

NORTHERN TERRITORY OF AUSTRALIA
PRISONERS (INTERSTATE TRANSFER) REGULATIONS
TABLE OF PROVISIONS

Regulation

PART I - PRELIMINARY

1. Citation
2. Commencement
3. Interpretation

PART II - TRANSFER FOR PRISONER'S WELFARE

4. Request for transfer to participating State
5. Statements in support of prisoner's request
6. Consideration of requests
7. Repeated requests for transfer
8. Request to corresponding Minister to accept transfer of prisoner
9. Order of transfer
10. Request for transfer to the Territory

PART III - TRANSFER FOR TRIAL

11. Request by Attorney-General of participating State for transfer of prisoner
12. Request by prisoner for transfer to participating State
13. Certification of consent or request
14. Application to court for issue of order of transfer
15. Order to bring prisoner before court
16. Order of transfer
17. Request for transfer to the Territory by imprisoned person

PART IV - TRANSFER BACK TO ORIGINAL STATE

18. Return of person to participating State
19. Transfer to attend appeal
20. Inquiries before issue of order of transfer
21. Transfer after attending appeal
22. Request to serve imprisonment in the Territory
23. Order following agreement under section 21(1)(a) of Act
24. Inquiries concerning persons liable to be transferred to the Territory

PART V - MISCELLANEOUS

25. Escort arrangements
26. Information relating to prisoner to be sent to participating State

27. Information relating to person received from participating State
28. Lawful custody for transit through the Territory
29. Return of person in transit to original State
30. Revocation of order of transfer
31. Procedure relating to property on transfer of person
32. Transfer of person's property

SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1984, No. 57 *

Regulations under the *Prisoners (Interstate Transfer) Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Prisoners (Interstate Transfer) Act*.

Dated this 14th day of September, 1984.

E. E. JOHNSTON

Administrator

By His Honour's Command

N. M. DONDAS

Minister for Health, Youth, Sport, Recreation and Ethnic Affairs

for and on behalf of the
Minister for Community Development

PRISONERS (INTERSTATE TRANSFER) REGULATIONS

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 -

"Commissioner" means the Commissioner within the meaning of the *Police Administration Act*;

"Director" means the Director within the meaning of the *Prisons (Correctional Services) Act*;

* Notified in the Northern Territory Government Gazette on 21 SEP 1984.

Prisoners (Interstate Transfer) Regulations

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

"Parole Board" means the Board within the meaning of the *Parole of Prisoners Act*;

"parole officer" means parole officer within the meaning of the *Parole of Prisoners 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 sub-regulation (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 (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 gaoler of the prison where the prisoner is detained.

(3) A gaoler of a prison who receives a prisoner's request shall -

- (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 current estimated date of release by remission;
- (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 parole officer and ask the officer to prepare and forward to the Director -
 - (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 to which the request relates would be in the interests of the welfare of the prisoner; and

Prisoners (Interstate Transfer) Regulations

- (d) forward the request to the Director for consideration by the Minister.

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 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 Director 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 Director.

(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;

Prisoners (Interstate Transfer) Regulations

- (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 to which the request relates; and
- (b) the Minister makes a written request to the corresponding Minister of the participating State to accept 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

Where the Minister has received from the corresponding Minister of a participating State written notice of the corresponding Minister's consent to the transfer of

Prisoners (Interstate Transfer) Regulations

a prisoner to the participating State as referred to in section 6 of the Act, the order of transfer which may be issued by the Minister 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 from the corresponding Minister of a participating State asking the Minister to accept the transfer of an imprisoned person to the Territory, the Minister may, before considering the matter, request -

- (a) the Director; and
- (b) the Commissioner,

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 a written request referred to in section 10(1)(a) of the Act for the transfer of a prisoner to a participating State 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 the participating State.

(2) Any comments in writing a prisoner referred to in sub-regulation (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 sub-regulation 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 to be dealt with according to law shall be in accordance with Form 3.

Prisoners (Interstate Transfer) Regulations

(2) Where the Minister refers to the Attorney-General a prisoner's written request referred to in sub-regulation (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 the participating State to which the request relates.

(3) Where the Attorney-General consents to a prisoner's written request referred to in sub-regulation (1), he shall refer to the Attorney-General of the participating State to which the request relates, with the written notice of the consent, the report referred to in sub-regulation (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 Director 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 Director;
- (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 sub-regulation (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

Prisoners (Interstate Transfer) Regulations

- (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 gaoler 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 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 shall be in accordance with Form 9.

