

**PRISONERS (INTERSTATE
TRANSFER) AMENDMENT
ACT 1994**

No. 5 of 1994

AN ACT to amend the *Prisoners (Interstate Transfer) Act 1983*.

[Assented to 11 April 1994.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Prisoners (Interstate Transfer) Amendment Act 1994*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Section 3 amended

3. (1) Section 3 (1) of the *Prisoners (Interstate Transfer) Act 1983** is amended —

- (a) by deleting the definition of “Australian Capital Territory”;
- (b) by deleting the definition of “corresponding Minister” and substituting the following definition —

“
 “corresponding Minister”, in relation to a participating State, means the Minister of that State who is responsible for the administration of the interstate law of that State;
”;

- (c) by deleting the definition of “joint prisoner” and substituting the following definition —

“
 “joint prisoner” means a person upon whom both —

- (a) any of the following —
 - (i) a State sentence of imprisonment; or
 - (ii) a State sentence of imprisonment as defined by an interstate law; or
 - (iii) an ACT sentence of imprisonment as defined

by the *Prisoners (Interstate Transfer) Act 1993* of the Australian Capital Territory; or

- (iv) a Territory sentence of imprisonment as defined by the *Prisoners (Interstate Transfer) Act* of the Northern Territory;

and

- (b) a Commonwealth sentence of imprisonment,

have been imposed;

”;

- (d) by deleting the definition of “participating State” and substituting the following definition —

“**“participating State”** means a State in which an interstate law is in force;”;

- (e) by deleting the definition of “sentence of imprisonment” and substituting the following definition —

“**“sentence of imprisonment”** means —

- (a) a State sentence of imprisonment; or
- (b) a State sentence of imprisonment as defined by an interstate law; or
- (c) an ACT sentence of imprisonment as defined by

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the *Prisoners (Interstate Transfer) Act 1993* of the Australian Capital Territory; or

(d) a Territory sentence of imprisonment as defined by the *Prisoners (Interstate Transfer) Act* of the Northern Territory; or

(e) where relevant, a Commonwealth sentence of imprisonment; ”;

(f) in the definition of “State”, by inserting after “includes” the following —

“ the Australian Capital Territory and ”; and

(g) by deleting the definition of “Territory” and substituting the following definition —

“**“Territory”** means the Territory of Norfolk Island, the Territory of Christmas Island, the Territory of the Cocos (Keeling) Islands or the Jervis Bay Territory; ”.

(2) Section 3 (5) of the *Prisoners (Interstate Transfer) Act 1983** is repealed and the following subsections are substituted —

“

(5) In the case of a State other than the Australian Capital Territory or the Northern Territory, a reference in this Act to the Governor of a participating State includes a reference to any person

exercising and performing all the powers and functions of the Governor of that State.

(5a) In the case of the Australian Capital Territory —

- (a) the reference in section 26 (4) to the Governor of a participating State is a reference to the Governor-General; and
- (b) the references in section 26 (5) (b) to the Governor of a participating State are references to the Governor-General or to the Executive within the meaning of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth.

(5b) In the case of the Northern Territory, a reference in this Act to the Governor of a participating State is a reference to the Administrator of the Northern Territory, and includes a reference to any person exercising and performing all the powers and functions of the Administrator.

(5c) A reference in this Act to the Governor-General includes a reference to any person exercising and performing all the powers and functions of the Governor-General.

”.

[* *Act No. 75 of 1983.*

For subsequent amendments, see 1992 Index to Legislation of Western Australia, Table 1, p. 168.]