

# TASMANIA

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## INTERSTATE TRANSFERS (MISCELLANEOUS AMENDMENTS) BILL 2013

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# **INTERSTATE TRANSFERS (MISCELLANEOUS AMENDMENTS) BILL 2013**

*(Brought in by the Minister for Corrections and Consumer  
Protection, the Honourable Nicholas James McKim)*

## **A BILL FOR**

**An Act to amend the *Interstate Transfer (Community-based  
Sentences) Act 2009*, the *Parole Orders (Transfer) Act 1983*  
and 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:

## **PART 1 – PRELIMINARY**

### **1. Short title**

This Act may be cited as the *Interstate Transfers  
(Miscellaneous Amendments) Act 2013*.

### **2. Commencement**

The provisions of this Act commence on a day  
or days to be proclaimed.

*Interstate Transfers (Miscellaneous Amendments) Act 2013*  
*Act No. of*

s. 3                      Part 2 – Interstate Transfer (Community-based Sentences) Act 2009  
Amended

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**PART 2 – INTERSTATE TRANSFER (COMMUNITY-  
BASED SENTENCES) ACT 2009 AMENDED**

**3. Principal Act**

In this Part, the *Interstate Transfer (Community-based Sentences) Act 2009\** is referred to as the Principal Act.

**4. Section 3 amended (Interpretation)**

Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *corresponding law*:

***corresponding Minister***, in relation to an interstate jurisdiction, means the person who has powers under the corresponding law of that jurisdiction that correspond to the powers of the Minister under this Act;

- (b) by inserting the following definitions after the definition of *Director, Community Corrections*:

***interstate authority*** for an interstate jurisdiction is the entity that is the local authority for the jurisdiction

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\*No. 17 of 2009

*Interstate Transfers (Miscellaneous Amendments) Act 2013*  
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under the corresponding law of  
the jurisdiction;

***interstate jurisdiction*** means a  
participating jurisdiction other  
than this jurisdiction;

***interstate law enforcement officer***, in  
relation to an interstate  
jurisdiction, means a local law  
enforcement officer within the  
meaning of the corresponding law  
of that jurisdiction;

***interstate offender*** means an offender  
who is subject to an interstate  
sentence;

***interstate sentence*** means a  
community-based sentence in  
force in an interstate jurisdiction;

***interstate travel permit*** means an  
interstate travel permit issued  
under section 13B or an interstate  
travel permit (however described)  
issued under the corresponding  
law of another State or a  
Territory;

***jurisdiction*** means a State or Territory  
of the Commonwealth;

***local authority*** for this jurisdiction is  
the Director of Corrective  
Services appointed under the

*Interstate Transfers (Miscellaneous Amendments) Act 2013*  
*Act No. of*

**s. 4**                      Part 2 – Interstate Transfer (Community-based Sentences) Act 2009  
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*Corrections Act 1997* or such other person as may be prescribed;

***local law enforcement officer*** means a correctional officer, or probation officer, within the meaning of the *Corrections Act 1997*, or a police officer;

***local offender*** means an offender who is subject to a Tasmanian community-based sentence;

***local sentence*** means a community-based sentence in force in this jurisdiction;

***Ministerial arrangements*** means arrangements referred to in section 13A;

- (c) by inserting the following definitions after the definition of *offender*:

***originating jurisdiction***, in relation to a community-based sentence, means the jurisdiction in which the sentence was originally imposed;

***participating jurisdiction*** means this jurisdiction or a State or Territory of the Commonwealth declared by the regulations to be a participating jurisdiction;



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- (d) by inserting the following definition after the definition of *serve*:

***this jurisdiction*** means Tasmania;

**5. Section 12 amended (Effect of registration in another State or a Territory)**

Section 12 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(d) “Part 4.” and substituting “Part 4; and”;
- (b) by inserting the following paragraph after paragraph (d) in subsection (1):
- (e) proceedings against the offender may not be commenced under the law of this jurisdiction in relation to any breach of the conditions attached to the sentence that occurred before it was registered in the interstate jurisdiction.
- (c) by inserting the following subsection after subsection (2):
- (2A) This section does not affect any sentence which –
- (a) imposes a fine or other financial penalty (however described); or

*Interstate Transfers (Miscellaneous Amendments) Act 2013*  
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**s. 6**                      Part 2 – Interstate Transfer (Community-based Sentences) Act 2009  
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(b) requires the making of reparation (however described) –

and, to that extent, the sentence remains a sentence in force in the jurisdiction in which it was originally imposed and may be enforced accordingly.

