Section 41: Pursuant to s41 of the *Corrections Act 1997*, the Director may authorise a prisoner or detainee to be absent from a prison for any reason. The *Corrections Act 1997* does not impose any restrictions on the reasons for this type of leave.

Prisoners granted an authorisation to be absent from prison pursuant to s.41 must be accompanied by a correctional officer, probation officer or other person authorised by the Director.

Section 42: Pursuant to s42 of the *Corrections Act 1997*, the Director may grant a leave permit to a prisoner or detainee authorising a prisoner or detainee to be absent from a prison for one of the purposes in s42(1)(a)-(h).

The intention of s42 leave is to promote pro-social behaviour, enhance or maintain links between prisoners, their families and the community, and reduce the risk of recidivism. For example, s42 leave can apply to family resocialisation, attending the funeral of a near relative, attending training/educational courses and performing community work.

S.42(3)(a) and (b) provide that leave permits granted must specify the period during which a prisoner may be absent from the prison, and may include certain conditions. These conditions (as set out in s.42(4)) could include a requirement that the prisoner is accompanied by a correctional officer, probation officer or other person authorised by the Director.

In relation to s.42 leave, the duration of a leave permit is for the minimum amount of time necessary to achieve the purpose of the leave or complete the approved activity. A s.42 leave permit may authorise an unlimited number of leave absences, but no one leave absence may exceed 72 hours.

A leave permit:

* is a written authority permitting a prisoner or detainee to be absent from a prison for a specified period of time
* may be issued for one or more occasions and for one or more purpose
* may authorise an unlimited number of leave absences, but no one leave absence is to exceed 72 hours
* will not normally be issued during extended public holiday periods such as Easter, Christmas and the New Year.

The duration of a leave permit will be for the minimum amount of time necessary to achieve the purpose of the leave or to complete the approved activity.

In the 2017-18 financial year, 32 prisoners were absent from prison pursuant to s.41 and 79 prisoners were granted leave pursuant to s.42.

Information regarding the classification of prisoners at the time of being granted leave is not held. Classification information on prison systems relates to a prisoner’s current classification.

Because of the large number of instances of leave and authorised absences (as set out below) it is not possible to determine the reasons for leave being granted in each case.

The number of leave absences[[1]](#footnote-1) granted for each reason is as follows:

* + Cultural: 19
	+ Family re-socialisation: 285
	+ Education: 1 781
	+ Funeral/serious illness: 60
	+ Work release – community: 5 776
1. Figures relating to the number of leave absences do not reflect the number of leave permits issued, as a leave permit may authorise multiple absences. [↑](#footnote-ref-1)