



New South Wales

## Interstate Transfer of Inmates

The *Prisoners (Interstate Transfer) Act, 1982* provides a framework for inmates to apply and serve their sentences in Correctional Centres in States or Territories, other than that in which they were convicted. Applications for Transfer are invited and considered on “welfare” grounds (to transfer to another State or Territory due to welfare/family reasons) or “trial” grounds (to deal with matters in another State or Territory according to law).

Inmates should be aware, that the transfer process may only begin upon the Department receiving a completed application for transfer on the prescribed form (application form attached), including any relevant written supporting documentation that may assist in the claim for transfer. Incomplete applications will be held in abeyance, until the Department receives any requested information and or supporting documentation.

Applications for transfer should include details of any appeals lodged or outstanding charges. The application will also be held in abeyance, pending the outcome of any appeals or outstanding charges in the sending State or Territory.

The transfer process is both complex and lengthy, involving the requesting and preparation of various reports and, in the case of applications on welfare grounds, requiring the consent of both Ministers in participating States or Territories, and may take many months to complete. In the case of applications on trial grounds, consent both Attorney’s General in the participating States or Territories is required.

Should the application be approved by both participating States or Territories, arrangements will be made for the transfer.

Articles of inmates property that cannot be taken on escort (one carry on bag allowed), is either to be disposed of, after receiving the written consent of the inmate or arrangements being made for the property to be forwarded to any other address, at the inmate’s own risk and expense. The Welfare Officer and or the Prisoners Aid Association may assist with these arrangements.

With regard to the inmate’s private cash, a cheque should be made out and given to the Escorting Officer’s for delivery to the General Manager of the receiving Correctional Centre.

## **Welfare Transfers**

Applications for transfer from inmates on welfare grounds (using the prescribed form) are invited from sentenced inmates, who have at least six months remaining to be served on their sentences or non-parole periods and who are able to provide details and substantiate in writing:

- a. support of family or near family support in the participating State or Territory, including their names, addresses and telephone numbers,
- b. details regarding the availability of post-release accommodation and employment,
- c. family or other social circumstances that may benefit the welfare of the inmate either during imprisonment or following release from a Correctional Centre,
- d. medical reasons (if any) in support of the application
- e. any other matter the inmate wishes to put forward in support of the application.

It should be noted, that an inmate cannot specify the Correctional Centre that he or she wish to transfer to, as upon transfer, an inmate will be received in a Reception Correctional Centre and internal placement procedures of that State or Territory will then apply.

## **Trial Transfers**

Applications for transfer on trial grounds (using the prescribed form) are invited from sentenced inmates or by the Attorney General of the participating State or Territory, so that matters in the participating State or Territory can be dealt with according to law.

Inmates should be aware that, there must be an arrest warrant in existence in the participating State or Territory.

An inmate's application should include details and or supporting documentation regarding:

- a. the nature of the alleged offence(s)
- b. the date of the alleged offence(s)
- c. the court where the proceedings are pending
- d. details of any arrest warrant(s)
- e. name and location of relevant Police Officer's

An inmate who transfers to a participating State or Territory on trial grounds and receives a sentence in the receiving State or Territory that is greater than the period remaining on the sentence from the sending State or Territory, will remain in the receiving State or Territory. Otherwise, the inmate will be transferred back to the sending State or Territory, unless they apply to remain on welfare grounds.

Those eligible inmates wishing to apply for an interstate transfer on welfare or trial grounds can download the application form from the Department's Intranet, under Forms & Templates/Sentence Administration Forms/Interstate Transfer of Inmates - Welfare Grounds and Interstate Transfer of Inmates – Trial grounds.