**6. Part 3A inserted**

After section 13 of the Principal Act, the following Part is inserted:

**PART 3A – RECIPROCAL ARRANGEMENTS FOR  
ADMINISTRATION OF LOCAL AND INTERSTATE  
SENTENCES**

**13A. Ministerial arrangements for the  
administration of local and interstate  
sentences**

(1) The Minister may enter into arrangements with the corresponding Minister of an interstate jurisdiction so as to facilitate –

(a) the administration, within this jurisdiction, of interstate sentences imposed under a law of the interstate jurisdiction; and

(b) the administration, within the interstate jurisdiction, of local

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sentences, either in relation to particular local offenders or interstate offenders or particular classes of local offenders or interstate offenders.

- (2) In particular, arrangements referred to in subsection (1) may be entered into so as to facilitate –
  - (a) travel to the interstate jurisdiction by local offenders; and
  - (b) travel to this jurisdiction by interstate offenders.
- (3) The local authority has, and may exercise, such powers, authorities, duties and functions as are necessary, under the relevant Ministerial arrangements, for the administration of interstate sentences in relation to interstate offenders who are present in this jurisdiction.
- (4) For the purposes of the law of this jurisdiction with respect to local sentences, anything that is done –
  - (a) by the appropriate interstate authority of an interstate jurisdiction; and
  - (b) in accordance with the relevant Ministerial arrangements; and

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- (c) in the administration of a local sentence in relation to a local offender who is present in the interstate jurisdiction –

is taken to have been done pursuant to the law of this jurisdiction.

**13B. Issue of interstate travel permit to local offender**

- (1) This section applies to a local offender whose sentence is subject to a condition (whether imposed by the sentence or otherwise) that prohibits the offender from leaving this jurisdiction without permission.
- (2) Permission to leave this jurisdiction may be granted, varied and revoked, and conditions of permission may be imposed and varied, in accordance with the relevant Ministerial arrangements.
- (3) After any permission referred to in subsection (2) is granted, the local authority –
  - (a) must incorporate the terms and conditions of the permission in an interstate travel permit; and
  - (b) must issue a copy of the permit to the offender; and

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(c) must provide –

- (i) a copy of the permit; and
- (ii) such other documents or information about the offender as are required or authorised to be sent under the relevant Ministerial arrangements –

to the interstate authority of each interstate jurisdiction to which the permit authorises travel.

(4) After the terms or conditions of any permission referred to in subsection (2) are varied, the local authority –

- (a) must incorporate the terms and conditions of the permission, as varied, in an amended interstate travel permit; and
- (b) must issue a copy of the amended permit to the offender; and
- (c) must provide –
  - (i) a copy of the amended permit; and
  - (ii) such other documents or information as are relevant to the variation –

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to the interstate authority of each  
interstate jurisdiction to which the  
permit authorises travel.

- (5) After any permission referred to in subsection (2) is revoked, the local authority must provide written notice of that fact to the offender and to the interstate authority of each interstate jurisdiction to which the permit authorised travel.
- (6) An interstate travel permit ceases to have effect in an interstate jurisdiction to which it authorises travel –
  - (a) if written notice referred to in subsection (5) is provided to the interstate authority of that jurisdiction (regardless of whether or not the offender has received the notice); or
  - (b) if the offender is arrested pursuant to a warrant issued under the corresponding law of that jurisdiction; or
  - (c) if the timeframes for travel authorised by the travel permit lapse.

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**13C. Effect of interstate travel permit issued to local offender**

- (1) This section applies in respect of any period during which –
  - (a) an interstate travel permit is in force in respect of a local offender; and
  - (b) the local offender is present in an interstate jurisdiction to which the permit authorises travel.
- (2) For the purposes of the law of this jurisdiction with respect to local sentences –
  - (a) the conditions of the interstate travel permit are taken to be substituted for the conditions of the relevant local sentence; and
  - (b) any compliance or non-compliance by the offender with the conditions of the interstate travel permit are taken to be compliance or non-compliance, as the case may be, with the conditions of the relevant local sentence.

