



REPORT OF THE

**STANDING COMMITTEE ON
CONSTITUTIONAL AFFAIRS**

IN RELATION TO

***PRISONERS (INTERNATIONAL TRANSFER)
BILL 1999***

Presented by the Hon Murray Nixon JP, MLC (Chairman)

Report 42

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

Date first appointed:

21 December 1989

Terms of Reference:

1. The functions of the committee are to inquire into and report on:
 - (a) the constitutional law, customs and usages of Western Australia;
 - (b) the constitutional or legal relationships between Western Australia and the Commonwealth, the States and Territories,

and any related matter or issue;
 - (c) a bill to which SO 230 (c) applies but subject to SO 230 (d);
 - (d) any petition.

2. A petition stands referred after presentation. The committee may refer a petition to another standing committee where the subject matter of the petition is within the terms of reference of that standing committee. A standing committee to which a petition is referred shall report to the House as it thinks fit.

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**Report of the Standing Committee on
Constitutional Affairs**

in relation to

Prisoners (International Transfer) Bill 1999

1 EXECUTIVE SUMMARY

1.1 The purpose of the *Prisoners (International Transfer) Bill 1999* ("the Bill") is to enable Western Australia to join a Commonwealth-State scheme for the international transfer of prisoners ("the transfer scheme") to and from Western Australia. The transfer scheme provides for Australians imprisoned in foreign countries, and foreign nationals imprisoned in Australia, to be returned to their home countries to complete the serving of their sentences.

1.2 As a result of the enactment of the *International Transfer of Prisoners Act 1997 (Cth)* ("the Commonwealth Act"), it is necessary for Western Australia to enact model State legislation to give effect to the transfer scheme. The aim of the Bill is to provide a framework to allow the Commonwealth Act to operate in Western Australia. The Bill is relatively straightforward and complements the Commonwealth Act which contains most of the core elements of the transfer scheme.

1.3 The transfer scheme was agreed to on the basis that:

- the Commonwealth will administer the transfer scheme, provide an administrative structure for transfers, and regulate the status of prisoners who are transferred;
- States and Territories will pass legislation providing the necessary authority for the transfer of State or Territory offenders out of their jurisdiction and to permit the detention within their prisons of persons outside their jurisdiction;
- jurisdictions agree to accept prisoners on transfer to their prisons on the basis of demonstrated community ties;
- the Commonwealth will meet the costs of administering the transfer scheme, including the costs of negotiating participation in any

appropriate multilateral schemes, bilateral transfer treaties or other transfer arrangements, and the receiving State or Territory will meet the costs of transfer from overseas to Australia and of maintaining prisoners during their terms of imprisonment in Australia; and

- the transfer scheme will apply to all offences without exception.

1.4 As well as providing a framework for the general transfer of prisoners, the Commonwealth Act also enables persons who have been convicted by either of the two international war crimes tribunals established in 1993 and 1994 by the United Nations Security Council to deal with war crimes committed in the former Yugoslavia and Rwanda to be transferred to Australia to serve their sentences.

1.5 The Commonwealth and State legislation, taken together, will not be sufficient to enable prisoners to be transferred to and from Western Australia. Once all of the participating States have passed legislation, the Commonwealth Government will negotiate transfer treaties with foreign countries. Administrative arrangements will have to be entered into between the States and the Commonwealth, defining the relationship between, and the responsibilities of, the Commonwealth and the States in administering the scheme. Once these treaties and administrative arrangements are in place, transfers will then be possible.

2 RECOMMENDATIONS

2.1 This report outlines selected clauses of the *Prisoners (International Transfer) Bill 1999* which require explanation and makes comment and recommendations in relation to those clauses. The Committee believes there is nothing controversial in the Bill, however does highlight several matters for consideration.

Recommendation: *The Committee recommends that all clauses be passed.*

**Report of the Standing Committee on
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3 REFERENCE AND PROCEDURE

- 3.1 The *Prisoners (International Transfer) Bill 1999* ("the Bill") was referred to the Standing Committee on Constitutional Affairs ("the Committee") by the Legislative Council under Standing Order 230(d).

