

South Australia

## **Prisoners (Interstate Transfer) Regulation 1984**

under the *Prisoners (Interstate Transfer) Act 1982*

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# Part 1—Preliminary

## 1—Short title

This regulation may be cited as the *Prisoners (Interstate Transfer) Regulation 1984*.

## 2—Commencement

This regulation shall take effect from 1 July 1984.

## 3—Arrangement

This regulation is divided as follows:

Part 1—Preliminary—cll. 1–4.

Part 2—Transfer for prisoner's welfare—cll. 5–11.

Part 3—Transfer for trial—cll. 12–18.

Part 4—Transfer back to original State—cll. 19–25.

Part 5—Miscellaneous—cll. 26–33.

Schedule 1—Forms

## 4—Interpretation

- (1) In this regulation, except in so far as the context or subject matter otherwise indicates or requires—

*the Act* means the *Prisoners (Interstate Transfer) Act 1982*;

*Department* means the Department of Correctional Services of South Australia;

*Manager* means any officer or person in charge of, or responsible for, the management of a prison and shall include the keeper or superintendent of any prison;

*Non-Parole Period* means a non-parole period within the meaning of the *Prisons Act 1936*;

*Parole Board* means the Parole Board constituted under the *Prisons Act 1936*;

*Permanent Head* means the person appointed as the permanent head of the Department of Correctional Services of South Australia;

*Probation and Parole Officer* means an officer of the Probation and Parole section of the Department of Correctional Services of South Australia;

*Probation Order* means a probation order within the meaning of the *Offenders Probation Act 1913*.

- (2) In this regulation, a reference to a form is a reference to a form set out in the Schedule.

- (3) A form containing any directions for its completion should be completed in accordance with those directions.

## **Part 2—Transfer for prisoner's welfare**

### **5—Request for transfer to a participating State**

- (1) For the purposes of section 7 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 or to the effect of Form 1.
- (2) A prisoner's request shall be signed by the prisoner and shall be forwarded through the manager of the prison.
- (3) A manager 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 probation or non-parole period specified and the current estimated date of release by remission; and
  - (b) prepare and attach to the request a comprehensive report on the prisoner's conduct and behaviour while in prison; and
  - (c) forward a copy of the request to a probation and parole officer and ask that officer to prepare and forward to the Department—
    - (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 would be in the interests of the welfare of the prisoner; and
  - (d) forward the request to the Department for consideration by the Minister.

### **6—Statements in support of prisoner's request**

A prisoner's request shall include statements as to—

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

### **7—Consideration of requests**

- (1) For the purposes of the Minister's consideration of a prisoner's request, the Department may (or, if the Minister so requests, shall) supply to the Minister such medical, psychiatric or psychological reports or assessments in respect of the prisoner as are or may be made available to it.

- (2) There shall be included in any report or assessment in respect of a prisoner furnished or caused to be furnished for the information of the Minister under this regulation any further information available to the person or authority furnishing the report or assessment, or causing the same to be furnished, which 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 2 of the Act, the Minister, in considering a prisoner's request, may have regard to the following matters:
  - (a) whether the statutory period during which an appeal against the prisoner's conviction or sentence may be made has expired;
  - (b) whether any 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 of South Australia or the Commonwealth, or of any other State or of a Territory of Australia, has been finally dealt with;
  - (d) whether a petition for an inquiry, or an inquiry, under the laws of South Australia into the prisoner's conviction or sentence is pending;
  - (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.

## **8—Repeated requests for transfer**

Without affecting the Minister's power to exercise a discretion under section 9 of the Act, the Minister may refuse to entertain a request for transfer made by a prisoner within one year of a similar request if there has not, in the Minister's opinion, been a substantial change in the circumstances which are likely to benefit the prisoner's welfare.

## **9—Request to corresponding Minister to accept transfer of prisoner**

Where—

- (a) following consideration of a written request by a prisoner for transfer to a participating State, the Minister is of the opinion that the prisoner should be transferred in the interests of the welfare of the prisoner;
- (b) the Minister makes a written request to the corresponding Minister of the participating State to accept the transfer of the prisoner,

that written request shall be accompanied by a copy of—

- (c) the prisoner's written request for transfer; and
- (d) the reports, assessments and other information referred to in regulations 5 and 7 in relation to the prisoner; and
- (e) a statement setting out the matters upon which the Minister's opinion is based.

## **10—Order of transfer (section 8)**

Where the Minister has received from a corresponding Minister of a participating State written notice of the corresponding Minister's consent to the transfer of a prisoner to that participating State as referred to in section 8 of the Act, the order of transfer which may be issued by the Minister shall be in or to the effect of Form 2.