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Amended

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**13D. Powers exercisable in relation to interstate offenders**

- (1) This section applies to an interstate offender –
  - (a) who holds an interstate travel permit that authorises the offender to travel to this jurisdiction; and
  - (b) who is present in this jurisdiction.
- (2) The local authority may issue a warrant for the offender's arrest –
  - (a) if advised by the relevant interstate authority that the interstate travel permit is no longer in force in this jurisdiction; or
  - (b) if of the opinion that the offender has failed to comply with the conditions of the interstate travel permit.
- (3) A warrant under subsection (2) is sufficient authority for a local law enforcement officer –
  - (a) to arrest the offender; and
  - (b) to convey the offender to a place specified in the warrant (whether



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in this jurisdiction or an interstate jurisdiction); and

- (c) to deliver the offender into the custody of an interstate law enforcement officer of the jurisdiction in which the interstate travel permit was issued.
- (4) For the avoidance of doubt, a warrant issued under subsection (2) authorises a local law enforcement officer to convey the offender within or across any interstate jurisdiction for the purpose of taking the offender to a place specified in the warrant.

**13E. Powers of interstate law enforcement officers**

A warrant issued under the corresponding law of an interstate jurisdiction that authorises an interstate law enforcement officer of that jurisdiction to convey an interstate offender or local offender within or across this jurisdiction for the purpose of taking the offender to a place specified in the warrant has effect, in this jurisdiction, according to its tenor.

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Amended

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**13F. Operation of Service and Execution of  
Process Act 1992 of the Commonwealth**

Nothing in this Act limits or otherwise  
affects the operation of the *Service and  
Execution of Process Act 1992* of the  
Commonwealth.

**7. Section 18 amended (Effect of registration under  
this Part)**

Section 18 of the Principal Act is amended as  
follows:

(a) by inserting the following subsection  
after subsection (2):

(2A) Subsection (1)(e) applies only for  
the purpose of determining the  
penalty to be imposed for the  
relevant offence in circumstances  
in which the offender is, under  
the law of this jurisdiction, re-  
sentenced in relation to that  
offence.

(b) by inserting the following subsection  
after subsection (4):

(5) This section does not apply to an  
interstate sentence to the extent to  
which –

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- (a) it imposes a fine or other financial penalty (however described); or
  - (b) it requires the making of reparation (however described).

**8. Section 23 amended (Delegation)**

Section 23 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) The local authority may delegate any of his or her functions or powers under this Act other than this power of delegation.

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Part 3 – Parole Orders (Transfer) Act 1983 Amended

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**PART 3 – PAROLE ORDERS (TRANSFER) ACT 1983  
AMENDED**

**9. Principal Act**

In this Part, the *Parole Orders (Transfer) Act 1983\** is referred to as the Principal Act.

**10. Part 1: Heading inserted**

The Principal Act is amended by inserting the following heading before section 1:

**PART 1 – PRELIMINARY**

**11. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting “the person or body with” from the definition of *designated authority* and substituting “the person (other than a body corporate) having”;
- (b) by inserting the following definitions after the definition of *designated authority*:

***Director*** means the Director, Community Corrections, within the meaning of the *Interstate Transfer (Community-based Sentences) Act 2009*;

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\*No. 67 of 1983

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***interstate Director***, in relation to another State or a Territory, means the person or body having powers under the corresponding law of that State or Territory that correspond to those of the Director under this Act;

***interstate law enforcement officer***, in relation to another State or a Territory, means a local law enforcement officer within the meaning of the corresponding law of that State or Territory;

***interstate parolee*** means a person to whom an interstate parole order relates;

***interstate parole order*** means a parole order made under a law of another State or a Territory;

***interstate travel permit*** means an interstate travel permit issued under section 10B or an interstate travel permit (however described) issued under the corresponding law of another State or a Territory;

***local law enforcement officer*** means a correctional officer, or probation officer, within the meaning of the *Corrections Act 1997*, or a police officer;

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Part 3 – Parole Orders (Transfer) Act 1983 Amended

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- (c) by omitting “time;” from paragraph (b) of the definition of *parole order* and substituting “time; and”;
- (d) by inserting the following paragraph after paragraph (b) in the definition of *parole order*:
  - (c) a prospective parole order, but only for the purpose of making or dealing with a request under section 5;
- (e) by inserting the following definition after the definition of *Registrar*:

***relevant Ministerial arrangements***, in relation to another State or a Territory, means arrangements entered into under section 10A between the Minister and the designated authority of that State or Territory;

- (f) by inserting the following definitions after the definition of *sentence of imprisonment*:

***Tasmanian parole order*** means a parole order made under a law of Tasmania;

***Tasmanian parolee*** means a person to whom a Tasmanian parole order relates;

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Part 3 – Parole Orders (Transfer) Act 1983 Amended

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**12. Part 2: Heading inserted**

The Principal Act is amended by inserting the following heading after section 3:

**PART 2 – REGISTRATION OF PAROLE ORDERS**

**13. Section 5 amended (Requests for registration of transferred parole orders)**

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “that is in force” and substituting “made”;
- (b) by inserting the following subsections after subsection (2):
  - (3) A direction or request is not to be made under this section unless the Minister is satisfied that the person to whom the parole order relates –
    - (a) has given consent to, or has requested, the registration of the parole order under this Act or under the relevant corresponding law (as the case requires), and has not withdrawn that consent or request; or
    - (b) is present in the State or Territory in which the

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Part 3 – Parole Orders (Transfer) Act 1983 Amended

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order is proposed to be  
registered.

- (4) A person who has given consent to, or has requested, the registration of a parole order, as referred to in subsection (3)(a), may withdraw the consent or request at any time before (but not after) the parole order is registered.

**14. Section 6 amended (Documents to accompany requests)**

Section 6 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “a person purporting to be the person in whose custody the original is entrusted” and substituting “the Registrar”;
- (b) by inserting the following subsection after subsection (2):
  - (3) In subsection (1)(a), a reference to a parole order (including any variation of a parole order) is a reference not only to the original but also to a copy that, under a law of this State, has the same effect as the original.



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Part 3 – Parole Orders (Transfer) Act 1983 Amended

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**15. Section 7 substituted**

Section 7 of the Principal Act is repealed and the following section is substituted:

**7. Matters to which Minister is to have regard**

In determining whether to make a direction or request under section 5, the Minister must have regard to the following matters:

- (a) the interests (including the welfare) of the person to whom the parole order relates;
- (b) the administration of justice in this or any other State or a Territory;
- (c) the protection of the community in this or any other State or a Territory;
- (d) any other matter the Minister considers relevant.

**16. Section 8 amended (Registration)**

Section 8 of the Principal Act is amended by inserting after subsection (1) the following subsection:

- (1A) Despite subsection (1), a parole order must not be registered under this Act unless, or until, the person to whom the order relates is present in this State.

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Part 3 – Parole Orders (Transfer) Act 1983 Amended

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**17. Section 9 amended (Effect of registration)**

Section 9 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (2):
  - (2A) Without limiting subsections (1) and (2), the person to whom the parole order relates may be dealt with under the laws of this State in relation to any breach of the conditions of the parole order that occurred after the person left the other State or Territory and before the parole order was registered under this Act.
- (b) by omitting subsection (4).

**18. Section 10 amended (Effect of transfer of parole order to another State or a Territory)**

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “State.” and substituting “State; and”;
- (b) by inserting the following paragraph after paragraph (c) in subsection (1):
  - (d) proceedings against the person to whom the parole order relates may not be commenced or continued under the laws of this

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State in relation to any breach of the conditions of the parole order that occurred before it was registered under the corresponding law.

- (c) by omitting from subsection (2)(b) “the registration under the corresponding law” and substituting “its first registration under a corresponding law”.

**19. Part 3: Heading inserted**

The Principal Act is amended by inserting the following heading after section 10:

**PART 3 – RECIPROCAL ARRANGEMENTS FOR  
ADMINISTRATION OF TASMANIAN AND  
INTERSTATE PAROLE ORDERS**

**20. Sections 10A, 10B, 10C, 10D, 10E and 10F inserted**

After section 10 of the Principal Act, the following sections are inserted in Part 3:

**10A. Ministerial arrangements for the  
administration of Tasmanian and interstate  
parole orders**

- (1) The Minister may enter into arrangements with the designated authority of another State or a Territory so as to facilitate –
- (a) the administration, within this State, of interstate parole orders

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made under a law of the other  
State or Territory; and

