



ANNO TRICESIMO TERTIO

**ELIZABETHAE II REGINAE**

**A.D. 1984**

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**No. 54 of 1984**

**An Act to amend the Prisoners (Interstate Transfer) Act, 1982.**

*[Assented to 24 May 1984]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Prisoners (Interstate Transfer) Act Amendment Act, 1984". Short title.
- (2) The Prisoners (Interstate Transfer) Act, 1982, is in this Act referred to as "the principal Act".
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. Section 4 of the principal Act is amended by striking out the passage "Chief Secretary" and substituting the passage "Minister for Correctional Services". Amendment of s. 4—  
Administration.
4. Section 5 of the principal Act is amended— Amendment of s. 5—  
Interpretation.
  - (a) by striking out from subsection (1) the definition of "conditional release";
  - and
  - (b) by striking out from the definition of "prison" in subsection (1) the passage "section 4 of the Correctional Services Act, 1982" and substituting the passage "the Prisons Act, 1936".
5. Section 23 of the principal Act is amended by striking out from paragraph (a) of subsection (3) the passage "or conditional release". Amendment of s. 23—  
Provisions ancillary to sections 20, 21 and 22.
6. Section 26 of the principal Act is amended by striking out from paragraph (c) of subsection (1) the passage "or conditional release". Amendment of s. 26—  
Information to be sent to the participating State.
7. Section 28 of the principal Act is amended— Amendment of s. 28—  
Provisions relating to section 27 sentences.

(a) by inserting in subsection (1) after the passage “of South Australia” the passage “as a non-parole period”;

(b) by striking out paragraph (b) of subsection (6) and substituting the following paragraph:

(b) shall, in respect of the part of the sentence served in a participating State, be credited with such entitlements to remission in respect of the period of the sentence or the non-parole period (or both) as may be specified in the order of transfer, or fixed on the application of the prisoner by the appropriate South Australian court;

(c) by striking out from paragraph (c) of subsection (6) the passage “, subject to and in accordance with the Correctional Services Act, 1982,” and substituting the passage “, in accordance with the law of this State,”;

and

(d) by inserting after subsection (6) the following subsections:

(7) A non-parole period in respect of a person subject to a section 27 sentence may be fixed, extended or reduced by the appropriate South Australian court on the application of the person subject to the sentence or the Crown.

(8) In this section—

“the appropriate South Australian court”, in relation to a person subject to a section 27 sentence, means a court that is, in relation to the court by which the sentence was imposed, a corresponding court of South Australia.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor