

South Australia

Parole Orders (Transfer) Act 1983

An Act to provide for the reciprocal enforcement of parole orders.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Parole Orders (Transfer) Act 1983*.

3—Interpretation

In this Act, unless the contrary intention appears—

corresponding law means a law of another State or a Territory of the Commonwealth relating to the transfer of parole orders declared by the Minister, by notice published in the Gazette, to be a corresponding law for the purposes of this Act;

the Department means the Department of Correctional Services;

designated authority means, in relation to another State or a Territory of the Commonwealth, the person or body with powers under the corresponding law of that State or Territory that correspond to those of the Minister under sections 6 and 8;

the Parole Board means the Parole Board of South Australia;

parole order means—

- (a) an order under the law of this State, or under a law of another State or a Territory of the Commonwealth, for the release of a person upon parole; or

- (b) an authority under a law of this State, or of another State or a Territory of the Commonwealth, for the release of a person from imprisonment or lawful detention (being an authority that has the effect of, or is deemed to be, an order for the release of a person upon parole),

and includes such an order or authority as varied from time to time, but does not include an order or authority for the release of a person from an institution for the detention of juvenile offenders;

parolee means the person to whom a parole order relates;

the Registrar means the Registrar of Transferred Parole Orders;

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

4—Appointment of Registrar

- (1) There shall be a Registrar of Transferred Parole Orders.
- (2) The person for the time being holding or acting in a designated office in the Public Service of the State shall be the Registrar.
- (3) The Minister may, by notice published in the Gazette, make or revoke a designation for the purposes of subsection (2).

5—Power of Minister to delegate

- (1) The Minister may, by instrument in writing, delegate to any officer of the Department, any of his powers or functions under this Act.
- (2) A delegation under this section is revocable at will, and shall not prevent the exercise or performance of any power or function by the Minister.

6—Request for registration of parole order under corresponding law

- (1) The Minister may, by instrument in writing addressed to the designated authority for another State or a Territory of the Commonwealth, request that a parole order that is in force under a law of this State be registered under the corresponding law of that other State or Territory.
- (2) The Minister shall not make a request for the registration of a parole order under the corresponding law of another State or a Territory of the Commonwealth unless—
 - (a) he is satisfied that, having regard to the interests of the parolee, it is desirable that the parole order be so registered; and
 - (b) either—
 - (i) the parolee has given his consent to, or has requested, the registration of the parole order under the corresponding law of that other State or that Territory; or
 - (ii) there are reasonable grounds for believing that the parolee is residing in that other State or that Territory.

- (3) Where the Minister makes a request for the registration of a parole order under the corresponding law of another State or a Territory of the Commonwealth, the Minister shall cause to be sent to the designated authority—
- (a) the parole order to which the request relates together with any instruments by which it has been varied; and
 - (b) the judgment or order, or a certified copy of the judgment or order, by virtue of which the parolee became liable to undergo the imprisonment to which the parole order relates, or any statement or certificate of conviction or warrant of commitment, or a certified copy of such a document, evidencing the parolee's liability to undergo that imprisonment; and
 - (c) particulars in writing of the address of the parolee last known to the Minister; and
 - (d) a report in writing relating to the parolee—
 - (i) containing such information (including information relating to convictions, sentences of imprisonment, non-parole periods, imprisonment served, remission earned and any other parole orders); and
 - (ii) accompanied by such documents (including all documents that were before the body making the parole order),as appear likely to be of assistance to a court, authority or officer in that other State or Territory.

7—Effect of transfer of parole order to another State or a Territory

Upon the registration under a corresponding law of a parole order that was, immediately before that registration, in force under the law of this State—

- (a) the parole order ceases to be in force in this State; and
- (b) in the case of a parole order that was registered under this Act—the parole order ceases to be so registered; and
- (c) each sentence of imprisonment to which the parolee was subject immediately before the registration under the corresponding law ceases to have effect in this State.