19. TRANSFER TO ATTEND APPEAL

For the purposes of section 19 of the Act, an order of transfer returning a person to a participating State shall be in accordance with Form 10.

20. INQUIRIES BEFORE ISSUE OF ORDER OF TRANSFER

Before issuing in respect of a person an order of transfer referred to in regulation 18 or 19, the Minister may inquire of -

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

Prisoners (Interstate Transfer) Regulations

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.

21. TRANSFER AFTER ATTENDING APPEAL

For the purposes of section 20 of the Act, an order of transfer of a person to a participating State shall be in accordance with Form 11.

22. REQUEST TO SERVE IMPRISONMENT IN THE TERRITORY

(1) Where a person who is liable to be transferred to a participating State pursuant to an order of transfer issued under section 18 or 20 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 gaoler of the prison where the person is detained.

(2) Regulation 4(3) applies to and in relation to a person's request referred to in sub-regulation (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 sub-regulation (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 sub-regulation (1), the Minister shall -

- (a) give written notice of the decision to the corresponding Minister of the participating State;
- (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 as to whether or not that Minister agrees to the person's imprisonment being served in the Territory.

Prisoners (Interstate Transfer) Regulations

23. ORDER FOLLOWING AGREEMENT UNDER SECTION 21(1)(a) OF ACT

(1) Where, upon a person making a request referred to in regulation 22(1), the Minister and the corresponding Minister of the participating State 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 12.

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 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.

PART V - MISCELLANEOUS

25. ESCORT ARRANGEMENTS

Unless there is agreement to the contrary between the Minister and the corresponding Minister of a participating State, escort arrangements, including the appointment of escorts, and responsibility for providing escorts, including costs connected therewith, to give effect to an order of transfer of a prisoner or other person from the Territory to a participating State, being an order of a kind described in Column 1 of the Table to this regulation, shall be made or accepted by the person specified in Column 2 of that Table opposite the description of the order.

TABLE

Column 1	Column 2
Order of transfer to a participating State for prisoner's welfare (section 6 of the Act)	Minister
Order of transfer to a participating State for prisoner's trial (section 13 or 14(6) of the Act)	Corresponding Minister
Order of transfer to return person to participating State after being dealt with according to law (section 18 of the Act)	Minister

Prisoners (Interstate Transfer) Regulations

TABLE - continued

Column 1	Column 2
Order of transfer to return person to participating State to attend appeal (section 19 of the Act)	Minister
Order of transfer to return person to participating State after attending appeal (section 20 of the Act)	Minister

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 Director or by some person for the time being designated by the Director.

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 gaoler of the prison where the person is detained; 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, a gaoler of a prison receives a person who is the subject of an order of transfer from one participating State to another

Prisoners (Interstate Transfer) Regulations

participating State and detains him in custody, the gaoler shall endorse on the copy of the order of transfer issued in relation to the person delivered to the gaoler 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 13.

(2) A warrant referred to in sub-regulation (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 14; and
- (b) the prescribed office the holder of which may make an application referred to in sub-regulation (1) is the office of -
 - (i) Director;
 - (ii) member within the meaning of the *Police Administration Act*; or
 - (iii) parole officer within the meaning of the *Parole of Prisoners Act*.

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 pursuant to an order of transfer or a warrant issued under the authority of the Act, the gaoler of the prison 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 gaoler; and
- (b) all official records at the prison relating to money, if any, belonging to the person.

Prisoners (Interstate Transfer) Regulations

- (1) - .
- (2) Where a person referred to in sub-regulation
- (a) inspects the personal property, if any, belonging to him and in the custody of the gaoler of the prison and any records referred to in sub-regulation (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 sub-regulation (1) who makes a complaint referred to in sub-regulation (2) shall deliver it to -

- (a) the gaoler of the prison in which he is detained; or
- (b) a prison officer at that gaol who shall, as soon as practicable, convey the complaint to that gaoler.

(4) The gaoler of a prison shall -

- (a) investigate a complaint made under sub-regulation (2) by a person that is delivered or conveyed to the gaoler, 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.

(5) Where it is brought to the attention of the gaoler of a prison that -

- (a) the result of an investigation carried out in response to a complaint made under sub-regulation (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,

the gaoler shall, 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 pursuant to an order of transfer or a warrant issued under the authority of the

Prisoners (Interstate Transfer) Regulations

Act, all money belonging to the person which is in the control and custody of the gaoler of the prison in which the person was detained shall be remitted by the gaoler to the gaoler of the prison in the participating State to which the person is to be escorted, for credit to the person's account.

(2) The gaoler of a prison in which a person who is being transferred to a participating State under the Act was detained shall inform the person, or cause the person to be informed, in writing, of the amount remitted under sub-regulation (1) to the gaoler of the prison in the participating State for credit to the person's account.

(3) When being escorted to a participating State 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.

(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 gaoler of the prison and which are not taken with person, may be -

(a) disposed of by the gaoler of the prison in accordance with written directions, if any, given by the person; or

(b) may be forwarded to the person in the participating State,

at the person's risk and expense.

Prisoners (Interstate Transfer) Regulations

SCHEDULE

FORM 1

Regulation 4(1)

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 5

REQUEST BY PRISONER FOR TRANSFER TO PARTICIPATING
STATE FOR PRISONER'S WELFARE

I,,
(full name and aliases)
currently a prisoner held at Prison
in the Northern Territory of Australia, hereby request, in
the interests of my welfare, to be considered for transfer
to the State/Territory* of, a
participating State 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 any 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 the law in force in the Northern Territory of Australia, the Commonwealth, a State or another Territory of the Commonwealth, yet to be dealt with? A.
- Q. Has there been any petition for, or is there pending, any 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)

Prisoners (Interstate Transfer) Regulations

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.

I understand that, upon transfer -

- (a) the sentence(s) of imprisonment imposed upon me in the Northern Territory of Australia shall be deemed to have been imposed upon me in the participating State;
- (b) I will be subject to the provisions of the rules, regulations, etc., applying to prisoners in that State; and
- (c) I may be subject to reclassification under those provisions.

Signed

Date

* Delete where inapplicable.

+ If insufficient space use additional sheet.

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

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

- (a) family or near family support in the participating State 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."

Prisoners (Interstate Transfer) Regulations

FORM 2

Regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 6

ORDER OF TRANSFER TO PARTICIPATING STATE
FOR PRISONER'S WELFARE

TO the gaoler of the prison at
in the Northern Territory of Australia

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
..... at, in the
(date) (court)
Northern Territory of Australia, for the offence(s)
of
.....
sentenced to imprisonment:
(aggregate term)
- (b) I, the Minister for Community Development in the
Northern Territory of Australia, following receipt of
a written request from the prisoner for transfer to a
participating State, am of the opinion that, in the
interests of the welfare of the prisoner, the
prisoner should be transferred to,
(State/Territory*)
a participating State 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:
- (c) The corresponding Minister of the participating State
has given his written consent to the transfer of the
prisoner to the participating State:

Prisoners (Interstate Transfer) Regulations

NOW, THEREFORE, I HEREBY COMMAND YOU -

- (d) The gaoler of the above-named prison in the Northern Territory of Australia, to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):
- (e) The above-mentioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Northern Territory of Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the gaoler of the prison at in the participating State,

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

GIVEN under my hand this day of, 19.... at in the Northern Territory of Australia.

Minister for Community Development

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 3

Regulation 12(1)

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 10(1)(b)

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

I,,
(full name and aliases)
currently a prisoner held at Prison in
the Northern Territory of Australia, hereby request that I
be transferred to the State/Territory* of,
a participating State for the purposes of the *Prisoners
(Interstate Transfer) Act*, to be dealt with in that partic-
ipating State according to law for outstanding
offences(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 Northern Territory of
Australia yet to be dealt with according to law, nor
is there any appeal pending in respect of me in the
Northern Territory of Australia.

(If any matters are outstanding or pending, delete
clause (2), and insert details hereunder)

Signed

Dated

* Delete where 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 any arrest
warrant.

Prisoners (Interstate Transfer) Regulations

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

Prisoners (Interstate Transfer) Regulations

FORM 4

Regulation 13(1)

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 11(2)

CERTIFICATE OF PRESCRIBED OFFICER

WHEREAS:

(a)
(full name)
(in this certificate referred to as "the prisoner")
was on
(date)
at in the Northern Territory of
(court)
Australia for the offence(s) of
.....
sentenced to imprisonment:
(aggregate term)

(b) The prisoner is the subject of an arrest warrant issued in accordance with the law of the State/Territory* of, a participating State for the purposes of the *Prisoners (Interstate Transfer) Act* (in this certificate referred to as "the Act"):

(c) The Attorney-General of the Northern Territory of Australia received -

*from the Attorney-General of the participating State a written request given under the provision of an interstate 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 Community Development and referred to the Attorney-General of the Territory:

being a request for the transfer of the prisoner to the participating State 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, do hereby certify that the consent(s)/request* required under section 11(1) of the Act have been given or made for the transfer of the prisoner to the participating State to be dealt with according to law.

