

International Transfer of Prisoners (Thailand) Regulations 2002 2002 No. 240

EXPLANATORY STATEMENT

Statutory Rules 2002 No. 240

Issued by the authority of the Minister for Justice and Customs

International Transfer of Prisoners Act 1997

International Transfer of Prisoners (Thailand) Regulations 2002

Section 58 of the *International Transfer of Prisoners Act 1997* (the Act) provides that the Governor-General may make regulations for the purposes of the Act. These regulations may be as required or permitted by this Act to be prescribed, or as necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act forms the basis on the International Transfer of Prisoners scheme (the scheme) in Australia. The scheme allows Australians imprisoned overseas to apply to return to Australia to serve the remainder of their sentence in an Australian prison. The arrangements also allow foreign nationals who are imprisoned in Australia to apply to serve the balance of their sentence in their home country.

Section 8 of the Act provides that the regulations may apply the Act to a foreign country and may declare the country to be a transfer country for the purposes of the Act. The regulations may declare that the Act applies in relation to such a foreign country subject to limitations, conditions, exceptions or qualifications referred to in the regulations. Particularly, this may be to give effect to a bilateral treaty, a copy of which is set out in regulations.

The *International Transfer of Prisoner (Thailand) Regulations 2002* (the Regulations) declare that Thailand is a transfer country, and applies the Act to Thailand subject to the Agreement between the Government of Australia and the Government of the Kingdom of Thailand on the Transfer of Offenders and Co-operation in the Enforcement of Penal Sentences (the Agreement). A copy of the Agreement is set out in Schedule 1 to the Regulations.

The Agreement with Thailand entered into force on 26 September 2002.