

1993

**AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY**

PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL 1993

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment to be moved on behalf of the Government

Circulated by authority of

Terry Connolly MLA

ATTORNEY-GENERAL

PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL 1993

The Prisoners (Interstate Transfer) Bill 1993 provides for transfer of prisoners to and from the Territory for welfare reasons and for trial purposes. The Bill is modelled on legislation passed by the States.

Under the Bill, where a prisoner is transferred to the Territory from another State his or her sentence will be treated as being imposed by a Territory court. The Executive will be able to grant a pardon to the prisoner just as it can with a person who is sentenced by an ACT Court.

However a prisoner transferred from a non-participating Territory (ie. an external Territory or the Jervis Bay Territory) to the ACT must be treated differently. This is because the interstate transfer of such prisoners is regulated by Commonwealth legislation, the *Transfer of Prisoners Act 1983* (Cth). A proposed amendment to that legislation will provide for the Governor-General to exercise the royal prerogative of mercy in favour of a prisoner transferred to the Territory from Jervis Bay or an external Territory.

In drafting the Bill it was mistakenly assumed that the ACT Executive would be able to grant a pardon to a prisoner who was transferred to the ACT from Jervis Bay or an external Territory. The proposed Government amendment will correct this mistake by changing subclause 27(7) to omit the reference to the grant of a pardon by the ACT Executive.

FINANCIAL CONSIDERATIONS

Nil.