

Prisoners are able to apply for leaves from prison for a number of reasons. All leaves are called 'Custodial Community Permits', but there are two types of leaves. The first are called 'Corrections Administration Permits', and the second type are 'Rehabilitation and Transitional Permits'.

Corrections Administration Permits

These leaves are for:

- **Health – medical** – If you need to attend a hospital in an emergency or for medical treatment that is not available in the prison, then you go on this type of leave. You do not need to do any of the paperwork for this type of leave as the prison does it all.

- **Disability** – If you are a prisoner with an intellectual disability then you may be able to get a leave to have contact with a DHS case worker, but it is more likely that they would come to you (*see note).

- **Administration of justice** – there are 5 reasons for these leaves:

1. If you have a **legal matter** and the Court, Commission, Board or Tribunal does not have the power to issue a gaol order for you to attend, then you may be able to get a leave for this reason. For example the Federal and High Court cannot issue a gaol order, so if you wanted to attend if you were representing yourself, then you would need to arrange a gaol order yourself (*see note)

2. If you are going in to **police protection** or to assist the police. You do not need to do any of the paperwork for this type of leave as the prison and the police will do it.

3. If you have a **co-accused** in your case and you need to talk with them about your defence, then leaves can be granted to take you to another prison for a case conference between prisoners who are co-accused. But, these leaves are rare so you will need to provide very good reasons why, in writing, by the lawyers for both prisoners. There may be an issue for the lawyers in terms of creating a conflict of interest (*see note).

4. If you are involved in some type of **Restorative Justice** activity which is not ordered by the court, but which is run under a Department of Justice program that aims to repair the harm caused by your offences. Note - this program has been in the planning stages for over 10 years.

5. If you need to attend **Community Corrections** for some reason you may be granted leave, but it is more likely they will come to you. Unless there are special circumstances, for example you need to be guided through the CCS and reporting for parole, you may not be able to get this type of leave (*see note)

- **Emergency – funerals and serious illness** – If you can prove that you have a 'long-standing and close personal relationship' with a person who dies or is seriously ill and likely to die soon, then you may be able to get a leave for this reason. You can attend the funeral or visit the person in hospital or at home, but generally they ask you to choose which option. This is the most important leave in this category and you will need to put some work in to the application, and you will need to prove that the relationship is both long-standing and close (*see note).

- **Emergency – exceptional circumstances** – If there is a domestic or personal crisis situation that cannot be appropriately resolved from within the prison on a visit, then you may be able to have a leave for this reason. Leaves are rarely granted (*see note).

- **Inter-prison visits** – If a member of your immediate family such as your husband, wife, legal de facto (including same sex partner), a parent, child or sibling is in prison, then you may be able to get leave to visit them. You would need to have a good reason for this visit, just staying in touch would not be good enough as you can have inter-prison phone calls and letters (*see note).

* *Please note:* You would need to do the work in putting the application together. You will need to fill out the application form and the Review and Assessment (R & A) form and provide as much information to support your application as you can put together. If you need help putting the application together then ask a prisoner you trust or your caseworker. Make sure you fill the application out right to give you the best chance.

Rehabilitation and transitional permits

A 'rehabilitation and transitional permit' leave aims to help prepare prisoners for release. They are used for:

- **Community assistance** – this means bush gangs and working just outside the prison in the store or the grounds. Some prisons also have 'community gangs' which work on projects in the community.

- **Physical fitness** – this means going to a local sports centre or oval and participating in an organised sport.

- **Education** – this means attending a TAFE or some other course which is directly related to the employment you have arranged for after your release.
- **Family ties and visits** – this means that if you have a family issue to sort out before you are released and you need to talk about that at the family home, rather than in the prison, then you can have a leave for that.
- **Job seeking and employment** – although these are not granted very often, and usually only to prisoners in remote areas such as Beechworth.
- **External appointments for reintegration** – this means that if you think you will have difficulty with something like finding the Community Corrections office you have to report to, or dealing with the people at the office. You would need support from clinical staff to say that you need practice in dealing with people in the outside world.

- **Independent living tasks** – this means getting used to public transport. If you have been in prison for 20 years or more, it could also mean shopping trips and attending the bank, using an ATM and other things like that.
- **Community support** – this means connecting with organisations like AA or NA in the area that you are going to go so you don't turn up cold when you get out.

- **Health appointments** – this means that if you have a serious health issue and you need to establish a relationship with a health service provider before the day you are released, then you could attend beforehand to make that contact.

To obtain this kind of leave you need to show that there is a clearly identified rehabilitative purpose for the leave. There has to be a 'need' and the goal of the leave is to address that need. For example if a prisoner has been in for a number of years and they no longer have a drivers' licence and so will be using public transport when they are released, it may be a number of years since they have used public transport. They will need to become familiar with how the system works – this could be addressed by one or two leaves.

Special Category / Major Offenders

If you are a special category or a major offender prisoner then any leave will be a much more difficult process. Getting leave is like everything else in prison, you will only get out what you put in. So do the work and you will give yourself the best chance.

Refer to fact sheet ' [Classification – Special Category and Major Offenders](#) ' for more information on this security rating.

Further information

This fact sheet contains general information only and is not a substitute for obtaining legal advice. If you would like advice regarding a specific problem please contact one of the legal services listed in [contacts](#) or contact the Law Institute of Victoria's Legal Referral Service on 9607 9311.