



# **International Transfer of Prisoners Amendment Act 2004**

**No. 19, 2004**

***An Act to amend the *International Transfer of  
Prisoners Act 1997*, and for related purposes***

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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## ***An Act to amend the *International Transfer of Prisoners Act 1997*, and for related purposes***

*[Assented to 23 March 2004]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *International Transfer of Prisoners  
Amendment Act 2004*.

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## **2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

## **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the International Transfer of Prisoners Act 1997**

### **1 Subsection 4(1) (definition of *transfer country*)**

After “foreign country”, insert “or a region”.

### **2 After section 4**

Insert:

### **4A Sentences of imprisonment imposed by military commissions of the United States of America**

For the purposes of this Act:

- (a) a military commission of the United States of America is taken to be a court or tribunal of the United States of America; and
- (b) any punishment or measure involving deprivation of liberty ordered by a military commission of the United States of America is taken to have been ordered by a court or tribunal of the United States of America in the exercise of its criminal jurisdiction; and
- (c) any direction or order given or made by a military commission of the United States of America with respect to the commencement of such punishment or measure is taken to have been given or made by a court or tribunal of the United States of America.

### **3 Paragraph 8(5)(b)**

Repeal the paragraph, substitute:

- (b) a region that is part of that country; and
- (c) a region that is under the protection of that country; and
- (d) a region over which that country exercises jurisdiction or control; and
- (e) a region for whose international relations that country is responsible;

### **4 At the end of section 8**

Add:

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- (6) For the purposes of this section, a region is taken to be a *foreign country* if:
- (a) the region is a colony, territory or protectorate of a foreign country; or
  - (b) the region is part of a foreign country; or
  - (c) the region is under the protection of a foreign country; or
  - (d) a foreign country exercises jurisdiction or control over the region; or
  - (e) a foreign country is responsible for the region's international relations.

## 5 Application

The amendments made by this Schedule apply in relation to a sentence of imprisonment (within the meaning of the *International Transfer of Prisoners Act 1997* immediately after the time this Schedule commences) imposed before or after that time.

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[Minister's second reading speech made in—  
House of Representatives on 19 February 2004  
Senate on 4 March 2004]

(17/04)

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