

**PRISONERS (INTERSTATE TRANSFER) AMENDMENT BILL 2007**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Jon Ford (Minister for Employment Protection)**, read a first time.

*Second Reading*

**HON JON FORD (Mining and Pastoral — Minister for Employment Protection)** [12.13 pm]: I move —

That the bill be now read a second time.

The Prisoners (Interstate Transfer) Amendment Bill 2007 will amend the Prisoners (Interstate Transfer) Act 1983 by introducing nationally agreed changes to the range of factors taken into account when a transfer of prisoner is requested.

This bill introduces amendments to part II of the Prisoners (Interstate Transfer) Act 1983 to broaden the range of factors that the minister may have regard to when considering a request by a prisoner to be transferred to or from another state or territory. The Prisoners (Interstate Transfer) Act 1983 forms part of the national cooperative legislative scheme that permits inmates to be transferred between participating jurisdictions. Currently, the act allows prisoner transfers for only two purposes—to stand trial or for welfare purposes.

Part II of the Prisoners (Interstate Transfer) Act 1983 covers transfers for welfare purposes. A transfer for welfare purposes may be made at the request of the prisoner concerned and depends on the minister forming the opinion that it is in the interests of the prisoner's welfare that the prisoner should be transferred. Currently, under the national cooperative legislative scheme, welfare transfers involve a three-step process. Firstly, a prisoner makes a request to the minister in his or her state for a transfer. If that minister is of the opinion that the transfer is in the interests of the prisoner's welfare, the minister writes to the corresponding minister in the receiving jurisdiction requesting that the minister accept the transfer. Secondly, under the corresponding legislation, the relevant minister in the receiving jurisdiction then has discretion to approve the transfer. Thirdly, if the minister in the receiving jurisdiction consents to the transfer, the minister making the original request may make the order for transfer. When the prisoner is a federal offender or a joint state or territory and federal offender, the commonwealth Attorney-General must also consent to the transfer.

I turn now to the detail of the bill. The heading of part II is amended to change it from "Transfer for prisoner's welfare" to "Transfer at request of prisoner". This emphasises that the impetus for a transfer comes from the prisoner himself or herself, and better reflects the prisoner's part in the welfare transfer procedures. Proposed new section 8A is being inserted into the act to provide a non-exhaustive list of factors that the minister may consider when a prisoner makes a request to be transferred to or from another state or territory. This bill provides that the minister may have regard to the following matters when considering such a request: the welfare of the prisoner concerned; the administration of justice in Western Australia or any other state; the security and good order of any prison in Western Australia or any other state; the safe custody of the prisoner concerned; the protection of the community in Western Australia or any other state; and any other matter the minister considers relevant.

The current terms of the Prisoners (Interstate Transfer) Act 1983 allow the minister to consider welfare transfers only in a relatively narrow and unclarified manner. This bill increases the scope of the minister's discretion to consider broader policy objectives, such as the general administration of justice as well as other important matters such as a prisoner's safety and the safety of the community in general. These amendments are supported by the Standing Committee of Attorneys General and the Ministerial Council of Corrective Services Ministers. I commend the bill to the house.

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.