## **11—Request for transfer to South Australia**

Where the Minister receives a written request referred to in section 10 of the Act from a corresponding Minister of a participating State asking the Minister to accept the transfer of an imprisoned person to South Australia the Minister may, prior to considering the matter, request—

- (a) the Parole Board; and
- (b) the Probation and Parole Section of the Department; and
- (c) the Department; and
- (d) the Commissioner of Police,

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

## **Part 3—Transfer for trial**

### **12—Request by Attorney-General of a participating State for transfer of a prisoner**

- (1) Where the Attorney-General receives from the Attorney-General of a participating State a written request referred to in section 12(1)(a) of the Act for the transfer of a prisoner to that participating State for the purpose of being dealt with according to law, the Attorney-General, prior to 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 in respect of the prisoner under section 26(1)(c) of the Act if the prisoner were conveyed to the participating State.
- (2) Any comments the prisoner desires to make shall be made within 14 days of receipt by the prisoner of the advice of the substance of the request and shall be forwarded to the Minister for reference to the Attorney-General.

### **13—Request by prisoner for transfer to a participating State**

- (1) For the purposes of section 12(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 or to the effect of Form 3.

- (2) Where the Minister refers to the Attorney-General a written request made by a prisoner for the transfer of the prisoner to a participating State to be dealt with according to law, the Minister shall, at the same time, send to the Attorney-General a report relating to the prisoner, being a report in the same terms as a report which would be required to be sent in respect of the prisoner under section 26(1)(c) of the Act if the prisoner were conveyed to the participating State.
- (3) If the Attorney-General consents to a prisoner's written request for transfer to a participating State to be dealt with according to law, the Attorney-General shall refer to the Attorney-General of the participating State, with the written notice of the consent, the report referred to in subclause (2), together with the prisoner's written request for the transfer.

#### **14—Certification of consent or request**

- (1) A certificate referred to in section 13(2) of the Act in relation to a consent or request required under section 13(1) of the Act shall be in or to the effect of Form 4.
- (2) The prescribed officer for the purpose of signing a certificate referred to in section 13(2) of the Act shall be the Crown Solicitor or a delegated person.
- (3) On the signing of a certificate under section 13(2) of the Act, it shall be forwarded to the Department for the purpose of making an application to a court of summary jurisdiction for the issue of an order of transfer.

#### **15—Application to a court for issue of order of transfer**

- (1) An application to a court of summary jurisdiction under section 14(1) of the Act for the issue of an order of transfer—
  - (a) may be made by, or on behalf of, the Department; and
  - (b) shall be in or to the effect of Form 5; and
  - (c) shall be lodged in quadruplicate.
- (2) Where, as a result of an application referred to in subclause (1), a court makes an order under section 14(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, upon—
  - (a) the prisoner personally; and
  - (b) the Attorney-General.

#### **16—Order to bring prisoner before court**

An order under section 14(1) or 16(2) of the Act, directing the manager of the prison where a prisoner is imprisoned to bring the prisoner before a court, shall be in or to the effect of Form 6.

#### **17—Order of transfer**

- (1) An order of transfer issued by a court of summary jurisdiction pursuant to section 15(a) of the Act shall be in or to the effect of Form 7.
- (2) An order of transfer issued by the Supreme Court pursuant to section 16(6) of the Act shall be in or to the effect of Form 8.

## **18—Request for transfer to South Australia by imprisoned person**

Where the Attorney-General has received from the Attorney-General of a participating State, pursuant to section 19 of the Act, a notice in writing that the Attorney-General of the participating State has consented to a request made by a person imprisoned in the participating State to be transferred to South Australia to enable the person to be dealt with according to law, the Attorney-General may, before considering the matter, obtain a report from the Commissioner of Police on the request.

## **Part 4—Transfer back to original State**

### **19—Return of person to participating State**

For the purposes of section 20 of the Act, an order of transfer returning a person to a participating State shall be in or to the effect of Form 9.

### **20—Transfer to attend appeal**

For the purposes of section 21 of the Act, an order of transfer returning a person to a participating State shall be in or to the effect of Form 10.

### **21—Inquiries before issue of order of transfer**

Before issuing an order for the transfer of a person in accordance with the provisions of section 20 or 21 of the Act, 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 any offence by the person against the law of South Australia has been finally dealt with according to law.

### **22—Transfer after attending appeal**

For the purposes of section 22 of the Act, an order for the transfer of a person to a participating State shall be in or to the effect of Form 11.

### **23—Request to serve imprisonment in South Australia**

- (1) Where a person who is liable to be transferred to a participating State pursuant to an order of transfer which may be issued under section 20 or 22 of the Act makes a written request to the Minister to serve imprisonment in South Australia, pursuant to section 23(1) of the Act, the request shall—
  - (a) be signed by the person; and
  - (b) set out the grounds in support of the request; and
  - (c) be forwarded through the manager of the prison where the person is detained.
- (2) The provisions of subregulation (3) of regulation 5 apply to and in respect of a request referred to in subregulation (1) of this regulation in the same way as those provisions apply to and in respect of a prisoner's request to which regulation 5 applies.
- (3) The provisions of regulation 7, apply to and in respect of a request referred to in subregulation (1) of this regulation in the same way as those provisions apply to and in respect of a prisoner's request to which regulation 7 applies.

- (4) If the Minister agrees to a person's request referred to in subregulation (1) of this regulation, the Minister shall—
- (a) give written notice of the decision to the corresponding Minister of the participating State; and
  - (b) enclose with the notice copies of the reports, information, documents and details which 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 South Australia.

#### **24—Order following agreement under section 23(1)(a)**

If, upon a person making a request referred to in subregulation (1) of regulation 23, the Minister and the corresponding Minister of the participating State agree that it is in the interests of the welfare of the person that the person's imprisonment should be served in South Australia, the Minister shall issue an order of imprisonment in or to the effect of Form 12.

#### **25—Inquiries concerning persons liable to be transferred to South Australia**

The Minister in deciding whether or not to agree to a person imprisoned in a participating State serving imprisonment in that participating State (in pursuance of a request made under the provision of an interstate law that corresponds to section 23(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 any offence by that person against the law of South Australia has been finally dealt with according to law.

### **Part 5—Miscellaneous**

#### **26—Escort arrangements**

Unless there is agreement to the contrary between the Minister and the corresponding Minister of the participating State, the cost and responsibility of transferring a prisoner from South Australia to a participating State pursuant to an order of transfer, being an order of a kind described in Column 1 of the Table to this regulation shall be borne by the State specified in Column 2 of that Table opposite the description of the order.

##### **Table**

<b>Column 1</b>	<b>Column 2</b>
Order of transfer to a participating State for prisoner's welfare. (Section 8 of the Act.)	South Australia
Order of transfer to a participating State for prisoner's trial. (Section 15 or 16(6) of the Act.)	The participating State
Order of transfer to return person to participating State after being dealt with according to law. (Section 20 of the Act.)	South Australia
Order of transfer to return person to participating State to attend appeal. (Section 21 of the Act.)	South Australia
Order of transfer to return person to participating State after attending appeal. (Section 22 of the Act.)	South Australia



## **27—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 26(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 Permanent Head or his delegate in the Department.

## **28—Information relating to a person received from a participating State**

Where—

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

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

the order and other documents (or copies thereof) sent by the corresponding Minister to the Minister or other person for the time being designated by the Minister shall, after completion of any action required in relation thereto—

(c) be forwarded to the manager of the prison where the person is detained; and

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

## **29—Lawful custody for transit through South Australia**

Where, pursuant to section 31 of the Act, a manager receives a person who is the subject of an order of transfer from one participating State to another participating State and detains that person in custody, the manager shall endorse on the copy of the order of transfer delivered to the manager by the escort—

(a) the time and date of the receipt of that person into custody; and

(b) the time and date of the delivery of that person to the custody of the escort.

## **30—Return of person in transit to original State**

(1) For the purposes of section 32(2) of the Act, a warrant ordering a person to be returned to the participating State in which the order of transfer was issued shall be in or to the effect of Form 13.

(2) A warrant referred to in subregulation (1) of this regulation shall direct that the person who is the subject of the warrant be returned to the prison in the participating State from which the person was transferred pursuant to the order of transfer.

## **31—Revocation of order of transfer**

(1) For the purposes of section 34 of the Act, an application to a court of summary jurisdiction to revoke an order of transfer shall be in or to the effect of Form 14.

(2) An application referred to in subregulation (1) of this regulation may be made by the Permanent Head or his delegate in the Department.

### 32—Procedure relating to property on transfer of prisoner

- (1) Where a prisoner 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 manager of the prison shall give or cause to be given to the prisoner, an opportunity to inspect—
  - (a) the personal property, if any, belonging to the prisoner and in the custody of the manager; and
  - (b) any official records at the prison relating to money, if any, belonging to the prisoner.
- (2) Where a prisoner—
  - (a) inspects the personal property, if any, belonging to the prisoner and in the custody of the manager of the prison and any records referred to in subregulation (1)(b) of this regulation; and
  - (b) wishes to make a complaint regarding the condition of, or any deficiency in, that property or any mistake in those records,

the prisoner may make a written complaint regarding the condition, deficiency or mistake, as the case may require.
- (3) A prisoner who makes a complaint referred to in subregulation (2) of this regulation shall deliver it to—
  - (a) the manager of the prison in which the prisoner is detained; or
  - (b) an officer at that gaol who shall, without unnecessary delay, convey the complaint to that manager.
- (4) The manager of a prison shall—
  - (a) investigate any complaint made by a prisoner under subregulation (2) of this regulation that is delivered or conveyed to the manager, 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 prisoner prior to the release of the prisoner for escort to a participating State.
- (5) Where it is brought to the attention of the manager of a prison that—
  - (a) the result of an investigation carried out in response to a complaint made by a prisoner under subregulation (2) of this regulation is not to the satisfaction of the prisoner; or
  - (b) an investigation of a complaint made by a prisoner under subregulation (2) of this regulation has not been completed prior to the release of the prisoner for escort to a participating State,

the manager of the prison shall, without unnecessary delay, notify the Department of the complaint and the result of the investigation, or the fact that the investigation has not been completed, as the case may require.

