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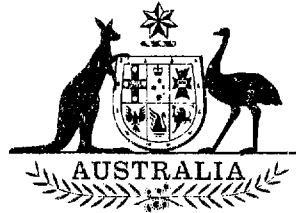
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Statutory Rules 1984 / No.

180 /

Transfer of Prisoners Regulations

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Statutory Rules 1984 No. 1

180 /

Transfer of Prisoners Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and in pursuance of section 4 of the *Acts Interpretation Act 1901*, hereby make the following Regulations under the *Transfer of Prisoners Act 1983*.

Dated 26 July 1984.

N. M. STEPHEN

Governor-General

By His Excellency's Command,

(Sgd) Gareth Evans

Attorney-General

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Transfer of Prisoners Regulations.

Interpretation

2. (1) In these Regulations, unless the contrary intention appears, "the Act" means the *Transfer of Prisoners Act 1983*.

(2) In these Regulations, a reference to a form by number is a reference to the form so numbered in the Schedule.

(3) A form in the Schedule that contains any directions for its completion shall be completed in accordance with those directions.

PART II—TRANSFER FOR PRISONER'S WELFARE

Application for transfer

3. (1) An application under sub-section 6 (1) of the Act (in this Part referred to as a "prisoner's application") shall be in or to the effect of Form 1.

(2) A prisoner's application shall be signed by the prisoner and shall be forwarded to the Attorney-General through the Superintendent or other officer in charge of the prison where the prisoner is imprisoned.

(3) A Superintendent or other officer in charge of a prison who receives a prisoner's application shall—

- (a) prepare and attach to the application a statement of convictions and sentences in respect of which the prisoner is currently detained in custody, setting out any probation or non-parole period specified and the current estimated date of release by remission;
- (b) prepare and attach to the application a comprehensive report on the prisoner's conduct and behaviour while in prison;
- (c) forward a copy of the application to a parole officer and ask that officer to prepare and forward to the Department—
 - (i) a detailed report on the application; and
 - (ii) an expression of opinion whether the transfer of the prisoner to the State or Territory to which the prisoner seeks to be transferred would be in the interests of the welfare of the prisoner; and
- (d) forward the application to the Department for consideration by the Attorney-General.

Statements in support of prisoner's application

4. A prisoner's application shall include statements as to—

- (a) family or near family support in the State or Territory to which the prisoner seeks to be transferred, 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 application.

Consideration of prisoner's application

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

(2) There shall be included in any report or assessment in respect of a prisoner furnished or caused to be furnished for the information of the Attorney-General 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 Attorney-General in considering the prisoner's application.

Request to appropriate Minister to accept transfer of prisoner

6. Where—

- (a) following consideration of a prisoner's application for transfer to a State, the Attorney-General is of the opinion, that the prisoner should be transferred in the interests of the welfare of the prisoner; and
- (b) the Attorney-General makes a written request to the appropriate Minister of that State to accept the transfer of the prisoner,

that written request shall be accompanied by a copy of—

- (c) the prisoner's application;
- (d) the reports, assessments and other information referred to in regulations 3 and 5 in relation to the prisoner; and
- (e) a statement setting out the matters upon which the Attorney-General's opinion is based.

Transfer order

7. A welfare transfer order under section 6 of the Act shall be in or to the effect of Form 2.

Revocation of welfare transfer order

8. An order under section 7 of the Act shall be in or to the effect of Form 3.

PART III—TRANSFER FOR PURPOSE OF TRIAL

Request by appropriate Minister for consent of Attorney-General

9. (1) Where the Attorney-General receives from the appropriate Minister of a State a request for the giving by the Attorney-General of a consent under sub-section 9 (2) of the Act for the transfer of a prisoner to that State for the purpose of being dealt with according to law, the Attorney-General, prior to considering the request, may inform the prisoner of the substance of the request and seek the prisoner's comments in writing.

(2) Any comments the prisoner desires to make shall be made within 14 days of receipt by the prisoner of the advice of the substance of the request and shall be forwarded to the Attorney-General.

(3) For the purposes of the Attorney-General's consideration of a request under sub-section 9 (2) of the Act, the Department may (or, if the Attorney-General so requests, shall) supply to the Attorney-General—

- (a) a report relating to the prisoner, being a report setting out details of convictions, sentences of imprisonment, minimum terms of imprisonment, periods of imprisonment served, entitlements to remission and grants of parole; and
- (b) copies of any records relating to the prisoner's conduct.

