



New South Wales

Prisoners (Interstate Transfer) Amendment Act 2005 No 21

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Prisoners (Interstate Transfer) Amendment Act 2005 No 21

Act No 21, 2005

An Act to amend the *Prisoners (Interstate Transfer) Act 1982* to make further provision with respect to interstate transfers at the request of prisoners; and for other purposes. [Assented to 18 May 2005]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Prisoners (Interstate Transfer) Amendment Act 2005*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Prisoners (Interstate Transfer) Act 1982 No 104

The *Prisoners (Interstate Transfer) Act 1982* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Part 2, heading

Omit “**Transfer for prisoner’s welfare**”.

Insert instead “**Transfer at request of prisoner**”.

[2] Section 7 Requests for, and orders of, transfer

Omit “in the interests of the welfare of the prisoner” wherever occurring in section 7 (1) (b), (3) (b) and (5) (b).

[3] Section 10A

Insert after section 10:

10A Matters to which Minister may have regard

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

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

[4] Section 11 Reports

Omit “may have regard to reports” from section 11 (1).

Insert instead “by reference to reports”.

[5] Section 23 Provisions ancillary to section 20

Omit “it is in the interests of the welfare of the person that” from section 23 (1) (a).

[6] Section 23 (1A)

Insert after section 23 (1):

- (1A) In making a decision under subsection (1) (a), the Minister may have regard to any one or more of the following:
- (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,
 - (e) the protection of the community in this or any other State,
 - (f) any other matter the Minister considers relevant.

[Second reading speech made in—
Legislative Assembly on 23 March 2005
Legislative Council on 6 May 2005]

BY AUTHORITY