### **33—Transfer of prisoner's property**

- (1) Where a prisoner 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 Act, any money belonging to the prisoner which is in the control and custody of the manager of the prison in which the prisoner was detained shall be remitted by the manager to the manager of the prison in the participating State to which the prisoner is to be escorted for credit to the prisoner's account.
- (2) The manager of a prison in which a prisoner who is being transferred to a participating State under the Act was detained shall inform the prisoner, or cause the prisoner to be informed, in writing, of the amount remitted to the manager of the prison in the participating State for credit to the prisoner's account.
- (3) When being escorted to a participating State, a prisoner being transferred under the Act may be permitted to take so much personal clothing and other articles of personal property belonging to the prisoner as, in the opinion of the escort or escorts, can be safely and conveniently taken with the prisoner to the participating State.
- (4) Articles of personal property belonging to a prisoner being transferred under the Act, being articles which are either in the prisoner's physical possession at a prison or in the custody of the manager of the prison and which are not taken with the prisoner, may be—
  - (a) disposed of by the manager of the prison in accordance with written directions given by the prisoner; or
  - (b) forwarded to the prisoner in the participating State, at the prisoner's risk and expense.

## Schedule—Forms

### Form 1

(Regulation 5(1))

#### Request by a prisoner for transfer to a participating State for the prisoner's welfare

(Prisoners (Interstate Transfer) Act 1982—Section 7)

I,<sup>1</sup> .....  
currently a prisoner held at .....  
Prison in the State of South 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 1982* 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 of South Australia or the Commonwealth, or any  
other State or a Territory of Australia, 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:<sup>2</sup>  
.....

(See Regulation 6 of the *Prisoners (Interstate Transfer) Regulations 1984* 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.

I understand that, upon transfer—

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

Signed .....

Date .....

*Regulation 6 Prisoners (Interstate Transfer) Regulations 1984:*

#### 6—Statements in support of prisoner's request

A prisoner's request shall include statements as to—

- (a) family or near family support in the participating State, 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 which the prisoner wishes to put forward.

<sup>1</sup> Full name and aliases by which known.

<sup>2</sup> If space insufficient, set out grounds on additional sheet.

## Form 2

(Regulation 10)

### Order of transfer to participating State for prisoner's welfare

(Prisoners (Interstate Transfer) Act 1982—Section 8)

TO the manager of the prison at .....  
in the State of South Australia.

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

WHEREAS:

- (a) <sup>1</sup> .....  
(in this order referred to as *the prisoner*) was on <sup>2</sup> .....  
at <sup>3</sup> ..... in the State of South Australia  
for the offence(s) of <sup>4</sup> .....  
sentenced to <sup>5</sup> ..... imprisonment.
- (b) I, the Minister for Correctional Services in the State of South 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 the State/Territory of ..... , a participating State for the purposes of the *Prisoners (Interstate Transfer) Act 1982* (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 5(1) of the Act.
- (c) The corresponding Minister of the participating State has given written consent to the transfer of the prisoner to the participating State.

NOW, THEREFORE, I HEREBY COMMAND YOU—

- (d) The manager of the abovenamed prison in the State of South Australia, to deliver the prisoner, together with this order, into the custody of the abovementioned escort(s).
- (e) The abovementioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the State of South Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the manager 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 ....., 20 .....,  
at Adelaide in the State of South Australia.

.....  
Minister for Correctional Services.

<sup>1</sup> Full name.

<sup>2</sup> Date.

<sup>3</sup> Court.

<sup>4</sup> Short description.

<sup>5</sup> Aggregate term.

**Form 3**

*(Regulation 13(1))*

**Request by prisoner for transfer to a participating State to be dealt with according to law**  
*(Prisoners (Interstate Transfer) Act 1982—Section 12(1)(b))*

I,<sup>1</sup> .....  
currently a prisoner held at ..... Prison,  
in the State of South Australia, hereby request that I be transferred to the State/Territory of .... ,  
.....  
a participating State for the purposes of the *Prisoners (Interstate Transfer) Act 1982* to be dealt  
with in that participating State according to law for outstanding offence(s) alleged against me.