Request by prisoner for transfer

10. (1) A request by a prisoner under sub-section 8 (1) or 9 (1) of the Act, shall be in or to the effect of Form 4.

(2) Where a written request of the kind referred to in sub-regulation (1) is made by a prisoner to the Attorney-General, the Department shall send to the Attorney-General a report relating to the prisoner, which shall contain such information and be accompanied by such documents available in the State or Territory in which the prisoner is imprisoned as appear to be likely to be of assistance to any court to which the Attorney-General might, as a result of the request, apply and shall include details of convictions, sentences of imprisonment, minimum terms of imprisonment, periods of imprisonment served, entitlements to remissions and grants of parole and a copy of any record relating to the prisoner's conduct.

(3) If the Attorney-General consents to a prisoner's written request of the kind referred to in sub-regulation (1), being a request with respect to the transfer of the prisoner to a State, the Attorney-General shall refer to the appropriate Minister of that State, with the written notice of the consent, the report referred to in sub-regulation (2), together with the prisoner's written request.

Application to court for trial transfer order

11. An application to a court under section 8 or 9 of the Act for a trial transfer order shall be in or to the effect of Form 5.

Order to bring prisoner before court

12. An order under sub-section 10 (2) or 11 (3) of the Act shall be in or to the effect of Form 6.

Form of trial transfer order

13. (1) A trial transfer order under sub-section 10 (5) of the Act shall be in or to the effect of Form 7.

(2) A trial transfer order under sub-section 11 (7) of the Act shall be in or to the effect of Form 8.

Revocation of trial transfer orders

14. An order under section 12 of the Act shall be in or to the effect of Form 9.

PART IV—RETURN OF PRISONER**Notice to prisoner**

15. A notice to a prisoner under sub-section 14 (1) of the Act shall be in or to the effect of Form 10.

Form of return transfer order

16. An order under section 14 of the Act shall be in or to the effect of Form 11.

Revocation of return transfer order

17. An order under section 15 of the Act shall be in or to the effect of Form 12.

Return for appeal purposes

18. An order under sub-section 16 (1) of the Act shall be in or to the effect of Form 13.

Request to serve imprisonment without returns

19. (1) Where a prisoner who is liable to be transferred to a State or Territory pursuant to a return transfer order which may be made under section 14 of the Act makes a written request to the Attorney-General to serve imprisonment in the State or Territory in which the prisoner is imprisoned, the request shall—

- (a) be signed by the prisoner;
- (b) set out the grounds in support of the request; and
- (c) be forwarded through the Superintendent or other officer in charge of the prison where the prisoner is imprisoned.

(2) Sub-regulation 3 (3) applies to and in respect of a request referred to in sub-regulation (1) in the same way as that sub-regulation applies to and in respect of a prisoner's application to which regulation 3 applies.

(3) Sub-regulations 5 (1) to (3) apply to and in respect of a request referred to in sub-regulation (1) in the same way as those sub-regulations apply to and in respect of a prisoner's application to which regulation 5 applies.

(4) If, where the return transfer order referred to in sub-regulation (1) would have required the transfer of the prisoner to a State, the Attorney-General agrees to a prisoner's request referred to in sub-regulation (1), the Attorney-General shall—

- (a) give written notice of the decision to the appropriate Minister of that State;
- (b) enclose with the notice copies of the reports, information, documents and details to which the Attorney-General had regard in considering the request; and
- (c) inquire of that appropriate Minister whether that Minister agrees to the prisoner's imprisonment being served in the State or Territory in which the prisoner is imprisoned.

Order of imprisonment in relation to exempt prisoner

20. Where, in pursuance of sub-section 14 (2) of the Act, the Attorney-General makes an order declaring a prisoner to be an exempt

prisoner, the Attorney-General shall issue an order of imprisonment in or to the effect of Form 14.

PART V—MISCELLANEOUS

Expenses of transfer

21. Subject to any arrangement entered into in pursuance of sub-section 17 (7) of the Act, all expenses incurred in relation to the transfer and return transfer of a Commonwealth prisoner, other than a transfer in pursuance of an order under section 9 of the Act, shall be borne by the Commonwealth.

