

**INQUIRY INTO ISSUES RELATING TO THE OPERATIONS  
AND MANAGEMENT OF THE DEPARTMENT OF  
CORRECTIVE SERVICES**

**Organisation:** NSW Government  
**Name:** The Hon Bob Debus, MP  
**Position:** Attorney General  
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**Date Received:** 21/02/2006

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**Subject:**

**Summary**



ATTORNEY GENERAL

RECEIVED  
20/2/06  
Legislative Council  
GENERAL PURPOSE  
STANDING COMMITTEE

21 FEB 2006

RECEIVED

Hon Amanda Fazio MLC  
Committee Chair  
General Purpose Standing Committee No. 3  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

15 FEB 2006

Dear Ms *Amanda* Fazio

Thank you for your letters to the Attorney General's Department and myself inviting submissions to your Committee's Inquiry into issues relating to the operations and management of the Department of Corrective Services and related agencies.

I do not wish to comment on the operation and management of Corrective Services Industries or on the management of high-risk prisoners. I will comment on aspects of the scheme for the interstate transfer of prisoners.

The Prisoners (Interstate Transfer) Act 1982 ("the Act") was developed through the Standing Committee of Attorneys General (SCAG). The Act allows prisoners to be transferred from one State to another on welfare or trial (legal) grounds.

The Department of Corrective Services manages requests for transfers on welfare grounds under Part 2 of the Act. The Attorney General's Department manages requests for transfers on legal (trial) grounds under Part 3 of the Act.

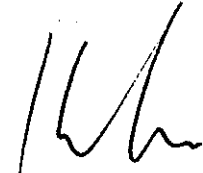
Part 3 enables prisoners to be transferred for legal purposes and requires the consent of the Attorneys General of the States in question. The spirit and intention of the Act is that a prisoner should be able to have matters outstanding against him or her in another State dealt with rather than being required to await extradition at the conclusion of a sentence. Sections 12 to 19 outline the requirements, including the necessary consents and order of transfer required to effect the transfer of a prisoner.

In practical terms, after my Department receives a request for a transfer for legal purposes, it will liaise with the relevant State to seek its consent to the transfer. It will also prepare a submission seeking my consent for the transfer. Once the necessary consents have been obtained, the Director of the Community Relations Division will prepare a certificate under section 13 of the Act. This certificate will be forwarded to the Department of Corrective Services who will then seek the order of transfer from a Local Court under section 14 of the Act.

The Attorney General's Department receives approximately 20 requests a year. It has not experienced any particular difficulties with the scheme. I understand that challenges to a transfer are rare.

Thank you for the opportunity to contribute to the Inquiry.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Bob Debus', written in a cursive style.

**BOB DEBUS**