Details of the outstanding offence(s) alleged against me are as follows:<sup>2</sup>

There is no outstanding charge, complaint or information against me in South Australia yet to  
be dealt with according to law, nor is there any appeal pending in respect of me in South  
Australia.

*(If any matters are outstanding or pending, delete paragraph and insert details hereunder)*

Signed .....

Date .....

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.

<sup>1</sup> Full name and aliases by which known.

<sup>2</sup> 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.

**Form 4**

(Regulation 14(1))

**Certificate of prescribed officer**

(Prisoners (Interstate Transfer) Act 1982—Section 13(2))

WHEREAS:

- (a) <sup>1</sup> .....  
(in this certificate referred to as *the prisoner*)  
was on <sup>2</sup> .....  
at <sup>3</sup> ..... in the State of South Australia  
for the offence(s) of <sup>4</sup> .....  
sentenced to <sup>5</sup> ..... imprisonment.
- (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 1982* (in this certificate referred to as *the Act*).
- (c) The Attorney-General of South Australia has received—  
\*from the Attorney-General of the participating State a written request given under the provision of an interstate law that corresponds to section 18 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 of South Australia;  
being a request for the transfer of the prisoner to the participating State to be dealt with according to law.

NOW, I, the Crown Solicitor, Department of the Attorney-General, the prescribed officer for the purposes of section 13(2) of the Act, do hereby certify that the \*consent(s) (and request) required under section 13(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.

GIVEN under my hand this ..... day of .....20 .....  
at Adelaide in the State of South Australia.

.....  
Crown Solicitor,  
Department of the Attorney-General

*\*Strike out whichever is not applicable*

- <sup>1</sup> Full name.  
<sup>2</sup> Date.  
<sup>3</sup> Court.  
<sup>4</sup> Short description.  
<sup>5</sup> Aggregate term.

**Form 5**

(Regulation 15(1))

**Application to Court of Summary Jurisdiction for the issue of an order of transfer**

(Prisoners (Interstate Transfer) Act 1982—Section 14(1))

I,<sup>1</sup> .....  
of .....  
on behalf of the Department of Correctional Services of South Australia, hereby make application to the Court of Summary Jurisdiction at ..... in the State of South Australia, for the issue of an order of transfer of<sup>2</sup> ..... (in this application referred to as *the prisoner*), at present detained in the prison at ..... in the State of South Australia, to the State/Territory of ....., a participating State for the purposes of the *Prisoners (Interstate Transfer) Act 1982* (in this application referred to as *the Act*) to be dealt with according to law.

The prisoner was on<sup>3</sup> ..... at<sup>4</sup> ..... in the State of South Australia for the offence(s) of<sup>5</sup> ..... sentenced to<sup>6</sup> ..... imprisonment.

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 13(2) of the Act certifying that the necessary \*consent(s) (and request) required under section 13(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 14(1) of the Act, directing the manager of the abovenamed prison to bring the prisoner before the court for determination as to whether an order of transfer shall be issued.

Signed .....

Designation .....

Date .....

*\*Strike out whichever is not applicable.*

TAKE NOTICE that this application will be heard and determined at the Court of Summary Jurisdiction at..... on..... the .....day of....., 20....., at 10 a.m.

An order in writing under section 14(1) of the Act has been made directing that the prisoner be brought before the Court on the abovementioned date.

.....  
Clerk of the Court of Summary Jurisdiction at

.....  
Date .....

To the applicant.  
the abovenamed prisoner.  
the Attorney-General.

Note—

This application is to be filed at the Court of Summary Jurisdiction in quadruplicate.

<sup>1</sup> Name of applicant.

<sup>2</sup> Full name.

<sup>3</sup> Date.

<sup>4</sup> Court.

<sup>5</sup> Short description.

<sup>6</sup> Aggregate term.



**Form 6**

(Regulation 16)

**Order directing manager to bring prisoner before the Court**

(Prisoners (Interstate Transfer) Act 1982—Section 14(1) or 16(2))

TO the manager of the prison at .....  
and to all prison officers and members of the police force in the State of South Australia.

WHEREAS ..... ,  
a prisoner detained in custody in the abovenamed prison should be in attendance before the  
undermentioned 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 Judge of the Supreme Court,
- \*a Judge of the District Court,
- \*a Stipendiary Magistrate constituting a Court of Summary Jurisdiction;

by this order made pursuant to section 14(1)/section 16(2)\* of the *Prisoners (Interstate Transfer) Act 1982* direct you, the manager of the abovenamed prison, or such correctional 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....., 20....., at 10 a.m., 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 State of  
South Australia on the ..... day of  
....., 20

.....  
Designation

*\*Strike out whichever is not applicable.*

**Form 7**

(Regulation 17(1))

**Order of transfer to participating State for prisoner's trial (issued by Local Court of Summary Jurisdiction)**

(Prisoners (Interstate Transfer) Act 1982—Section 15)

TO the manager of the prison at .....  
in the State of South Australia.

