

# NORTHERN TERRITORY OF AUSTRALIA

## PRISONERS (INTERSTATE TRANSFER) REGULATIONS

As in force at 9 September 2014

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 9 September 2014

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## PRISONERS (INTERSTATE TRANSFER) REGULATIONS

Regulations under the *Prisoners (Interstate Transfer) Act*

### Part I Preliminary

#### 1 Citation

These Regulations may be cited as the *Prisoners (Interstate Transfer) Regulations*.

#### 2 Commencement

These Regulations shall come into operation on the commencement of the Act.

#### 3 Interpretation

(1) In these Regulations, unless the contrary intention appears:

***non-parole period*** means a non-parole period fixed under section 4 of the *Parole Act* by a court within the meaning of that Act.

***Parole Board*** means the Board within the meaning of the *Parole Act*.

***probation and parole officer***, see section 4 of the *Correctional Services Act*.

(2) In these Regulations, a reference to a form by number is a reference to the form so numbered in the Schedule.

(3) A form referred to in subregulation (2) shall be completed in accordance with such directions and instructions, if any, as are specified in the form.

## **Part II                    Transfer for prisoner's welfare**

### **4                    Request for transfer to participating State**

- (1) For the purposes of section 5 of the Act, a written request to the Minister by a prisoner for transfer to a participating State or to another Territory (in this Part referred to as a ***prisoner's request***) shall be in accordance with Form 1.
- (2) A prisoner's request shall be signed by the prisoner and shall be forwarded to the Minister through the Commissioner of Correctional Services.
- (3) After receiving a prisoner's request, the Commissioner of Correctional Services must:
  - (a) prepare and attach to the request a statement of convictions and sentences in respect of which the prisoner is currently detained in custody, setting out any non-parole period specified and the estimated date of release;
  - (b) prepare and attach to the request a comprehensive report on the prisoner's conduct and behaviour while in prison;
  - (c) forward a copy of the request to a probation and parole officer and ask the officer to prepare and forward to the Commissioner:
    - (i) a detailed report on the request; and
    - (ii) an expression of opinion as to whether or not the transfer of the prisoner to the participating State or other Territory to which the request relates would be in the interests of the welfare of the prisoner; and
  - (d) forward the request to the Minister for consideration.

### **5                    Statements in support of prisoner's request**

A prisoner's request shall include a statement as to:

- (a) family or near family support in the participating State or other Territory to which the request relates, including the availability of accommodation upon the prisoner's release from prison;
- (b) family or other social circumstances that may benefit the welfare of the prisoner either during imprisonment or following release from prison;

- (c) medical reasons, if any, in support of the request;
- (d) prospects of employment following release from prison; and
- (e) any other matters that the prisoner wishes to put forward in support of the request.

## **6 Consideration of requests**

- (1) For the purposes of the Minister's consideration of a prisoner's request, the Commissioner of Correctional Services may (or, where the Minister so requests, shall) supply to the Minister such medical, psychiatric or psychological reports about or assessments of the prisoner as are or may be made available to the Commissioner of Correctional Services.
- (2) There shall be included in a report about or assessment of a prisoner furnished or caused to be furnished under this regulation for the information of the Minister, such further information available to the person or authority furnishing the report or assessment, or causing it to be furnished, as that person or authority considers may be of assistance to the Minister in considering the prisoner's request.
- (3) Without affecting the Minister's powers to form an opinion or exercise a discretion under Part II of the Act, the Minister, in considering a prisoner's request, may have regard to:
  - (a) whether the statutory period during which an appeal against the prisoner's conviction or sentence may be made has expired;
  - (b) whether an appeal against the prisoner's conviction or sentence has been finally dealt with;
  - (c) whether, so far as the Minister is aware, every complaint or information alleging an offence by the prisoner against the law in force in the Territory, the Commonwealth, a State or another Territory of the Commonwealth has been finally dealt with;
  - (d) whether a petition for an inquiry, or an inquiry, under the law in force in the Territory into the prisoner's conviction or sentence is pending; and
  - (e) the term of imprisonment remaining to be served by the prisoner compared with the estimated period for dealing with the request and issuing and executing an order of transfer.

**7 Repeated requests for transfer**

Without affecting the Minister's power to exercise a discretion under section 7 of the Act to entertain a prisoner's request, the Minister may refuse to entertain a prisoner's request made within 12 months after a similar request where there has not, in the Minister's opinion, been a substantial change in the circumstances which are likely to benefit the prisoner's welfare.

**8 Request to corresponding Minister to accept transfer of prisoner**

Where:

- (a) following consideration of a prisoner's request, the Minister is of the opinion that, in the interests of the welfare of the prisoner, the prisoner should be transferred to the participating State or other Territory to which the request relates; and
- (b) the Minister makes a written request to the corresponding Minister of the participating State to accept, or the Attorney-General of the Commonwealth to consent to, the transfer of the prisoner,

the written request shall be accompanied by a copy of:

- (c) the prisoner's request;
- (d) the reports, assessments and other information referred to in regulations 4 and 6 in relation to the prisoner; and
- (e) a statement setting out the matters on which the Minister's opinion is based.

**9 Order of transfer**

An order for the transfer of a prisoner issued by the Minister under section 5 of the Act shall be in accordance with Form 2.

