Queensland

Parole Orders (Transfer) Act 1984

Current as at 28 August 2006

Information about this reprint

This Act is reprinted as at 28 August 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment'). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.

Queensland

Parole Orders (Transfer) Act 1984

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Parole Orders (Transfer) Act 1984

[as amended by all amendments that commenced on or before 28 August 2006]

An Act to provide for the reciprocal enforcement of parole orders

1 Short title

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

3 Definitions

In this Act—

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.

parole order means—

(a) a parole order under or continued in force by the *Corrective Services Act 2006* 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.

Queensland Parole Board means the Queensland Parole Board established under the *Corrective Services Act 2006*.

regional parole board means a regional parole board established under the *Corrective Services Act 2006*.

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.

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 Queensland Parole Board 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 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 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) the Minister shall advise the Queensland Parole Board of that fact and forward to the 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), the Minister shall cause to be sent to the designated authority for the relevant State or Territory—

(a) the parole order to which the request relates; and

(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; and

(c) particulars in writing of the address of the parolee last known to the Minister; and

(d) all documents relating to the parolee that were before the Queensland Parole Board, regional 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 the Minister is satisfied, after having considered the relevant documents forwarded to the Minister 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 the Minister 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 signed memorandum 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), the registrar 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; and

(b) cause notice of the fact to be brought to the attention of the Queensland 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; and

(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 validly made by the Queensland Parole Board and were in force under the *Corrective Services Act 2006*.

(3) Where a parole order registered under this Act is cancelled under the *Offenders Probation and Parole Act 1980* or the *Corrective Services Act 2006*, the parolee shall be liable to serve a period of imprisonment equal to the period for which the parolee was liable, on the date on which he or she 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; and

(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

The Minister may delegate the Minister's powers under this Act to a corrective services officer under the *Corrective Services Act 2006*.

Editor's note—

For the definition of *corrective services officer*, see the *Corrective Services Act 2006*, schedule 4.

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 under this Act, 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.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 August 2006. Future amendments of the Parole Orders (Transfer) Act 1984 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No. [X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	(retro)	=	retrospectively
notfd	=	notified	rv	=	revised edition
num	=	numbered	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
orig	=	original	SIA	=	Statutory Instruments Act 1992
p	=	page	SIR	=	Statutory Instruments Regulation 2002
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1995 Act No. 58	28 November 1995	8 December 1995
1A	1999 Act No. 9	1 May 1999	9 July 1999
1B	2000 Act No. 63	1 July 2001	28 September 2001

Reprint No.	Amendments included	Effective	Notes
1C	2006 Act No. 29	28 August 2006	R1C withdrawn, see R2
2	—	28 August 2006	

5 Tables in earlier reprints

Name of table	Reprint No.
Obsolete and redundant provisions	1

6 List of legislation

Parole Orders (Transfer) Act 1984 No. 35
date of assent 26 April 1984
ss 1–2 commenced on date of assent (see s 2(1))
remaining provisions commenced 1 May 1984 (proc pubd gaz 28 April 1984 p 1791)

amending legislation—

Corrective Services (Consequential Amendments) Act 1988 No. 88 s 3 sch 1
date of assent 1 December 1988
ss 1–2 commenced on date of assent (see s 2(1))
remaining provisions commenced 15 December 1988 (see s 2(2) and o in c pubd gaz 10 December 1988 p 1675)

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1
date of assent 28 November 1995
commenced on date of assent

Corrective Services Legislation Amendment Act 1999 No. 9 pt 1 sch
date of assent 30 March 1999
ss 1–2 commenced on date of assent
remaining provisions commenced 1 May 1999 (1999 SL No. 72)

Corrective Services Act 2000 No. 63 ss 1, 2(2), 276 sch 2
date of assent 24 November 2000
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2001 (2001 SL No. 88)

Corrective Services Act 2006 No. 29 ss 1, 2(2), 518 sch 3
date of assent 1 June 2006
ss 1–2 commenced on date of assent
remaining provisions commenced 28 August 2006 (2006 SL No. 213)

7 List of annotations

Commencement
s 2 om R1 (see RA s 37)

Definitions
prov hdg sub 1995 No. 58 s 4 sch 1

s 3 def **"Minister"** om R1 (see RA s 39)
def **"Parole Board"** om 1988 No. 88 s 3 sch 1
def **"parole order"** amd 1988 No. 88 s 3 sch 1; 2000 No. 63 s 276 sch 2; 2006 No. 29 s 518 sch 3
def **"Queensland Community Corrections Board"** ins 1988 No. 88 s 3 sch 1
amd 2000 No. 63 s 276 sch 2
om 2006 No. 29 s 518 sch 3
def **"Queensland Parole Board"** ins 2006 No. 29 s 518 sch 3
def **"regional community corrections board"** ins 1988 No. 88 s 3 sch 1
amd 2000 No. 63 s 276 sch 2
om 2006 No. 29 s 518 sch 3
def **"regional parole board"** ins 2006 No. 29 s 518 sch 3
def **"Territory"** om R1 (see RA s 39)

Registrar of transferred parole orders
s 5 amd 1988 No. 88 s 3 sch 1; 2006 No. 29 s 518 sch 3

Requests for registration of transferred parole orders
s 6 amd 1988 No. 88 s 3 sch 1; 1995 No. 58 s 4 sch 1; 2006 No. 29 s 518 sch 3

Documents to accompany requests
s 7 amd 1988 No. 88 s 3 sch 1; 2006 No. 29 s 518 sch 3

Registration
s 9 amd 1988 No. 88 s 3 sch 1; 2006 No. 29 s 518 sch 3

Effect of registration
s 10 amd 1988 No. 88 s 3 sch 1; 2000 No. 63 s 276 sch 2; 2006 No. 29 s 518 sch 3

Delegation
s 12 sub 1995 No. 58 s 4 sch 1
amd 1999 No. 9 s 3 sch; 2000 No. 63 s 276 sch 2; 2006 No. 29 s 518 sch 3

Regulations
s 14 amd 1995 No. 58 s 4 sch 1

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