

Western Australia

Prisoners (Interstate Transfer) Amendment Bill 2007

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Western Australia

LEGISLATIVE ASSEMBLY

**Prisoners (Interstate Transfer) Amendment
Bill 2007**

A Bill for

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

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Prisoners (Interstate Transfer) Amendment Act 2007*.

2. Commencement

This Act comes into operation as follows:

- 5 (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. The Act amended

10 The amendments in this Act are to the *Prisoners (Interstate Transfer) Act 1983*.

4. Heading to Part II replaced

The heading to Part II is deleted and the following heading is inserted instead —

“

15 **Part II — Transfer at request of prisoner**”

5. Section 5 amended

Section 5(1)(b), (3)(b) and (5)(b) are each amended by deleting “in the interests of the welfare of the prisoner”.

20 **6. Section 8A inserted**

After section 8 the following section is inserted —

“

8A. Matters to which the Minister may have regard

25 In forming an opinion or exercising a discretion under this Part, the Minister may have regard to any one or more of the following —

(a) the welfare of the prisoner or person concerned;

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- 5 (b) the administration of justice in this or any other State;
- (c) the security and good order of any prison in this or any other State;
- 10 (d) the safe custody of the prisoner or person concerned;
- (e) the protection of the community in this or any other State;
- (f) any other matter the Minister considers relevant.

”.

7. Section 9 amended

Section 9(1) is amended by deleting “may have regard to reports” and inserting instead —

15 “ by reference to reports ”.

8. Section 21 amended

(1) Section 21(1)(a) is amended by deleting “that it is in the interests of the welfare of the person”.

(2) After section 21(1) the following subsection is inserted —

20 “

(1a) In forming an opinion or exercising a discretion under this Part, the Minister may have regard to any one or more of the following —

- 25 (a) the welfare of the person concerned;
- (b) the administration of justice in this or any other State;
- (c) the security and good order of any prison in this or any other State;
- (d) the safe custody of the person concerned;

s. 8

- (e) the protection of the community in this or any other State;
- (f) any other matter the Minister considers relevant.

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