

**International Transfer of
Prisoners Scheme**

**Prisoner Transfers
FROM Australia**

**Information
and
Application
Pack**

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General Information

The International Transfer of Prisoners (ITP) Scheme allows Australians imprisoned overseas, and foreign nationals imprisoned in Australia, to apply to serve the remainder of their sentence in their home country.

The ITP Scheme aims to promote the successful rehabilitation and reintegration into society of the prisoner, while preserving the sentence imposed by the sentencing country as far as possible in the prisoner's home country. The Scheme contributes to community safety by ensuring that prisoners' convictions are recorded in their home country and that their reintegration into that country's community is able to be appropriately supported, monitored and supervised.

Transfers under the ITP Scheme are not intended to provide a more lenient or convenient alternative for prisoners.

Transfers are not automatic. They require consent to the terms of transfer by the Australian Government, the government of the foreign country and the prisoner before the transfer can take place. Transfers of prisoners *from* Australia who have been convicted of a State or Territory offence also require the consent of the relevant State or Territory Government.

Frequently asked questions

What are the requirements for transfer from Australia?

A prisoner may apply to transfer from Australia to a foreign country if:

- the foreign country is listed as a transfer country under the *International Transfer of Prisoners Act 1997* (the ITP Act) (see the list of participating countries at page 9 of this Information and Application Pack)
- the prisoner is either:
 - a national of the transfer country, or
 - has community ties with the transfer country (note that some countries only allow nationals to transfer under the ITP Scheme)
- neither the prisoner's sentence of imprisonment nor the conviction on which it is based is subject to appeal
- the offence for which the prisoner is serving a sentence would also be an offence in the country to which the prisoner seeks to transfer (this requirement may be waived in certain cases), and
- at least six months of the prisoner's sentence remains to be served, or one year if transferring to Hong Kong, Thailand, Cambodia or Vietnam (this requirement may be waived in certain cases).

Please check with local consular staff or prison authorities for further information.

What are ‘community ties’ with a transfer country?

A prisoner has community ties with a transfer country if:

- before being imprisoned in Australia, the prisoner’s home was in the transfer country
- the prisoner’s parent, grandparent or child lives in the transfer country
- the prisoner is married to, or has a de facto relationship with, a person who lives in the transfer country, or
- the prisoner has a close continuing relationship (involving frequent written or personal contact and a personal interest in the other person’s welfare) with a person who lives in the transfer country.

Is a prisoner still eligible to transfer if they are on parole or coming up for parole?

A prisoner may be eligible to transfer from Australia if they are on parole or coming up for parole, depending on the requirements of the country to which they seek to transfer. Some foreign countries do not allow prisoners on parole to transfer under the ITP Scheme.

Can prisoners transfer to (or from) Indonesia?

Prisoners cannot currently transfer between Australia and Indonesia as Indonesia is not a transfer country under the ITP Act.

Can prisoners transfer to (or from) New Zealand?

Prisoners cannot currently transfer between Australia and New Zealand as New Zealand is not a transfer country under the ITP Act.

How long does it take to process an application for transfer from Australia?

The time that it takes to process an application for transfer varies from case to case. The finalisation of applications for transfer from Australia can take some time, as they must be considered by a number of different parties, including the governments of Australia, the foreign country and, where relevant, the Australian State or Territory.

When the Australian Attorney-General’s Department receives an application for transfer, it will seek prison reports from the State or Territory in which the applicant is imprisoned, including information about the prisoner’s sentence, behaviour and health.

Once the prison reports are received, the Australian Government will seek consent and terms of transfer from the transfer country. If the transfer country provides its consent to the transfer, the prisoner will be asked to consent to the terms proposed by the transfer country. If the prisoner was convicted of an Australian State or Territory offence, the relevant State or Territory Minister must also consent to the prisoner’s transfer.

If the prisoner (and the State or Territory Minister if required) consents to the transfer, the Australian Minister for Justice will consider the application and determine whether to

provide final consent to the transfer. If the Australian Minister provides his consent, he will sign a warrant authorising the prisoner's transfer.

Once the warrant has been signed, arrangements for the prisoner's physical transfer will be made between the relevant State or Territory and the foreign government.

The process for applications for transfer from Australia is outlined in the diagram on page 9 of this Information and Application Pack.

How does the Australian Government assess applications for transfer from Australia?

The Australian Minister for Justice assesses each transfer application on its merits, taking all relevant factors into account. For transfers from Australia, relevant factors may include:

- the extent to which the prisoner's rehabilitation and reintegration into society would be assisted by the transfer
- whether the prisoner is an Australian citizen
- whether the proposed terms of enforcement of the Australian sentence upon transfer is acceptable. In most cases the foreign country must agree to enforce at least 75 per cent of the Australian non-parole period as a custodial sentence for the sentence enforcement to be regarded as acceptable
- the views of relevant authorities and agencies, such as the Australian Federal Police, and
- any relevant humanitarian considerations that apply to the case.

The ITP Statement of Policy (at page 12 of this Information and Application Pack) provides further information on policies that guide the assessment of applications for transfer.

Will a prisoner's health be taken into account when a decision about a transfer is being made?

The Australian Minister for Justice takes a number of factors into account when deciding whether to consent to a transfer from Australia, including humanitarian considerations such as the health and age of the prisoner. However, the transfer country may decide not to agree to a transfer if it does not have the facilities available to care for a prisoner who is unwell or if it feels that the prisoner's health condition endangers other prisoners.

Will prisoners be required to pay for their transfer?

In some circumstances prisoners transferring out of Australia may be asked to reimburse the transfer country for some or all of the costs of their transfer. A prisoner will generally be advised of these costs prior to the transfer taking place.

How will transferring to another country affect a prisoner's sentence?

Generally the sentence a prisoner will serve in a foreign country will be as close as possible to the sentence they are currently serving in Australia. The sentence of imprisonment cannot be harsher than that imposed in Australia.

