

Western Australia

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

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## Prisoners (Interstate Transfer) Regulations 1984

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## Prisoners (Interstate Transfer) Regulations 1984

### Part I — Preliminary

#### 1. Citation

These regulations may be cited as the *Prisoners (Interstate Transfer) Regulations 1984*<sup>1</sup>.

#### 2. Commencement

These regulations shall take effect on the coming into operation of the *Prisoners (Interstate Transfer) Act 1983*<sup>1</sup>.

[3. Deleted in Gazette 6 Jan 1998 p. 33.]

#### 4. Interpretation

- (1) In these regulations, unless the contrary intention appears —  
**Department** means the department of the Government principally assisting the Minister administering the *Prisons Act 1981* with the administration of that Act;  
**Department of the Attorney General** means the department principally assisting the Attorney General in the administration of Acts administered by the Attorney General.
- (2) In these regulations, a reference to a form is a reference to a form set out in Schedule 1.
- (3) A form containing any directions for its completion shall be completed in accordance with those directions.

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**Part I** Preliminary

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*[Regulation 4 amended in Gazette 11 Dec 1987 p. 4370;  
9 May 2008 p. 1841.]*

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

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

- (1) For the purposes of section 5 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 superintendent of the prison where the prisoner is detained.
- (3) A superintendent of a prison 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 non-parole period as defined in the *Sentence Administration Act 2003* section 7(1) specified and the current estimated date of release by remission;
  - (b) prepare and attach to the request a comprehensive report on the prisoner’s conduct and behaviour while in prison;
  - (c) forward a copy of the request to either the chief executive officer<sup>2</sup> or such other person as is in the opinion of the superintendent appropriate to the case, asking that the following be prepared and forwarded to the chief executive officer<sup>2</sup> —
    - (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 chief executive officer<sup>2</sup> for consideration by the Minister.

*[Regulation 5 amended in Gazette 26 Jul 1985 p. 2641;  
11 Dec 1987 p. 4370; 9 May 2008 p. 1841.]*

**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 in support of the request.

**7. Consideration of requests**

- (1) For the purposes of the Minister's consideration of a prisoner's request, the chief executive officer<sup>2</sup> 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 him.
- (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 II 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 prosecution notice alleging an offence by the prisoner against the law of Western 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 Western 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.

*[Regulation 7 amended in Gazette 11 Dec 1987 p. 4370;  
9 May 2008 p. 1843.]*

**8. Repeated requests for transfer**

Without affecting the Minister's power to exercise a discretion under section 7 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

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is of the opinion that the prisoner should be transferred in the interests of the welfare of the prisoner; and

- (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;
- (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 6)**

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 6 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 Western Australia**

Where the Minister receives a written request referred to in section 8 of the Act from a corresponding Minister of a participating State asking the Minister to accept the transfer of an imprisoned person to Western Australia, the Minister may, prior to considering the matter, request —

- (a) the Prisoners Review Board established under the *Sentence Administration Act 2003*;

*[(b) deleted]*

- (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.

*[Regulation 11 amended in Gazette 11 Dec 1987 p. 4370;  
9 May 2008 p. 1842.]*

### **Part III — 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 10(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 24(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 through the superintendent of the prison where the prisoner is detained 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 10(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 24(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 subregulation (2), together with the prisoner's written request for the transfer.

**14. Certification of consent or request**

- (1) A certificate referred to in section 11(2) of the Act in relation to a consent or request required under section 11(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 11(2) of the Act shall be the chief executive officer of the Department of the Attorney General.
- (3) On the signing of a certificate under section 11(2) of the Act, it shall be forwarded to the Department for the purpose of making an application to the Magistrates Court for the issue of an order of transfer.

*[Regulation 14 amended in Gazette 9 May 2008 p. 1842 and 1843.]*

**15. Application to a court for issue of order of transfer**

- (1) An application to the Magistrates Court under section 12(1) of the Act for the issue of an order of transfer —
  - (a) may be made by, or on behalf of, the Department;
  - (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 subregulation (1), a court makes an order under section 12(1) of the Act in relation to a prisoner, a copy of the application and

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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.