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

WHEREAS:

(a) <sup>1</sup> .....  
(in this order referred to as *the prisoner*) was on<sup>2</sup> .....  
at<sup>3</sup> ..... , in the State of South Australia  
for the offence(s) of<sup>4</sup> .....  
sentenced to<sup>5</sup> ..... imprisonment.

(b) It has been established to the satisfaction of the undersigned Stipendiary Magistrate constituting a Court of Summary Jurisdiction at<sup>6</sup> .....  
in the State of South 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 1982* and that the Attorney-General of South 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 Stipendiary Magistrate, constituting the abovenamed Court of Summary Jurisdiction 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—

- (c) The manager of the abovenamed prison in the State of South Australia, to deliver the prisoner, together with this order, into the custody of the abovementioned escort(s).
- (d) The abovementioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the State of South Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the manager 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 ....., 20 .....,  
at the Court of Summary Jurisdiction, .....  
in the State of South Australia.

.....  
Stipendiary Magistrate.

<sup>1</sup> Full name.

<sup>2</sup> Date.

<sup>3</sup> Court.

<sup>4</sup> Short description.

<sup>5</sup> Aggregate term.

<sup>6</sup> Place.

**Form 8**

(Regulation 17(2))

**Order of transfer to participating State for prisoner's trial (issued by Supreme Court)**

(Prisoners (Interstate Transfer) Act 1982—Section 16(6))

TO the manager of the prison at .....  
in the State of South Australia.

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

WHEREAS:

(a) <sup>1</sup> .....  
(in this order referred to as *the prisoner*) was on<sup>2</sup> .....  
at<sup>3</sup> ....., in the State of  
South Australia, for the offence(s) of<sup>4</sup> .....  
sentenced to<sup>5</sup> ..... imprisonment.

(b) On<sup>2</sup> .....  
the Court of Summary Jurisdiction at .....  
in the State of South 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 1982* to  
be dealt with according to law, made the following order:<sup>6</sup>

(c) The<sup>7</sup> .....  
was dissatisfied with the decision of the Court of Summary Jurisdiction and applied to  
the Supreme Court of South Australia for a review of the decision.

NOW, I, the undersigned Judge of the Supreme Court of South 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 South  
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 manager of the abovenamed prison in the State of South Australia, to deliver the  
prisoner, together with this order, into the custody of the abovementioned escort(s).

(e) The abovementioned escort(s), forthwith to take and safely keep custody of the prisoner  
for the purpose of conveying the prisoner from the State of South Australia to the  
participating State and there delivering the prisoner, together with this order, into the  
custody of the manager of the prison at .....  
..... in the participating State:

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

GIVEN under my hand ..... day of ....., 20 .....,  
at the Supreme Court at Adelaide in the State of South Australia.

.....  
Judge of the Supreme Court of South Australia

- <sup>1</sup> Full name.
- <sup>2</sup> Date.
- <sup>3</sup> Court.
- <sup>4</sup> Short description.
- <sup>5</sup> Aggregate term.
- <sup>6</sup> Set out the substance of the order.
- <sup>7</sup> Applicant for review.

## Form 9

(Regulation 19)

### Order of transfer to return person to participating State after being dealt with according to law

(Prisoners (Interstate Transfer) Act 1982—Section 20)

To the manager of the prison at .....  
in the State of South Australia.

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

WHEREAS:

- (a) <sup>1</sup> .....  
(in this order referred to as **the prisoner**) was on<sup>2</sup> .....  
at<sup>3</sup> ....., in the State/Territory of  
....., a participating  
State for the purposes of the *Prisoners (Interstate Transfer) Act 1982* (in this order  
referred to as **the Act**), for the offence(s) of<sup>4</sup> .....  
sentenced to<sup>5</sup> ..... imprisonment.
- (b) The prisoner was transferred to the State of South Australia from the abovenamed  
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 Correctional Services in the State of South Australia, am  
aware, every complaint or information alleging any offence by the prisoner against the law  
of South Australia has been finally dealt with according to law and as a result the  
prisoner—
  - <sup>6</sup>did not become liable to serve any sentence of imprisonment in South Australia; or
  - was on<sup>2</sup> .....  
at<sup>3</sup> ..... in the State of  
South Australia, for the offence(s) of<sup>4</sup> .....  
sentenced to<sup>5</sup> ..... imprisonment,

AND the term of imprisonment remaining to be served in South Australia is shorter than the  
period of imprisonment remaining to be served by the prisoner under any section 27 sentence  
or section 27 sentences.