One of the factors that is considered by the Australian Minister for Justice when he is deciding whether to consent to the transfer of a prisoner from Australia under the ITP Scheme is whether the proposed enforcement of the Australian sentence in the transfer country is acceptable. In most cases, the foreign country must agree to enforce at least 75 per cent of the Australian non-parole period as a custodial sentence for enforcement to be regarded as acceptable. See the ITP Statement of Policy (at page 12 of this Information and Application Pack) for more information.

The imprisonment conditions of the foreign country will apply, including parole and remission conditions.

A transfer will only occur if the prisoner understands and agrees to the terms on which the sentence will be enforced in the foreign country.

Can a prisoner appeal if their transfer is refused?

Decisions of the Australian Minister for Justice are reviewable. Prisoners who are considering whether to seek a review of a decision made by the Minister may wish to seek legal advice.

Prisoners may also reapply for transfer.

How does a prisoner apply to transfer from Australia to another country?

A prisoner may only apply using the official forms, which are included in this Information and Application Pack (starting at page 28). The forms may also be obtained from authorities in Australian prisons or by contacting the Attorney-General's Department.

Which forms need to be completed?

Prisoners who are serving a sentence of imprisonment in a prison or a hospital facility

Prisoners who are serving a sentence of imprisonment in a prison or a hospital facility and have not been released on parole need to send the following forms to the Attorney-General's Department to allow their application for transfer under the ITP Scheme to be processed:

- Form 1 – Application for transfer from Australia – prisoner not on parole
- Form 2 – Corrections details - prisoner not on parole, and
- Collection, use and disclosure of personal information form.

The prisoner needs to complete Form 1 and the Collection, use and disclosure of personal information form. These forms are located at pages 28 and 36 of this Information and Application Pack. The guide to completing Form 1 is at page 18 and the privacy information sheet is at page 25.

Form 2, which is at page 30 of this Information and Application Pack, needs to be completed by a prison officer. The guide to completing this form is at page 20.

Prisoners who are on parole

Prisoners who on parole need to send the following forms to the Attorney-General's Department to allow their application for transfer under the ITP Scheme to be processed:

- Form 3 – Application for transfer from Australia – prisoner on parole
- Form 4 – Corrections details - prisoner on parole, and
- Collection, use and disclosure of personal information form.

The prisoner needs to complete Form 3 and the Collection, use and disclosure of personal information form. These forms are located at pages 32 and 36 of this Information and Application Pack. The guide to completing Form 3 is at page 22 and the privacy information sheet is at page 25.

Form 4, which is at page 34 of this Information and Application Pack, needs to be completed by a prison officer. The guide to completing this form is at page 24.

Completed applications should be sent to:

Assistant Secretary
International Crime Cooperation Central Authority
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600
AUSTRALIA

List of Participating Countries

The following countries are ‘transfer countries’ under the International Transfer of Prisoners Scheme.

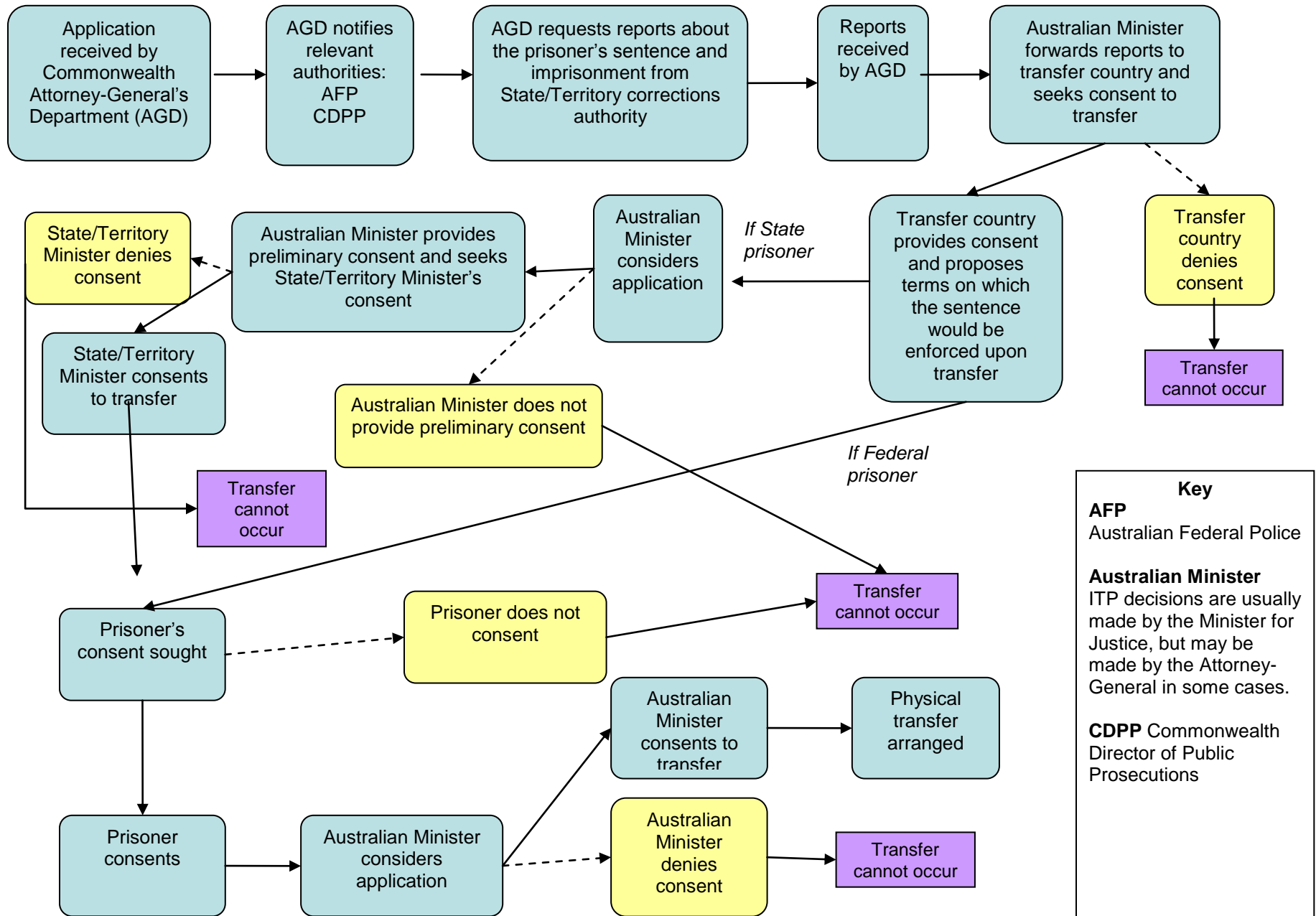
▶ Albania	▶ Korea
▶ Andorra	▶ Latvia
▶ Armenia	▶ Liechtenstein
▶ Austria	▶ Lithuania
▶ Azerbaijan	▶ Luxembourg
▶ Bahamas	▶ Malta
▶ Belgium	▶ Mauritius
▶ Bolivia	▶ Mexico
▶ Bosnia and Herzegovina	▶ Moldova
▶ Bulgaria	▶ Montenegro
▶ Cambodia*	▶ Netherlands
▶ Canada	▶ Norway
▶ Chile	▶ Panama
▶ China**	▶ Poland
▶ Costa Rica	▶ Portugal
▶ Croatia	▶ Romania
▶ Cyprus	▶ Russia
▶ Czech Republic	▶ San Marino
▶ Denmark	▶ Serbia
▶ Ecuador	▶ Slovakia
▶ Estonia	▶ Slovenia
▶ Finland	▶ Spain
▶ France	▶ Sweden
▶ Georgia	▶ Switzerland
▶ Germany	▶ Thailand
▶ Greece	▶ The Former Yugoslav Republic of Macedonia
▶ Honduras	▶ Tonga
▶ Hong Kong	▶ Trinidad and Tobago
▶ Hungary	▶ Turkey