*[Regulation 15 amended in Gazette 9 May 2008 p. 1843.]*

**16. Order to bring prisoner before court**

An order under section 12(1) or 14(2) of the Act, directing the superintendent, 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 the Magistrates Court pursuant to section 13(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 14(6) of the Act shall be in or to the effect of Form 8.

*[Regulation 17 amended in Gazette 9 May 2008 p. 1843.]*

**18. Request for transfer to Western Australia by imprisoned person**

Where the Attorney General has received from the Attorney General of a participating State, pursuant to section 17 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 Western 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 chief executive officer<sup>2</sup> and the Commissioner of Police on the request.

*[Regulation 18 amended in Gazette 11 Dec 1987 p. 4370.]*

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

**19. Return of person to participating State**

For the purposes of section 18 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 19 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 18, 19 or 20 of the Act, the Minister may enquire of —

- (a) the person;
- (b) the Commissioner of Police; and
- (c) the chief executive officer<sup>2</sup>,

whether or not, as far as is known, every prosecution notice or charge alleging any offence by the person against the law of Western Australia or any prison offence has been finally dealt with or determined according to law.

*[Regulation 21 amended in Gazette 11 Dec 1987 p. 4370;  
9 May 2008 p. 1843-4.]*

**22. Transfer after attending appeal**

For the purposes of section 20 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.

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**23. Request to serve imprisonment in Western 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 18 or 20 of the Act makes a written request to the Minister to serve imprisonment in Western Australia, the request shall —
  - (a) be signed by the person;
  - (b) set out the grounds in support of the request; and
  - (c) be forwarded through the superintendent of the prison where the person is detained.
- (2) The provisions of regulation 5(3) apply to and in respect of a request referred to in subregulation (1) 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(1) to (3) inclusive apply to and in respect of a request referred to in subregulation (1) 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), the Minister shall —
  - (a) give written notice of the decision to the corresponding Minister of the participating State;
  - (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 Western Australia.

**24. Order following agreement under section 21(1)(a)**

If, upon a person making a request referred to in regulation 23(1), 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 Western 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 Western 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 21(1)(a) of the Act), may inquire of the Commissioner of Police and the chief executive officer<sup>2</sup>, whether or not, as far as is known, every prosecution notice or charge alleging any offence by that person against the law of Western Australia or any prison offence has been finally dealt with or determined according to law.

*[Regulation 25 amended in Gazette 11 Dec 1987 p. 4370; 9 May 2008 p. 1843-4.]*

**26. Escort arrangements**

- (1) Unless there is an agreement to the contrary between —
- (a) if the request is for the transfer of a State prisoner to a participating State — the Minister and the corresponding Minister of the participating State; or
  - (b) if the request is for the transfer of a State prisoner to a Territory or for the transfer of a joint prisoner to a participating State or Territory — the Minister and the Attorney-General of the Commonwealth,

the cost of and responsibility for transferring a prisoner of a kind described in Column 1 of the Table to this regulation from Western Australia pursuant to an order of transfer of a kind so described in relation to the prisoner shall be borne by the State or the Commonwealth as is specified in Column 2 of the Table opposite the description.

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- (2) In the Table to this regulation, a reference to a sentence includes a reference to concurrent or cumulative sentences.

**Table**

<b>Column 1</b>	<b>Column 2</b>
Order of transfer of a State prisoner to a participating State or Territory for prisoner's welfare	Western Australia
Order of transfer to a participating State or Territory for welfare or trial of —	
(a) joint prisoner serving State and Commonwealth sentences of the same length;	Commonwealth
(b) joint prisoner serving longer Commonwealth sentence than State sentence; or	Commonwealth
(c) joint prisoner serving longer State sentence than Commonwealth sentence	Participating State
Order of transfer of State prisoner to a participating State or Territory to be dealt with according to law of Commonwealth	Commonwealth
Order of transfer of a State prisoner to a participating State or Territory for prisoner's trial	Participating State
Order of transfer to return prisoner to a participating State or Territory after being dealt with according to law	Western Australia

*[Regulation 26 inserted in Gazette 2 Sep 1988 p. 3396.]*

**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 24(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 chief executive officer<sup>2</sup> or by an officer of the Department authorised to do so by the chief executive officer<sup>2</sup>.

