Purpose
Where a prisoner is required or entitled to be present at court or investigative proceedings, the superintendent shall facilitate the attendance of the prisoner at such proceedings.

Definitions
Judicial Body
in accordance with s 3 of the Prisons Act 1981

Warrant
A written order of a judicial body, including a Bring Up Order (Includes Courts, Tribunals, Royal Commission, CCC)

Policy
1. General
1.1 The superintendent shall ensure prisoners do not miss court appearances or are transported unnecessarily to court.

1.2 Prisoners shall not require an Absence Permit for the purpose of attending court or investigative proceedings.
2. **Orders issued by a Judicial Body**

2.1 Where the superintendent receives a written order (warrant) from a judicial body directing that a prisoner be brought up to a place named in that order, the superintendent shall record the details and make the necessary arrangements to facilitate the prisoner’s attendance at those proceedings.

3. **Where the Judicial body has not issued an order**

3.1 Where the superintendent receives a request to bring up a prisoner to be present at the proceedings of a judicial body and no written order from that body exists, once satisfied the request is genuine, the superintendent may, by a written order, direct the prisoner to be brought up in accordance with s 85 of the *Prisons Act 1981* and relevant regulations.

**Procedure**

1. **Confirmation of Details**

1.1 Where a superintendent receives a request indicating that a judicial body requires that a prisoner be present at proceedings, the superintendent shall have an officer independently confirm that:

   a) the requirement of the prisoner’s presence is bona fide
   b) the identity of the person or organisation making the request for the prisoner to be brought up is bona fide
   c) the date, time and place requested are correct
   d) the purpose of the Order is in accordance with s 85 of the *Prisons Act 1981*.

2. **Procedure for Processing an Order**

2.1 Where a judicial body has issued a warrant, the superintendent shall record the information on the warrant and cause the prisoner to attend the place described in the order at the time and the day so indicated.

2.2 Where a judicial body has not issued a warrant and requests the attendance of a prisoner they shall provide the prison with details of the prisoner’s name, and the date, time and the place the prisoner is required to attend. The superintendent, once satisfied that a request is genuine shall issue a written order for the prisoner to be brought to that place at the time indicated.

3. **Execution of Orders**

3.1 The superintendent shall cause the execution of the order, including the arrangement of any escort or other security procedures.

3.2 The superintendent may permit prisoners removed from the prison to attend court to wear personal (non-prison) clothing.

3.3 The superintendent shall forward a copy of all orders (whether issued by the judicial body or the superintendent), made under s 85 of the *Prisons Act 1981* to the Sentence Management Branch.
Applicability
This policy shall apply to all prisons and prisoners.

References
*Prisons Act 1981* – ss 3 and 85

Approved
Commissioner: Ian Johnson
Signature:
Date: 4 April 2007

Policy Sponsor
General Manager Adult Custodial.

Contact Person
The following person may be approached on a routine basis in relation to this policy:
Principal Operational Policy Officer
Telephone: 9264 1958