**10 Request for transfer to the Territory**

Where the Minister receives a written request referred to in section 8 of the Act asking the Minister to accept the transfer of an imprisoned person to the Territory, the Minister may, before considering the matter, request:

- (a) the Commissioner of Correctional Services; and
- (b) the Commissioner of Police,

to furnish reports on the merits or otherwise of the request for the transfer of the imprisoned person.

### **Part III                      Transfer for trial**

#### **11                      Request by Attorney-General of participating State for transfer of prisoner**

- (1) Where the Attorney-General receives from the Attorney-General of a participating State or of the Commonwealth a written request referred to in section 10(1)(a) of the Act for the transfer of a prisoner to a participating State or to another Territory for the purpose of being dealt with according to law, the Attorney-General, before considering the request, may:
  - (a) through the Minister, inform the prisoner of the substance of the request and seek the prisoner's comments in writing; and
  - (b) obtain from the Minister a report relating to the prisoner, being a report in the same terms as a report which would be required to be sent under section 24(1)(c) of the Act in respect of the prisoner if he were conveyed to a participating State.
- (2) Any comments in writing a prisoner referred to in subregulation (1) desires to make shall be made not later than 14 days after receipt by the prisoner of the advice of the substance of a request referred to in that subregulation and shall be forwarded to the Minister for reference to the Attorney-General.

#### **12                      Request by prisoner for transfer to participating State**

- (1) For the purposes of section 10(1)(b) of the Act, a written request made by a prisoner to the Minister for the transfer of the prisoner to a participating State or to another Territory to be dealt with according to law shall be in accordance with Form 3.
- (2) Where the Minister refers to the Attorney-General a prisoner's written request referred to in subregulation (1), the Minister shall, at the same time, send to him a report relating to the prisoner, being a report in the same terms as a report which would be required to be sent under section 24(1)(c) of the Act in relation to the prisoner if he were conveyed to a participating State.
- (3) Where the Attorney-General consents to a prisoner's written request referred to in subregulation (1), he shall refer to the Attorney-General of the participating State to which the request relates or of the Commonwealth, with the written notice of the consent, the report referred to in subregulation (2), together with the request.

**13 Certification of consent or request**

- (1) A certificate referred to in section 11(2) of the Act in relation to a consent or request required under section 11(1) of the Act shall be in accordance with Form 4.
- (2) The prescribed officer for the purpose of signing a certificate referred to in section 11(2) of the Act shall be the Crown Law Officer within the meaning of the Criminal Code.
- (3) Immediately after the signing by the Crown Law Officer of a certificate referred to in section 11(2) of the Act, the Crown Law Officer shall forward it to the Commissioner of Correctional Services for the purpose of making an application to a court of petty sessions for the issue of an order of transfer.

**14 Application to court for issue of order of transfer**

- (1) An application under section 12(1) of the Act to a court of petty sessions for determination as to whether an order of transfer shall be issued:
  - (a) may be made by, or on behalf of, the Commissioner of Correctional Services;
  - (b) shall be in accordance with Form 5; and
  - (c) shall be lodged in quadruplicate.
- (2) Where, as a result of an application referred to in subregulation (1), a court of petty sessions makes an order under section 12(1) of the Act in relation to a prisoner, a copy of the application and notice of the order, together with a notice of hearing of the application, shall be served, by or on behalf of the applicant, on:
  - (a) the prisoner personally; and
  - (b) the Attorney-General personally, or by leaving them with a member of the Attorney-General's staff at the Attorney-General's office.

**15 Order to bring prisoner before court**

An order under section 12(1) or 14(2) of the Act, directing the person in charge of the prison where a prisoner is imprisoned to bring the prisoner before a court, shall be in accordance with Form 6.



**16 Order of transfer**

- (1) An order of transfer issued under section 13(a) of the Act by a court of petty sessions shall be in accordance with Form 7.
- (2) An order of transfer issued under section 14(6) of the Act by the Supreme Court shall be in accordance with Form 8.

**17 Request for transfer to the Territory by imprisoned person**

Where the Attorney-General has received from the Attorney-General of a participating State a notice, in writing, referred to in section 17(c) of the Act that he has consented to a request made by a person imprisoned in the participating State to be transferred to the Territory to enable him to be dealt with according to law, the Attorney-General may, before considering the matter, obtain from the Commissioner of Police a report on the request.

**Part IV Transfer back to original State****18 Return of person to participating State**

For the purposes of section 18 of the Act, an order of transfer returning a person to a participating State or to another Territory shall be in accordance with Form 9.

**20 Inquiries before issue of order of transfer**

Before issuing in respect of a person an order of transfer referred to in regulation 18, the Minister may inquire of:

- (a) the person; and
- (b) the Commissioner of Police,

whether or not, as far as is known, every complaint or information alleging an offence by the person against the law in force in the Territory has been finally dealt with according to law.

**22 Request to serve imprisonment in the Territory**

- (1) Where a person who is liable to be transferred to a participating State or to another Territory pursuant to an order of transfer issued under section 18 of the Act makes a written request to the Minister to serve imprisonment in the Territory, the request shall:
  - (a) be signed by the person;
  - (b) set out the grounds in support of the request; and

- (c) be forwarded to the Minister through the Commissioner of Correctional Services.
- (2) Regulation 4(3) applies to and in relation to a person's request referred to in subregulation (1) in the same way as that regulation applies to and in relation to a prisoner's request, within the meaning of Part II, to which regulation 4 applies.
- (3) Regulation 7 applies to and in relation to a person's request referred to in subregulation (1) in the same way as that regulation applies to and in relation to a prisoner's request within the meaning of Part II.
- (4) Where the Minister agrees to a person's request referred to in subregulation (1), the Minister shall:
  - (a) give written notice of the decision to the corresponding Minister of the participating State or to the Attorney-General of the Commonwealth;
  - (b) enclose with the notice copies of the reports, information, documents and details that the Minister had regard to in considering the request; and
  - (c) seek the advice of the corresponding Minister or of the Attorney-General of the Commonwealth as to whether or not that Minister or the Attorney-General of the Commonwealth agrees to the person's imprisonment being served in the Territory.