- (b) the administration, within the other State or Territory, of Tasmanian parole orders, either in relation to particular Tasmanian parolees or interstate parolees or particular classes of Tasmanian parolees or interstate parolees.
- (2) Arrangements in accordance with subsection (1) may be entered into so as to facilitate –
  - (a) travel to the other State or Territory by Tasmanian parolees; and
  - (b) travel to Tasmania by interstate parolees of the other State or Territory.
- (3) The Registrar has, and may exercise, such powers, authorities, duties and functions as are necessary, under the relevant Ministerial arrangements, for the administration of interstate parole orders in relation to interstate parolees who are present in this State.
- (4) For the purposes of the laws of Tasmania with respect to parole, anything that is done in another State or a Territory –

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- (a) by the interstate prisons authority of that State or Territory; and
- (b) in accordance with the relevant Ministerial arrangements; and
- (c) in the administration of a Tasmanian parole order in relation to a Tasmanian parolee who is present in that State or Territory –

is taken to have been done pursuant to the laws of this State.

- (5) In this section –

*interstate prisons authority*, in relation to another State or a Territory, means the person or body having powers under the corresponding law of that State or Territory that correspond to those of the Registrar under subsection (3).

**10B. Issue of interstate travel permit to Tasmanian parolee**

- (1) This section applies to a Tasmanian parolee whose parole is subject to a condition (whether imposed by the parole order or otherwise) that prohibits the parolee from leaving this State without permission.

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- (2) Permission to leave this State is to be granted, varied and revoked, and conditions of permission are to be imposed and varied, in accordance with the relevant Ministerial arrangements.
- (3) As soon as practicable after any permission referred to in subsection (2) is granted, the Director –
  - (a) must incorporate the terms and conditions of the permission in an interstate travel permit; and
  - (b) must issue a copy of the permit to the parolee; and
  - (c) must provide –
    - (i) a copy of the permit; and
    - (ii) such other documents or information about the parolee as are required or authorised to be sent under the relevant Ministerial arrangements –  
  
to the interstate Director of each State or Territory to which the permit authorises travel.
- (4) As soon as practicable after the terms or conditions of any permission referred to in subsection (2) are varied, the Director –

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- 
- (a) must incorporate the terms and conditions of the permission, as varied, in an amended interstate travel permit; and
  - (b) must issue a copy of the amended permit to the parolee; and
  - (c) must provide –
    - (i) a copy of the amended permit; and
    - (ii) such other documents or information as are relevant to the variation –  
  
to the interstate Director of each State or Territory to which the permit authorises travel.
- (5) As soon as practicable after any permission referred to in subsection (2) is revoked, the Director must provide written notice of that fact to the parolee and to the interstate Director of each State or Territory to which the permit authorised travel.
- (6) An interstate travel permit ceases to have effect in a State or Territory to which it authorises travel –
- (a) if written notice referred to in subsection (5) is provided to the interstate Director of that State or Territory (regardless of whether

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or not the parolee has received the notice); or

(b) if the parolee is arrested pursuant to a warrant issued under the corresponding law of that State or Territory; or

(c) if the timeframes for travel authorised by the travel permit lapse.

**10C. Effect of interstate travel permit issued to Tasmanian parolee**

(1) This section applies in respect of any period during which –

(a) an interstate travel permit is in force in respect of a Tasmanian parolee; and

(b) the Tasmanian parolee is present in a State or Territory to which the permit authorises travel.

(2) For the purposes of the laws of Tasmania with respect to parole –

(a) the conditions of the interstate travel permit are taken to be substituted for the conditions of the relevant Tasmanian parole order; and

(b) any compliance or non-compliance by the parolee with



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the conditions of the interstate travel permit are taken to be compliance or non-compliance, as the case may be, with the conditions of the relevant Tasmanian parole order.

**10D. Powers exercisable in relation to interstate parolees**

- (1) This section applies to an interstate parolee –
  - (a) who holds an interstate travel permit that authorises the parolee to travel to this State; and
  - (b) who is present in this State.
- (2) The Parole Board may issue a warrant for the parolee's arrest –
  - (a) if advised by the relevant interstate Director that the interstate travel permit is no longer in force in this State; or
  - (b) if of the opinion that the parolee has failed to comply with the conditions of the interstate travel permit.
- (3) A warrant under subsection (2) is sufficient authority for a local law enforcement officer –
  - (a) to arrest the parolee; and

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- (b) to convey the parolee to a place specified in the warrant (whether in this State or in another State or a Territory); and
  - (c) to deliver the parolee into the custody of an interstate law enforcement officer of the State or Territory in which the interstate travel permit was issued.
- (4) For the avoidance of doubt, a warrant issued under subsection (2) authorises a local law enforcement officer to convey the parolee within or across any other State or a Territory for the purpose of taking the parolee to a place specified in the warrant.

