



New South Wales

# Prisoners (Interstate Transfer) Regulation 2024

under the

Prisoners (Interstate Transfer) Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Prisoners (Interstate Transfer) Act 1982*.

ANOULACK CHANTHIVONG, MP  
Minister for Corrections

## Explanatory note

The object of this regulation is to repeal and remake, with minor changes, the *Prisoners (Interstate Transfer) Regulation 2019*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation prescribes the following—

- (a) the officers who may certify that a consent to or request for the transfer of a prisoner has been given or made,
- (b) the way in which certain orders and documents must be certified,
- (c) the persons who may make an application for the revocation of an order of transfer.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

## Contents

	Page
1 Name of regulation	3
2 Commencement	3
3 Definitions	3
4 Consent to transfer prisoner to participating State—the Act, s 13	3
5 Certification of documents—the Act, s 26	3
6 Application for revocation of order of transfer—the Act, s 34	3
7 Repeal and savings	4

## Prisoners (Interstate Transfer) Regulation 2024

under the

Prisoners (Interstate Transfer) Act 1982

### 1 Name of regulation

This regulation is the *Prisoners (Interstate Transfer) Regulation 2024*.

### 2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

**Note**— This regulation repeals and replaces the *Prisoners (Interstate Transfer) Regulation 2019*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definitions

In this regulation—

**Commissioner** has the same meaning as in the *Crimes (Administration of Sentences) Act 1999*.

**Department** means the department in which the Act is administered.

**the Act** means the *Prisoners (Interstate Transfer) Act 1982*.

**Note**— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

### 4 Consent to transfer prisoner to participating State—the Act, s 13

For the Act, section 13(2), the following are prescribed officers—

- (a) the Secretary of the Department,
- (b) the General Counsel of the Department.

### 5 Certification of documents—the Act, s 26

(1) For the Act, section 26(2), a copy is certified if the copy includes the following—

- (a) a statement by the Commissioner, or an officer of Corrective Services NSW authorised by the Commissioner to certify the copy, that the copy is a true and accurate copy of the original order or document,
- (b) the name and position of the person certifying the copy,
- (c) the person's signature.

(2) In this section—

**Corrective Services NSW** has the same meaning as in the *Crimes (Administration of Sentences) Act 1999*.

### 6 Application for revocation of order of transfer—the Act, s 34

The following offices and positions are prescribed—

- (a) the Attorney General,

- (b) the Minister,
- (c) the Commissioner,
- (d) the Director of Public Prosecutions.

**7 Repeal and savings**

- (1) The *Prisoners (Interstate Transfer) Regulation 2019* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Prisoners (Interstate Transfer) Regulation 2019*, had effect under that regulation continues to have effect under this regulation.