### **23 Order following agreement under section 21(1)(a) of Act**

Where, upon a person making a request referred to in regulation 22(1), the Minister and the corresponding Minister of the participating State and the Attorney-General of the Commonwealth agree, pursuant to section 21(1)(a) of the Act, that it is in the interests of the welfare of the person that the person's imprisonment should be served in the Territory, the Minister shall issue an order of imprisonment in accordance with Form 10.

### **24 Inquiries concerning persons liable to be transferred to the Territory**

The Minister, in deciding whether or not to agree to a person imprisoned in a participating State serving imprisonment in the participating State in pursuance of a request made under an interstate law that corresponds to section 21(1)(a) of the Act, may inquire of the Commissioner of Police whether or not, as far as is known, every complaint or information alleging an offence by the person against the law in force in the Territory has been finally dealt

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with according to law.

## **Part V Miscellaneous**

### **25 Escort arrangements**

- (1) Unless there is an agreement to the contrary between the Minister and:
- (a) where the request is for the transfer of a Territory prisoner to a participating State, the corresponding Minister of the participating State; or
  - (b) where the request is for the transfer of a Territory prisoner to another Territory or for the transfer of a joint prisoner to a participating State or to another Territory, the Attorney-General of the Commonwealth,

the cost and responsibility for transferring a prisoner of a kind described in Column 1 of the Table to this regulation from the Territory pursuant to an order of transfer of a kind so described in relation to the prisoner shall be borne by the Territory, participating State or the Commonwealth as specified in Column 2 of the Table.

- (2) In the Table to this regulation, a reference to a sentence includes a reference to a concurrent and to a cumulative sentence.

TABLE

Column 1	Column 2
Order of transfer of a Territory prisoner to a participating State or another Territory for prisoner's welfare	the Territory
Order of transfer to a participating State or another Territory for the welfare or trial of a:	
(a) joint prisoner serving Territory and Commonwealth sentences where the Commonwealth sentence is of the same or greater length;	Commonwealth
(b) joint prisoner serving longer Territory sentence than Commonwealth sentence	the Territory
Order of transfer of a Territory prisoner to a participating State or other Territory for the prisoner's trial	participating State or Commonwealth

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Order of transfer to return prisoner to a participating State or other Territory after being dealt with according to law the Territory

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**26 Information relating to prisoner to be sent to participating State**

Where a copy of an order of transfer or other document is to be sent, pursuant to section 24(1) of the Act, to the corresponding Minister of a participating State, or to some person for the time being designated by the corresponding Minister, the copy shall be certified by the Commissioner of Correctional Services or by some person for the time being designated by the Commissioner.

**27 Information relating to person received from participating State**

Where:

(a) under an interstate law, an order is issued for the transfer to the Territory of a person imprisoned in a participating State; and

(b) the person is brought into the Territory pursuant to the order,

the order and other documents, or copies of them, sent by the corresponding Minister to the Minister or person for the time being designated by the Minister shall, after completion of any action required in relation to them, be:

(c) forwarded to the Commissioner of Correctional Services; and

(d) retained with the person's warrant papers.

**28 Lawful custody for transit through the Territory**

Where, pursuant to section 29 of the Act, the Commissioner of Correctional Services receives a person who is the subject of an order of transfer from one participating State or other Territory to another participating State or Territory and detains him in custody, the Commissioner shall endorse on the copy of the order of transfer issued in relation to the person delivered to the Commissioner by the escort the time and date of:

(a) the receipt of the person into custody; and

(b) the delivery of the person to the custody of the escort.

**29 Return of person in transit to original State**

- (1) For the purposes of section 30(2) of the Act, a warrant ordering a person to be returned to the participating State in which the order of transfer in relation to the person was issued shall be in accordance with Form 11.
- (2) A warrant referred to in subregulation (1) shall direct that the person who is the subject of the warrant be returned to the prison in the participating State from which he was transferred pursuant to the order of transfer issued in relation to the person.

**30 Revocation of order of transfer**

For the purposes of section 32 of the Act:

- (a) an application to a court of petty sessions to revoke an order of transfer shall be in accordance with Form 12; and
- (b) the prescribed office the holder of which may make an application referred to in subregulation (1) is the office of:
  - (i) Commissioner of Correctional Services;
  - (ii) member within the meaning of the *Police Administration Act*; or
  - (iii) probation and parole officer.

