



Youth Custodial Rule 801

Authorised absence from detention

Legislation referred to: [Young Offenders Act 1994](#)
[Young Offenders Regulations 1995](#)
[Mental Health Act 1996](#)

1. Purpose

The purpose of this Youth Custodial Rule is to provide principles relating to the authorised absence of a detainee from a Youth Custodial Services (YCS) facility. Standing Orders will give effect to this Youth Custodial Rule.

The purpose of an authorised absence of a detainee from detention is to enhance rehabilitation opportunities, to facilitate medical treatment not otherwise available in custody, enable funeral attendance of cultural significance or visits to a seriously ill family member.

2. Scope

This Youth Custodial Rule applies to all YCS staff, volunteers and contractors and should be read in conjunction with all relevant Youth Custodial Rules, Standing Orders and Departmental policies and procedures.

3. Principles

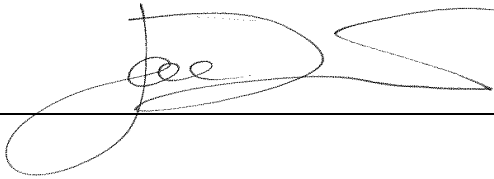
- 3.1 In accordance with s188 (4) of the [Young Offenders Act 1994](#) the Chief Executive Officer may authorise in writing for a detainee to be absent from a detention centre for a period not exceeding 72 hours. This authorisation is to specify the time, period and purpose for the absence.
- 3.2 In accordance with s179 (2) of the [Young Offenders Act 1994](#) if the Superintendent of a detention centre is advised by a medical officer, or is for any other reason of the opinion, that a detainee at the detention centre requires medical treatment that cannot, by reason of impracticality or urgency, be administered within the detention centre, the Superintendent is to order that the detainee be removed from the detention centre for the purpose of receiving the (medical) treatment. Medical treatment includes psychiatric treatment as defined in s3 of the [Mental Health Act 1996](#).
- 3.3 Eligibility requirements and conditions detailed in the Standing Orders shall be followed for all authorised absences.

Approval


Rule made pursuant to Section 181 (1) of the *Young Offenders Act 1994* and *Young Offenders Regulations 1995*, by the Commissioner being the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister for Corrective Services.

On the 13th day of March 2014

Minister



Commissioner



On the recommendation of the Deputy Commissioner Youth Justice Services and the Director Youth Custodial Services.



**Deputy Commissioner
Youth Justice Services**



**Director
Youth Custodial Services**

Version history

| Version | Approved | Effective from |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|
| First published as Juvenile Custodial Rule 404 - Removal of Detainees from Detention Centres for Medical Reasons, Juvenile Custodial Rule 801 - Authorised Absence from Detention, Juvenile Custodial Rule 802 - Funeral Attendance by Detainees and Juvenile Custodial Rule 803 - Discretionary Day Leave and Day Release Program | 25 April 2001 | 25 April 2001 |
| Above rules amended | 17 July 2008 | 17 July 2008 |
| Rules 404, 801, 802 and 803 consolidated, renumbered and renamed – Youth Custodial Rule 801 - Authorised absence from detention | 27 August 2012 | 27 August 2012 |
| Rule updated and procedural detail moved to Standing Orders | 13 March 2014 | 5 May 2014 |