Prisoners (Interstate Transfer) Regulations

GIVEN under my hand this day
of, 19...., at in the
Northern Territory of Australia.

.....
Crown Law Officer

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 5

Regulation 14(1)(b)

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 12(1)

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

I,,
(name of applicant)

of,
the Director/a person acting on behalf of the Director* of
Correctional Services in the Northern Territory of
Australia, hereby make application to the court of summary
jurisdiction at in the Northern Territory
of Australia, for the issue of an order of transfer
of
(full name)

(in this application referred to as "the prisoner"), at
present detained in the prison at in the
Northern Territory of Australia, to the State/Territory*
of, a participating State 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 in the Northern Territory of
(court)
Australia, for the offence(s) of
sentenced to imprisonment.
(aggregate term)

The prisoner is the subject of an arrest warrant issued in
accordance with the law of the participating State.

I attach a certificate issued in accordance with section
11(2) of the Act certifying that the necessary
consent(s)/request* required under section 11(1) of
the Act for the transfer of the prisoner to the
participating State 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
gaoler of the above-named prison to bring the prisoner
before the court for determination as to whether an order
of transfer shall be issued.

Signed

Date

Prisoners (Interstate Transfer) Regulations

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.

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.

Clerk of the Court of
Summary Jurisdiction

at

Date

To -

the applicant.

the above-named prisoner.

the Attorney-General

* Delete where inapplicable.

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

Prisoners (Interstate Transfer) Regulations

FORM 6

Regulation 15

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 12(1) or 14(2)

ORDER DIRECTING GAOLER TO BRING
PRISONER BEFORE COURT

TO the gaoler of the prison at
and to all prison officers and members of the Police
Force in the Northern Territory of Australia.

WHEREAS:

a prisoner detained in custody in the above-named prison
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 to be dealt with according to law:

NOW, I,

- *a Magistrate;
- *a Judge of the Supreme Court;
- *a person authorized 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 gaoler
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.

GIVEN under my hand at in the Northern
Territory of Australia on the day
of 19...

.....
Designation

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 7

Regulation 16(1)

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 13(a)

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

TO the gaoler of the prison at in the Northern Territory of Australia

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, in the Northern Territory of Australia for the offence(s) of: sentenced to imprisonment: (aggregate term)

(b) It has been established to the satisfaction of the undersigned Magistrate constituting a court of summary jurisdiction at in the Northern Territory of Australia that the prisoner is the subject of an arrest warrant issued in accordance with the law of the State/Territory* of, a participating State for the purposes of the Prisoners (Interstate Transfer) Act, and that the Attorney-General of the Northern Territory of Australia and the Attorney-General of the participating State have consented to or requested, as the case may be, the transfer of the prisoner to the participating State 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 to be dealt with according to law.

Prisoners (Interstate Transfer) Regulations

I, THEREFORE, HEREBY COMMAND YOU -

- (c) The gaoler of the above-named prison in the Northern Territory of Australia, to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):
- (d) The above-mentioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Northern Territory of Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the gaoler of the prison at in the participating State:

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

GIVEN under my hand this day of 19..., at the court of summary jurisdiction, in the Northern Territory of Australia.

.....
Magistrate

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 8

Regulation 16(2)

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 14(6)

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

TO the gaoler of the prison at in the Northern Territory of Australia

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 at, in the (date) (court) Northern Territory of Australia for the offence(s) of sentenced to imprisonment: (aggregate term)

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

..... (substance of order)

(c) was dissatisfied with (applicant for review) the decision of the court of summary jurisdiction and applied to the Supreme Court of the Northern Territory of Australia for a review of the decision.

Prisoners (Interstate Transfer) Regulations

NOW, I, the undersigned Judge of the Supreme Court of the Northern Territory of Australia, 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 participating State and that the Attorney-General of the Northern Territory of Australia and the Attorney-General of the participating State have consented to or requested, as the case may be, the transfer of the prisoner to the participating State to be dealt with according to law, do issue this order for the transfer of the prisoner to the participating State to be dealt with according to law.

I, THEREFORE, HEREBY COMMAND YOU -

- (d) The gaoler of the above-named prison in the Northern Territory of Australia, to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):
- (e) The above-mentioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Northern Territory of Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the gaoler of the prison at in the participating State:

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

GIVEN under my hand this day
of 19..., at the Supreme Court at
..... in the Northern Territory of Australia.

.....
Judge of the Supreme Court of the
Northern Territory of Australia

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 9

Regulation 18

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 18

ORDER OF TRANSFER TO RETURN PERSON TO PARTICIPATING STATE AFTER BEING DEALT WITH ACCORDING TO LAW

TO the gaoler of the prison at in the Northern Territory of Australia

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 at, in the (date) (court) State/Territory* of, a participating State for the purposes of the Prisoners (Interstate Transfer) Act (in this order referred to as "the Act"), for the offences of sentenced to imprisonment: (aggregate term)

(b) The prisoner was transferred to the Northern Territory of Australia from the above-named participating State pursuant to an order of transfer issued under a provision of the interstate law of that participating State for the purpose of being dealt with according to law:

(c) So far as I, the Minister for Community Development in the Northern Territory of Australia, am aware, every complaint or information alleging any offence by the prisoner against the law in force in the Northern Territory of Australia has been finally dealt with according to law and as a result the prisoner -

*did not become liable to serve any sentence of imprisonment in the Northern Territory of Australia;

Prisoners (Interstate Transfer) Regulations

*was on at in the
(date) (court)
Northern Territory of Australia, for the offence(s)
of
.....
.....
sentenced to imprisonment,
(aggregate term)

AND the term of imprisonment remaining to be served
in the Northern Territory of Australia is shorter
than the period of imprisonment remaining to be
served by the prisoner under section 25 sentence.

NOW, THEREFORE, I, the Minister for Community Development,
in the Northern Territory of Australia, pursuant to
section 18 of the Act, issue this order for the transfer
of the prisoner to the participating State to serve the
period of imprisonment remaining to be served by the
prisoner in that State.

I HEREBY COMMAND YOU -

- (d) The gaoler of the above-named prison in the Northern Territory of Australia, to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):
- (e) The above-mentioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Northern Territory of Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the gaoler of the prison at in the participating State:

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

GIVEN under my hand this day
of 19...., at in
the Northern Territory of Australia.

.....
Minister for Community Development

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 10

Regulation 19

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 19

ORDER OF TRANSFER TO RETURN PERSON TO
PARTICIPATING STATE TO ATTEND APPEAL

TO the gaoler of the prison at in
the Northern Territory of Australia

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
..... at, in the
(date) (court)
State/Territory* of, a participating
State for the purposes of the *Prisoners (Interstate
Transfer) Act* (in this order referred to as "the
Act"), for the offences of
.....
.....
sentenced to imprisonment:
(aggregate term)
- (b) The prisoner was transferred to the Northern
Territory of Australia from the above-named
participating State pursuant to an order of transfer
issued under a provision of the interstate law of
that participating State for the purpose of being
dealt with according to law:
- (c) Under a law of the participating State, the prisoner
is entitled to be present at proceedings in the
participating State with respect to:

(Short description of proceedings. See section 19(c)
of the Act)

Prisoners (Interstate Transfer) Regulations

- (d) The prisoner has made an application in writing to the Minister for Community Development in the Northern Territory of Australia to be present at those proceedings and, so far as I, the Minister for Community Development, am aware, every complaint or information alleging any offence by the prisoner against the law in force in the Northern Territory of Australia has been finally dealt with according to law:

NOW, THEREFORE, I, pursuant to section 19 of the Act, not being of the opinion that it is contrary to the public interest to do so, issue this order for the transfer of the prisoner to the participating State to enable the prisoner to be present at those proceedings.

I HEREBY COMMAND YOU -

- (d) The gaoler of the above-named prison in the Northern Territory of Australia, to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):
- (e) The above-mentioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Northern Territory of Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the gaoler of the prison at in the participating State:

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

GIVEN under my hand this day of 19..., at in the Northern Territory of Australia.