**31 Procedure relating to property on transfer of person**

- (1) Where a person is about to be released from a prison for escort to a participating State or other Territory pursuant to an order of transfer or a warrant issued under the authority of the Act, the Commissioner of Correctional Services shall give or cause to be given to the person an opportunity to inspect:
  - (a) the personal property, if any, belonging to the person and in the custody of the Commissioner; and
  - (b) all official records at the prison relating to money, if any, belonging to the person.
- (2) Where a person referred to in subregulation (1):
  - (a) inspects the personal property, if any, belonging to him and in the custody of the Commissioner of Correctional Services and any records referred to in subregulation (1)(b); and

- (b) wishes to make a complaint relating to the condition of, or a deficiency in, that property or a mistake in those records, he may make that complaint in writing.
- (3) A person referred to in subregulation (1) who makes a complaint referred to in subregulation (2) shall deliver it to:
- (a) the Commissioner of Correctional Services; or
- (b) a prison officer at the prison in which the person is detained who shall, as soon as practicable, convey the complaint to the Commissioner.
- (4) The Commissioner of Correctional Services shall:
- (a) investigate a complaint made under subregulation (2) by a person that is delivered or conveyed to the Commissioner, or cause such complaint to be investigated; and
- (b) report the result, if any, of the investigation, or cause it to be reported, to the person before the release of the person for escort to a participating State or other Territory.
- (5) Where it is brought to the attention of the Commissioner of Correctional Services that:
- (a) the result of an investigation carried out in response to a complaint made under subregulation (2) by a person is not to the satisfaction of the person; or
- (b) an investigation of such a complaint has not been completed before the release of the person for escort to a participating State or other Territory,

the Commissioner must, as soon as practicable, notify the Minister of the complaint and the result of the investigation, or the fact that the investigation has not been completed, as the case requires.

## **32 Transfer of person's property**

- (1) Where a person is released from a prison and escorted to a participating State or another Territory pursuant to an order of transfer or a warrant issued under the authority of the Act, all money belonging to the person which is in the control and custody of the Commissioner of Correctional Services must be remitted by the Commissioner to the person in charge of the prison in the participating State or other Territory to which the person is to be escorted, for credit to the person's account.

- (2) The Commissioner of Correctional Services must inform the person, or cause the person to be informed, in writing, of the amount remitted under subregulation (1) to the person in charge of the prison in the participating State or other Territory for credit to the person's account.
- (3) When being escorted to a participating State or another Territory a person being transferred under the Act may be permitted to take so much personal clothing and other articles of personal property belonging to the person as, in the opinion of the escort, can be safely and conveniently taken with the person to the participating State or other Territory.
- (4) Articles of personal property belonging to a person being transferred under the Act, being articles which are either in the person's physical possession at a prison or in the custody of the Commissioner of Correctional Services and which are not taken with person, may be:
  - (a) disposed of by the Commissioner of Correctional Services in accordance with written directions, if any, given by the person;  
or
  - (b) may be forwarded to the person in the participating State or other Territory,  
  
at the person's risk and expense.

## Schedule

### FORM 1

#### NORTHERN TERRITORY OF AUSTRALIA

#### *Prisoners (Interstate Transfer) Act*

section 5  
regulation 4(1)

#### REQUEST BY PRISONER FOR TRANSFER TO PARTICIPATING STATE OR ANOTHER TERRITORY FOR PRISONER'S WELFARE

I, (full name and aliases) currently a prisoner held at in the Territory, hereby request, in the interests of my welfare, to be considered for transfer to the State/Territory\* of , a participating State/another Territory\* for the purposes of the *Prisoners (Interstate Transfer) Act* to serve the balance of my sentence(s).

*(The following questions are to be answered by the prisoner)*

- Q. Has an appeal been lodged against the prisoner's conviction or sentence? A.
- Q. If so, has the appeal been determined? A.
- Q. Is there any outstanding charge, complaint or information against the prisoner under a law in force in the Territory, the Commonwealth, a State or another Territory yet to be dealt with? A.
- Q. Has there been a petition for, or is there pending, an inquiry into the prisoner's conviction or sentence? A.

The request is made on the following grounds+:

(See regulation 5 of the *Prisoners (Interstate Transfer) Regulations* printed below)

For the purposes of this request I consent to any reports, assessments or other information obtained or supplied in respect of me being sent to the appropriate Minister in the participating State/the Attorney-General of the Commonwealth\*.



I understand that, on transfer:

- (a) the sentence(s) of imprisonment imposed on me in the Territory shall be deemed to have been imposed on me in the participating State/other Territory\*;
- (b) I will be subject to the provisions of the rules and regulations applying to prisoners in that State/Territory\*; and
- (c) I may be subject to reclassification under those provisions.

Date

Signed

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\* Delete whichever is inapplicable.

+ If insufficient space use additional sheet.

Regulation 5 of the *Prisoners (Interstate Transfer) Regulations* is as follows:

"A prisoner's request shall include a statement as to:

- (a) family or near family support in the participating State or other Territory to which the request relates, including the availability of accommodation upon the prisoner's release from prison;
- (b) family or other social circumstances that may benefit the welfare of the prisoner either during imprisonment or following release from prison;
- (c) medical reasons, if any, in support of the request;
- (d) prospects of employment following release from prison; and
- (e) any other matters that the prisoner wishes to put forward in support of the request."

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FORM 2

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 5  
regulation 9

ORDER OF TRANSFER TO PARTICIPATING STATE OR ANOTHER  
TERRITORY FOR PRISONER'S WELFARE

TO the Commissioner of Correctional Services

AND TO

the escort(s) for the purposes of executing this order.