4 BACKGROUND TO THE BILL

- 4.1 In 1996 the Standing Committee of Attorneys General reached agreement on the legislative basis for the international transfer of prisoners. The transfer scheme provides for Australians imprisoned in foreign countries, and foreign nationals imprisoned in Australia, to be returned to their home countries to complete the serving of their sentences.
- 4.2 The transfer scheme also enables persons who have been convicted by international war crimes tribunals in relation to the former Yugoslavia and Rwanda to be transferred to Australia to serve their sentences.
- 4.3 The benefits of returning prisoners to their home jurisdictions have been recognised in Australia since 1983 when the interstate transfer of prisoners scheme took effect. Since then, many hundreds of prisoners have been transferred around Australia to benefit from serving their sentences in a location that will better promote their rehabilitation.
- 4.4 Participation in international prisoner transfers is generally justified on humanitarian, rehabilitative and financial bases. Enabling persons to be returned to their country of origin to serve their sentence not only assists the reintegration into the community of prisoners participating in the transfer scheme, but it also has positive benefits for the families of those prisoners. Western Australian prisoners in foreign prisons will one day come back to Western Australia. Their re-absorption into the community is likely to be much more difficult if they have served their sentences in a foreign country without the opportunity to obtain skills that may assist them to reintegrate into the community and without contact with their families.

- 4.5 A large number of countries, including the United States of America, Canada and the United Kingdom are very supportive of international prisoner transfers and have been participating in such schemes for a number of years. There is growing international pressure for Australia to participate.

5 CONTENTS AND PURPOSE OF THE BILL

- 5.1 The purpose of the *Prisoners (International Transfer) Bill 1999* ("the Bill") is to enable Western Australia to join a Commonwealth-State scheme for the international transfer of prisoners ("the transfer scheme") to and from Western Australia. The transfer scheme provides for Australians imprisoned in foreign countries, and foreign nationals imprisoned in Australia, to be returned to their home countries to complete the serving of their sentences.

- 5.2 As a result of the enactment of the *International Transfer of Prisoners Act 1997 (Cth)* ("the Commonwealth Act"), it is necessary for Western Australia to enact model State legislation to give effect to the transfer scheme. The aim of the Bill is to provide a framework to allow the Commonwealth Act to operate in Western Australia. The Bill is relatively straightforward and complements the Commonwealth Act which contains most of the core elements of the transfer scheme.

Variations between the Western Australian Bill and the Commonwealth legislation

- 5.3 Although this Bill is modelled on the Commonwealth legislation, it does vary in several ways due to concerns Western Australia has with aspects of the Commonwealth legislation. While the Commonwealth Act allows for probationers and parolees to participate in the transfer scheme, and also allows prisoners with sentences of six months or more to be eligible for transfer, the Western Australia Bill does not follow with these approaches.
- 5.4 Following consultation and endorsement by the Federal Minister for Justice, the Western Australia Bill adopts a policy of different consent criteria for transfer being:
- not to allow probationers and parolees to participate in the transfer scheme; and
 - to allow only prisoners with two years or more of their sentences left to serve to be eligible to apply for international transfer.

The Attorney General advised the Committee that during the development of the Commonwealth legislation there was considerable discussion on the merits of including parolees and probationers within the transfer scheme. Western Australia indicated that it had concerns with this approach as the transfer scheme could be abused by such offenders as a means of obtaining a free ticket home.

In addition it can be argued that parolees and probationers would not be suffering the same hardships as sentenced prisoners. They will have already been granted release to a suitable community regime, and while they may be required to remain in an alien environment for the duration of the relevant order, they nevertheless have far greater control over their lives than those held in custody.

The Attorney General also advised the Committee that the decision with respect to the limit on having at least two years left to serve of a prison sentence was based upon the likely time taken to process a transfer application. The Committee was advised that in the case of interstate transfers, prisoners currently need to have at least 12 months of their sentence remaining to be eligible for transfer. The process to effect such interstate transfers can take approximately six months to complete. In the case of international transfers to Western Australia, the Attorney General advised that the process would be expected to take longer. As such, it was decided that it was appropriate to set a two year limit on giving consent to international transfers.

It is important to note that while Western Australia has adopted a clear policy on the consent to international transfers of prisoners, it would still be open for Western Australia to consent to a transfer in exceptional circumstances, even if the time to be served is less than two years. This will enable some flexibility to cover cases where, for example, the prospects of rehabilitation are favourable despite having less than two years left to serve, or where the transfer can be effected expeditiously.

