

EXPLANATORY STATEMENT

Australian Capital Territory

PAROLE ORDERS (TRANSFER) ORDINANCE 1983

No.10 of 1983

This Ordinance is part of a reciprocal scheme to facilitate the transfer of parole orders from one State or Territory to another. Under this scheme, where a parole order has been registered in another jurisdiction, it is deemed for all intents and purposes to be an order of the receiving jurisdiction.

For the purposes of this statement reference to a State includes reference to the Northern Territory.

Section 1 is the short title and interpretation provision.

Section 2 provides for the commencement of the Ordinance.

Section 3 contains definitions of terms including "corresponding law", "designated authority", "parole order" and "sentence of imprisonment".

Section 4 empowers the Attorney-General to declare any law of a State or another Territory relating to the transfer of parole orders to be a corresponding law.

Section 5 provides for the appointment by the Attorney-General of a Registrar of Transferred Parole Orders. A person so appointed must be an officer or employee within the meaning of the Public Service Act 1922.

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Section 6 enables the Attorney-General at the request of the designated authority of a State to direct the registration of a parole order in the Australian Capital Territory. The Attorney-General may also request such a designated authority to register an Australian Capital Territory parole order. By virtue of the definition of designated authority in section 3, the Minister in the receiving State will always be the Minister having responsibility for parole matters.

Section 7 makes procedural provisions in relation to requests for registration. It requires that a request be accompanied by the relevant parole order, the court order by which the parolee was sentenced to imprisonment, and a report setting out information concerning the parolee of the kind normally required by a parole board in the performance of its functions.

Section 8 forbids registration in the Territory of a parole order originating in a State unless the Attorney-General is satisfied that, having regard to the interest of the parolee, it is desirable to do so and either the parolee consents or requests registration or the parolee is residing in the Territory. Sub-clause 8(2) provides similar requirements in relation to the making of a request for registration of a Territory parole order in a State.

Section 9 prescribes procedures for registration of parole orders transferred to the Territory and for notification of the registration to be given to the designated authority in the requesting State and, in person, to the parolee. The Registrar is required to forward to the Chairman of the A.C.T. Parole Board a copy of relevant documents to be kept in a register.

Section 10 provides that where a parole order is registered in the Territory, the order is deemed to have been made and the parolee is deemed to have been sentenced in accordance with Territory laws. Where a registered parole order is revoked, the parolee becomes liable to serve the unexpired portion of his sentence in accordance with the requirements of Territory laws.

Section 11. By virtue of this section, a Territory parole order ceases, for the duration of registration in another jurisdiction, to have effect in the Territory.

Section 12 provides for the proof of parole orders.

Authorised by the Acting Attorney-General

Ord. No. 20/83