



## Permits for Absence – Procedures

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### 1. Introduction

Prisoners may be permitted to be absent from prison in accordance with [Policy Directive 9 – Permits for Absence](#), these Procedures and s 83(1)(a) of the *Prisons Act 1981*. The purpose of these Procedures is to ensure consistency across prisons regarding the approval and management of external activities.

### 2. Definitions and acronyms

<b>activity</b>	A reference in this policy to an activity, activity programme or external activity is taken to mean an approved external activity (Refer to <a href="#">Policy Directive 53 – External Activities</a> ).
<b>after hours</b>	After 1600 hours and before 0800 hours on weekdays, all hours on weekends and on public holidays.
<b>approving authority</b>	The person or class of persons to whom the Commissioner has delegated the authority to approve an absence permit.

<b>Authorised Assistant Superintendent</b>	The Assistant Superintendent or Manager Assessments (or in the case of privately operated prisons, the relevant Assistant Director) of the prison whose responsibilities include prisoner management and/or assessments. The Authorised Assistant Superintendent is authorised by the Designated Superintendent to undertake the responsibilities as per this policy.
<b>Designated Superintendent</b>	The Superintendent as defined in s 36 of the <a href="#">Prisons Act 1981</a> and includes any reference to the position responsible for the management of a private prison under Part IIIA of the <a href="#">Prisons Act 1981</a> .
<b>employment related activity</b>	Any activity that enhances a prisoner's prospects of gaining paid employment following release from prison. This includes education / vocational training, seeking employment, work experience with an employer, and paid employment.
<b>ESG</b>	Emergency Support Group.
<b>furthering the interests of justice</b>	To attend a place for the purpose of facilitating the investigation of an offence or the administration of justice by state or federal police or other law enforcement agency (Does not include attendance at a court or other body with judicial authority).
<b>HSE</b>	High Security Escort – an escort of a prisoner on the HSE List and conducted in accordance with <a href="#">Policy Directive 82 – Prisoner Movements</a> .
<b>generally</b>	Where the word 'generally' is used in any provision in this policy, it is taken to mean that what is stated in that provision is the intention, and may only be varied in exceptional circumstances.
<b>IMP</b>	Individual Management Plan.
<b>MAP</b>	Management and Placement Checklist (Remand or Sentenced).
<b>'one off' absences</b>	In certain cases, a prisoner who is not part of a structured PEP may be approved for 'one off' absences for employment related activities under s 95 of the <a href="#">Prisons Act 1981</a> (refer to <a href="#">Policy Directive 53 – External Activities</a> ). These absences include such activities as job interviews, short courses, driver training, obtaining work clothing, opening a bank account, registering with a Job Services Australia Provider but do not include paid employment and work experience.
<b>PEP</b>	Prisoner Employment Program.
<b>primary carer</b>	The main person currently or previously responsible for the day-to-day care and responsibility for a child either by formal or informal arrangement. In regard to Section 10, 'primary carer' means a prisoner who has a child residing in prison, approved in accordance with <a href="#">Policy Directive 10 – Child Residency and Extended Visits with Children</a> .
<b>prison</b>	As defined in ss 3 or 23 of the <a href="#">Prisons Act 1981</a> . Any reference in this policy to a prison includes an external facility/work camp.

<b>RIL</b>	Re-Integration Leave.
<b>short course</b>	A course provided by an education / training provider that does not exceed a total of 4 weeks in duration, and may include full-time or part-time attendance.
<b>superintendent</b>	The Designated Superintendent or Officer in Charge of a public prison, the Director or Officer in Charge of a private prison.
<b>supervision</b>	The monitoring and recording of a prisoner's movements. Refer to <a href="#">Policy Directive 53 – External Activities</a> for further details in regard to the supervision of prisoners participating in external activities.
<b>TOMS (Total Offender Management Solution)</b>	An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to offenders in custody which facilitates their effective management.

### 3. Eligibility

- 3.1** To participate in absence permits under s 83(1)(a) of the [Prisons Act 1981](#), (see below table), a prisoner must have achieved a current minimum security rating.
- 3.2** Prisoners of any security rating may be eligible for an absence permit under s 83(1)(b)(c) and (d) of the Prisons Act 1981.
- 3.3** Prisoners detained under the Criminal Law (Mentally Impaired Accused) Act 1996
- 3.3.1 An accused person who is detained in prison on a custody order under s 22(1)(c) of the Criminal Law (Mentally Impaired Accused) Act 1996 is only eligible under this policy for an absence permit as per s 32(2) of that Act for the purposes of:
- the facilitation of the provision of medical or health services to the accused; or
  - the furthering of the interests of justice.
- 3.3.2 An accused person who is detained in prison on a custody order under s 22(1)(c) of the Criminal Law (Mentally Impaired Accused) Act 1996 may be eligible to be for a leave of absence order under s 28 of that Act, and where applicable is to be referred to the Mentally Impaired Accused Review Board for consideration.