Reflecting this policy, the threshold criteria for the State Minister's consent for transfer will be provided for under the administrative arrangements which are being formulated under section 50 of the Commonwealth Act. This is discussed further in this report with regard to clause 9 of the Bill.

The transfer scheme

5.5 The transfer scheme was agreed to on the basis that:

- the Commonwealth will administer the transfer scheme, provide an administrative structure for transfers, and regulate the status of prisoners who are transferred;
- States and Territories will pass legislation providing the necessary authority for the transfer of State or Territory offenders out of their jurisdiction and to permit the detention within their prisons of persons outside their jurisdiction;
- jurisdictions agree to accept prisoners on transfer to their prisons on the basis of demonstrated community ties;
- the Commonwealth will meet the costs of administering the transfer scheme, including the costs of negotiating participation in any appropriate multilateral schemes, bilateral transfer treaties or other transfer arrangements, and the receiving State or Territory will meet the costs of transfer from overseas to Australia and of maintaining prisoners during their terms of imprisonment in Australia; and
- the transfer scheme will apply to all offences without exception.

5.6 The Commonwealth and State legislation, taken together, will not be sufficient to enable prisoners to be transferred to and from Western Australia. Once all of the participating States have passed legislation, the Commonwealth Government will negotiate transfer treaties with foreign countries. Administrative arrangements will have to be entered into between the States and the Commonwealth, defining the relationship between, and the responsibilities of, the Commonwealth and the States in administering the scheme. Once these treaties and administrative arrangements are in place, transfers will then be possible.

5.7 In relation to international agreements in this area, many countries have concluded bilateral prisoner transfer treaties and some are party to multilateral regimes. The primary multilateral prisoner transfer convention is the Council of Europe's Convention on the Transfer of Sentenced Persons ("the Council of Europe Convention"). Thirty eight member states and eight non-member states had joined the Council of Europe Convention as at 11 August 1999. It is proposed that Australia would become a non-member party. Another multilateral transfer regime is the Commonwealth Scheme for the Transfer of Convicted Offenders ("the Commonwealth Scheme"). The Commonwealth Attorney General's Department advised the Committee that the most

recent figures available indicate that as at 1997, six countries were participating in the Commonwealth Scheme.

- 5.8 Due to cost effectiveness and scope, it is intended that Australia seek to become party to and implement multilateral regimes such as the Council of Europe Convention and the Commonwealth Scheme. Bilateral transfer treaties will be negotiated only with countries which are not parties to a multilateral arrangement to which Australia becomes party and/or whose preference is for a bilateral transfer treaty or arrangement.

Tribunal prisoners

- 5.9 As well as providing a framework for the general transfer of prisoners, the Commonwealth Act also enables persons who have been convicted by either of the two international war crimes tribunals established in 1993 and 1994 by the United Nations Security Council to deal with war crimes committed in the former Yugoslavia and Rwanda to be transferred to Australia to serve their sentences.
- 5.10 Persons convicted by the tribunals are to serve their sentences in countries designated by the tribunals from a list of countries which have indicated to the Security Council their willingness to accept such prisoners. A number of countries have already agreed to accept Tribunal prisoners and the President of the former Yugoslavia Tribunal has sought advice as to Australia's willingness to do so. Australia's acceptance of Tribunal prisoners will be subject to the qualification that the prisoners have a connection with Australia. On this basis, the number of prisoners the Tribunals would wish to send to Australia is expected to be very small.

Pre-requisites for general prisoner transfers

- 5.11 Under the Commonwealth Act, pre-requisites which must be satisfied before general prisoner transfers can take place include:
- imprisonment under a final order whereby neither the relevant conviction nor the sentence of imprisonment is subject to appeal;
 - for transfers to Australia, the person must be an Australian citizen or be permitted to travel to, enter and remain in Australia indefinitely pursuant to the *Migration Act 1958* and has community ties with a State or Territory;
 - dual criminality whereby the acts or omissions constituting the relevant offence would, if the acts or omissions had occurred in Australia or the

other country (as appropriate), have constituted an offence in that country; and

- at least six months of the prisoner's sentence is remaining to be served.

As discussed above, the Western Australian policy with respect to threshold transfer criteria is not to accept incoming prisoners unless at least two years of their sentence is remaining to be served. As transfers cannot take place without the consent of the relevant State or Territory Minister, the Western Australian policy will be put into practice by the Western Australian Minister simply refusing to consent to the transfer.