*[Regulation 27 amended in Gazette 11 Dec 1987 p. 4370.]*

**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 Western Australia of a person imprisoned in a participating State; and
- (b) the person is brought into Western 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 superintendent of the prison where the person is detained; and
- (d) be retained with the person's warrant papers.

**29. Lawful custody for transit through Western Australia**

Where, pursuant to section 29 of the Act, a superintendent of a prison 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 superintendent of the prison shall endorse on the copy of the order of transfer delivered to the superintendent of the Prison 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.

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**30. Return of person in transit to original State**

- (1) For the purposes of section 30(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) 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 32 of the Act, an application to the Magistrates Court to revoke an order of transfer shall be in or to the effect of Form 14.
- (2) An application referred to in subregulation (1) may be made by the chief executive officer<sup>2</sup> or by an officer of the Department authorised to do so by the chief executive officer<sup>2</sup>.

*[Regulation 31 amended in Gazette 11 Dec 1987 p. 4370;  
9 May 2008 p. 1843.]*

**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 superintendent 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 superintendent of the prison; 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 superintendent of the prison and any records referred to in subregulation (1)(b); 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 in those records, as the case may require.
- (3) A prisoner who makes a complaint referred to in subregulation (2) shall deliver it to —
- (a) the superintendent of the prison in which the prisoner is detained; or
  - (b) a prison officer at that gaol who shall, without unnecessary delay, convey the complaint to that superintendent.
- (4) The superintendent of a prison shall —
- (a) investigate any complaint made by a prisoner under subregulation (2) that is delivered or conveyed to the superintendent, 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 superintendent of a prison that —
- (a) the result of an investigation carried out in response to a complaint made by a prisoner under subregulation (2) is not to the satisfaction of the prisoner; or

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- (b) an investigation of a complaint made by a prisoner under subregulation (2) has not been completed prior to the release of the prisoner for escort to a participating State,

the superintendent 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 superintendent of the prison in which the prisoner was detained shall be remitted by the superintendent to the superintendent of the prison in the participating State to which the prisoner is to be escorted for credit to the prisoner's account.
- (2) The superintendent 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 superintendent 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 superintendent of the prison and which are not taken with the prisoner, may be —

- (a) disposed of by the superintendent 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 1 — Forms**

[r. 5(1), 10, 13(1), 14(1), 15(1), 16, 17, 19, 20, 22, 24, 30, 31]

[Heading inserted in Gazette 9 May 2008 p. 1843.]

Form 1

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

*(Prisoners (Interstate Transfer) Act 1983 — Section 5)*

(1) Full name  
and aliases by  
which known.

I, <sup>(1)</sup>  
currently a prisoner held at  
Prison in the State of Western 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 1983*, to serve the balance of my sentence(s).

*(The following questions are to 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, prosecution notice against the prisoner under the law of Western Australia or the Commonwealth, or any other State or a Territory of Australia yet to be dealt with or determined?      A.
- Q. Has there been any petition for, or is there pending, any inquiry into the prisoner's conviction or sentence?      A.



(2) If space insufficient, set out ground on additional sheet.

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 acknowledge that reports, assessments or other information obtained or supplied in respect of me may be sent to the appropriate Minister in the participating State.

I understand that, upon transfer —

- (a) the sentence(s) of imprisonment imposed upon me in Western 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* —  
Statements in support of prisoner's request.

6. 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 in support of the request.

*[Form 1 amended in Gazette 9 May 2008 p. 1842 and 1843.]*

Form 2

[Reg. 10]

*Order of transfer to participating State for Prisoner's welfare*  
*(Prisoners (Interstate Transfer) Act 1983 — Section 6)*

TO the superintendent of the prison at  
in the State of Western Australia.

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

(1) Full name.

WHEREAS:

(a) <sup>(1)</sup>

(2) Date.

(in this order referred to as "the prisoner") was

(3) Court.

on <sup>(2)</sup>

(4) Short  
description.

at <sup>(3)</sup>

in the State of

(5) Aggregate  
terms

Western Australia for the offence(s) of <sup>(4)</sup>  
sentenced to <sup>(5)</sup>

imprisonment:

(b) I, the Minister for Corrective Services in the State of Western 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 1983* (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 3(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 superintendent of the abovenamed prison in the State of Western 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 Western Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the superintendent of the prison at



Form 3

[Reg. 13(1)]

*Request by prisoner for transfer to a participating  
State, to be dealt with according to law*

*(Prisoners (Interstate Transfer) Act 1983 — Section 10(1)(b))*

(1) Full name and aliases by which known. I, <sup>(1)</sup> currently a prisoner held at \_\_\_\_\_ Prison, in the State of Western Australia, hereby request that I be transferred to the State/Territory of \_\_\_\_\_, a participating State for the purposes of the *Prisoners (Interstate Transfer) Act 1983* to be dealt with in that participating State according to law for outstanding offence(s) alleged against me.

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

There is no outstanding charge, prosecution notice against me in Western Australia yet to be dealt with or determined according to law or any prison offence, nor is there any appeal pending in respect of me in Western Australia.

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

Signed

Date

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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.

*[Form 3 amended in Gazette 9 May 2008 p. 1843.]*

Form 4

[Reg. 14(1)]

*Certificate of prescribed officer*

(Prisoners (Interstate Transfer) Act 1983 — Section 11(2))

WHEREAS:

(1) Full name. (a) <sup>(1)</sup> (in this certificate referred to as “the prisoner”) was on <sup>(2)</sup>  
(2) Date. at <sup>(3)</sup> in the State of Western  
(3) Court. Australia for the offence(s) of <sup>(4)</sup>  
(4) Short description. sentenced to <sup>(5)</sup> imprisonment:  
(5) Aggregate term.

(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 1983* (in this certificate referred to as “the Act”):

(c) The Attorney General of Western 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 16 of the Act, accompanied by a copy of the arrest warrant;
- \* a written request made by the prisoner to the Minister for Corrective Services and referred to the Attorney General of Western Australia;

being a request for the transfer of the prisoner to the participating State to be dealt with according to law.

\* *Strike out whichever is not applicable.*

NOW, I, the chief executive officer of the Department of the Attorney General, the prescribed officer for the purposes of section 11(2) of the Act, do hereby certify that the \*consent(s) (and request) required under section 11(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 Perth in the State of Western Australia.

Chief Executive Officer,  
Department of the Attorney General.

\* *Strike out whichever is not applicable.*

[Form 4 amended in Gazette 9 May 2008 p. 1842.]

Form 5

[Reg. 15(1)]

*Application to Magistrates Court for the issue  
of an order of transfer*

*(Prisoners (Interstate Transfer) Act 1983 — Section 12(1))*

(1) Name of  
applicant.

I, <sup>(1)</sup>  
of

on behalf of the Department of Corrective Services, hereby make  
application to the Magistrates Court at

(2) Full name.

in the State of Western 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 Western Australia, to the  
State/Territory of

a participating State for the purposes of the *Prisoners (Interstate  
Transfer) Act 1983* (in this application referred to as “the Act”) to  
be dealt with according to law.

(3) Date.

The prisoner was on <sup>(3)</sup>

(4) Court.

at <sup>(4)</sup>

in the State of Western

(5) Short  
description.

Australia for the offence(s) of <sup>(5)</sup>

(6) Aggregate  
term.

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 11(2) of the  
Act certifying that the necessary \*consent(s) (and request) required  
under section 11(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 12(1) of the Act, directing the superintendent of the  
above-named 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 Magistrates Court at  
on the day  
of 20 , at 10 a.m.