## 4. Approving authority

ACCO – Assistant Commissioner Custodial Operations

ACRS – Assistant Commissioner Re-entry and Services

DCAJS – Deputy Commissioner Adult Justice Services

<i>Prisons Act 1981</i>	Reason	Prisoner classification	Recommender (may NOT approve applications for permits for absence)	Approver / Recommender	Approver	Approver for Interstate Absence Permits (regulation 54O)
83(1)(a)	<b>Section 95 approved external activities</b>	<b>Minimum security prisoners only</b> who meet the suitability and eligibility requirements as specified in <a href="#">Policy Directive 53 – External Activities</a>	<b>Authorised Assistant Superintendent</b> May <i>deny</i> progression of application or <i>recommend</i> application to progress to the approver.	<b>Designated Superintendent</b> May <i>approve</i> prisoners other than those who are liable for an order under the <i>Dangerous Sexual Offenders Act 2006</i> , are liable for or have been confirmed for removal from Australia or have a current offence in the category of 'highest' on the Offence Severity Scale <b>OR</b> May <i>recommend</i> prisoners who liable for an order under the <i>Dangerous Sexual Offenders Act 2006</i> , are liable for or have been confirmed for removal from Australia or have a current offence in the category of 'highest' on the Offence Severity Scale	<b>ACRS (or delegate)</b> May approve prisoners who liable for an order under the <i>Dangerous Sexual Offenders Act 2006</i> , are liable for or have been confirmed for removal from Australia or have a current offence in the category of 'highest' on the Offence Severity Scale <b>OR</b> In the absence of the ACRS, the <b>DCAJS</b>	<b>DCAJS or Commissioner</b>
83(1)(a)	<b>Prisoner visit to mother of their child immediately post birth</b>	<b>Minimum security prisoners only</b> (refer <a href="#">Policy Directive 9 – Permits for Absence</a> )	<b>Authorised Assistant Superintendent, officer authorised by the Designated Superintendent or OIC</b> May recommend or not recommend the application to progress to the approver.	<b>During office hours:</b> <b>Manager Release Planning;</b> <b>Manager Sentence Management;</b> <b>Departmental Representatives – Prisoners Review Board</b> May <i>deny</i> the application or <i>recommend</i> the application progress to the approver. <b>After office hours:</b> <b>DCS Operations Team</b> May recommend or not recommend the application to progress to the approver.	<b>ACRS (or Director Sentence Management as delegate)</b> <b>OR</b> In the absence of the ACRS, the <b>DCAJS</b>  <b>Superintendent Administration</b>	N/A



<b>Prisons Act 1981</b>	<b>Reason</b>	<b>Prisoner classification</b>	<b>Recommender (may NOT approve applications for permits for absence)</b>	<b>Approver / Recommender</b>	<b>Approver</b>	<b>Approver for Interstate Absence Permits (regulation 54O)</b>
				<b>Relevant Deputy Commissioner</b> May approve or deny applications that have been denied by the Superintendent.		
83(1)(b)	<b>Primary carer to attend a medical appointment with a resident child</b>	<b>All prisoners</b> who have residential children in accordance with <a href="#">Policy Directive 10 – Child Residency and Extended Visits with Children</a> ) other than HSE prisoners or those serving life / indefinite sentences.	N/A	<b>Director Sentence Management Manager Release Planning; Departmental Representatives – Prisoners Review Board</b> May <i>deny</i> the application or <i>recommend</i> the application progress to the approver.	<b>Superintendent Operations or ACCO</b> May approve or deny the application.  <b>Relevant Deputy Commissioner</b> May approve or deny applications that have been denied by the Superintendent.	N/A
		<b>HSE prisoners or prisoners serving life or indefinite sentences</b>	N/A	<b>Director Sentence Management (in consultation with the Director Security and Response Services)</b>  May <i>deny</i> the application or <i>recommend</i> the application progress to the approver.	<b>Superintendent Operations or ACCO (in consultation with the Director Security and Response Services)</b> May approve or deny the application  <b>Relevant Deputy Commissioner</b> May approve or deny applications that have been denied by the Superintendent.	N/A