SCHEDULE

Sub-regulation 2 (2)

FORM 1

Sub-regulation 3 (1)

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

APPLICATION FOR WELFARE TRANSFER ORDER

I, [full name and aliases by which known], currently a prisoner held at [prison] in [State or Territory], hereby apply, in the interests of my welfare, for the making of an order for my transfer to [State or Territory] to serve the balance of my sentence(s).

(The following questions are to be answered by the prisoner.)

- Q. Has any appeal been lodged against the prisoner's conviction or sentence? A.
- Q. If so, has the appeal been determined? A.
- Q. Is there any outstanding charge, complaint or information against the prisoner under the law of the Commonwealth, of a State or of a Territory that is yet to be dealt with? A.
- Q. Has there been any petition for, or is there pending, any inquiry into the prisoner's conviction or sentence? A.

This application is made on the following grounds:

(See regulation 4 of the Transfer of Prisoners Regulations, printed below. If space insufficient, set out grounds on additional sheet.)

For the purposes of this application, I consent to any reports, assessments or other information obtained or supplied in respect of me being sent to the appropriate Minister in [State].

(Not applicable to transfer to a Territory.)

I understand that, upon transfer—

- (a) the sentence(s) of imprisonment imposed upon me in [State or Territory where imprisoned] shall be deemed to have been imposed upon me in [State or Territory to which transfer is sought];
- (b) I will be subject to the provisions of any rules, regulations, &c., applying to prisoners in that State [or Territory]; and
- (c) I may be subject to reclassification under those provisions.

Signed

Date

Regulation 4 of the Transfer of Prisoners Regulations provides as follows:

Statements in support of prisoner's application

4. A prisoner's application shall include statements as to—

- (a) family or near family support in the State or Territory to which the prisoner seeks to be transferred, 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 application.

SCHEDULE—continued

FORM 2

Regulation 7

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

WELFARE TRANSFER ORDER

TO the Superintendent or other officer in charge of [prison] in [State or Territory]

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

WHEREAS—

- (a) [full name of prisoner] (in this order referred to as “the prisoner”) was, on [date] at [court] in [State or Territory], for the offence(s) or [short description] sentenced to [aggregate term] imprisonment;
- (b) I, the Attorney-General of the Commonwealth of Australia, following receipt of a written application from the prisoner for transfer to [State or Territory], am of the opinion that, in the interests of the welfare of the prisoner, the prisoner should be transferred to [State or Territory], to serve the balance of the sentence(s) of imprisonment in accordance with the State transfer law of that State as declared under section 5 of the abovementioned Act [or, in the case of transfer to a Territory, in accordance with the abovementioned Act];

[In the case of a transfer to a State:]

- (c) The appropriate Minister of that State has given written consent to the transfer of the prisoner to that State.

NOW, THEREFORE, I HEREBY COMMAND YOU—

- (d) the abovementioned Superintendent or other officer, to deliver the prisoner, together with this order, into the custody of the abovementioned escort(s); and
- (e) the abovementioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from [State or Territory] to [State or Territory] and there delivering the prisoner, together with this order, into the custody of the Superintendent or other officer in charge of [prison] in [State or Territory],

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

DATED 19 .

Attorney-General

SCHEDULE—continued

FORM 3

Regulation 8

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

ORDER REVOKING WELFARE TRANSFER ORDER

TO the Superintendent or other officer in charge of [prison] in [State or Territory]:

WHEREAS--

(a) I, the Attorney-General of the Commonwealth of Australia, following receipt of a written application from [full name of prisoner] (in this order referred to as "the prisoner"), by an order dated 19 under section 6 of the abovementioned Act addressed to you and the escorts for the purposes of executing that order, commanded you, the abovementioned Superintendent or other officer, to deliver the prisoner, together with that order into the custody of the abovementioned escorts; and

(b) I have determined that I should [or the prisoner has requested me] to revoke that order:

NOW THEREFORE, I HEREBY REVOKE that order and command you, the abovementioned Superintendent or other officer, to retain the prisoner in your custody for the purposes of serving the sentences of imprisonment at present imposed upon the prisoner, and for your so doing this order shall be your sufficient authority.

DATED 19 .