An order in writing under section 12(1) of the Act has been made directing that the prisoner be brought before the Court on the abovementioned date.

Registrar of the Magistrates Court  
at  
Date

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

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Note: This application is to be filed at the Magistrates Court in quadruplicate.

*[Form 5 amended in Gazette 9 May 2008 p. 1842 and 1843.]*





Form 7

[Reg. 17(1)]

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

(Prisoners (Interstate Transfer) Act 1983 — Section 13)

TO the superintendent of the prison at \_\_\_\_\_  
in the State of Western Australia.

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

WHEREAS:

- (1) Full name. (a) <sup>(1)</sup>  
(in this order referred to as “the prisoner”)
- (2) Date. was on <sup>(2)</sup>
- (3) Court. at <sup>(3)</sup> \_\_\_\_\_, in the State of
- (4) Short description. Western Australia, for the offence(s) of <sup>(4)</sup>
- (5) Aggregate term. sentenced to <sup>(5)</sup> \_\_\_\_\_ imprisonment:
- (6) Place. (b) It has been established to the satisfaction of the undersigned Magistrate constituting a Magistrates Court at <sup>(6)</sup>

in the State of Western 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 1983*, and that the Attorney General of Western 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 Magistrate, constituting the abovenamed Magistrates Court 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 superintendent of the abovenamed prison in the State of Western 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 Western Australia to the participating

State and there delivering the prisoner, together with this order, into  
the custody of the superintendent 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 Magistrates Court,                  ,  
in the State of Western Australia.

Magistrate.

*[Form 7 amended in Gazette 9 May 2008 p. 1843.]*

Form 8

[Reg. 17(2)]

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

(*Prisoners (Interstate Transfer) Act 1983* — Section 14(6))

TO the superintendent of the prison at \_\_\_\_\_  
in the State of Western Australia.  
AND TO the escort(s) for the purposes of executing this order.

WHEREAS:

(1) Full name.	(a) <sup>(1)</sup> (in this order referred to as “the prisoner”)
(2) Date.	was on <sup>(2)</sup>
(3) Court.	at <sup>(3)</sup> _____ in the State of Western
(4) Short description.	Australia, for the offence(s) of <sup>(4)</sup>
(5) Aggregate term.	sentenced to <sup>(5)</sup> _____ imprisonment:
	(b) On <sup>(2)</sup> the Magistrates Court at in the State of Western Australia, on an application for the issue of an order for the transfer of the prisoner to the State/Territory of

(6) Set out the substance of the order.	a participating State for the purposes of the <i>Prisoners (Interstate Transfer) Act 1983</i> , to be dealt with according to law, made the following order — <sup>(6)</sup> .
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(7) Applicant for review.	(c) The <sup>(7)</sup> was dissatisfied with the decision of the Magistrates Court and applied to the Supreme Court of Western Australia for a review of the decision.
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NOW, I, the undersigned Judge of the Supreme Court of Western Australia, having reviewed the decision of the Magistrates Court, 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 Western 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 superintendent of the abovenamed prison in the State of  
Western 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 Western Australia to the participating  
State and there delivering the prisoner, together with this order, into  
the custody of the superintendent 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 Supreme Court at Perth in the State of Western  
Australia.

Judge of the Supreme Court of Western Australia.

*[Form 8 amended in Gazette 9 May 2008 p. 1843.]*

Form 9

[Reg. 19]

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

*(Prisoners (Interstate Transfer) Act 1983 — Section 18)*

TO the superintendent of the prison at  
in the State of Western Australia.  
AND TO the escort(s) for the purposes of executing this order.

WHEREAS:

(1) Full name.