<b>Prisons Act 1981</b>	<b>Reason</b>	<b>Prisoner classification</b>	<b>Recommender (may NOT approve applications for permits for absence)</b>	<b>Approver / Recommender</b>	<b>Approver</b>	<b>Approver for Interstate Absence Permits (regulation 54O)</b>
83(1)(b)	<b>Other Compassionate Leave</b> (refer <a href="#">Prisons Order 6/2019 – Compassionate Leave</a> )	<b>All prisoners</b>	<b>Superintendent or OIC</b>	<b>N/A</b>	<b>Relevant Deputy Commissioner</b>	<b>Relevant Deputy Commissioner</b>
83(1)(c)	<b>The facilitation of the provision of medical or health services to prisoners</b>	<b>All prisoners other than HSE prisoners</b>	<b>Authorised Assistant Superintendent or OIC (after hours)</b>	<b>During office hours:</b> Designated Superintendent or OIC <b>After office hours:</b> OIC		N/A
		HSE prisoners	<b>Authorised Assistant Superintendent or OIC (after hours)</b>	<b>During office hours:</b> Designated Superintendent or OIC plus notification in line with <a href="#">Policy Directive 82 - Prisoner Movements</a> and notification to the ESG as a matter of priority. <b>After office hours:</b> OIC plus notification in line with <a href="#">Policy Directive 82 - Prisoner Movements</a> and notification to the ESG as a matter of priority.		
83(1)(d)	<b>The furthering of interest of Justice other than Court appearances</b>	All prisoners	<b>DCS Operations Team</b> <i>May recommend or not recommend the application to progress to the approver.</i>	<b>ACCO</b> OR <b>DCAJS</b>		<b>DCAJS</b>

## **5. Application for a permit under s 83(1)(a) and (b) of the *Prisons Act 1981***

- 5.1 A prison staff member will assist the prisoner with the application process, including writing the application if necessary.
- 5.2 The prisoner's application should provide full details including the purpose, circumstances, period of leave required and any other relevant information.
- 5.3 Where a written application is required, prisoners should make an application through an Application for Review (C164), PEP application form or Re-integration Leave application form. However, this does not preclude a prisoner making an application through a letter addressed to the Designated Superintendent.

## **6. Assessment of application for all absence permit types under s 83(1)(a) and (b) of the *Prisons Act 1981***

- 6.1 If a prisoner meets the eligibility requirements to apply for the absence permit, the Authorised Assistant Superintendent shall request an officer to commence assessing the application including risk and security considerations which may include completing a relevant Checklist. The assessment may also include an evaluation of costs, transport arrangements, supervision requirements, validity and justification of the absence.
- 6.2 The assessing officer shall also check all applications for the existence of victim issues and where a prisoner applying for an absence permit has conditions pertaining to victims, ensure that the conditions are stipulated in the application.
  - 6.2.1 Where a prisoner has applied for participation in Re-integration Leave, the PEP and/or Compassionate Leave, the Authorised Assistant Superintendent shall inform the Victim Notification Register of the application.
  - 6.2.2 Where a referral has been made to the Victim-offender Mediation Unit (VMU) and a report has not been finalised, the Authorised Assistant Superintendent shall inform the VMU of the prisoner's application for Re-integration Leave and/or the PEP.
- 6.3 In making a recommendation or decision regarding an application for an absence permit, officers, Superintendents and approving authorities shall consider and address in their recommendations / decisions, issues dealing with:
  - Risk to the safety of the public
  - Likelihood of successfully completing the absence
  - Behaviour whilst in custody
  - A prisoner's management as a Public Protection Strategy prisoner; and
  - Any information provided by the Corrective Services Intelligence Directorate.
- 6.4 In determining the risk to the safety of the public, officers, Superintendents and approving authorities shall consider the following factors that may affect conditions or restrictions placed on the absence:
  - The prisoner's escape history
  - The prisoner's offence history including the nature and seriousness of offences and pattern of offending behaviour
  - The outcome (including cancellation) of any previous absence permits granted to the prisoner

- The prisoner's prison charge history and any prison management reports
- The interests of the victim and the existence and effect of any restraining order/other court orders.

**6.5** The Designated Superintendent shall not permit prisoners identified as being the respondent in a Restraining Order to engage in any activity outside the prison that may lead to a breach of the conditions of the order.

**6.6** Where other than the Designated Superintendent/Authorised Assistant Superintendent is the approving authority, the Authorised Assistant Superintendent shall forward the application with any reports prepared in assessing the application and a recommendation to the approving authority unless otherwise indicated.

## **7. Rehabilitation and re-integration of prisoners (s 83(1)(a) Prisons Act 1981)**

### **7.1 Prisoner visit to mother of their child immediately post birth**

7.1.1 Only minimum security prisoners are eligible to apply to visit the mother of their child at a medical facility immediately after the birth of the prisoner's child.

7.1.2 The prison is to complete the relevant checklist, confirm the relationship between the prisoner and the mother and have the relevant medical facility provide advice confirming the birth of the child. The prisoner will not undertake a visit until after the child has been born.

7.1.3 The prison is to then forward the documentation to Sentence Management to progress for a decision by the relevant delegated authority as per the table in [Section 4](#). After office hours, documentation is to be forwarded to the DCS Operations team for a decision by the Superintendent Administration.

7.1.4 Generally, prisoners with an active 'Restricted Visits' alert prohibiting visits with children will not be considered favourably unless certain child visits have been approved in line with [Adult Custodial Rule 7 – Communication - Visits](#).

### **7.2 External activities (s 95 Prisons Act 1981 activities)**

Refer to [Policy Directive 53 – External Activities](#) for application, assessment and approval processes.

### **7.3 Prisoner Employment Program**

Refer to [Policy Directive 68 - Prisoner Employment Program](#) for application, assessment and approval processes.

### **7.4 Re-integration Leave**

Refer to [Policy Directive 66 - Re-Integration Leave](#) for application, assessment and approval processes.

## 8. Compassionate leave (s 83(1)(b) Prisons Act 1981)

### 8.1 Funerals

8.1.1 Funerals shall include other like activities in relation to the death of a person, such as memorial services, viewing the deceased and visiting the gravesite.

8.1.2 Generally, a prisoner will not be approved to attend a viewing unless that prisoner is unable to attend other funeral like activities.

8.1.3 When the prison first becomes aware of a potential application for a prisoner to attend a funeral they are to enter the details in the Funeral Register on TOMS and commence the relevant Checklist.

### 8.2 Visiting dangerously ill persons

8.2.1 A person is considered dangerously ill where medical advice indicates that their illness or injury is life threatening and should be treated as imminent.

8.2.2 When a prisoner applies for a permit to visit a dangerously ill person they are to email the [AC-SM-Funerals](#) with the details of the application along with the dangerously ill person's name, location of the dangerously ill person, proposed time and date to visit (if known) and the prisoner's name requesting to attend.

8.2.3 The prison should ensure the details for the application to visit a dangerously ill person are entered into the relevant Checklist.

8.2.4 After hours applications may be approved by the Superintendent Administration who will inform the relevant superintendent of the decision in writing. If after hours, the prison is to initially contact the Adult Justice Services Operations Duty Manager who will inform the Superintendent Administration of the application. The Superintendent Administration will then provide all documentation to Sentence Management for processing the next working day.

8.2.5 Generally, only a single visit will be approved to visit a dangerously ill person.

### 8.3 Compassionate leave (both funerals and visiting dangerously ill persons)

8.3.1 The Department has financial and security limitations in relation to a prisoner's attendance at a funeral or visit to a dangerously ill person. The limitations are prescribed in [Appendix 1 - Security and Financial Limitations](#).

8.3.2 Generally, where an application is found to be within the limitations prescribed in [Appendix 1 - Security and Financial Limitations](#), only immediate family relationships will be considered favourably. Exceptional relationships may also be considered favourably where it is a primary carer relationship.

8.3.3 The Designated Superintendent of the prison at which the prisoner makes an application to attend a funeral or visit a dangerously ill person, shall have responsibility for ensuring that an officer records and verifies information given by the prisoner.

8.3.4 While completing the relevant checklist, officers shall consider the type of the relationship between the prisoner and the deceased / dangerously ill person. Officers should only recommend attendance if the deceased or

**Revoked and replaced by  
[Prisons Order 06/2019 –  
Compassionate Leave](#)**

dangerously ill person is an immediate family member or if the Officer considers the relationship to be exceptional (eg primary carer).