▶ Iceland	▶ Ukraine
▶ Ireland	▶ United Kingdom
▶ Israel	▶ United States
▶ Italy	▶ Venezuela
▶ Japan	▶ Vietnam

* A treaty between Australia and Cambodia on the transfer of prisoners has entered into force but is not yet operational.

** A treaty between Australia and China on the transfer of prisoners has been signed by the Australian Government, but has not yet entered into force.

Process for applications for transfer from Australia



Key

AFP
Australian Federal Police

Australian Minister
ITP decisions are usually made by the Minister for Justice, but may be made by the Attorney-General in some cases.

CDDP Commonwealth Director of Public Prosecutions

International Transfer of Prisoners

Statement of Policy

The International Transfer of Prisoners (ITP) Scheme is a consent-based scheme that allows Australians imprisoned overseas, and foreign nationals imprisoned in Australia, to apply to serve the balance of their sentence in their home country.

An important purpose of the ITP Scheme is to promote the successful rehabilitation and reintegration of the prisoner into society, while preserving the original sentence as far as possible in the country to which the prisoner is transferred. The ITP Scheme contributes to community safety by ensuring that prisoners' convictions are recorded in their own country and that their reintroduction into that country's community is able to be appropriately supported, monitored and supervised.

Australia's ITP relationships are governed by international agreements that are implemented in Australia through the *International Transfer of Prisoners Act 1997* (the ITP Act).

Transfers are not automatic and require the consent of the Australian Government, the government of the foreign country and the prisoner to the terms of the transfer before the transfer can take place. All transfers to Australia also require the consent of the relevant Minister in the State or Territory to which the prisoner is seeking transfer. In addition, transfers of prisoners from Australia who have been convicted of State or Territory offences also require the consent of the relevant State or Territory Minister.

Every transfer application is assessed on its merits, taking all relevant factors into account. The policies set out below guide the assessment of each application.

1. Policy on applications for transfer to Australia

Australian citizens (including dual citizens) or permanent residents imprisoned in a foreign country are eligible, but not entitled, to transfer to Australia under the ITP Scheme.

All the circumstances of the case, including the factors listed below, will be taken into account in determining whether the transfer of a prisoner to Australia will be approved:

Rehabilitation and reintegration

Whether, and if so, the extent to which, the prisoner's rehabilitation and reintegration into the Australian community would be assisted by the proposed transfer, with reference to the following:

- any cultural or language barriers faced in the foreign country
- opportunities to participate in custodial and post-release rehabilitative programs in the foreign country and in Australia
- any social or family support networks in the foreign country and in Australia, and
- the prisoner's familiarity with Australia, eg how recently and for how long the prisoner resided in Australia.

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Policy on applications for transfer to Australia (continued)

Community safety

Whether the transfer will contribute to community safety, with reference to the following:

- whether the prisoner is likely to return to Australia upon release in the transfer country if not transferred under the ITP Scheme, and
- whether the transfer will enable the prisoner's reintegration into the Australian community to be appropriately supported, monitored and supervised by law enforcement agencies, and his or her conviction to be recorded in Australia.

Dual citizens

Whether the prisoner is a dual citizen, and if so, whether, he or she:

- is imprisoned in his or her other country of citizenship
- is likely to return to Australia, or his or her other country of citizenship, upon release, and/or
- would be released on *parole* with *parole conditions* that would prevent the person from returning to Australia prior to his or her *sentence expiry date*.

Relevant views

The views of relevant authorities and agencies.

Humanitarian considerations

Whether any relevant humanitarian considerations apply to the case, eg the health of the prisoner.

Terms in italics are explained in *Explanation of Terms* below.

2. Policy on Incoming Sentence Enforcement

Where a transfer to Australia is supported the following policy will guide how the sentence will be enforced in Australia.

Continued enforcement

- Australia will apply the *continued enforcement method* of sentence enforcement to all prisoners transferred to Australia under the ITP Scheme.
- The *recognised head sentence* imposed on the prisoner in the sentencing country will be preserved.

Parole

- Wherever possible, a *parole eligibility date* will be determined as part of sentence enforcement for all prisoners transferred to Australia.
- The *possible release date* in the sentencing country will be enforced in Australia as the *parole eligibility date*.