(a) <sup>(1)</sup>  
(in this order referred to as “the prisoner”)

(2) Date.

was on <sup>(2)</sup>

(3) Court.

at <sup>(3)</sup> in the State/Territory of  
, a participating

State for the purposes of the *Prisoners (Interstate Transfer)  
Act 1983* (in this order referred to as “the Act”),

(4) Short  
description.

for the offence(s) of <sup>(4)</sup>

(5) Aggregate  
term.

sentenced to <sup>(5)</sup> imprisonment:

(b) The prisoner was transferred to the State of Western 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 Corrective Services in the State of  
Western Australia, am aware, every prosecution notice or charge  
alleging any offence by the prisoner against the law of Western  
Australia or any prison offence has been finally dealt with or  
determined according to law and as a result the prisoner —

(6) Strike out  
whichever is  
inapplicable.

<sup>(6)</sup> did not become liable to serve any sentence of  
imprisonment in Western Australia; or  
<sup>(6)</sup> was on <sup>(2)</sup>  
at <sup>(3)</sup> in the State of  
Western 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  
Western Australia is shorter than the period of imprisonment

remaining to be served by the prisoner under any section 25 sentence or section 25 sentences.

NOW, THEREFORE, I, the Minister for Corrective Services in the State of Western Australia, pursuant to the provisions of section 18 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 superintendent of the abovenamed prison in the State of Western 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 Western Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the superintendent 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 Perth in the State of Western Australia.

Minister for Corrective Services.

*[Form 9 amended in Gazette 9 May 2008 p. 1843-4.]*

Form 10

[Reg. 20]

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

(Prisoners (Interstate Transfer) Act 1983 — Section 19)

TO the superintendent of the prison at in the State of Western Australia.

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

WHEREAS:

- (1) Full name. (a) (1) (in this order referred to as "the prisoner")
(2) Date. was on (2)
(3) Court. at (3) in the State/Territory of, a participating State
(4) Short description. for the purposes of the Prisoners (Interstate Transfer) Act 1983 (in this order referred to as "the Act"), for the offence(s) of (4)
(5) Aggregate term. sentenced to (5) imprisonment:
(b) The prisoner was transferred to the State of Western 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 (6)
(6) Short description of proceedings (section 19(c)). (d) The prisoner has made an application in writing to the Minister for Corrective Services in the State of Western Australia to be present at those proceedings and, so far as I, the Minister for Corrective Services am aware, every prosecution notice or charge alleging any offence by the prisoner against the law of Western Australia or any prison offence has been finally dealt with according to law.

NOW, THEREFORE, I, pursuant to the provisions of section 19 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 superintendent of the abovenamed prison in the State of Western 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 Western Australia to the participating State and there delivering the prisoner, together with this order into the custody of the superintendent 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 Perth in the State of Western Australia.

Minister for Corrective Services.

*[Form 10 amended in Gazette 9 May 2008 p. 1843-4.]*



Form 11

[Reg. 22]

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

(Prisoners (Interstate Transfer) Act 1983 — Section 20)

TO the superintendent of the prison at  
in the State of Western Australia.

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

WHEREAS:

(1) Full name.

(a) <sup>(1)</sup>  
(in this order referred to as “the prisoner”)

(2) Date.

was on <sup>(2)</sup>

(3) Court.

at <sup>(3)</sup> in the State/Territory  
of , a participating  
State for the purposes of the *Prisoners (Interstate Transfer)*  
*Act 1983* (in this order referred to as “the Act”),

(4) Short  
description.

for the offence(s) of <sup>(4)</sup>

(5) Aggregate  
term.

sentenced to <sup>(5)</sup> imprisonment:

(b) The prisoner was transferred to the State of Western 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  
Western Australia:

(6) Strike out  
whichever is  
inapplicable.

(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 25 sentence or section 25  
sentences and is not liable to serve in the State of Western  
Australia any other sentence of imprisonment; or  
<sup>(6)</sup> the balance of a sentence of imprisonment under a  
section 25 sentence or section 25 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 Western Australia under any other sentence or  
sentences of imprisonment.

NOW, THEREFORE, I, the Minister for Corrective Services in the

State of Western 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 superintendent of the abovenamed prison in the State of Western 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 Western Australia to the participating State and there delivering the prisoner, together with this order, into the custody of the superintendent 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 Perth in the State of Western Australia.

Minister for Corrective Services.





superintendent 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 Perth in the State of Western Australia.

Minister for Corrective Services.

Form 13

[Reg. 30]

*Warrant ordering person to be returned to the participating  
State in which an order of transfer was issued  
(Prisoners (Interstate Transfer) Act 1983 — Section 30(2))*

TO the senior officer of police at \_\_\_\_\_  
in Western Australia, and to all  
other members of the police force in Western Australia.  
TO the superintendent of the prison at \_\_\_\_\_  
in Western Australia.

AND TO the escort(s) for the purposes of the *Prisoners (Interstate  
Transfer) Act 1983* (in this warrant referred to as “the Act”).

WHEREAS:

(1) Full name.

(a) <sup>(1)</sup>

(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 29 of the Act for transit through  
Western Australia was, before a justice at \_\_\_\_\_  
on \_\_\_\_\_ proved to have

\* Strike out  
whichever is not  
applicable.

\* \_\_\_\_\_  
\_\_\_\_\_ 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 Western Australia, and the  
superintendent 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 Western Australia to the participating State: and for your so doing, this warrant shall be your sufficient authority.

In the event of the prisoner's 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 Western Australia.  
Justice of the Peace.

Form 14

[Reg. 31]

*Application to a Magistrates Court to revoke an order of transfer*  
*(Prisoners (Interstate Transfer) Act 1983 — Section 32)*

I,  
of  
a \_\_\_\_\_, hereby make application  
to the Magistrates Court at \_\_\_\_\_ in  
Western 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 1983*.

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 Magistrates Court at

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_,  
at 10 a.m.

Registrar of the Magistrates Court.  
at  
Date

To the applicant.  
\_\_\_\_\_  
the abovenamed prisoner.

Note: This application is to be filed at the Magistrates Court in  
triplicate.

*[Form 14 amended in Gazette 9 May 2008 p. 1842 and 1843.]*

*[Schedule 1 amended in Gazette 11 Dec 1987 p. 4370.]*



## Prisoners (Interstate Transfer) Regulations 1984

### Notes

- <sup>1</sup> This is a compilation of the *Prisoners (Interstate Transfer) Regulations 1984* and includes the amendments made by the other written laws referred to in the following table. This table also contains information about any previous reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Prisoners (Interstate Transfer) Regulations 1984</i>	29 Jun 1984 p. 1796-809	1 Jul 1984 (see r. 2 and <i>Gazette</i> 29 Jun 1984 p. 1753)
<i>Prisoners (Interstate Transfer) Amendment Regulations 1985</i>	26 Jul 1985 p. 2641	26 Jul 1985
<i>Prisoners (Interstate Transfer) Amendment Regulations (No. 2) 1987</i>	11 Dec 1987 p. 4369-70	11 Dec 1987 (see r. 2 and <i>Gazette</i> 11 Dec 1987 p. 4363)
<i>Prisoners (Interstate Transfer) Amendment Regulations 1988</i>	2 Sep 1988 p. 3396	2 Sep 1988 (see r. 2 and <i>Gazette</i> 2 Sep 1988 p. 3393)
<i>Miscellaneous Amendments Regulations 1997</i>	6 Jan 1998 p. 33	6 Jan 1998
<b>Reprint of the <i>Prisoners (Interstate Transfer) Regulations 1984</i> as at 15 Nov 2002</b> (includes amendments listed above)		
<i>Prisoners (Interstate Transfer) Amendment Regulations 2008</i>	9 May 2008 p. 1841-4	r. 1 and 2: 9 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 10 May 2008 (see r. 2(b))

- <sup>2</sup> Under the *Acts Amendment (Public Service) Act 1987* s. 31(1)(f) a reference in a written law to “Permanent Head” is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to “chief executive officer”. This reference was amended under the *Reprints Act 1984* s. 7(5)(a).