

## **Prisoners (Interstate Transfer) Amendment Bill 2009**

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Western Australia

LEGISLATIVE COUNCIL

**Prisoners (Interstate Transfer) Amendment  
Bill 2009**

**A Bill for**

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

The Parliament of Western Australia enacts as follows:

**s. 1**

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1   **1.     Short title**

2           This is the *Prisoners (Interstate Transfer) Amendment Act 2009*.

3   **2.     Commencement**

4           This Act comes into operation as follows —

5           (a) sections 1 and 2 — on the day on which this Act  
6                receives the Royal Assent;

7           (b) the rest of the Act — on the day after that day.

8   **3.     Act amended**

9           This Act amends the *Prisoners (Interstate Transfer) Act 1983*.

10 **4.     Part II heading replaced**

11          Delete the heading to Part II and insert:

12

13                   **Part II — Transfer at request of prisoner**

14

15 **5.     Section 5 amended**

16       (1) In section 5(1)(b) delete “Territory in the interests of the welfare  
17       of the prisoner,” and insert:

18

19           Territory,

20

21       (2) In section 5(3)(b) delete “State in the interests of the welfare of  
22       the prisoner,” and insert:

23

24           State,

25

1       (3) In section 5(5)(b) delete “Territory in the interests of the welfare  
2       of the prisoner,” and insert:

3

4               Territory,

5

6       **6. Section 9A inserted**

7               After section 8 insert:

8

9       **9A. Matters to which the Minister may have regard**

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

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

14               (b) the administration of justice in this or any other  
15               State;

16               (c) the security and good order of any prison in this  
17               or any other State;

18               (d) the safe custody of the prisoner or person  
19               concerned;

20               (e) the protection of the community in this or any  
21               other State;

22               (f) any other matter the Minister considers  
23               relevant.

24

25       **7. Section 9 amended**

26               In section 9(1) delete “may have regard to reports” and insert:

27

28               by reference to reports

29

1   **8.       Section 21 amended**

2       (1)   In section 21(1)(a) delete “that it is in the interests of the  
3           welfare of the person”.

4       (2)   After section 21(1) insert:

5  
6       (2A)   In forming an opinion or exercising a discretion under  
7           this Part, the Minister may have regard to any one or  
8           more of the following —

9           (a)   the welfare of the person concerned;

10          (b)   the administration of justice in this or any other  
11           State;

12          (c)   the security and good order of any prison in this  
13           or any other State;

14          (d)   the safe custody of the person concerned;

15          (e)   the protection of the community in this or any  
16           other State;

17          (f)   any other matter the Minister considers  
18           relevant.

19  
20

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