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Policy on Incoming Sentence Enforcement (continued)

- If a *possible release date* has not been determined by the sentencing country, Australia will propose a *non-parole period* that is 66 per cent (or two-thirds) of the *recognised head sentence* to be served in Australia.
- However, in cases where the *recognised head sentence* significantly exceeds the maximum sentence that could be imposed in Australia, a *non-parole period* that better accords with Australian practice will be proposed.
- Release on *parole* will be discretionary.
- The *parole eligibility date* will be at least 12 months before the *sentence expiry date*.
- The *parole period* will expire at the *sentence expiry date*.
- The *period of parole supervision* will be determined at the time that the prisoner is released on *parole* and may continue for the duration of the parole period.

Terms in italics are explained in *Explanation of Terms* below.

3. *Policy on outgoing transfer of Australian citizens*

Australian citizens imprisoned in Australia may apply to transfer to a foreign country under the ITP Scheme. However, in most cases a prisoner who is an Australian citizen will be expected to serve his or her sentence in Australia.

4. *Policy on approval of outgoing transfers*

People imprisoned in Australia may apply to transfer to a foreign country under the ITP Scheme if they are citizens of, or otherwise eligible to transfer to, that country.

All the circumstances of the case, including the factors listed below, will be taken into account in determining whether the transfer of a prisoner from Australia will be approved:

Rehabilitation and reintegration

Whether, and if so, the extent to which, the prisoner's rehabilitation and reintegration into society would be assisted by the proposed transfer, with reference to the following:

- any cultural or language barriers faced in Australia
- opportunities to participate in custodial and post-release rehabilitative programs in the foreign country and in Australia
- any social or family support networks in the foreign country and in Australia, and
- the prisoner's familiarity with Australia, eg how recently and for how long the prisoner resided in Australia.

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Policy on approval of outgoing transfers (continued)

Sentence enforcement

Whether the enforcement of the Australian sentence in the receiving country is acceptable. In most cases acceptable enforcement of the Australian sentence will be where at least 75 per cent of the Australian *non-parole period* will be enforced in custody upon transfer.

Transfer under the ITP Scheme is not intended to provide a more lenient or convenient alternative for the prisoner.

Relevant views

The views of relevant authorities and agencies.

Humanitarian considerations

Whether any relevant humanitarian considerations apply to the case, eg the health of the prisoner.

Terms in italics are explained in *Explanation of Terms* below.

5. *Policy on action to be taken where consent to transfer has been refused by a foreign country or an Australian State or Territory*

A decision by a foreign country to refuse consent to a transfer means that the transfer cannot occur.

If an Australian State or Territory refuses a transfer that the Australian Government believes should be approved, the Australian Government may ask the State or Territory to reconsider the application.

6. *Policy on action to be taken where there is an objection to the transfer occurring immediately*

Where a prisoner has applied to transfer from Australia and his or her transfer is objected to by a law enforcement or prosecutorial agency, the transfer will be put on hold until the agency no longer objects to the prisoner's transfer.

Explanation of Terms

When a person is convicted of an offence, the total sentence imposed on him or her by the court is the ***'head sentence'***. The head sentence runs until the ***'sentence expiry date'***. The portion of the head sentence that the prisoner is required to serve in prison is the ***'non-parole period'***. If a prisoner serving a sentence in a foreign country is eligible for release from prison at a date prior to his or her sentence expiry date, this is referred to as the ***'possible release date'***.

If a prisoner is transferred to Australia under the ITP Scheme he or she will usually be incarcerated in an Australian prison on his or her return to Australia. (A prisoner may also be transferred on parole, in which case he or she will re-enter the Australian community, usually subject to conditions, on his or her return to Australia).

On transfer to Australia, the sentence imposed on the prisoner in the foreign country will be enforced through the ***'continued enforcement method'***. This means that Australia will enforce the sentence imposed by the court in the foreign country and will only adapt the sentence as necessary to ensure consistency with Australian law.

In Australia, the expiry of the prisoner's NPP is referred to as the ***'parole eligibility date'***, as it is the date on which the prisoner becomes eligible for release on parole. A transferred prisoner will not automatically be released at the parole eligibility date. Instead, the Minister for Justice (the Minister) will consider all the circumstances of the case and decide whether the prisoner should be released at that time. If the Minister decides that the prisoner should not be released at the parole eligibility date he may reconsider the prisoner's release on parole at a later time. If the prisoner is released at his or her parole eligibility date, or at any other time prior to the sentence expiry date, he or she will be on ***'parole'***. The person's ***'parole period'*** will run from the time that he or she is released on parole until the sentence expiry date.

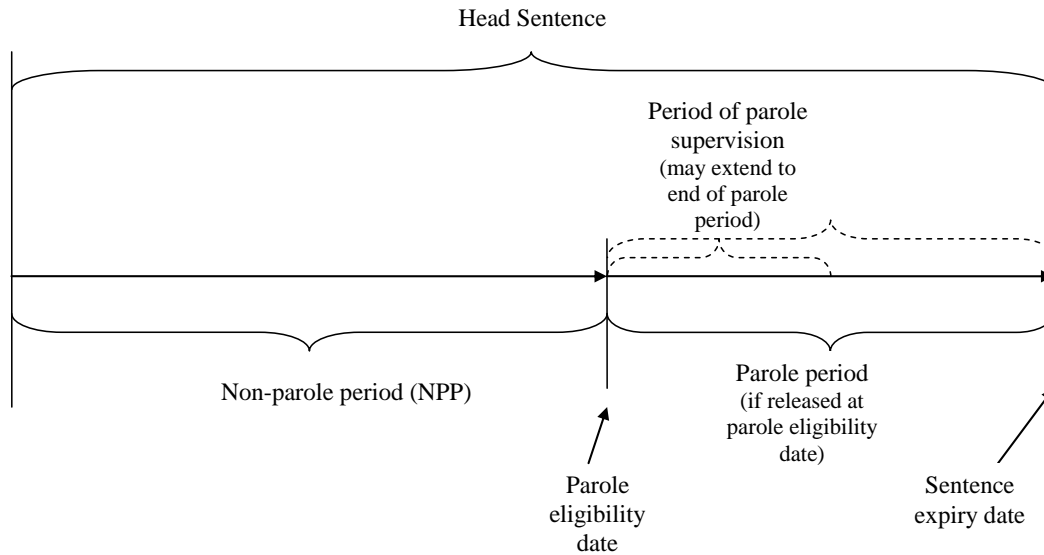
When a person is on parole, he or she will be subject to ***'parole conditions'*** (for example, drug offenders may be required to submit to urinalysis). People on parole will also usually be subject to a ***'period of parole supervision'***. Parole supervision may involve the person reporting to a parole officer, keeping the parole officer informed of any change of address or job, and requesting permission from the relevant authorities to travel interstate or overseas. The period of parole supervision will be determined at the time that the prisoner is released on parole. For transferred prisoners, the period of parole supervision may continue for the duration of the parole period, or it may be shorter than the parole period.

If a person does not comply with his or her parole conditions (including supervision requirements) his or her parole may be revoked and he or she may be required to serve a further period of imprisonment.

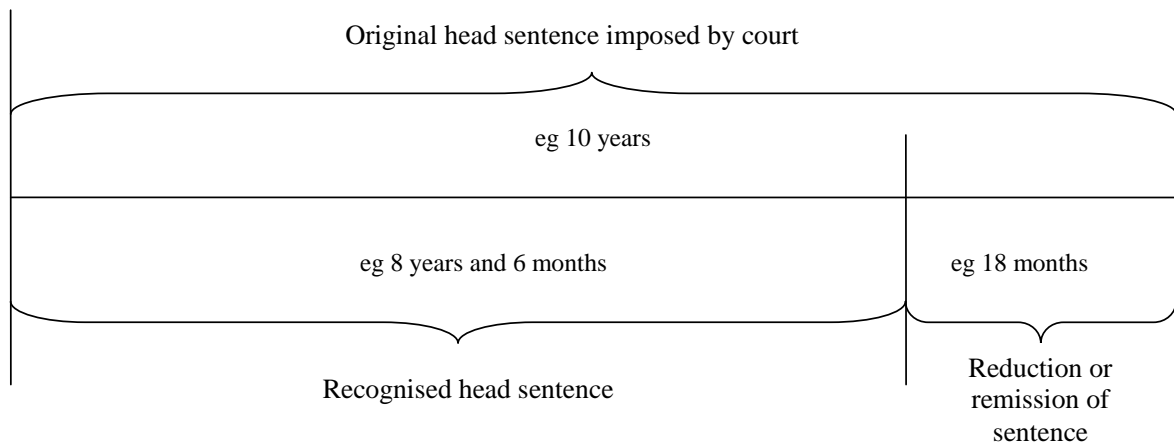
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Explanation of Terms (continued)

The following diagram illustrates these concepts:



In some jurisdictions, the law provides for reduction or remission of the head sentence imposed by the court. Such reductions may be dependent on the good behaviour of the prisoner, or may be automatically applied to all prisoners serving custodial sentences. If the head sentence of a prisoner who transfers to Australia has been reduced in this way, the sentence that will be enforced in Australia will reflect the reduction or remission granted by the sentencing country. This reduced sentence is referred to as the **'recognised head sentence'**. This is illustrated below:



Guide to completing *Form 1: Application for transfer from Australia – prisoner not on parole*

When completing *Form 1: Application for transfer from Australia – prisoner not on parole*, please make sure that you answer all the questions and provide as much detail as possible. Your application may be delayed if you do not provide sufficient information.

2. A-D: PERSONAL DETAILS

Your responses to these questions will provide the Australian Government with the details to identify you when corresponding with the relevant authorities in Australia and the transfer country.

Please provide your name, date of birth and place of birth.
(e.g. Peter John Smith, 01 December 1960, Montreal Canada)

If you have ever been known by a different name, please also provide that name.

E-F: CITIZENSHIP AND PASSPORT DETAILS

Your responses to these questions will allow Australia to establish your citizenship status.

Please provide full details of your citizenship.

Please provide details of the date and place of issue, the number and the expiry date of your passport. If you do not have your passport, your prison should be able to provide these details.

If you do not answer these questions fully and to the best of your knowledge, there may be delays in processing your transfer application.

G: DETAILS OF TRANSFER COUNTRY

Your response to this question will let us know the area or region of the transfer country to which you seek to transfer. Please also advise if there is a particular prison or institution to which you seek to be transferred.

H: COMMUNITY TIES

If you are a citizen of more than one country, or if you are not a citizen of the country to which you seek to transfer, you must provide details of any community ties you have with the transfer country.

You have community ties with a foreign country if:

- before being imprisoned in Australia, you lived in the foreign country
- your parent, grandparent or child lives in the foreign country

- you are married to, or have a de facto relationship with a person who lives in the foreign country, or
- you have a close continuing relationship (involving frequent written or personal contact and a personal interest in the other person's welfare) with a person who lives in the foreign country.

Please provide the full name of each person and their contact details, such as address and telephone numbers. Please also advise when you last had contact with each person, whether you continue to have contact with them, and the manner (e.g. telephone, letters, visits) and frequency of the contact.

If you are a citizen or permanent resident of Australia, please also provide details of your community ties with Australia.

It is very important that you provide as much information as possible in response to this question, as the information you provide will be taken into account in assessing your transfer application.

If you need more space to complete your answer, please attach additional pages to the form.

Please make sure you **sign** and **date** the form and return it to the address at the bottom of the form.

Guide to completing *Form 2: Corrections details – prisoner not on parole*

Form 2: Corrections details – prisoner not on parole is to be completed by an officer in the prison in which the prisoner is incarcerated – **not** by the prisoner. Prison officers should have access to the information needed to complete this form. The prisoner should be consulted as necessary.

1. A: NAME OF PRISON OR INSTITUTION IN WHICH SENTENCE IS BEING SERVED

Please provide the name of the prison or institution where the prisoner is serving his or her sentence and advise the State or Territory in which it is located.

B: DETAILS OF SENTENCE BEING SERVED

Your response to this question will provide the Australian Government with relevant details about the prisoner's sentence and will assist the Government to correspond with relevant authorities in a timely manner.

Please provide the following details:

- the offence(s) for which the prisoner is serving a sentence
- the term of imprisonment to which the prisoner was sentenced, including the head sentence and non-parole period (if any)
- the date that the sentence was imposed on the prisoner. Please also advise the date that the prisoner's sentence commenced. If the prisoner's sentence has been changed as the result of an appeal, please provide the date that the prisoner was originally sentenced and the date on which the appeal court gave its decision
- the date that it is expected that the prisoner will be released from prison – this would be either the date on which the prisoner's non-parole period ends, or, if a non-parole period has not been set, the date on which the prisoner's head sentence ends
- details of any pending or possible future appeal against the prisoner's conviction or sentence (including whether it is an appeal by the prisoner or the prosecution), and
- details of any other current legal proceeding (including any civil proceeding) in relation to the prisoner's conviction or sentence.

Please also provide details, to the best of your knowledge, of any Australian legal proceedings in which the prisoner is involved (e.g. if the prisoner is required as a witness in a co-accused's trial or appeal).

C: DETAILS OF ANY OUTSTANDING CRIMINAL CHARGES

Please outline, to the best of your knowledge, any criminal charges that have been laid against the prisoner for offences against Australian law, which have not yet been dealt with by a court.

D: DETAILS OF ANY EXTRADITION PROCEEDINGS

Please outline, to the best of your knowledge, whether any foreign country has requested the prisoner's extradition.

The Australian *International Transfer of Prisoners Act 1997* does not allow a prisoner to be transferred to or from Australia if the transfer would be likely to prevent the surrender of the prisoner to any extradition country that has requested the prisoner's extradition or has expressed interest in extraditing him or her.

Please make sure you **sign** and **date** the form and return it to the address at the bottom of the form.

Guide to completing *Form 3: Application for transfer from Australia – prisoner on parole*

When completing *Form 3: Application for transfer from Australia – prisoner on parole*, please make sure that you answer all the questions and provide as much detail as possible. Your application may be delayed if you do not provide sufficient information.

2. A-E: PERSONAL DETAILS

Your responses to these questions will provide the Australian Government with the details it needs to identify you when corresponding with the relevant authorities in Australia and the transfer country.

Please provide your name, date of birth, place of birth and your current address.

If you have ever been known by a different name, please also provide that name.

F-G: CITIZENSHIP AND PASSPORT DETAILS

Your responses to these questions will allow Australia to establish your citizenship or residency status in the transfer country.

Please provide details of your country of citizenship.

Please provide your passport details including the date and place of issue, the passport number and the expiry date. If you do not have your passport, your parole officer should be able to provide these details.

If you do not answer these questions fully and to the best of your knowledge, there may be delays in processing your transfer application.

H: DETAILS OF TRANSFER COUNTRY

Your response to this question will let us know the area or region of the transfer country to which you seek to transfer. Australia will contact the authorities in the area or region that you identify, to ensure that your parole conditions will be continued in the transfer country.

I: COMMUNITY TIES

If you are a citizen of more than one country, or if you are not a citizen of the country to which you seek to transfer, you must provide details of any community ties you have with the transfer country.

You have community ties with a foreign country if:

- before being imprisoned in Australia, you lived in the foreign country
- your parent, grandparent or child lives in the foreign country

- you are married to, or have a de facto relationship with, a person who lives in the foreign country, or
- you have a close continuing relationship (involving frequent written or personal contact and a personal interest in the other person's welfare) with a person who lives in the foreign country.

Please provide the full name of each person and their contact details, such as address and telephone numbers. Please also advise when you last had contact with each person, whether you continue to have contact with them, and the manner (e.g. telephone, letters, visits) and frequency of the contact.

If you are a citizen or permanent resident of Australia, please also provide details of your community ties with Australia.

It is very important that you provide as much information as possible in response to this question, as the information you provide will be taken into account in assessing your transfer application.

If you need more space to complete your answer, please attach additional pages to the form.

Please make sure you **sign** and **date** the form and return it to the address at the bottom of the form.

Guide to completing *Form 4: Corrections details — prisoner on parole*

Form 4: Corrections details – prisoner on parole is to be completed by a corrections officer – **not** by the prisoner. Corrections officers should have access to the information needed to complete this form. The prisoner should be consulted as necessary.

A: DETAILS OF SENTENCE BEING SERVED

Your response to this question will provide the Australian Government with relevant details about the prisoner's sentence and will assist the Government to correspond with relevant authorities in a timely manner.

Please provide the following details:

- the offence(s) for which the prisoner was sentenced and is currently serving a parole period
- the time that the prisoner spent in a prison or institution for the offence(s) before he or she was released on parole
- the date that the sentence was imposed on the prisoner. Please also advise the date that the prisoner's sentence commenced. If the prisoner's sentence was changed as the result of an appeal, please provide the date that the prisoner was originally sentenced and the date on which the appeal court gave its decision.
- the date that the prisoner was released on parole
- the date that the prisoner's head sentence will end
- details of any pending or possible future appeal against the prisoner's conviction or sentence (including whether it is an appeal by the prisoner or the prosecution), and
- details of any other current legal proceeding (including any civil proceeding) in relation to the prisoner's conviction or sentence.

Please also provide any details of any Australian legal proceedings in which the prisoner is involved (e.g. if the prisoner is required as a witness in a co-accused's trial or appeal).

B: DETAILS OF ANY OUTSTANDING CRIMINAL CHARGES

Please outline, to the best of your knowledge, any criminal charges that have been laid against the prisoner for offences against Australian law, which have not yet been dealt with by a court.

C: DETAILS OF ANY EXTRADITION PROCEEDINGS

Please outline, to the best of your knowledge, whether any foreign country has requested the prisoner's extradition.

Please make sure you **sign** and **date** the form and return it to the address at the bottom of the form.



COMMONWEALTH OF AUSTRALIA

INTERNATIONAL TRANSFER OF PRISONERS ACT 1997

Privacy Information Sheet

Purpose

The purpose of this document is to provide you with additional information about the collection, use and disclosure of your personal information for the purposes of processing your application for transfer under the International Transfer of Prisoners (ITP) Scheme.