**10E. Powers of interstate law enforcement officers**

A warrant issued under the corresponding law of another State or a Territory that authorises a local law enforcement officer (within the meaning of that law) to convey an interstate parolee or Tasmanian parolee within or across this State for the purpose of taking the parolee to a place specified in the warrant has effect, in this State, according to its tenor.

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**10F. Operation of *Service and Execution of Process Act 1992* of the Commonwealth**

Nothing in this Act limits or otherwise affects the operation of the *Service and Execution of Process Act 1992* of the Commonwealth.

**21. Part 4: Heading inserted**

The Principal Act is amended by inserting the following heading after section 10F:

**PART 4 – MISCELLANEOUS**

**22. Section 11A inserted**

After section 11 of the Principal Act, the following section is inserted in Part 4:

**11A. Use of documents and information**

- (1) For the purpose of making a determination or exercising a discretion under this Act, or for the purpose of complying with any obligations imposed by the relevant Ministerial arrangements under Part 3, the Minister –
  - (a) may inform himself or herself as the Minister thinks fit including, in particular, by reference to relevant documents and information –

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- (i) forwarded to the Minister by the designated authority of another State or a Territory; or
    - (ii) obtained in the course of investigations carried out in this State in connection with the making of the determination or the exercise of the discretion; and
  - (b) may provide any of those documents or that information (including any personal information about the person to whom a parole order relates) to any government agencies or other persons that may be directly affected by that person's presence in the State or Territory in which the parole order is, or is proposed to be, registered.
- (2) This section does not authorise the disclosure of information about a person to whom a parole order relates unless the person –
- (a) has given consent to, or has requested, the registration of the parole order under this Act or under the relevant corresponding law (as the case requires), and has

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not withdrawn that consent or request; or

(b) is present in the State or Territory in which the parole order is, or is proposed to be, registered; or

(c) has applied for permission to travel to that State or Territory.

(3) A person who has given consent to, or has requested, the registration of a parole order, as referred to in subsection (2)(a), may withdraw the consent or request at any time before (but not after) the parole order is registered.

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**PART 4 – PRISONERS (INTERSTATE TRANSFER)**  
**ACT 1982 AMENDED**

**23. Principal Act**

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

**24. Section 3 amended (Interpretation)**

Section 3(1) of the Principal Act is amended by inserting after the definition of *joint prisoner* the following definition:

*local prisons authority* means –

- (a) in relation to Tasmania, the Director of Corrective Services appointed under the *Corrections Act 1997*; or
- (b) in relation to a participating State other than Tasmania, the local prisons authority for that State within the meaning of the interstate law of that State; or
- (c) in relation to a Territory, the local prisons authority for that Territory within the meaning of the *Transfer of Prisoners Act 1983* of the Commonwealth;

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**25. Section 22 amended (Transfer in custody of escort)**

Section 22 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) Without limiting subsections (1) and (3), it is sufficient compliance with an order referred to in either of those subsections if the prisoner concerned –
  - (a) is delivered into the custody of an escort of the State or Territory to which the prisoner is being transferred, being an escort who is authorised by the local prisons authority for that State or Territory to receive custody of the prisoner; and
  - (b) is so delivered into custody at a place at which the escort referred to in paragraph (a) is authorised by the local prisons authority for that State or Territory to receive custody of the prisoner.

**26. Section 29 amended (Lawful custody for transit through Tasmania)**

Section 29(1)(a) of the Principal Act is amended by omitting “from Tasmania to such prison in the participating State or Territory as is specified in the order and there delivering him into the custody of the gaoler” and substituting “within Tasmania in accordance with the order”.

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**27. Section 30 amended (Escape from custody of person being transferred)**

Section 30(1) of the Principal Act is amended by omitting “section 29” and substituting “section 22(3) or section 29”.



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**PART 5 – MISCELLANEOUS**

**28. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.