

TASMANIA

**PRISONERS (INTERSTATE TRANSFER)
AMENDMENT BILL 2005**

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**PRISONERS (INTERSTATE TRANSFER)
AMENDMENT BILL 2005**

*(Brought in by the Minister for Justice and Industrial
Relations, the Honourable Judith Louise Jackson)*

A BILL FOR

An Act to amend the *Prisoners (Interstate Transfer) Act 1982*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Prisoners (Interstate Transfer) Amendment Act 2005*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Prisoners (Interstate Transfer) Act 1982** is referred to as the Principal Act.

*No. 55 of 1982

4. Part II: Heading amended

Part II of the Principal Act is amended by omitting “**TRANSFER FOR PRISONER’S WELFARE**” from the heading to that Part and substituting “**TRANSFER AT REQUEST OF PRISONER**”.

5. Section 5 amended (Requests for, and orders of, transfer)

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “in the interests of the welfare of the prisoner”;
- (b) by omitting from subsection (3)(b) “in the interests of the welfare of the prisoner”;
- (c) by omitting from subsection (5)(b) “in the interests of the welfare of the prisoner”.

6. Section 8A inserted

After section 8 of the Principal Act, the following section is inserted in Part II:

8A. Matters to which Minister may have regard

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

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

7. Section 9 amended (Reports)

Section 9(1) of the Principal Act is amended by omitting “may have regard to reports” and substituting “by reference to reports”.

8. Section 21 amended (Provisions ancillary to section 18)

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “it is in the interests of the welfare of the person that”;
- (b) by inserting the following subsection after subsection (1):

- (1A) In making a decision under subsection (1)(a), the Minister may have regard to any one or more of the following:
- (a) the welfare of the person concerned;
 - (b) the administration of justice in this or any other State;
 - (c) the security and good order of any prison in this or any other State;
 - (d) the safe custody of the person;
 - (e) the protection of the community in this or any other State;
 - (f) any other matter the Minister considers relevant.