



Policy Directive 37

Discharge of a Prisoner

Relevant Instruments:

- [Bail Act 1982](#)
- [Community Protection \(Offender Reporting\) Act 2004](#)
- [Criminal Law \(Mentally Impaired Defendants\) Act 1996](#)
- [Dangerous Sexual Offenders Act 2006](#)
- [Prisoners \(International Transfer\) Act 2000](#)
- [Prisoners \(Interstate Transfer\) Act 1983](#)
- [Prisons Act 1981](#)
- [Prisons Regulations 1982](#)
- [Sentence Administration Act 2003](#)
- [Sentencing Act 1995](#)
- [Transfer of Prisoners Act 1983](#)
- [Policy Directive 9 –Permit for Absence](#)
- [Policy Directive 41 – Reporting of Incidents and Additional Notifications](#)
- [Policy Directive 53 – External Activities](#)
- [Policy Directive 82 – Prisoner Movements - Procedures](#)
- [Policy Directive 85 – Prisoner Reception](#)

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1. Purpose

The purpose of this policy is to implement consistent standards with regard to the lawful release of prisoners.

2. Scope

This policy applies to all public and privately operated prisons.

3. Policy

Prisoners shall be released from lawful custody on the day their sentence expires but not earlier than that day unless authorised in accordance with s 31 of the [Prisons Act 1981](#).

Prisoners shall be released from lawful custody within a reasonable time upon bail/surety conditions being satisfied.

Wherever practicable, prisoners will be discharged from the prison closest to the place to which the prisoner will be returning, particularly where prisoners are being assisted to return to regional or remote locations. This is consistent with the Department's re-entry philosophy.

The Deputy Commissioner Adult Custodial shall approve and maintain operational procedures consistent with this policy, to be published as Discharge of a Prisoner – Procedures, and relevant appendices.

4. Policy Review

This Policy Directive is to be reviewed on a triennial basis. Appendices to this Policy Directive may be amended by the Deputy Commissioner Adult Custodial as necessary to reflect changes to prison procedures.

5. Approved

Commissioner:

Signature:



Date: 17 March 2014

6. Policy sponsor

Deputy Commissioner Adult Custodial

7. Contact person

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

Principal Operational Policy Officer

8. Amendment history

Version	Approved	Effective from
1. First published	14 May 2001	May 2001
2. Amended	10 December 2003	9 June 2004
3. Amended	4 April 2007	30 April 2007
4. Amended	3 June 2009	3 June 2009
5. Amended	22 November 2010	24 November 2010
6. Amended	17 March 2014	11 April 2014