The administrative arrangements that will be entered into between the Commonwealth and the participating States and Territories will cover such matters as the processing of transfer requests, the giving of consent for transfers and the responsibilities as to transfer and maintenance costs. The Western Australian policy in relation to threshold transfer criteria and in particular to the amount of time remaining to be served would be set out in the relevant administrative arrangements.

- 5.12 No prisoner will leave Western Australia, or be returned to Western Australia, to serve a sentence without the agreement of the Western Australian Minister. It is significant that, under the general prisoner transfer scheme, consent must also be obtained from the prisoner, the foreign government and the Australian Government (Commonwealth and State or Territory where relevant).

Pre-requisites for Tribunal prisoner transfers

- 5.13 Transfers of Tribunal prisoners to Australia are dealt with differently to take account of the different nature and objectives of such transfers.
- 5.14 A Tribunal prisoner would not be transferred to Australia unless he or she had some connection with Australia and the Australian Government had consented to the transfer.
- 5.15 The main differences in relation to Tribunal prisoners are that consent from the Tribunal prisoner is not a mandatory requirement, and there are no explicit citizenship or migration requirements.

Sentence enforcement in Australia following transfer

- 5.16 The Commonwealth Act sets out how sentences imposed in other countries will be enforced in Australia following transfer. There are two different methods of sentence

enforcement provided for in the Commonwealth Act, namely continued enforcement and converted enforcement. This approach is consistent with the Council of Europe Convention.

- 5.17 Continued enforcement means keeping as close as possible to the sentence of the foreign court. Converted enforcement is where a different sentence is substituted. It is for the Commonwealth Attorney-General under the Commonwealth Act to direct which method of sentence enforcement will be used.
- 5.18 While the Commonwealth Act provides for a choice between the two methods of sentence enforcement, the methods actually adopted in the particular case will depend on the agreement with the other country involved. For example, if a bilateral treaty with a particular country provides for only one method of sentence enforcement, that method will be used in relation to transfers from that country.
- 5.19 It is expected, however, that subject to any agreement to the contrary, Australia would generally use the continued enforcement method. This would involve being bound so far as possible by the legal nature and duration of the sentence as determined by the other country.

Costing/financial implications

- 5.20 The costs of the transfer scheme to Western Australia will include sending escort officers, returning prisoners (including airfares) and the costs of maintaining prisoners during the terms of sentences in Australia. The cost arrangements will be different in relation to transfers of tribunal prisoners, since that responsibility arises from international relations and Australia's membership of the United Nations. The Commonwealth will be responsible for the costs associated with transfers arising from sentencing by the tribunals.
- 5.21 In relation to general prisoner transfers, there may be significant cost savings to Western Australia if there is a net outflow of prisoners from the state. Western Australia has many more foreign prisoners in its prisons than there are Western Australians imprisoned overseas. Some of these prisoners will want to serve their sentences in their home countries. There are so many more foreign prisoners in Western Australia than there are Western Australian prisoners overseas that it is likely that there will be a net outflow of prisoners from Western Australia. If this is the case it will result in cost savings to Western Australia.

Number of prisoners likely to be involved in the transfer scheme

- 5.22 There is considerable uncertainty about the number of prisoners who would transfer into and out of Australia under an international prisoner transfer scheme. The evidence supports the proposition, however, that more prisoners would be leaving Australia under the transfer scheme than would be returning.
- 5.23 The Attorney General advised the Committee that information provided by the Department of Foreign Affairs ("DFAT") indicates that, as at 9 August 1999, there were 213 Australian citizens (191 male; 22 female) in prisons overseas. DFAT advised that they have no way of being able to determine how many, if any, of the 213 prisoners have any connection or affinity with Western Australia.
- 5.24 The Attorney General also informed the Committee that the Department of Immigration and Multicultural Affairs advised that as at 27 April 1999 there were 851 prisoners of foreign citizenship in Australian prisons, although it is not known how many are imprisoned in Western Australia. It is probable that not all of these prisoners would be eligible for transfer.
- 5.25 The number of prisoners likely to be affected by the transfer scheme and the associated cost implications are therefore not able to be precisely quantified at this stage, but will be examined as part of an agreed evaluation strategy. This will entail a review of both the Commonwealth and State legislation after the transfer scheme has been in place for a period of 12 months to determine the extent to which the legislation has been utilised and to assess its resource implications.
- 5.26 The Bill contains twelve clauses in four parts:

Part 1 - Preliminary

Part 2 - Conferral of functions

**Part 3 - Enforcement of sentences of imprisonment of transferred
prisoners**

Part 4 - Miscellaneous

- 5.27 Certain selected clauses of the Bill which require explanation are outlined in this report and the Committee has provided comment and recommendations on each of these clauses.