.....
Minister for Community Development

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 11

Regulation 21

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 20

ORDER OF TRANSFER TO RETURN PERSON TO PARTICIPATING STATE AFTER ATTENDING APPEAL

TO the gaoler of the prison at in the Northern Territory of Australia

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 at in the (date) (court) State/Territory* of, a participating State for the purposes of the Prisoners (Interstate Transfer) Act (in this order referred to as "the Act") for the offences of sentenced to imprisonment: (aggregate term)
- (b) The prisoner is serving a section 25 sentence or section 25 sentences of due to expire (aggregate term) on: (date)
- (c) The prisoner was transferred to the Northern Territory of Australia from the above-named participating State pursuant to an order of transfer issued under a provision of the interstate law of that participating State to enable the prisoner to attend proceedings in the Northern Territory of Australia:
- (d) Those proceedings have been determined, and

*the prisoner is liable to serve the balance of the period of imprisonment under the section 25 sentence or section 25 sentences and is not liable to serve in the Northern Territory of Australia any other sentence of imprisonment;

Prisoners (Interstate Transfer) Regulations

*the balance of the sentence of imprisonment under the section 25 sentence or section 25 sentences is longer than any period of imprisonment which the prisoner is liable to serve in the Northern Territory of Australia under any other sentence or sentences of imprisonment.

NOW, THEREFORE, I, the Minister for Community Development in the Northern Territory of Australia, pursuant to section 20 of the Act, issue this order for the transfer of the prisoner to the participating State to serve the period of imprisonment remaining to be served by the prisoner in that State.

I HEREBY COMMAND YOU -

- (e) The gaoler of the above-named prison in the Northern Territory of Australia, to deliver the prisoner, together with this order, into the custody of the above-mentioned escort(s):
- (f) The above-mentioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the Northern Territory of Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the gaoler of the prison at in the participating State:

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

GIVEN under my hand this day of 19..., at in the Northern Territory of Australia.

.....
Minister for Community Development

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 12

Regulation 23

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 21(1)(a)

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

TO the gaoler of the prison at in the Northern Territory of Australia.

WHEREAS:

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

 sentenced to imprisonment:
 (aggregate term)
- (b) The prisoner was transferred to the Northern Territory of Australia pursuant to the Act for the purpose of being dealt with according to law:
- (c) The prisoner was on at
 (date) (court)
 in the Northern Territory of Australia, for the offence(s) of

 sentenced to imprisonment:
 (aggregate term)
- (d) By reason of the shorter sentence of imprisonment imposed in the Northern Territory of Australia, the prisoner is liable to be transferred back to the participating State pursuant to Part IV of the Act to serve the longer sentence of imprisonment:

Prisoners (Interstate Transfer) Regulations

- (e) The prisoner has made a written request to the Minister for Community Development to serve the longer sentence of imprisonment in the Northern Territory of Australia:
- (f) The corresponding Minister of the participating State and I, the Minister for Community Development in the Northern Territory of Australia, 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 Northern Territory of Australia.

NOW, THEREFORE, THIS IS TO COMMAND YOU, the gaoler of the above-named prison, 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.

GIVEN under my hand this day of 19..., at in the Northern Territory of Australia.

.....
Minister for Community Development

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 13

Regulation 29(1)

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 30(2)

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 in the
Northern Territory of Australia, and to all other
members of the Police Force in the Northern Territory
of Australia

TO the gaoler at the prison at in
the Northern Territory of Australia

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/Territory* 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 Northern
Territory of Australia was, before a justice at
..... on,
(court) (date)
proved to have -

*escaped from such lawful custody;

*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 that 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.

Prisoners (Interstate Transfer) Regulations

I, THEREFORE, HEREBY COMMAND YOU -

(c) The above-mentioned senior officer of police and all other members of the Police Force in the Northern Territory of Australia, and the gaoler of the above-named prison, as the case may be, 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:

(d) The above-mentioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying him from the Northern Territory of Australia 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, the warrant shall have no further effect and the prisoner shall be discharged in respect of the warrant.

GIVEN under my hand this day
of 19..., at in
the Northern Territory of Australia.

.....
Justice of the Peace

* Delete where inapplicable.

Prisoners (Interstate Transfer) Regulations

FORM 14

Regulation 30(a)

NORTHERN TERRITORY OF AUSTRALIA

Prisoners (Interstate Transfer) Act

Section 32

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

I,,
of,
the Director of Correctional Services/member of the Police
Force/parole officer* in the Northern Territory of
Australia, hereby make application to the court of summary
jurisdiction at in the Northern
Territory of Australia 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 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):

.....
.....
.....

Signed

Date

TAKE NOTICE that this application will be heard and deter-
mined at the court of summary jurisdiction at,
on the day of 19...,
at 10.00 am.

Clerk of the Court of
Summary Jurisdiction
at

Date

To the applicant.
the above-named prisoner.

*Delete where inapplicable.

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