Attorney-General

FORM 4

Sub-regulation 10 (1)

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

REQUEST BY PRISONER UNDER SUB-SECTION 8 (1) OR 9 (1)

I, [full name and aliases by which known], currently a prisoner at [prison] in [State or Territory], hereby request the making of an application to a court of summary jurisdiction for an order that I be transferred to [State or Territory] to be dealt with in that State [or Territory] according to law for outstanding offence(s) alleged against me.

Details of the outstanding offence(s) alleged against me are as follows:

[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.]

There is no outstanding charge, complaint or information against me in [State or Territory in which prisoner is imprisoned] yet to be dealt with according to law, nor is there any appeal pending in respect of me in that State [or Territory].

[If any matters are outstanding or pending, delete paragraph and insert details hereunder]

Signed

Date

Note: If outstanding offences alleged against the prisoner occurred in more than one State or Territory, a separate request is to be made in respect of each State or Territory.

SCHEDULE—continued

FORM 5

Regulation 11

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

APPLICATION TO COURT FOR TRIAL TRANSFER ORDER

I, *[name of applicant]*, hereby make application to the *[court]* at *[place]* in *[State or Territory]* for the issue of an order for the transfer of *[full name of prisoner]* (in this application referred to as "the prisoner"), at present imprisoned in the *[prison]* in the *[State or Territory]*, to *[State or Territory]* to be dealt with according to law.

The prisoner was, on *[date]* at *[place]* in *[State or Territory]*, for the offence(s) of *[short description]* sentenced to *[aggregate term]* imprisonment.

The prisoner is the subject of an arrest warrant issued in accordance with the law of *[State or Territory]*.

I attach the documents required by [sub-section 8 (3) or sub-section 9 (3)] of the abovementioned Act to accompany this application.

Signed
Designation:
Date

FORM 6

Regulation 12

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

ORDER UNDER SUB-SECTION 10 (2) OR 11 (3)

TO the Superintendent or other officer in charge of *[prison]* and to all prison officers and members of the police force in *[State or Territory]*:

WHEREAS *[name]*, a prisoner imprisoned in the abovenamed prison, should be in attendance before the undermentioned Court in connection with [an application for or a review of a decision made to issue] an order for the transfer of the prisoner to *[State or Territory]* to be dealt with according to law:

NOW, I, by this order made pursuant to [sub-section 10 (2) or sub-section 11 (3)] of the abovementioned Act, direct you, or such prison officers or members of the police force as are charged by you to execute this order, to produce the prisoner, under secure conduct, in the *[court]* at *[place]* on *[day]*, *[date]*, at 10 a.m., and so from day to day until the prisoner's attendance is no longer required by the Court and, in due course, to return the prisoner to the custody from which the prisoner has been brought.

DATED 19 at _____ in *[State or Territory]*.

Signed
Designation

SCHEDULE—continued

FORM 7

Sub-regulation 13 (1)

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

TRIAL TRANSFER ORDER (COURT OF SUMMARY JURISDICTION)

TO the Superintendent or other officer in charge of [prison] in [State or Territory]

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

WHEREAS—

- (a) [full name] (in this order referred to as “the prisoner”) was, on [date] at [court] in [State or Territory], for the offence(s) of [short description] sentenced to [aggregate term] imprisonment; and
- (b) it has been established to the satisfaction of the undersigned Magistrate constituting the [court] at [place] in [State or Territory] that—
 - (i) the prisoner is the subject of an arrest warrant issued in accordance with the law of [State or Territory];
 - (ii) the Attorney-General of the Commonwealth [or the (appropriate Minister) of (State)] has applied for the transfer of the prisoner to [State or Territory];

[Where consent is required under sub-section 8 (2) or 9 (2):]

- (iii) the [appropriate Minister] of [State] [or the Attorney-General of the Commonwealth] has consented to that transfer,

NOW, I, the undersigned Magistrate constituting the abovenamed Court, order the transfer of the prisoner to [State or Territory] to be dealt with according to law.

I, THEREFORE, HEREBY COMMAND YOU—

- (c) the abovementioned Superintendent or other officer, to deliver the prisoner, together with this order, into the custody of the abovementioned escort(s); and
- (d) the abovementioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from [State or Territory] to [State or Territory] and there delivering the prisoner, together with this order, into the custody of the Superintendent or other officer in charge of [prison] in [State or Territory],

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

DATED 19 at [court] in [State or Territory].

Magistrate

SCHEDULE—continued

FORM 8

Sub-regulation 13 (2)

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

TRIAL TRANSFER ORDER (SUPREME COURT)

TO the Superintendent or other officer in charge of [prison] in [State or Territory]

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

WHEREAS—

- (a) [full name] (in this order referred to as “the prisoner”) was, on [date] at [court] in [State or Territory], for the offence(s) of [short description] sentenced to [aggregate term] imprisonment;
- (b) on [date], the [court] in [State or Territory], on an application for the issue of an order for the transfer of the prisoner to [State or Territory] to be dealt with according to law, made the following order:
[substance of order]
- (c) [the applicant for review] was dissatisfied with the decision of the [court] and applied to the Supreme Court of [State or Territory] for a review of the decision:

NOW, I, the undersigned Judge of the Supreme Court of [State or Territory], having reviewed the decision of the [court], hereby quash the decision, AND, it having been established to my satisfaction that—

- (d) the prisoner is the subject of an arrest warrant issued in accordance with the law of [State or Territory]; and
- (e) that -
 - (i) the Attorney-General of the Commonwealth [or the (appropriate Minister) of (State)] has applied for the transfer of the prisoner to [State or Territory]; and
[Where consent is required under sub-section 8 (2) or 9 (2)];
 - (ii) the [appropriate Minister] of [State] [or the Attorney-General of the Commonwealth] has consented to that transfer,

DO issue this order for the transfer of the prisoner to [State or Territory] to be dealt with according to law:

I, THEREFORE, HEREBY COMMAND YOU ---

- (f) the abovementioned Superintendent or other officer, to deliver the prisoner, together with this order, into the custody of the abovementioned escort(s); and
- (g) the abovementioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from [State or Territory] to [State or Territory] there delivering the prisoner, together with this order, into the custody of the Superintendent or other officer in charge of [prison] in [State or Territory],

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

DATED 19 at the Supreme Court at in [State or Territory].

Judge of the Supreme Court of [State or Territory]

SCHEDULE—continued

FORM 9

Regulation 14

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

ORDER REVOKING TRIAL TRANSFER ORDER

TO the Superintendent or other officer in charge of [prison] in [State or Territory]:

WHEREAS

- (a) [full name] (in this order referred to as “the prisoner”) was, on [date] at [court] in [State or Territory], for the offence(s) of [short description] sentenced to [aggregate term] imprisonment;
- (b) by order dated 19 , the [court] at [place] in [State or Territory] ordered the transfer of the prisoner to [State or Territory] to be dealt with according to law;
- (c) an application for the revocation of that order has been made to the [court] at [place] in [State or Territory] by the Attorney-General of the Commonwealth of Australia [or the (appropriate Minister) of (State)], the applicant for that order, [or, by the prisoner]; and
- (d) having regard to [short particulars of new evidence or change in matter material to making of trial transfer order], I, the undersigned Magistrate constituting the [court] at [place] in [State or Territory], am satisfied [short particulars of matter as to which satisfied]:

NOW, THEREFORE, I HEREBY REVOKE the abovementioned order and I HEREBY COMMAND YOU, the abovementioned Superintendent or other officer, to retain the prisoner in your custody for the purpose of serving the sentences at present imposed upon the prisoner and for your so doing this order shall be your sufficient authority.

DATED 19 at [court] at [place] in [State or Territory].

Magistrate

SCHEDULE—continued

FORM 10

Regulation 15

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

NOTICE TO PRISONER UNDER SUB-SECTION 14 (1)

TO [full name of prisoner], a Commonwealth prisoner imprisoned in [prison] in [State or Territory]:
WHEREAS ---

- (a) in pursuance of an order dated 19 , of [court] at [place] in [State or Territory], you were transferred from [State or Territory] to [State or Territory] to stand trial for a charge in respect of [offence];
- (b) I, the Attorney-General of the Commonwealth of Australia, am satisfied that that charge and such other charges (if any) as have been laid against you (whether before or after you were so transferred)---
 - (i) in respect of offences against laws of the Commonwealth that are triable in [State or Territory to which transferred]; or
 - (ii) in respect of offences, against laws of that State [or Territory], have been finally dealt with according to law;
- (c) you have not, upon that charge or those charges having been so dealt with, been sentenced in that State [or Territory] to a term of imprisonment for an offence against a law of the Commonwealth or of that State [or Territory] that expires on a day later than the last day of any federal sentence, transferred sentence or translated sentence previously imposed upon you:

NOW TAKE NOTICE that unless ---

- (d) by [date], you make application to me, setting out such matters with respect to your welfare as you think relevant, for an order declaring you to be an exempt prisoner; and
- (e) I, in the exercise of the discretion conferred upon me by sub-section 14 (2) of the abovementioned Act, make that order,

I will, in pursuance of sub-section 14 (1) of that Act, make an order for your transfer from [State or Territory] back to [State or Territory].

DATED 19 .

Attorney-General

SCHEDULE—continued

FORM 11

Regulation 16

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

RETURN TRANSFER ORDER

TO the Superintendent or other officer in charge of [prison] in [State or Territory]

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

WHEREAS—

- (a) [full name] (in this order referred to as “the prisoner”) was, on [date] at [court] in [State or Territory], for the offence(s) or [short description] sentenced to [aggregate term] imprisonment;
- (b) the prisoner was, in pursuance of a transfer order or a State order of transfer or both, transferred to [State or Territory] to stand trial for a charge in respect of an offence against a law of the Commonwealth or of that State [or Territory];
- (c) I, the Attorney-General of the Commonwealth of Australia, am satisfied that that charge and such other charges as have been laid against the prisoner (whether before or after the prisoner was so transferred) --
 - (i) in respect of offences against laws of the Commonwealth that are triable in that State [or Territory]; or
 - (ii) in respect of offences against laws of that State [or Territory],have been finally dealt with according to law;
- (d) the prisoner is, upon that charge or those charges having been so dealt with, a Commonwealth prisoner; and
- (e) the prisoner has not, upon that charge or those charges having been so dealt with, been sentenced in that State [or Territory] to a term of imprisonment for an offence against a law of the Commonwealth or of that State [or Territory] that expires on a day later than the last day of any federal sentence of imprisonment, transferred sentence or translated sentence of the prisoner; and
- (f) the prisoner is not an exempt prisoner:

NOW, THEREFORE, I, the Attorney-General of the Commonwealth of Australia, in pursuance of sub-section 14 (6) of the abovementioned Act, make this order for the transfer of the prisoner from [State or Territory] to [State or Territory] to serve the period of imprisonment remaining to be served by the prisoner in [State or Territory] and

I HEREBY COMMAND YOU

- (g) the abovementioned Superintendent or other officer, to deliver the prisoner, together with this order into the custody of the abovementioned escort(s); and
- (h) the abovementioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from [State or Territory] to [State or Territory] and there delivering the prisoner, together with this order, into the custody of the Superintendent or other officer in charge of [prison] in [State or Territory],

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

DATED 19 .

Attorney-General

SCHEDULE—continued

FORM 12

Regulation 17

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

ORDER REVOKING RETURN TRANSFER ORDER

TO the Superintendent of [prison] in [State or Territory]:

WHEREAS—

- (a) [full name] (in this order referred to as “the prisoner”) was, on [date] at [court] in [State or Territory], for the offence(s) of [short description] sentenced to [aggregate term] imprisonment;
- (b) by order dated 19 , the [court] at [place] in [State or Territory] ordered the transfer of the prisoner to [State or Territory] to stand trial for a charge in respect of an offence trial for a charge in respect of an offence against a law of the Commonwealth or of that State [or Territory];
- (c) I, the Attorney-General of the Commonwealth, having been satisfied that that charge and such other charges (if any) as had been laid against the prisoner (whether before or after the prisoner was so transferred) ---
 - (i) in respect of offences against laws of the Commonwealth that are triable in [State or Territory]; or
 - (ii) in respect of offences against laws of that State [or Territory],
 had been finally dealt with according to law;
- (d) the prisoner was, upon those charges having been so dealt with, a Commonwealth prisoner;
- (e) the prisoner had not, upon that charge or those charges having been so dealt with, been sentenced in that State [or Territory] to a term of imprisonment against a law of the Commonwealth or of that State [or Territory] that expires on a day later than the last day of any federal sentence, transferred sentence or translated sentence previously imposed upon the prisoner;
- (f) the prisoner having been given notice in accordance with sub-section 14 (1) of the abovementioned Act, I did not make an order declaring the prisoner to be an exempt prisoner;

