

Queensland



ANNO TRICESIMO TERTIO

**ELIZABETHAE SECUNDAE REGINAE**

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**No. 35 of 1984**

**An Act to provide for the reciprocal enforcement of parole orders**

[ASSENTED TO 26TH APRIL, 1984]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title.** This Act may be cited as the *Parole Orders (Transfer) Act 1984*.

**2. Commencement.** (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

**3. Interpretation.** In this Act, unless the contrary intention appears—

“corresponding law”, in relation to another State or to a Territory, means a law of that State or Territory specified in a notice under section 4;

“designated authority”, in relation to another State or to a Territory, means the person or body with powers under the corresponding law of that State or Territory that correspond to those of the Minister under section 6;

“Minister” means the Minister of the Crown who, at the material time, is charged with the administration of this Act and includes any Minister of the Crown who is temporarily performing the duties of the Minister;

“Parole Board” means the Parole Board constituted under the *Offenders Probation and Parole Act 1980*;

“parole order” means—

(a) a parole order under or continued in force by the *Offenders Probation and Parole Act 1980* or under a law of another State or of a Territory relating to parole; or

(b) an authority under a law of another State or of a Territory for the release on parole of a person from imprisonment or lawful detention,  
and includes such a parole order or authority as varied from time to time;

“Registrar” means the Registrar of Transferred Parole Orders;

“sentence of imprisonment” includes an order, direction, declaration or other authority under which a person may be lawfully detained in a prison;

“Territory” means a Territory of the Commonwealth.

**4. Declaration of corresponding laws.** The Minister may, by notice in the Gazette, declare any law of another State or of a Territory relating to the transfer of parole orders to be a corresponding law for the purposes of this Act.

**5. Registrar of Transferred Parole Orders.** (1) There shall be a Registrar of Transferred Parole Orders.

(2) The person who is for the time being the Secretary to the Parole Board under the *Offenders Probation and Parole Act 1980* shall be the Registrar of Transferred Parole Orders.

**6. Requests for registration of transferred parole orders.** (1) The Minister may, on the request in writing of the designated authority for another State or for a Territory, by instrument in writing, direct the Registrar to register under this Act a parole order that was, on the date of the request, in force under a law of that State or Territory.

(2) The Minister may, by instrument in writing addressed to the designated authority for another State or for a Territory, request that a parole order that is in force in this State be registered under the corresponding law of that State or Territory.

(3) Where the Minister makes a request pursuant to subsection (2) he shall advise the Parole Board of that fact and forward to the Parole Board details sufficient to identify the parolee to whom the request relates.

**7. Documents to accompany requests.** (1) Where the Minister makes a request under section 6 (2), he shall cause to be sent to the designated authority for the relevant State or Territory—

- (a) the parole order to which the request relates;
- (b) the warrant of commitment or other authority by virtue of which the parolee became liable to the imprisonment to which the parole order relates;
- (c) particulars in writing of the address of the parolee last known to the Minister;
- (d) all documents relating to the parolee that were before the Parole Board or other body that made the parole order and any other documents relating to the parolee that appear to be likely to be of assistance to any relevant court, authority or officer of that State or Territory including, in particular, details as to class of prisoner and of any convictions, sentences of imprisonment, minimum terms of imprisonment, periods of imprisonment served, remissions earned and other grants of parole; and
- (e) a report in writing relating to the parolee containing such additional information as appears to be likely to be of assistance to any relevant court, authority or officer in that State or Territory.

(2) A reference in subsection (1) to a parole order, warrant or other document shall be read as a reference to the original or to a copy certified as a true copy by the person to whose custody the original is entrusted.

**8. Regard for interests of parolee.** (1) The Minister shall not direct the registration of a parole order under this Act unless he is satisfied, after having considered the relevant documents forwarded to him by the designated authority for the relevant State or Territory, that, having regard to the interests of the parolee, it is desirable that the parole order be so registered and the parolee—

- (a) has consented to, or has requested, the registration of the parole order under this Act; or
- (b) is residing in this State.