- **Immediate family** includes Biological / legal mother, father, sister, brother, son, daughter, grandparent or current husband, wife or de-facto partner of the prisoner. It does **not** include nephew / niece, cousin, uncle / aunt, grandchild, great grandparent, in-law or other extended family.
- **Exceptional relationship** is generally limited to a primary carer relationship only. Only the Assistant Commissioner Re-Entry and Services or Assistant Commissioner Custodial Operations (or a higher approving authority) can approve an absence permit for this type of relationship after recommendation by Sentence Management (or after hours, the DCS Duty Operations Team).

## Revoked and replaced by Prisons Order 06/2019 – Compassionate Leave

- 8.3.5 In assessing an application for a permit to visit a dangerously ill person, the Designated Superintendent shall ensure an officer has obtained and documented the following information, where applicable, as required, including:
- establishing the validity or importance of the stated relationship
  - any other persons who are likely to be attending the activity with the prisoner and if so, whether they are likely to be attending
  - any security considerations
- 8.3.6 Where a prison has recommended a prisoner attend a funeral or visit a dangerously ill person, the Authorised Assistant Superintendent shall make arrangements for the prisoner's temporary transfer to the prison closest to the planned activity, subject to security considerations. This does not include prison-to-prison transfers in the metropolitan area.
- 8.3.7 The Authorised Assistant Superintendent shall ensure that the receiving prison is advised of the reason for transfer and provide all relevant information available at that time, to the receiving prison.
- 8.3.8 The prisoner is to be advised that, at this stage, their application is still being considered and may or may not be approved.
- 8.3.9 Where a prisoner has applied to visit a dangerously ill person or attend a funeral like activity in a residential property, Sentence Management shall request the Director Security and Response Services to provide a recommendation in relation to the application with regard to the personal safety of the community, prisoner and/or staff.
- 8.3.10 All applications from High Security Escort prisoners recommended by Sentence Management are to be referred to the Superintendent Administration for approval in consultation with the Director, Security and Response Services.
- 8.3.11 After hours applications are to be referred by the superintendent to the Superintendent Administration via the Adult Justice Services Operations Duty Manager. The Superintendent Administration will forward notification of the decision to the superintendent via the Adult Justice Services Operations Duty Manager. In cases of after hours decisions the Superintendent Administration will provide all documentation to Sentence Management for processing on the next working day.
- 8.3.12 For all other prisoners the Assistant Commissioner Re-Entry and Services, and the Deputy Commissioner Adult Justice Services may approve absence

permits for the prisoners to attend funerals or a visit to a dangerously ill person

- 8.3.13 The Sentence Management Directorate will advise the Authorised Assistant Superintendent and/or prison management of the decision.
- 8.3.14 The Authorised Assistant Superintendent shall immediately, upon notification of the outcome of the application, instruct an officer to advise the prisoner verbally of the decision and reasons for the decision. The officer is to enter a 'Note' on TOMS stating that the prisoner has been advised and the prisoner's reaction to the decision. If the application is not approved, the officer shall also advise the prisoner of the appeals process.
- 8.3.15 Upon notification of the approval of an application, the Authorised Assistant Superintendent shall instruct an officer to effect the necessary escort and transport arrangements and complete an absence permit and the Transfer and Discharge Management System (TOMS) form.
- 8.3.16 Prison management is responsible for determining what level of operational security is required for a prisoner to attend a funeral or visit to a dangerously ill person. Minimum requirements are defined in Policy Directive 8 – Prisoner Security.
- 8.3.17 If the prisoner decides to withdraw their application for attendance at a funeral the prison is to arrange for the prisoner to sign Appendix 3 - Withdrawal of Application to Attend Funeral. The prison will then forward a copy of the written withdrawal to Sentence Management.

## **Revoked and replaced by Prisons Order 06/2019 – Compassionate Leave**

### **8.4 Appeals and alternatives to attendance**

- 8.4.1 A prisoner has the right to one (1) appeal only against a decision relating to attendance at a funeral or visit to a dangerously ill person.
- 8.4.2 Prisoners are ineligible to appeal decisions made by the Commissioner.
- 8.4.3 If the prisoner wishes to appeal the decision, they are to be provided with and assisted to complete (if required) the Appendix 2 - Appeal – Funeral Attendance/Visit to Dangerously Ill Person. Prisoners are to provide further information addressing the reason for non-approval to prison staff. Prison staff shall then forward the new information to Sentence Management by way of an email or fax.
- 8.4.4 Any additional information received from family and/or community members is to be supplied in writing to the prison facility and sent via fax to Sentence Management by prison staff. This information will only be considered in the event the prisoner has decided to appeal a decision.
- 8.4.5 Once the additional information has been received by Sentence Management in writing, the application will be re-assessed.
- 8.4.6 Appeals will be considered by the next higher level of delegated authority from the decision maker in relation to the initial application.
- 8.4.7 The Authorised Assistant Superintendent (or delegate) will be advised of the appeal outcome. Upon notification of the outcome of the appeal, the Authorised Assistant Superintendent shall instruct an officer to advise the prisoner verbally of the decision and record this in 'Notes' on TOMS. If the appeal is dismissed the officer shall also record the response or reaction from the prisoner.

8.4.8 Prison officers are not to refer prisoners' families to Sentence Management to discuss funeral/visit to dangerously ill person applications.

8.4.9 Where a prisoner has not been approved to attend a funeral / visit a dangerously ill person the alternatives to attendance include the following:

- Having the prisoner transferred to the nearest prison for visits with family and community members - refer to [Adult Custodial Rule 18 - Assessment and Sentence Management of Prisoners](#).
- Conducting a memorial service within the prison.
- Facilitating flexible visiting arrangements with family during this time.
- Assisting the prisoner to write something to be read out at the funeral.
- Facilitating e-visits with family members before, during and/or after a funeral.
- Video linking to funeral proceedings at the time of the proceedings.
- Playing back a recording of the funeral.
- Facilitating all other significant support options.
- Any other options that the Authorised Assistant Superintendent considers appropriate.

## **Revoked and replaced by [Prisons Order 06/2019 – Compassionate Leave](#)**

8.4.10 The Authorised Assistant Superintendent should consider offering at least one (1) of the options under Section 8.4.9 should a prisoner's application not be approved. These options should be considered regardless of the reason for not approving an application.

8.4.11 Some prisoners may suffer adverse emotional reactions if not approved to attend funerals in person. In line with the [ARMS Manual](#), prison staff should be vigilant for the impact of a denial to attend a funeral / visit a dangerously ill person and make an At Risk Management System (ARMS) referral if there are any concerns regarding risk of self harm or suicide. In addition, liaison with the Aboriginal Visitors Scheme, Peer Support and/or Prison Counselling Services should occur where applicable if staff have concerns about prisoners' reactions.

### **8.5 Interstate funerals and visits to dangerously ill persons**

8.5.1 Prisoners are ineligible to apply for attendance to a funeral occurring interstate or visit to a dangerously ill person located interstate.

### **9. Other compassionate leave**

9.1 Other compassionate leave, which cannot be classified as a funeral or visit to a dangerously ill person, can be considered under this section.

9.2 Other compassionate leave will only be considered in exceptional circumstances.

9.3 Applications will be considered where an event or situation is causing grave difficulty or extreme stress to the prisoner or to a person with a significant relationship to the prisoner.

9.4 Sentence Management may not approve the application or choose to recommend the application to the Commissioner for consideration. Approval of other compassionate leave can only be determined by the Commissioner. There is no right of appeal to the Commissioner's decision.

9.5 Other compassionate leave shall not include birthdays, reunions, award ceremonies and weddings / receptions. Prisoners are ineligible to apply for these events.

## **10. Primary carers attending medical appointment with a resident child**

- 10.1** Primary carers with resident children in prison approved in accordance with [Policy Directive 10 – Child Residency and Extended Visits with Children](#) may be approved for an absence permit, to accompany a resident child who has an external medical appointment.
- 10.2** All requests for approvals by prisoners who are subject to High Security Escort requirements or who are serving a life/indefinite sentence are to be referred to the Superintendent Administration for consultation with the Director, Security and Response Services. The Superintendent Administration will forward notification of an approval (or otherwise) to the Designated Superintendent. The Superintendent Administration is available after hours through the Adult Justice Services Operations Duty Manager.
- 10.3** For all other prisoners, the Designated Superintendent may approve an absence under this section.
- 10.4** Primary carers who have an approved Care Plan may be approved for an absence permit under this section, without the need for a checklist to be completed.
- 10.5** Normal security considerations apply to the absence, including escort and restraint provisions as per [Policy Directive 82 – Prisoner Movements](#).
- 10.6** The approval is to be recorded on the Transfer and Discharge Sheet in TOMS.
- 10.7** The Authorised Assistant Superintendent shall instruct officers to advise the prisoner verbally of the decision and record the notification in the prisoner's Unit file and 'Notes' on TOMS.

## **11. Facilitation of medical or health services (s 83(1)(c) Prisons Act 1981)**

- 11.1** The Designated Superintendent, or in the absence of the Designated Superintendent, the Authorised Assistant Superintendent (or after hours, the superintendent) may approve absence permits for prisoners to attend medical, dental, hearing, optical or other ancillary health appointments for assessment or treatment. The prisoner is not required to make an application.
- 11.2** Prisoners may only attend medical appointments as arranged by the Department's Health Services.
- 11.3** The Department's Health Services shall provide the Designated Superintendent with relevant details, when a prisoner needs to attend a medical or health appointment outside the prison. The completion of a checklist is not required.
- 11.4** The Designated Superintendent shall approve the removal of the prisoner and provide in writing any conditions or restriction required to maintain the safe custody of the prisoner during the absence.
- 11.5** In the event that prison officers are to undertake the escort, the Authorised Assistant Superintendent shall instruct an officer to undertake a risk assessment, identify any potential issues and make recommendations regarding security and escort arrangements in accordance with [Policy Directive 82 – Prisoner Movements](#).
- 11.6** In the case of a prisoner being admitted to hospital for a life threatening illness / injury, the superintendent shall inform the Superintendent Administration immediately. Notification to the prisoner's next of kin is to be conducted in accordance with [Policy Directive 82 – Prisoner Movements](#).

11.7 For High Security Escort prisoners, refer to [Policy Directive 82 – Prisoner Movements](#).

## **12. Absence to further the interests of justice (s 83(1)(d) Prisons Act 1981)**

12.1 This section does not apply where a prisoner is to attend court – refer [Section 12](#).

12.2 The Assistant Commissioner Custodial Operations (ACCO) or Deputy Commissioner Adult Justice Services (DCAJS) may permit a prisoner to be absent from prison for the purpose of furthering the interest of justice, where the Department receives a written request for a particular prisoner to attend a particular place, at a particular time for a reason given. Where the prisoner has initiated the request, he/she is to lodge a written application.

12.3 The ACCO or DCAJS, before granting an absence permit for the purpose of furthering the interest of justice, shall satisfy themselves about the following matters:

- that the requirement for the prisoner’s presence is bona fide
- the identity of the person and the organisation making the request is confirmed
- that the date, time and place requested are correct.

12.4 The completion of a checklist is not required.

12.5 The ACCO or DCAJS shall record the details of the person making the request on the permit and sign the permit before forwarding a copy of the permit to the Designated Superintendent of the prison where the prisoner is in custody.

12.6 The permit shall be consistent with the requirements as outlined in Part VIII of the [Prisons Act 1981](#) and Division 9 of the [Prisons Regulations 1982](#).

12.7 The Designated Superintendent shall execute the instructions within the permit.

12.8 Following the execution of the permit, the Designated Superintendent shall ensure a copy of the permit is forwarded to the Corporate Records Management for archiving.

12.9 Where the escort is not provided by the external agency making the request (ie WA Police, Australian Federal Police or Corruption and Crime Commission), the Department may undertake the escort in line with [Policy Directive 82 – Prisoner Movements](#).

## **13. Court appearances**

13.1 Attendance at Court does not require an absence permit and is progressed by an order issued by the Court under s 85(1) of the [Prisons Act 1981](#) or by the Designated Superintendent under r 54V of the [Prisons Regulations 1982](#).

13.2 Where a Subpoena and Order for Production is issued by an interstate Court under the [Service and Execution of Process Act 1992](#) (Cth), an order under s 85 or absence permit under s 83 of the [Prisons Act 1981](#) is not required.

## **14. Interstate absence permits**

14.1 Interstate absence permits may only be approved by the Deputy Commissioner Adult Justice Services or the Commissioner, in accordance with the table at [Section 5 – Approving Authority](#).

14.2 If the absence permit is in relation to an approved external activity under s 83(1)(a) of the [Prisons Act 1981](#) that involves a cross-border activity, approval may be granted by the Deputy Commissioner Adult Justice Services.

**14.3** Otherwise, the Deputy Commissioner Adult Justice Services shall not permit a prisoner to be absent from prison for the purpose of a prisoner travelling interstate for the purposes described in s 83(1)(a) or s 83(1)(c) of the [Prisons Act 1981](#) without the approval of the Commissioner.

**14.4** This section does not apply to interstate transfers facilities in accordance with the [Prisoners \(Interstate Transfers\) Act 1983](#) which are approved as stipulated in that Act.

**15. The absence permit**

**15.1** For the prisoner to undertake Re-Integration Leave, the PEP, leave the prison on compassionate grounds or to visit the mother of their child immediately post birth, the prisoner is to be provided with a copy of the absence permit (not the application for an absence permit) and it is to be on the prisoner’s person at all times while absent from the prison.

**15.2** No prisoner is to proceed on an external activity from a prison or work camp unless an absence permit has been made in line with this section of this policy.

**15.3** A permit shall include the name(s) of the prisoner(s), reason for and period of the absence(s), (including an allowance for travelling time), and conditions of the permit in accordance with the regulations.

**15.4** A permit shall be in the following formats:

<b>Reason for absence</b>	<b>Absence Permit format</b>
Re-integration Leave	Absence Permit on TOMS and the Movement Sheet – Re-integration Leave
Prisoner Employment Program	Absence Permit on TOMS and the Movement Sheet – PEP
Compassionate leave (funeral attendance or visit to a dangerously ill person)	Compassionate leave (funeral attendance or visit to a dangerously ill person): Absence Permit on TOMS, the Transfer and Discharge Sheet and the Offender Movement Information Sheet
Visit to mother of their child immediately post birth	Absence Permit on TOMS, the Transfer and Discharge Sheet and the Offender Movement Information Sheet
External Activities	Transfer and Discharge Sheet
Primary carer to attend a medical appointment with a resident child	Medical Appointment Form, the Transfer and Discharge Sheet and the Offender Movement Information Sheet
The facilitation of the provision of medical or health services to prisoners	Medical Appointment Form and the Offender Movement Information Sheet
Furthering the interest of justice	Absence Permit – s.83(1)(d) and the Offender Movement Information Sheet.

- 15.5** Where an Absence Permit on TOMS is required, it is to be completed in line with the Absence Permit Module Procedure Manual for custodial staff.
- 15.6** The approving authority may issue written instructions providing for additional conditions or restrictions that shall apply to the permit and those instructions shall form part of the permit. The prisoner is to be made aware of these additional conditions.
- 15.7** The Designated Superintendent shall determine and provide instructions about the security arrangements for any permit, including the level of supervision or restraint required.
- 15.8** Where applicable, the absence permit shall specify the level of supervision applicable.
- 15.9** As a standard condition, a prisoner absent from prison under a permit shall comply with any order or direction given by an officer or other person responsible for the supervision of the prisoner.
- 15.10** To avoid confusion, an absence permit may be given in relation to more than one (1) prisoner and/or more than one (1) absence.
- 15.11** All prisoner movements are to be conducted in line with [Policy Directive 82 – Prisoner Movements](#).

## **16. Record keeping**

- 16.1** All permits for absence must be retained by the prison while the permit is active.
- 16.2** When the absence permit is no longer required at the prison it must be forwarded through the internal mail to the Corporate Records Management for archiving.

## **17. Policy review**

This policy is to be reviewed on a biennial basis. Procedures and relevant appendices to this policy may be amended by the Deputy Commissioner Adult Justice Services as necessary to reflect changes to prison processes.

## **18. Applicability**

Applies to all public and private prisons

## 19. Approved

Commissioner

Signature:



Date:

10 February 2015

## 20. Policy sponsor

Assistant Commissioner Re-Entry and Services

## 21. Contact person

The following persons may be approached on a routine basis in relation to this policy:

Superintendent Administration

Manager Release Planning

Principal Operational Policy Officer

## 22. Amendment history

Version no and description		Approved	Effective date
1.	First published	14 May 2001	14 May 2001
2.	Policy amended	3 April 2007	4 April 2007
3.	Policy amended	11 September 2007	20 September 2007
4.	'Relevant Instruments' amended	13 August 2012	13 August 2012
5.	Policy amended and Appendix added	28 August 2012	4 September 2012
6.	Policy amended - -- title change from Dept Commissioner Offender Services and Professional Development to Assistant Commissioner Re-Entry and Services	20 November 2012	6 December 2012
7.	Policy amended	14 October 2013	25 October 2013
8.	Policy amended – inc. process for absence for external activities moved to Policy Directive 53 – External Activities.	10 February 2015	20 February 2015
9.	Policy amended in accordance with the introduction of Prisons Order 06/2019 – Compassionate Leave	31 October 2019	18 November 2019
10.	Policy amended in accordance with the introduction of Prisons Order 06/2019 – Compassionate Leave	26 June 2020	26 June 2020