Recommendation: *The Committee recommends that all clauses be passed.*

- 5.28 As part of the review, the Committee placed an advertisement in *The West Australian* newspaper inviting submissions on the Bill. The Committee did not receive any submissions as a result of the advertisement.
- 5.29 As a further part of the review, the Committee invited comment from a number of parties who it considered may wish to make submissions. The parties approached by the Committee were:
- Amnesty International;
 - the Attorney General for Western Australia, Hon Peter Foss QC MLC;
 - the Western Australian Police Service; and
 - the Western Australian Prison Officers' Union.

The Committee received submissions from the Attorney General for Western Australia and the Western Australian Police Service.

6 SELECTED CLAUSES OF THE *PRISONERS (INTERNATIONAL TRANSFER) BILL 1999*

6.1 Clause 2 *Commencement*

This clause provides that the Act will come into operation on a date, or dates, to be specified by way of proclamation made by the Governor in Executive Council. It is likely that the Act will come into effect once the necessary administrative arrangements and regulations under the Commonwealth Act have been settled by all jurisdictions who are participating in the transfer scheme.

6.2 Clause 6 *Powers and functions of Minister*

This clause provides that in respect of the functions of a State Minister under the Commonwealth Act, such functions can be performed by a Western Australian Minister. It is intended that the relevant Minister will be the Minister for Justice.

6.3 Clause 7 *Delegation*

Clause 7 allows the Western Australian Minister to delegate any of his or her functions under the Commonwealth Act to the Chief Executive Officer of the department (Director

General, Ministry of Justice), a public servant or any other prescribed person. Where a delegate exercises such functions, they are deemed to have been performed by the relevant Minister.

6.4 Clause 8 *Powers and functions of prison officers, police officers and others*

This clause empowers certain officials (prison officers, police officers and other authorised persons) to perform functions in Western Australia which are conferred upon them under either the Commonwealth Act or a law of another State relating to the international transfer of prisoners.

Clause 8 also enables these officials to perform functions which may have been conferred upon them under the administrative arrangements proposed by section 50 of the Commonwealth Act (a matter dealt with by clause 9 of the Bill).

Subclause (2) provides that it is lawful for these officials to deal with any prisoner the subject of a warrant issued under the Commonwealth Act, and in relation to any prisoner who is being transferred under that Act.

A number of provisions of the Commonwealth Act require State officials to perform functions. For example, section 30 of the Commonwealth Act provides that a warrant may be issued requiring a prison officer, police officer or other person specified in the warrant to escort a prisoner who is being transferred. Another example is section 56 of the Commonwealth Act which permits a police officer from Western Australia to arrest a person escaping from custody.

6.5 Clause 9 *Arrangements for administration of Act*

Before the transfer scheme can come into operation administrative arrangements will have to be entered into between the States and the Commonwealth, defining the relationship between, and the responsibilities of, the Commonwealth and States in administering the scheme.

This clause empowers the Governor to make appropriate arrangements with the Governor-General, in accordance with section 50 of the Commonwealth Act, relating to the administration of the Commonwealth Act. These arrangements are likely to include such matters as the performance by Western Australian prison officers and police officers of functions under the Commonwealth Act, cost sharing arrangements and the Western Australian policy in respect of consent to transfer to this State. (Refer to paragraph 5.4 of this report for an explanation of this policy).

6.6 Clause 10 *Prisoners transferred to Western Australia*

This clause provides that for the purposes of enforcement of sentence a prisoner or Tribunal prisoner transferred to, and serving a sentence of imprisonment in Western Australia under the Commonwealth Act is to be treated as a Federal prisoner; that is, prisoners sentenced in the Federal jurisdiction rather than Western Australia's State jurisdiction.