WHEREAS:

- (a) (*full name*) (in this order referred to as **the prisoner**) was on (*date*) at (*court*), for the offence(s) of

sentenced to (*aggregate term*) imprisonment:

- (b) I, the Minister for Correctional Services, following receipt of a written request from the prisoner for transfer to a participating State/another Territory\*, am of the opinion that, in the interests of the welfare of the prisoner, the prisoner should be transferred to the State/Territory\* of , a participating State/another Territory\* for the purposes of the *Prisoners (Interstate Transfer) Act* (in this order referred to as **the Act**), to serve the balance of the sentence(s) of imprisonment in accordance with the interstate law of that participating State, as defined in section 3(1) of the Act/the *Transfer of Prisoners Act* 1983 of the Commonwealth\*:
- (c) The corresponding Minister of the participating State/Attorney-General of the Commonwealth\* has given his or her written consent to the transfer of the prisoner to the participating State/other Territory\*:

NOW, THEREFORE, I HEREBY COMMAND YOU:

- (d) the Commissioner of Correctional Services, to deliver the prisoner, together with this order, into the custody of the above-named escort(s);
- (e) the above-mentioned escort(s), to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Territory to the participating State/other Territory\* and there delivering the prisoner, together with this order, into the custody of the person in charge of the

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prison at  
in the participating State/other Territory\*,  
and for your so doing this order shall, subject to section 6 of the *Prisoners  
(Interstate Transfer) Act*, be your sufficient authority.

Date

Minister for Correctional Services

\* Delete whichever is inapplicable.

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FORM 3

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 10(1)(b)  
regulation 12(1)

REQUEST BY PRISONER FOR TRANSFER TO PARTICIPATING STATE  
OR ANOTHER TERRITORY TO BE DEALT WITH ACCORDING TO LAW

I, (full name and aliases) currently a prisoner held at ,  
hereby request that I be transferred to the State/Territory\* of , a  
participating State/another Territory\* for the purposes of the *Prisoners  
(Interstate Transfer) Act* to be dealt with in that participating State/other  
Territory\* according to law for outstanding offence(s) alleged against me.

- (1) Details of the outstanding offences are as follows+:
- (2) There is no outstanding charge, complaint or information against me in the Territory yet to be dealt with according to law, nor is there an appeal pending in respect of me in the Territory.
- (3) Matters outstanding or pending in the Northern Territory: (details)

Date

Signed

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\* Delete whichever is inapplicable.

+ Give details of prosecutor, date and nature of the alleged offence(s), the court, if any, at which the proceedings are pending, or details of an arrest warrant.

Note: If outstanding offences alleged against the prisoner occurred in more than one participating State/other Territory\*, a separate request is to be made in respect of each participating State/other Territory\*.

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FORM 4

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 11(2)  
regulation 13(1)

CERTIFICATE OF PRESCRIBED OFFICER

WHEREAS:

- (a) *(full name)*  
(in this certificate referred to as **the prisoner**) was on *(date)* at *(court)*  
for the offence(s) of

sentenced to *(aggregate term)* imprisonment;

- (b) the prisoner is the subject of an arrest warrant issued in accordance with the law of the Commonwealth/State/Territory\* of \_\_\_\_\_, a participating State/another Territory\* for the purposes of the *Prisoners (Interstate Transfer) Act*;

- (c) the Attorney-General has received:

\*from the Attorney-General of the Commonwealth/ participating State\* a written request given under the provision of a law that corresponds to section 16 of the Act, accompanied by a copy of the arrest warrant;

\*a written request made by the prisoner to the Minister for Correctional Services and referred to the Attorney-General,

being a request for the transfer of the prisoner to the participating State/other Territory\* to be dealt with according to law:

NOW, I, the Crown Law Officer, the prescribed officer for the purposes of section 11(2) of the Act, hereby certify that the consents/consent and request\* required under section 11(1) of the Act have been given or made for the transfer of the prisoner to the participating State/other Territory\* to be dealt with according to law.

Date

Crown Law Officer

\* Delete whichever is inapplicable.

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FORM 5

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 12(1)  
regulation 14(1)(b)

APPLICATION TO COURT OF SUMMARY JURISDICTION FOR THE ISSUE  
OF ORDER OF TRANSFER

I, *(name of applicant)* the Commissioner of Correctional Services/a person acting on behalf of the Commissioner\* of Correctional Services, hereby make application to the court of summary jurisdiction at \_\_\_\_\_, for the issue of an order of transfer of *(full name)* (in this application referred to as **the prisoner**), at present detained at \_\_\_\_\_ to the State/Territory\* of \_\_\_\_\_, a participating State/another Territory\* for the purposes of the *Prisoners (Interstate Transfer) Act* (in this application referred to as **the Act**), to be dealt with according to law.

The prisoner was on *(date)* at *(court)* for the offence(s) of \_\_\_\_\_ sentenced to *(aggregate term)* imprisonment.

The prisoner is the subject of an arrest warrant issued in accordance with the law of the Commonwealth/participating State/other Territory\*.

I attach a certificate issued in accordance with section 11(2) of the Act certifying that the necessary consents/consent and request\* required under section 11(1) of the Act for the transfer of the prisoner to the participating State/other Territory\* have been given or made.

I ask that an order in writing be issued by the court, in accordance with section 12(1) of the Act, directing the person in charge of the above-named prison to bring the prisoner before the court for determination as to whether an order of transfer shall be issued.

Date \_\_\_\_\_ Commissioner of Correctional Services

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TAKE NOTICE that this application will be heard and determined at the court of summary jurisdiction at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at 10.00 am.

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An order in writing under section 12(1) of the Act has been made directing that the prisoner be brought before the court on the above-mentioned date.

Date

Clerk of the Court of  
Summary Jurisdiction  
at

To:

the applicant

the above-named prisoner

the Attorney-General.

---

\*Delete whichever is inapplicable.

Note: This application is to be filed at the court of summary jurisdiction in quadruplicate.

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FORM 6

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 12(1), 14(2)  
regulation 15

ORDER DIRECTING PERSON IN CHARGE OF PRISON TO BRING  
PRISONER BEFORE COURT

TO the person in charge of the prison at  
and to all prison officers and members of the Police Force.

WHEREAS (*full name*) (in this order referred to as ***the prisoner***) is detained in custody in the above-named prison and should be in attendance before the under-mentioned court in connection with:

an application for/a review of a decision made to issue\*,

an order of transfer of the prisoner to a participating State or another Territory to be dealt with according to law:

NOW, I

\*a Magistrate;

\*a Judge of the Supreme Court;

\*a person authorised by the Rules of the Supreme  
Court,

by this order made pursuant to section 12(1)/14(2)\* of the *Prisoners (Interstate Transfer) Act* direct you, the person in charge of the above-named prison, or such prison officers or members of the Police Force charged by you to execute this order, to produce the prisoner, under secure conduct, in the \_\_\_\_\_ court at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at 10.00 am, and so from day to day until the prisoner's attendance is no longer required by the court and, in due course, to return the prisoner to the custody from which the prisoner has been brought.

Date

(Designation)

\* Delete whichever is inapplicable.



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FORM 7

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 13(a)  
regulation 16(1)

ORDER OF TRANSFER TO PARTICIPATING STATE OR ANOTHER  
TERRITORY FOR PRISONER'S TRIAL  
(ISSUED BY COURT OF SUMMARY JURISDICTION)

TO the Commissioner of Correctional Services

AND TO

the escort(s) for the purposes of executing this order

WHEREAS:

(a) (*full name*) (in this order referred to as ***the prisoner***) was on (*date*) at (*court*) for the offence(s) of:

sentenced to (*aggregate term*) imprisonment:

(b) it has been established to the satisfaction of the undersigned magistrate constituting a court of summary jurisdiction at \_\_\_\_\_ that the prisoner is the subject of an arrest warrant issued in accordance with the law of the Commonwealth/State/Territory\* of \_\_\_\_\_, a participating State/another Territory\* for the purposes of the *Prisoners (Interstate Transfer) Act*\*, and that the Attorney-General and the Attorney-General of the participating State/Commonwealth\* have consented to or requested the transfer of the prisoner to the participating State/other Territory\* to be dealt with according to law:

NOW, I, the undersigned magistrate constituting the above-named court, issue this order for the transfer of the prisoner to the participating State/other Territory\* to be dealt with according to law.

I, THEREFORE, HEREBY COMMAND YOU:

(c) the Commissioner of Correctional Services to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):

- 
- (d) the above-mentioned escort(s), to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Territory to the participating State/other Territory\* and there delivering the prisoner, together with this order, into the custody of the person in charge of the prison at Territory\* in the participating State/other Territory\*:

and for your so doing, this order shall be your sufficient authority.

Date

Magistrate

\*Delete whichever is inapplicable.

---

FORM 8

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 14(6)  
regulation 16(2)

ORDER OF TRANSFER TO PARTICIPATING STATE OR ANOTHER  
TERRITORY FOR PRISONER'S TRIAL (ISSUED BY SUPREME COURT)

TO the Commissioner of Correctional Services

AND TO

the escort(s) for the purposes of executing this order.

WHEREAS:

(a) (*full name*) (in this order referred to as ***the prisoner***) was on (*date*) at (*court*), in the Territory for the offence(s) of

sentenced to (*aggregate term*) imprisonment:

(b) on (*date*) the court of summary jurisdiction at (*court*) on an application for the issue of an order for the transfer of the prisoner to the State/Territory\* of \_\_\_\_\_, a participating State/another Territory\* for the purposes of the *Prisoners (Interstate Transfer) Act* to be dealt with according to law made the following order:

(*substance of order*)

(c) (*applicant for review*) was dissatisfied with the decision of the court of summary jurisdiction and applied to the Supreme Court for a review of the decision:

NOW, I, the undersigned Judge of the Supreme Court, having reviewed the decision of the court of summary jurisdiction, hereby quash the decision AND, it having been established to my satisfaction that the prisoner is the subject of an arrest warrant issued in accordance with the law of the Commonwealth/participating State/other Territory\* and that the Attorney-General and the Attorney-General of the Commonwealth/participating State\* have consented to or requested the transfer of the prisoner to the participating State/other Territory\* to be dealt with according to law, do issue this order for the transfer of the prisoner to the participating State/other Territory\* to be dealt with according to law:

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I, THEREFORE, HEREBY COMMAND YOU:

- (d) the Commissioner of Correctional Services, to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):
  
- (e) the above-mentioned escort(s), to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Territory to the participating State/other Territory\* and there delivering the prisoner, together with this order, into the custody of the person in charge of the prison \_\_\_\_\_ at \_\_\_\_\_ in the participating State/other Territory\*:

and for your so doing, this order shall be your sufficient authority.

Date \_\_\_\_\_ Judge of the Supreme Court

\*Delete whichever is inapplicable.