8—Direction for registration of parole order under this Act

- (1) At the request in writing of the designated authority for another State or a Territory of the Commonwealth, the Minister may, by instrument in writing, direct the Registrar to register under this Act a parole order that was in force at the time of the request under a law of that State or Territory.
- (2) The Minister shall not direct the registration under this Act of a parole order in force under a law of another State or Territory of the Commonwealth unless—
 - (a) he is satisfied, on consideration of relevant information and documents forwarded to him by the designated authority for that other State or Territory, that, having regard to the interests of the parolee, it is desirable that the parole order be so registered; and
 - (b) either—

- (i) the parolee has given his consent to, or has requested, the registration of the parole order under this Act; or
- (ii) the parolee is residing in this State.

9—Registration

- (1) When directed to register a parole order under this Act, the Registrar shall—
 - (a) register the parole order by endorsing on the parole order a memorandum signed by him to the effect that the parole order is, on the date of the endorsement, registered under this Act; and
 - (b) keep the endorsed parole order in a register together with the original or copy of the judgment, order, statement or certificate of conviction or warrant of commitment sent by the designated authority, being the judgment or order by virtue of which the parolee became liable to undergo the imprisonment to which the parole order relates, or the statement or certificate of conviction or warrant of commitment evidencing the parolee's liability to undergo that imprisonment.
- (2) When the Registrar has registered a parole order, he shall—
 - (a) forward to the Chairman of the Parole Board a copy of the endorsed parole order, together with a copy of the judgment, order, statement or certificate of conviction or warrant of commitment referred to in subsection (1)(b); and
 - (b) cause notice in writing of the fact and date of the registration of the parole order to be given to the designated authority who requested the registration of the parole order, and to be served personally on the parolee.
- (3) A parole order is registrable under this Act notwithstanding that it was originally made in pursuance of the law of this State.

10—Effect of registration

- (1) Upon a parole order being registered under this Act, then, subject to this Act, the laws of this State apply—
 - (a) as if each sentence of imprisonment to which the parolee was subject immediately before the making of the parole order had been imposed by a court of this State (whether or not it was in fact so imposed); and
 - (b) as if the parolee had been released on parole pursuant to a parole order made under the law of this State (whether or not he was in fact so released); and
 - (c) as if any period of imprisonment served by the parolee under the sentences, and any period spent by the parolee on parole, had been served or spent in this State (notwithstanding that any such period may have been wholly or partly served or spent elsewhere).
- (2) This section does not cease to operate by reason of the revocation, under the law of this State, of the registered parole order.

11—Evidence

- (1) A document certified by the Registrar to be a copy of a parole order registered under this Act shall be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the terms of the original and of the matters stated in the memorandum endorsed on the parole order in pursuance of this Act.
- (2) A document certified by the Registrar to be a copy of any other document kept in the register under this Act shall be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the terms of that document.
- (3) Where a document appears to have been certified by the Registrar for the purposes of this section, it shall, in the absence of proof to the contrary, be deemed to have been so certified.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1983	62	<i>Parole Orders (Transfer) Act 1983</i>	22.9.1983	1.5.1984 (<i>Gazette 26.4.1984 p1004</i>)
1986	82	<i>Parole Orders (Transfer) Act Amendment Act 1986</i>	4.12.1986	4.12.1986
1987	108	<i>Parole Orders (Transfer) Act Amendment Act 1987</i>	17.12.1987	17.12.1987
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 107 (ss 256—258)—1.2.2010 (<i>Gazette 28.1.2010 p320</i>)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3	designated authority amended by 82/1986 s 2	4.12.1986
s 6		
s 6(3)	amended by 82/1986 s 3	4.12.1986
	amended by 108/1987 s 2	17.12.1987
s 9		
s 9(1)	amended by 108/1987 s 3(a)	17.12.1987
s 9(2)	amended by 108/1987 s 3(b)	17.12.1987