Collection, use and disclosure of personal information

The [Privacy Act 1988](#) (Cth) governs the Australian Government's handling of personal information. The Act contains 11 Information Privacy Principles that deal with the collection, use, disclosure, storage, protection and amendment of, and access to, personal information collected by the Government. The Attorney-General's Department (the Department), the Attorney-General and the Minister for Justice are required to uphold these principles.

With the exception of the ACT, the *Privacy Act 1988* does not apply to Australian State and Territory agencies or to foreign governments or agencies. However, each Australian State and Territory government has information privacy protections in place, as do many other countries.

Provisions of the [International Transfer of Prisoners Act 1997](#) (Cth) and regulations made under the Act require or authorise the collection, use and disclosure of a prisoner's personal information for the purpose of processing an application.

In accordance with Information Privacy Principle 11, the Department will not disclose personal information to a person, body or agency other than yourself unless:

- you have consented to the disclosure
- you are reasonably likely to have been made aware that information of that kind is usually passed to that person, body or agency
- the Department believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to your life or health or the life or health of another person
- the disclosure is required or authorised by or under law, or
- the disclosure is reasonably necessary for the enforcement of the criminal law, a law imposing a financial penalty, or to protect public money.

A person, body or agency that is bound by the Information Privacy Principles and to which your information is disclosed in accordance with Information Privacy Principle 11 may only use or disclose that information for the purpose for which it was provided to that person, body or agency.

In accordance with Information Privacy Principle 10, the Department will not use personal

information obtained for the purpose of processing a transfer application for any other purposes unless:

- you have consented to the use of the information for the other purpose
- the Department believes on reasonable grounds that use of the information for the other purpose is necessary to prevent or lessen a serious and imminent threat to your life or health or the life or health of another person
- use of the information for that other purpose is required or authorised by or under law
- use of that information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a financial penalty, or for the protection of public money, or
- the purpose for which the information is used is directly related to the purpose for which the information was obtained.

The Department must make such appropriate corrections, deletions and additions as are reasonable in the circumstances to ensure that your personal information is accurate, up to date, complete and not misleading.

Access to your personal information

In accordance with Information Privacy Principle 6, you are entitled to access records containing your personal information unless a law of the Commonwealth that provides for access by persons to documents requires or authorises refusal of access to that record.

What to do if you believe the Department has infringed your privacy rights

If you believe your privacy rights have been infringed by the Department, you may complain to the Department. You should contact the Governance and Planning Section on +61 2 6141 2542 or by writing to:

Director, Governance and Planning Section
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

If the Department fails to respond to your complaint within a reasonable time (usually 30 days), or if you are not satisfied with the way the Department deals with your complaint, you may complain to the Privacy Commissioner.

A complaint to the Privacy Commissioner must be in writing, and should include:

- the name of this Department
- a brief description of your privacy problem
- any action the Department has taken to fix the problem
- a description of any response you have had from the Department, and
- copies of any relevant documents.

You can send a letter of complaint to the Privacy Commissioner by post, fax or email. The contact details are:

Director, Compliance
Office of the Privacy Commissioner
GPO Box 5218
SYDNEY NSW 2001

Fax: +61 2 9284 9666

Email: privacy@privacy.gov.au

If you need help to make a complaint, please visit the Complaints section of the Privacy Commissioner's website (www.privacy.gov.au/privacy_rights/complaints/index.html) for more information or call the Privacy Enquiries Line on 1300 363 992.

Further information

If you would like any further information, please contact:

International Transfer of Prisoners Unit
International Crime Cooperation Central Authority
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Phone: +61 2 6141 6666

Email: itp@ag.gov.au

G. DETAILS OF TRANSFER COUNTRY: _____
[Set out details of the area or region

_____ (if any) of the transfer country to which you wish to be transferred and the name of any prison or
_____ institution to which you wish to be transferred]

H. COMMUNITY TIES: _____
[If you are not a citizen of the country to which you are

_____ applying to transfer, set out details of any community ties you have with that country]

Dated: _____

.....
Prisoner

To return this form or ask for further information, please contact:

Assistant Secretary
International Crime Cooperation Central Authority
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600
AUSTRALIA



COMMONWEALTH OF AUSTRALIA

Form 2 Corrections details – prisoner not on parole

(paragraph 6(a))

COMMONWEALTH OF AUSTRALIA

International Transfer of Prisoners Act 1997

PRISONER'S CORRECTION DETAILS

1. I, _____
[name of corrections official]

provide the following information about _____
[name of prisoner]

A. NAME OF PRISON OR INSTITUTION IN WHICH SENTENCE IS
BEING SERVED: _____

B. DETAILS OF SENTENCE BEING SERVED
[Set out the following information]

(a) offence(s) for which the sentence is being served; _____

(b) term of imprisonment, including any non-parole period, for which the
sentence is being served; _____

(c) date when the sentence was imposed; _____

(d) date of expected release (whether on parole or otherwise); _____

(e) details of any pending or possible future appeal against the conviction or sentence being served (including, if appropriate, the name of the appellant);

(f) details of any other current legal proceeding (including any civil proceeding) in relation to the conviction or sentence. _____

C. DETAILS OF ANY OUTSTANDING CRIMINAL CHARGES _____
[Set out details of any criminal charges under any Australian law that have not been dealt with]

D. DETAILS OF ANY EXTRADITION PROCEEDINGS _____
[Set out details of

any extradition proceeding that has been commenced in a foreign country]

Dated _____

.....
[Signature of corrections
official]

.....
[Title of corrections official]

To return this form or ask for further information, please contact:

Assistant Secretary
International Crime Cooperation Central Authority
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600
AUSTRALIA

G. PASSPORT DETAILS:

(a) date of issue: _____

(b) place of issue: _____

(c) number: _____

(d) date of expiry: _____

H. DETAILS OF TRANSFER COUNTRY _____
[Set out details of the area or region

_____ (if any) of the transfer country to which you wish to be transferred]

I. COMMUNITY TIES _____
[If you are not a citizen of the country to which you are

_____ applying to transfer, set out details of any community ties you have with that country]

Dated _____

.....
[Signature of Prisoner]

To return this form or ask for further information, please contact:

Assistant Secretary
International Crime Cooperation Central Authority
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600
AUSTRALIA

(g) details of any other current legal proceeding (including any civil proceeding) in relation to the conviction or sentence.

B. DETAILS OF ANY OUTSTANDING CRIMINAL CHARGES
[Set out details of any criminal charges under any Australian law that have not been dealt with]

C. DETAILS OF ANY EXTRADITION PROCEEDINGS
[Set out details of any extradition proceeding that has been commenced in a foreign country]

Dated _____

.....
[Signature of corrections official]

.....
[Title of corrections official]

To return this form or ask for further information, please contact:

Assistant Secretary
International Crime Cooperation Central Authority
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600
AUSTRALIA



COMMONWEALTH OF AUSTRALIA

INTERNATIONAL TRANSFER OF PRISONERS ACT 1997

Collection, use and disclosure of personal information

The purposes of this form are to:

- inform you about the information about you that will be collected and how that information will be treated by the Attorney-General's Department, the Attorney-General and the Minister for Justice.
- seek your consent to the collection, use and disclosure of your personal information, and
- allow you to nominate personal representatives to whom your personal information may be disclosed.

The *Privacy Act 1988* (Cth) governs the Australian Government's handling of personal information. The Act contains 11 Information Privacy Principles that deal with the collection, use, disclosure, protection and amendment of, and access to, personal information collected by the Government. Any Commonwealth employee who wrongfully discloses personal information may be subject to sanctions under the *Crimes Act 1914* (Cth) and the *Public Service Act 1999* (Cth).

Please read all of the information contained in this form before completing the declaration at section 4. If you do not wish your personal information to be collected, used and disclosed in the manner described below you may decline to sign the declaration and choose instead to either withhold or withdraw your application for transfer.

1 What information is collected, used and disclosed?

The following personal information may be collected, used or disclosed by the Attorney-General's Department, the Attorney-General and the Minister for Justice for the purposes of processing your application for prisoner transfer under the ITP Scheme, and keeping people informed about your case:

- the information contained in your application form
- your corrections details and sentence information including sentencing reports, police statement of facts and warrant of commitment
- your immigration or citizenship status
- information about your criminal history including criminal records in Australia and overseas
- information about any law enforcement activities involving you in Australia or overseas
- medical or mental health records including hospital reports and prison reports on your physical and psychiatric health
- court transcripts from your case in all relevant courts
- behavioural and program reports including drug and alcohol reports, any courses you have undertaken in prison and any incidents or disciplinary actions in prison, and
- information about the progress of your application.

The collection by the Attorney-General's Department, the Attorney-General and/or the Minister for Justice of the personal information described above is required or authorised by the *International Transfer of Prisoners Act 1997* (Cth) to the extent that that information relates to the processing of your application for transfer.

2 *Who will information be provided to?*

The Attorney-General's Department, the Attorney-General and the Minister for Justice may provide some or all of the information collected to:

- the Minister for Immigration and Citizenship
- the Minister in the Australian State or Territory you wish to transfer to or from
- correctional services in the Australian State or Territory you wish to transfer to or from, and
- agencies or people responsible for administering the ITP Scheme in the country you wish to transfer to or from.

Disclosure of your personal information to the people and agencies listed above is required or authorised by the *International Transfer of Prisoners Act 1997* (Cth) and regulations made under that Act.

The Attorney-General's Department, the Attorney-General and the Minister for Justice may provide some or all of the information collected to:

- the Department of Foreign Affairs and Trade
- the Department of Immigration and Citizenship
- Commonwealth and/or State or Territory Directors of Public Prosecutions
- the Australian Federal Police
- police services in the Australian State or Territory you wish to transfer to or from, and/or other Commonwealth, State or Territory law enforcement and/or intelligence agencies.
- agencies or people involved in facilitating your physical transfer
- court personnel
- health authorities in the Australian State or Territory you wish to transfer to or from, and
- community services authorities in the Australian State or Territory you wish to transfer to or from

Any information that the Attorney-General's Department, the Attorney-General or the Minister for Justice collects from, or discloses to, the agencies and people listed above will be collected or disclosed for the purpose of processing your application or keeping them informed about your case

3 *Personal representatives*

You may nominate additional people to whom the Minister for Justice, the Attorney-General and the Department can disclose your personal information including information about the progress of your application for transfer. Please ensure that you list below the details of any family members, friends or legal representatives you wish to have access to information about your application. If necessary, you may restrict the information that can be provided to your personal representatives in section 3.2 below.

3.1 Please list personal representatives with whom you consent to the Minister for Justice, the Attorney-General and the Attorney-General's Department discussing your transfer. You should try to seek the agreement of anyone you nominate below before providing us with their contact details.

Name _____

Relationship: _____

Address _____

Phone number _____

Email _____

Name _____

Relationship: _____

Address _____

Phone number _____

Email _____

Name _____

Relationship: _____

Address _____

Phone number _____

Email _____

3.2 Is there particular information that you do not wish to be shared with one or more of your personal representatives? Yes No

If yes, please detail the particular information and the personal representative(s) to whom you do not want the information disclosed.

4 Declaration

I understand that the Attorney-General's Department will handle my personal information in accordance with the *Privacy Act 1988* (Cth).

I understand that the collection, use and disclosure of my personal information by the Attorney-General's Department, the Attorney-General and the Minister for Justice is for the purpose of processing my application for transfer under the ITP Scheme and/ or informing relevant agencies and people about my prisoner transfer case.

I consent to my personal information being disclosed to:

- (a) the personal representatives listed above in section 3.1 of this form, subject to the limitations I have recorded at section 3.2, and
- (b) the departments, agencies and persons listed in section 2 of this form.

Name: _____

Signature: _____ Date: _____

Name of witness: _____

Signature: _____

To return this form or ask for further information, please contact:

Assistant Secretary
International Crime Cooperation Central Authority
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600
AUSTRALIA