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FORM 9

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 18  
regulation 18

ORDER OF TRANSFER TO RETURN PERSON TO ORIGINAL STATE OR  
TERRITORY AFTER BEING DEALT WITH ACCORDING TO LAW

TO the Commissioner of Correctional Services

AND TO

the escort(s) for the purposes of executing this order.

WHEREAS:

- (a) (*full name*) (in this order referred to as **the prisoner**) was on (*date*) at (*court*), in the State/ Territory\* of \_\_\_\_\_, a participating State/another Territory\* for the purposes of the *Prisoners (Interstate Transfer) Act* (in this order referred to as **the Act**) for the offences of \_\_\_\_\_ sentenced to (*aggregate term*) imprisonment:
- (b) the prisoner was transferred to the Territory from the above-named participating State/other Territory\* pursuant to an order of transfer issued under a provision of the interstate law of that participating State/other Territory\* for the purpose of being dealt with according to law:
- (c) so far as I, the Minister for Correctional Services, am aware, every complaint or information alleging an offence by the prisoner against the law in force in the Territory has been finally dealt with according to law and as a result the prisoner:

\*did not become liable to serve a sentence of imprisonment in the Territory;

\*was on (*date*) at (*court*) in the Territory, for the offence(s) of \_\_\_\_\_

sentenced to (*aggregate term*) imprisonment,

AND the term of imprisonment remaining to be served in the Territory is shorter than the period of imprisonment remaining to be served by the prisoner under the translated sentence;

NOW, THEREFORE, I, the Minister for Correctional Services, pursuant to section 18 of the Act, issue this order for the transfer of the prisoner to the participating State/other Territory\* to serve the period of imprisonment remaining to be served by the prisoner in that State/Territory\*.

I HEREBY COMMAND YOU:

- (d) the Commissioner of Correctional Services to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):
  
- (e) the above-mentioned escort(s), to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Territory to the participating State/other Territory\* and there deliver the prisoner, together with this order, into the custody of the person in charge of the prison at  
in the participating State/other Territory\*;

and for your so doing, this order shall, subject to section 19 of the Act, be your sufficient authority.

Date

Minister for Correctional Services

\*Delete whichever is inapplicable.

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FORM 10

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 21(1)(a)

Regulation 23

AGREEMENT THAT PRISONER SHOULD SERVE HIS OR HER  
IMPRISONMENT IN THE NORTHERN TERRITORY OF AUSTRALIA

TO the Commissioner of Correctional Services

WHEREAS:

(a) (*full name*) (in this order referred to as **the prisoner**) was on (*date*) at (*court*), in the State/Territory\* of \_\_\_\_\_, a participating State/another Territory\*, for the purposes of the *Prisoners (Interstate Transfer) Act* (in this agreement referred to as **the Act**), for the offences of

sentenced to (*aggregate term*) imprisonment:

(b) the prisoner was transferred to the Territory pursuant to the Act for the purpose of being dealt with according to law;

(c) the prisoner was on (*date*) at (*court*) in the Territory, for the offence(s) of

sentenced to (*aggregate term*) imprisonment:

(d) by reason of the shorter sentence of imprisonment imposed in the Territory, the prisoner is liable to be transferred back to the participating State/other Territory\* pursuant to Part IV of the Act to serve the longer sentence of imprisonment;

(e) the prisoner has made a written request to the Minister for Correctional Services to serve the longer sentence of imprisonment in the Territory:

(f) the Attorney-General of the Commonwealth, the corresponding Minister of the participating State and I, the Minister for Correctional Services, have agreed in writing that it is in the interests of the welfare of the prisoner that the prisoner should serve the longer sentence of imprisonment in the Territory,

NOW, THEREFORE, THIS IS TO COMMAND YOU, the Commissioner of Correctional Services, to receive the prisoner into your custody for the purpose of serving the longer sentence of imprisonment in accordance with the Act and for your so doing this order shall be your sufficient authority.

Date

Minister for Correctional Services

\*Delete whichever is inapplicable.



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FORM 11

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 30(2)  
regulation 29(1)

WARRANT ORDERING PERSON TO BE RETURNED TO THE  
PARTICIPATING STATE IN WHICH AN ORDER OF TRANSFER WAS  
ISSUED

TO the senior officer of Police at \_\_\_\_\_,  
and to all other members of the Police Force.

TO the Commissioner of Correctional Services  
\_\_\_\_\_.

AND TO

the escort(s) for the purposes of the *Prisoners (Interstate Transfer) Act*  
(in this warrant referred to as **the Act**).

WHEREAS:

- (a) (*full name*) (in this warrant referred to as **the prisoner**), a person subject to an order of transfer issued under an interstate law of the State of \_\_\_\_\_, a participating State for the purposes of the Act, being a person in lawful custody pursuant to section 29 of the Act for transit through the Territory was, before a justice at (*court*) on (*date*) \_\_\_\_\_, proved to have escaped/attempted to have escaped\* from such lawful custody;
- (b) notwithstanding the terms of the order of transfer issued in the above-named participating State, it was ordered by the justice that the prisoner be returned to the participating State and, for that purpose, it was also ordered that the prisoner be delivered to an escort:

I, THEREFORE, HEREBY COMMAND YOU:

- (c) the above-mentioned senior officer of Police and all other members of the Police Force, and the Commissioner of Correctional Services, to receive the prisoner and detain the prisoner in your custody:
  - (i) until the prisoner is delivered into the custody of the escort(s) to whom this warrant is directed, together with this warrant, for the purpose of being returned to the participating State; or
  - (ii) until the expiration of a period of 7 days after the date of this warrant,

whichever first occurs; and

- (d) the above-mentioned escort(s), to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Territory to the participating State:

and for your so doing, this warrant shall be your sufficient authority.