(2) The Minister shall not make a request for the registration of a parole order under the corresponding law of another State or of a Territory unless he is satisfied that, having regard to the interests of the parolee, it is desirable that the parole order be so registered and—

- (a) the parolee has consented to, or has requested, the registration of the parole order under that corresponding law; or
- (b) there are reasonable grounds for believing that the parolee is residing in that State or Territory.

**9. Registration.** (1) When directed to do so under section 6 (1), the Registrar shall register a parole order by endorsing on the parole order or a copy of the parole order a memorandum signed by him to the effect that the parole order was, on the date of the endorsement, registered under this Act.

(2) Where the Registrar has registered a parole order pursuant to subsection (1), he shall—

- (a) cause notice in writing of the fact and date of the registration of the parole order to be forwarded to—
  - (i) the parolee; and
  - (ii) the designated authority for the relevant State or Territory;
- (b) cause notice of the fact to be brought to the attention of the Parole Board; and
- (c) while the parole order is in force in this State, but subject to section 7 (1), keep in a register—
  - (i) the endorsed parole order or endorsed copy of the parole order; and
  - (ii) the warrant of commitment or other authority by virtue of which the parolee became liable to imprisonment, or a copy of that warrant or other authority.

(3) A reference in this section to a copy of a parole order or a copy of a warrant or other authority shall be read as a reference to a copy certified as a true copy by the person to whose custody the original is entrusted.

**10. Effect of registration.** (1) Subject to this section, while a parole order (including a parole order that was, at any time, in force in this State) is registered under this Act, the laws of this State apply in relation to the parole order and the parolee.

(2) Where a parole order registered under this Act was made under a law of another State or of a Territory, subsection (1) has effect as if—

- (a) each sentence of imprisonment to which the parolee was subject immediately before the making of the parole order had been imposed by a court of competent jurisdiction of this State;
- (b) each period of imprisonment served by the parolee for the purpose of such a sentence had been served for the purpose of a sentence imposed by a court of competent jurisdiction of this State; and
- (c) the parole order had been made and were in force under the *Offenders Probation and Parole Act 1980*.

(3) Where a parole order registered under this Act is cancelled under the *Offenders Probation and Parole Act 1980*, the parolee shall be liable to serve a period of imprisonment equal to the period for which he was liable, on the date on which he was released on parole under the order, to be imprisoned.

**11. Effect of transfer of parole order to another State or to a Territory.**

(1) Upon the registration under a corresponding law of another State or of a Territory of a parole order that was, immediately before that registration, in force in this State—

- (a) the parole order ceases to be in force in this State;
- (b) where the parole order was registered under this Act—the parole order ceases to be so registered; and
- (c) each sentence of imprisonment to which the parolee was subject immediately before that registration ceases to have effect in this State.

(2) If a parole order in relation to which subsection (1) has at any time applied becomes registered under this Act—

- (a) the force had by it under the law of this State immediately before its registration under a corresponding law; and
- (b) the effect in this State of the sentence of imprisonment to which the person to whom the order relates was subject immediately before its registration under a corresponding law,

shall thereupon revive and shall continue until subsection (1) again applies in relation to the parole order.

**12. Delegation.** (1) The Minister may either generally or otherwise as provided by the instrument of delegation, by writing signed by him, delegate to any person all or any of his powers under this Act except this power of delegation.

(2) A power if exercised by the delegate shall be exercised in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms as the Minister thinks fit including a requirement that the delegate shall report to the Minister upon his exercise of the delegated power.

(4) Where the exercise of any power, the subject of a delegation, is made to depend upon the opinion or belief of the Minister in relation to any matter, that power may be exercised upon the opinion or belief of the delegate who is considering the exercise of that power.

(5) A power delegated under this section, when exercised by the delegate, shall for the purposes of this Act, be deemed to have been exercised by the Minister.

(6) A delegation is revocable at the will of the Minister and does not prevent the exercise of a power by him.

**13. Evidence.** (1) An instrument in writing that purports to be a memorandum endorsed on a parole order or on a copy of a parole order on a specified date under section 9(1) and to have been signed by the Registrar is evidence that the parole order was registered under this Act on that date.

(2) A parole order registered under this Act is admissible in evidence in any court by the production of a copy of the parole order certified as a true copy by the Registrar, and such a copy is evidence of the matters stated in the parole order.

**14. Regulations.** The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.