

NORTHERN TERRITORY OF AUSTRALIA

PRISONERS (INTERSTATE TRANSFER) AMENDMENT ACT 2009

Act No. 31 of 2009

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**Schedule Further amendments of Prisoners
(Interstate Transfer) Act**



NORTHERN TERRITORY OF AUSTRALIA

Act No. 31 of 2009

An Act to amend the *Prisoners (Interstate Transfer) Act*

[Assented to 11 November 2009]

[Second reading 20 August 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Prisoners (Interstate Transfer) Amendment Act 2009*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Prisoners (Interstate Transfer) Act*.

4 Amendment of Part II heading

Part II, heading

omit

FOR PRISONER'S WELFARE

substitute

at request of prisoner

5 Amendment of section 5 (Requests for, and orders of, transfer)

(1) Section 5(1)(b)

omit

in the interests of the welfare of the prisoner,

substitute

;

(2) Section 5(2)(b)(ii)

omit

Territory,

substitute

Territory;

(3) Section 5(3)(b)

omit

in the interests of the welfare of the prisoner,

substitute

;

(4) Section 5(4)(b)

omit

State,

substitute

State;

(5) Section 5(5)(b)

omit

in the interests of the welfare of the prisoner,

substitute

;

6 Amendment of section 9 (Reports)

(1) Section 9(1)

omit

all words from "himself" to "may have regard"

substitute

himself or herself as the Minister thinks fit and, in particular, by reference

(2) Section 9(2)

omit (all references)

him

substitute

him or her

7 New section 9A

After section 9, in Part II

insert

9A Matters the Minister may have regard to

In forming an opinion or exercising any discretion under this Part, the Minister may have regard to one or more of the following:

- (a) the welfare of the prisoner concerned;
- (b) the administration of justice in the Territory, a participating State or another Territory;
- (c) the security and good order of any prison in the Territory, a participating State or another Territory;
- (d) the safe custody of the prisoner concerned;
- (e) the protection of the community in the Territory, a participating State or another Territory;
- (f) any other matter the Minister considers relevant.

8 Amendment of section 21 (Provisions ancillary to section 18)

(1) Section 21(1)(a)

omit

that it is in the interests of the welfare of the person

(2) After section 21(1)

insert

(1A) In making a decision for subsection (1)(a), the Minister may have regard to one or more of the following:

- (a) the welfare of the person;
- (b) the administration of justice in the Territory, a participating State or another Territory;
- (c) the security and good order of any prison in the Territory, a participating State or another Territory;
- (d) the safe custody of the person;
- (e) the protection of the community in the Territory, a participating State or another Territory;
- (f) any other matter the Minister considers relevant.

9 Further amendments

The Schedule has effect.

Schedule Further amendments of Prisoners (Interstate Transfer) Act

section 9

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
section 3(1)	, unless the contrary intention appears –	:
section 3(2)	his powers	the justice's powers
section 8	asking him his refusal	asking the Minister the Minister's refusal
section 10(1)	his refusal	the refusal
section 10(3)	for his transfer	for transfer
section 17(b)	he	the person
section 17(c)	he him	he or she the person
section 17	his refusal	the refusal
section 22(1)(b)	him (all references)	the prisoner
section 22(3)	him (all references)	the person
section 24(1)(b)	he	he or she
section 26(6)(a)	his transfer to the Territory, he	the person's transfer to the Territory, he or she
section 26(6)(b)	all words from "his translated sentence" to "he was"	the person's translated sentence for which, up to the time of the person's transfer to the Territory, he or she was
section 27(2)(a) and (b)	on him	on him or her
section 28	he	he or she

section 29(1)(a)	him (all references)	the person
section 29(1)(b)	him in custody as though he	him or her in custody as though the person
section 30(2)	under his hand –	signed by the justice:
section 30(4)	he	the person
section 31(1)	he (all references)	he or she
section 31(2)	he was subject at the time of his escape	the person was subject at the time of his or her escape
section 31(3)(b)	he (all references)	he or she
section 32	in the course of his	while