This is for reasons of administrative convenience arising from the Commonwealth Attorney-General's role in making the legal orders as to how foreign sentences are to be served in Australia by Australians returning from foreign prisons. Persons sentenced to imprisonment in the Federal jurisdiction always serve their sentences in State prisons; there are no Commonwealth prisons in the way that there are Federal penitentiaries in the United States of America. International prisoners returning to Western Australia will thus be treated in the same way as other Federal prisoners in Western Australian prisons. The practical effect of deeming international prisoners to be Federal prisoners is negligible as Federal prisoners are, generally, subject to all the same practices and procedures as State prisoners.

Subclause (3) sets out a series of circumstances in which a prisoner or Tribunal prisoner will be treated or will gain entitlement as if he or she were a Federal prisoner including conditions of imprisonment and treatment of prisoners, parole, removal of prisoners from one prison to another, hospitalisation, participation in prison programs and transfers between states.

Subclause (4) gives effect in Western Australia to any direction given by the Commonwealth Attorney-General under section 44 of the Commonwealth Act in relation to enforcement of sentences. This effectively means that the Commonwealth Attorney-General determines the way in which the sentence of the foreign court is carried out in Australia. Such directions include (subject to the limitation contained in section 43 of the Commonwealth Act that the sentence to be enforced must not be harsher in legal nature or duration than the sentence originally imposed) directions as to the duration and legal nature of the sentence of imprisonment as it is to be enforced, and directions relating to entitlement as to release on parole. If the prisoner or Tribunal prisoner is mentally impaired, directions can be given regarding any review of his or her mental condition or treatment.

It is important to note that section 44(3) of the Commonwealth Act provides that for the purpose of forming an opinion or exercising a discretion in relation to sentence enforcement, the Commonwealth Attorney-General may have regard to:

- any submission made by the transfer country or Tribunal;
- any views expressed by any State or Territory Minister concerned with the proposed transfer;
- any views expressed by parole or prison authorities of any State or Territory;
- the sentence of imprisonment that might have been imposed if the acts and omissions constituting the offence had been committed in Australia; and
- any limitations or requirements in relation to the way in which a sentence of imprisonment imposed by a transfer country or Tribunal may be enforced in Australia arising from any agreement to which Australia and the transfer country or Tribunal are parties.

Similarly, subclause (5) provides that directions made by the Commonwealth Attorney-General under section 49 of the Commonwealth Act in relation to pardons, amnesties and commutations of sentences of imprisonment of prisoners or Tribunal prisoners are to be given effect in Western Australia.

Subclause (5) is important as, when read with section 49 of the Commonwealth Act, it means that where a transferred prisoner is serving a sentence of imprisonment in Western Australia, the prisoner may be pardoned or granted amnesty or commutation of sentence as if the sentence had been imposed for an offence against Australian law.

It also means that where a prisoner is pardoned or granted amnesty or commutation of sentence (either under Australian law or the law of the transfer country) or a prisoner's conviction is quashed or otherwise nullified under the law of the transfer country, then the Commonwealth Attorney-General must direct that the person be released. Similar directions must also be given by the Commonwealth Attorney-General and given effect in Western Australia if a Tribunal prisoner is pardoned or granted amnesty or commutation of sentence (either under Australian law or by a Tribunal) or the prisoner's conviction is quashed or otherwise nullified.

6.7 Clause 11 *Prisoners transferred from Western Australia*

Clause 11 provides that where a prisoner is transferred out of Western Australia under the Commonwealth Act, then the laws of Western Australia will no longer apply in

relation to the prisoner. If this provision did not exist, then even though a prisoner had been lawfully transferred from Western Australia and was serving his or her sentence in a foreign country, the prisoner would still legally be subject to sentence in Western Australia. The prisoner would thus be subject to two sentences in different countries for the same offence. This provision prevents this from happening.

There is a qualification in subclause (2) which ensures that where a prisoner is serving a sentence in a transfer country following transfer from Western Australia, the prisoner may still be pardoned, granted amnesty or commutation of sentence as if he or she were still in Western Australia. It is recognised that a receiving country would very rarely grant pardon, amnesty or commutation of a sentence imposed by another country. As there may be circumstances which justify such means (for example, in the very rare occasion that a sentence is found, after the appeal process has been exhausted, to have been wrongly imposed) provision has been made to enable a pardon to be granted in Western Australia notwithstanding that the prisoner has been transferred. It should be noted however that this would rarely, if ever, be used.

Hon Murray Nixon JP, MLC
Chairman

Date:

