1994, No. S293)	Part III (ss. 4-9)

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
S. 3 .....	am. No. 17, 1988; Act No. 97, 1994
S. 4 .....	am. No. 17, 1988
S. 5 .....	am. No. 17, 1988; No. 38, 1989 rs. Act No. 97, 1994
S. 6 .....	am. No. 17, 1988
S. 7 .....	am. No. 17, 1987; No. 17, 1988
S. 8 .....	am. No. 17, 1988
S. 9 .....	am. No. 17, 1987
S. 10 .....	am. No. 67, 1985

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