NOW, THEREFORE, I, the Minister for Correctional Services in the State of South Australia,  
pursuant to the provisions of 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—

- (d) The manager of the abovenamed prison in the State of South Australia, to deliver the  
prisoner, together with this order into the custody of the abovementioned escorts(s).
- (e) The abovementioned escort(s), forthwith to take and safely keep custody of the prisoner  
for the purpose of conveying the prisoner from the State of South Australia to the  
participating State and there delivering the prisoner, together with this order, into the  
custody of the manager 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 ....., 20 .....,  
at Adelaide in the State of South Australia.

.....  
Minister for Correctional Services.

- <sup>1</sup> Full name.
- <sup>2</sup> Date.
- <sup>3</sup> Court.
- <sup>4</sup> Short description.
- <sup>5</sup> Aggregate term.
- <sup>6</sup> Strike out whichever is inapplicable.

**Form 10**

(Regulation 20)

**Order of transfer to return person to participating State to attend appeal**

(Prisoners (Interstate Transfer) Act 1982—Section 21)

TO the manager of the prison at .....  
in the State of South Australia.

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

WHEREAS:

- (a) <sup>1</sup> .....  
(in this order referred to as *the prisoner*) was on <sup>2</sup> .....  
at <sup>3</sup> ..... in the State/Territory of  
....., a participating  
State for the purposes of the *Prisoners (Interstate Transfer) Act 1982* (in this order referred  
to as *the Act*), for the offence(s) of <sup>4</sup> .....  
sentenced to <sup>5</sup> ..... imprisonment.
- (b) The prisoner was transferred to the State of South Australia from the abovenamed  
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 <sup>6</sup> .....
- (d) The prisoner has made an application in writing to the Minister for Correctional Services  
in the State of South Australia to be present at those proceedings and, so far as I, the  
Minister for Correctional Services, am aware, every complaint or information alleging any  
offence by the prisoner against the law of South Australia has been finally dealt with  
according to law.

NOW, THEREFORE, I, pursuant to the provisions of section 21 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—

- (e) The manager of the abovenamed prison in the State of South Australia, to deliver the  
prisoner, together with this order, into the custody of the abovementioned escort(s):  
.....
- (f) The abovementioned escort(s), forthwith to take and safely keep custody of the prisoner  
for the purpose of conveying the prisoner from the State of South Australia to the  
participating State and there delivering the prisoner, together with this order into the  
custody of the manager 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 ....., 20 .....,  
at Adelaide in the State of South Australia.

.....  
Minister for Correctional Services.

<sup>1</sup> Full name.

<sup>2</sup> Date.

<sup>3</sup> Court.

<sup>4</sup> Short description.

<sup>5</sup> Aggregate term.

<sup>6</sup> Short description of proceedings (section 21(c)).

**Form 11**

(Regulation 22)

**Order of transfer to return person to participating State after attending appeal**

(Prisoners (Interstate Transfer) Act 1982—Section 22)

TO the manager of the prison at .....  
in the State of South Australia.

AND TO the escort(s) for the purpose of executing this order.

WHEREAS:

- (a) <sup>1</sup> .....  
(in this order referred to as *the prisoner*) was on <sup>2</sup> .....  
at <sup>3</sup> ..... in the State/Territory of  
....., a participating  
State for the purposes of the *Prisoners (Interstate Transfer) Act 1982*, (in this order  
referred to as *the Act*), for the offence(s) of <sup>4</sup> .....  
sentenced to <sup>5</sup> ..... imprisonment.
- (b) The prisoner was transferred to the State of South Australia from the abovenamed  
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 South  
Australia.
- (c) Those proceedings have been determined, and <sup>6</sup> the prisoner is liable to serve the balance  
of a period of imprisonment under a section 27 sentence or section 27 sentences and is not  
liable to serve in the State of South Australia any other sentence of imprisonment; or <sup>6</sup> the  
balance of a sentence of imprisonment under a section 27 sentence or section 27 sentences  
liable to be served by the prisoner is longer than any period of imprisonment which the  
prisoner is liable to serve in the State of South Australia under any other sentence or  
sentences of imprisonment.

NOW, THEREFORE, I, the Minister for Correctional Services in the State of South Australia,  
pursuant to the provisions of section 22 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 manager of the abovenamed prison in the State of South Australia, to deliver the  
prisoner, together with this order, into the custody of the abovementioned escort(s): .....
- (e) The abovementioned escort(s) forthwith to take and safely keep custody of the prisoner for  
the purpose of conveying the prisoner from the State of South Australia to the participating  
State and there delivering the prisoner, together with this order, into the custody of the  
manager 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 ....., 20 .....,  
at Adelaide in the State of South Australia.

.....  
Minister for Correctional Services.

<sup>1</sup> Full name.