[Where return transfer was ordered back to a State:]

- (g) the [appropriate Minister] of [State] had consented in writing to the making by me of an order for the transfer of the prisoner from [State or Territory] back to that State;
- (h) by order dated 19 , I ordered the transfer of the prisoner from [State or Territory] back to [State or Territory];
- (j) [specify ground(s), as mentioned in section 15 of Act, for revoking return transfer order]:

NOW, THEREFORE, I HEREBY REVOKE the abovementioned order for the transfer of the prisoner from [State or Territory] back to [State or Territory] and

I HEREBY COMMAND YOU, the abovementioned Superintendent or other officer, to retain the prisoner in your custody for the purpose of serving the sentences at present imposed upon the prisoner, and for your so doing this order shall be your sufficient authority.

DATED 19 .

Attorney-General

SCHEDULE—continued

FORM 13

Regulation 18

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

ORDER FOR RETURN OF PRISONER FOR APPEAL PURPOSES

TO the Superintendent or other officer in charge of [prison] in [State or Territory]

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

WHEREAS--

- (a) [full name] (in this order referred to as "the prisoner") was, on [date] at [court] in [State or Territory], for the offence(s) of [short description] sentenced to [aggregate term] imprisonment;
- (b) the prisoner was transferred to [State or Territory] from [State or Territory] pursuant to a transfer order or a State order of transfer or both; and
- (c) it appears to this, the [court] [or to me, a Judge of (court)] that the attendance before the court of the prisoner is necessary for the purposes of a proceeding before the court, being [short description of proceedings]:

NOW THEREFORE, the abovementioned Court [or I, the abovementioned Judge], in pursuance of sub-section 16 (1) of the abovementioned Act, issue this order for the production of the prisoner at [time] at [place] and

I HEREBY COMMAND YOU--

- (d) the abovementioned Superintendent or other officer, to deliver the prisoner, together with this order, into the custody of the abovementioned escort(s); and
- (e) the abovementioned escort(s), forthwith to take and safely keep custody of the prisoner for the purpose of conveying the prisoner from the abovementioned prison to the place specified above,

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

DATED 19 at [court] in [State or Territory].

Judge

SCHEDULE—continued

FORM 14

Regulation 20

COMMONWEALTH OF AUSTRALIA

Transfer of Prisoners Act 1983

ORDER OF IMPRISONMENT IN RELATION TO EXEMPT PRISONER

TO the Superintendent or other officer in charge of [prison] in [State or Territory]:

WHEREAS—

- (a) [full name] (in this order referred to as “the prisoner”) was, on [date] at [court] in [State or Territory], for the offence(s) of [short description] sentenced to [aggregate term] imprisonment;
- (b) the prisoner was, in pursuance of a transfer order or a State order or transfer or both, transferred to [State or Territory] to stand trial for a charge in respect of an offence against a law of the Commonwealth or of that State [or Territory];
- (c) I, the Attorney-General of the Commonwealth of Australia, am satisfied that that charge and such other charges as have been laid against the prisoner (whether before or after the prisoner was so transferred—
 - (i) in respect of offences against laws of the Commonwealth that are triable in that State [or Territory]; or
 - (ii) in respect of offences against laws of that State [or Territory],
 have been finally dealt with according to law;
- (d) the prisoner has not, upon that charge or those charges having been dealt with, been sentenced in that State [or Territory] to a term of imprisonment for an offence against a law of the Commonwealth or of that State [or Territory] that expires on a day later than the last day of any federal sentence, transferred sentence or translated sentence of the prisoner;
- (e) the prisoner, having been served with a notice under sub-section 14 (1) of the abovementioned Act, has applied to me for the making of an order declaring the prisoner to be an exempt prisoner; and
- (f) I have, in pursuance of sub-section 14 (2) of that Act, made an order declaring the prisoner to be an exempt prisoner:

NOW, THEREFORE, THIS IS TO COMMAND YOU, the abovementioned Superintendent or other officer, to receive the prisoner into your custody for the purpose of serving the sentences of imprisonment at present imposed upon the prisoner, and for your so doing this order shall be your sufficient authority.

DATED 19 . . .

Attorney-General

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 1 1984.

2 August /