In the event of the prisoner not being delivered into the custody of an escort to whom this warrant is directed within a period of 7 days after the date of this warrant, this warrant shall have no further effect and the prisoner shall be discharged in respect of this warrant.

Date

Justice of the Peace

\*Delete whichever is inapplicable.

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FORM 12

NORTHERN TERRITORY OF AUSTRALIA

*Prisoners (Interstate Transfer) Act*

section 32  
regulation 30(a)

APPLICATION TO COURT OF SUMMARY JURISDICTION TO REVOKE AN  
ORDER OF TRANSFER

I, \_\_\_\_\_, of \_\_\_\_\_,  
the Commissioner of Correctional Services/member of the Police  
Force/probation and parole officer\*, hereby make application to the court of  
summary \_\_\_\_\_ jurisdiction \_\_\_\_\_ at \_\_\_\_\_  
for the revocation of the order of transfer issued by  
\_\_\_\_\_ on \_\_\_\_\_ for the transfer of  
(in this application referred to as **the prisoner**) to  
the \_\_\_\_\_ State/Territory\* of a participating  
State/another Territory\* for the purposes of the *Prisoners (Interstate Transfer)*  
*Act*.

The application is made on the ground(s) that the prisoner has committed the  
following offence(s):

Date \_\_\_\_\_ Commissioner of Correctional Services  
Member of the Police Force  
Probation and parole Officer\*

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TAKE NOTICE that this application will be heard and determined at the court  
of summary jurisdiction at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at  
10.00 am.

Date \_\_\_\_\_ Clerk of the Court of  
Summary Jurisdiction  
at \_\_\_\_\_

To \_\_\_\_\_ the applicant  
\_\_\_\_\_ the above-named prisoner.

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\*Delete whichever is inapplicable.

Note: This application is to be filed at the court of summary jurisdiction in  
triplicate.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

**amd = amended**  
**app = appendix**  
**bl = by-law**  
**ch = Chapter**  
**cl = clause**  
**div = Division**  
**exp = expires/expired**  
**f = forms**  
**Gaz = Gazette**  
**hdg = heading**  
**ins = inserted**  
**lt = long title**  
**nc = not commenced**

**od = order**  
**om = omitted**  
**pt = Part**  
**r = regulation/rule**  
**rem = remainder**  
**renum = renumbered**  
**rep = repealed**  
**s = section**  
**sch = Schedule**  
**sdiv = Subdivision**  
**SL = Subordinate Legislation**  
**sub = substituted**

**2****LIST OF LEGISLATION*****Prisoners (Interstate Transfer) Regulations (SL No. 57, 1984)***

Notified	21 September 1984
Commenced	21 September 1984 (r 2, s 2 <i>Prisoners (Interstate Transfer) Act 1983</i> (Act No. 7, 1983) and <i>Gaz S50</i> , 21 September 1984, p 1)

***Amendments of Prisoners (Interstate Transfer) Regulations (SL No. 2, 1992)***

Notified	12 February 1992
Commenced	12 February 1992 (r 1, s 2 <i>Prisoners (Interstate Transfer) Amendment Act 1989</i> (Act No. 9, 1989) and <i>Gaz G6</i> , 12 February 1992, p 3)

***Amendment of Prisoners (Interstate Transfer) Regulations (SL No. 39, 1996)***

Notified	7 August 1996
Commenced	7 August 1996

***Correctional Services (Related and Consequential Amendments) Act 2014 (Act No. 27, 2014)***

Assent date	4 September 2014
Commenced	9 September 2014 ( <i>Gaz S80</i> , 9 September 2014, p 2)

**3****LIST OF AMENDMENTS**

r 3	amd Act No. 27, 2014, s 57
r 4	amd No. 2, 1992, r 7; Act No. 27, 2014, s 57
r 5	amd No. 2, 1992, r 7
r 6	amd Act No. 27, 2014, s 57
r 8	amd No. 2, 1992, r 7
r 9	sub No. 2, 1992, r 3
r 10	amd No. 2, 1992, r 7; Act No. 27, 2014, s 57
rr 11 – 12	amd No. 2, 1992, r 7
rr 13 – 15	amd Act No. 27, 2014, s 57
r 17	amd Act No. 27, 2014, s 57

## ENDNOTES

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r 18	amd No. 2, 1992, r 7
r 19	rep No. 2, 1992, r 4
r 20	amd No. 2, 1992, r 7; Act No. 27, 2014, s 57
r 21	rep No. 2, 1992, r 4
r 22	amd No. 2, 1992, r 7; Act No. 27, 2014, s 57
r 23	amd No. 2, 1992, r 7
r 24	amd Act No. 27, 2014, s 57
r 25	sub No. 2, 1992, r 5
rr 26 – 27	amd Act No. 27, 2014, s 57
r 28	amd No. 2, 1992, r 7; Act No. 27, 2014, s 57
r 29	amd No. 2, 1992, r 7
rr 30 – 32	amd No. 2, 1992, r 7; Act No. 27, 2014, s 57
sch	sub No. 2, 1992, r 6
	amd No. 39, 1996; Act No. 27, 2014, s 57