<sup>2</sup> Date.

<sup>3</sup> Court.

<sup>4</sup> Short description.

<sup>5</sup> Aggregate term.

<sup>6</sup> Strike out whichever is inapplicable.

## Form 12

(Regulation 24)

### Order of imprisonment following agreement of Ministers that a person should serve imprisonment in South Australia

(Prisoners (Interstate Transfer) Act 1982—Section 23(1)(a))

TO the manager of the prison at .....  
in the State of South Australia.

WHEREAS:

- (a) <sup>1</sup> .....  
(in this order referred to as *the prisoner*) was on <sup>2</sup> .....  
at <sup>3</sup> ..... in the State/Territory of  
....., a participating  
State for the purposes of the *Prisoners (Interstate Transfer) Act 1982* (in this order referred  
to as *the Act*) for the offence(s) of <sup>4</sup> .....  
sentenced to <sup>5</sup> ..... imprisonment.
- (b) The prisoner was transferred to South Australia pursuant to the Act for the purpose of  
being dealt with according to law.
- (c) The prisoner was on <sup>2</sup> .....  
at <sup>3</sup> ..... in South Australia,  
for the offence(s) of <sup>4</sup> .....  
sentenced to <sup>5</sup> ..... imprisonment.
- (d) By reason of the shorter sentence of imprisonment imposed in South Australia, the  
prisoner is liable to be transferred back to the participating State pursuant to the provisions  
of Part 4 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 South Australia.
- (f) The corresponding Minister of the participating State and I, the Minister for Correctional  
Services in South 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 South  
Australia.

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

GIVEN under my hand this ..... day of ....., 20 .... ,  
at Adelaide in the State of South Australia.

.....  
Minister for Correctional Services.

<sup>1</sup> Full name.

<sup>2</sup> Date.

<sup>3</sup> Court.

<sup>4</sup> Short description.

<sup>5</sup> Aggregate term.



**Form 13**

(Regulation 30)

**Warrant ordering person to be returned to the participating State in which an order of transfer was issued**

(Prisoners (Interstate Transfer) Act 1982—Section 32(2))

TO the senior officer of police at .....  
in South Australia, and to all other members of the police force in South Australia.

TO the manager of the prison at ..... in  
South Australia.

AND TO the escort(s) for the purposes of the *Prisoners (Interstate Transfer) Act 1982* (in this warrant referred to as *the Act*).

WHEREAS:

- (a) (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 the provisions of section 31 of the Act for transit through South Australia was, before a justice at ..... on ..... proved to have \*escaped from such lawful custody; or attempted to have escaped from such lawful custody.
- (b) Notwithstanding the terms of the order of transfer issued in the abovenamed 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.

I, THEREFORE, HEREBY COMMAND YOU—

- (c) The abovementioned senior officer of police and all other members of the police force in South Australia, and the manager of the abovenamed 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 from the date of this warrant, whichever first occurs.
- (d) The abovementioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from South 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 from the date of this warrant, the warrant shall have no further effect and the prisoner shall be discharged in respect thereof.

GIVEN under my hand this ..... day of ....., 20 ... ,  
at ..... in the State of South Australia.

.....  
Justice of the Peace.

*\*Strike out whichever is not applicable.*

**Form 14**

(Regulation 31)

**Application to a Court of Summary Jurisdiction to revoke an order of transfer**

(Prisoners (Interstate Transfer) Act 1982—Section 34)

I, .....  
of ..... ,  
a ..... , hereby make application  
to the Court of Summary Jurisdiction at ..... in  
South 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 1982*.

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

.....  
.....

.....  
Signed

.....  
Designation

.....  
Date

TAKE NOTICE that this application will be heard and determined at the Court of Summary  
Jurisdiction at ..... ,  
on the ..... day of ..... , 20 ..... ,  
at 10 a.m.

.....  
Clerk of the Court of Summary Jurisdiction

at .....

Date .....

To the applicant.  
the abovenamed prisoner.

Note—

This application is to be filed at the Court of Summary Jurisdiction in triplicate.

## Legislative history

### Notes

- 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](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Prisoners (Interstate Transfer) Regulation 1984* were revoked by Sch 1 of the *Prisoners (Interstate Transfer) Regulations 2010* on 1.9.2010.

### Principal regulations and variations

Year	No	Reference	Commencement
1984	123	<i>Gazette 28.6.1984 p1985</i>	1.7.1984: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2

### Provisions varied

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

Provision	How varied	Commencement
Pt 4		
r 4		
r 4(2)	varied by 147/2003 Sch 1	12.6.2003
<i>Heading after r 33</i>	<i>deleted by 147/2003 Sch 1</i>	<i>12.6.2003</i>
Sch	heading inserted by 147/2003 Sch 1	12.6.2003