

Australian Capital Territory

# Corrections Management (Transitional Release Leave (Community-based Employment)) Operating Procedure 2023

Notifiable instrument NI2023–91

made under the

**Corrections Management Act 2007, s14 (Corrections policies and operating procedures)**

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## 1 Name of instrument

This instrument is the *Corrections Management (Transitional Release Leave (Community-based Employment)) Operating Procedure 2023\**.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of corrections services.

Ray Johnson <sup>APM</sup>  
Commissioner  
ACT Corrective Services  
15 February 2023

\*Name amended under Legislation Act, s 60



<b>OPERATING PROCEDURE</b>	<b>Transitional Release Leave (Community-based Employment)</b>
<b>OPERATING PROCEDURE NO.</b>	<b>D26.11</b>
<b>SCOPE</b>	<b>Transitional Release</b>

## STATEMENT OF PURPOSE

To provide instructions to Transitional Release staff regarding the processing of detainee Transitional Release Leave applications for community-based employment. For information regarding other forms of leave, please see the *D26.12 Transitional Release Leaves (ex Community-based Employment) Operating Procedure*.

## PROCEDURES

### 1. Access to Leave for community-based employment

- 1.1. Detainees approved for Transitional Release may access leave for community-based employment. Refer to *D26.8 Transitional Release Community-based Employment Operating Procedure*.
- 1.2. Detainees may access leave for community-based employment in accordance with their stage within Transitional Release:
  - a. **Stage 1:** Detainees are only permitted to undertake employment within AMC (i.e. Stores, Grounds etc)
  - b. **Stage 2:** Detainees are only permitted to undertake employment within AMC (i.e. Stores, Grounds etc) or as part of the Transitional Release Work Crew
  - c. **Stage 3:** Detainees are permitted to undertake employment within AMC (i.e. Stores, Grounds etc), as part of the Transitional Release Work Crew or with an approved external employer.
- 1.3. The amount of leave in each month required to meet the detainee's employment goals will be determined by the *D26.F3: Transitional Release Case Plan*.
- 1.4. Where a detainee's *D26.F3: Transitional Release Case Plan* includes employment interstate, the Assistant Commissioner Custodial Operations must provide a recommendation to the Commissioner regarding the application.
- 1.5. The Commissioner must consider the relevant risk factors and identified mitigation strategies before approving or refusing the leave.

### 2. Leave application process for community-based employment

- 2.1. Following the approval of the employer and sponsor by the Director Reintegration in accordance with the *D26.8 Transitional Release Community-based Employment Operating Procedure* and *Transitional Release Sponsors (Community-based Employment) Operating Procedure*, an Offender Reintegration (OR) Employment Officer must complete *the D26.F5: Transitional Release Leave Application & Permit*.

- 2.2. An OR Employment Officer must provide the following information to the delegate (as per section 2.3) who must make a decision based on the information gathered:
  - a. D26.F56: Work Provider Application
  - b. Director Reintegration approval
  - c. D26.F5: Transitional Release Leave Application & Permit
- 2.3. The D26.F5: Transitional Release Leave Application & Permit must be approved at the following levels:
  - a. for leave within the ACT – Assistant Commissioner Custodial Operations
  - b. for interstate leave – Commissioner, ACT Corrective Services
- 2.4. Once approved, an OR Employment Officer must coordinate and action the community-based employment in consultation with the Transitional Release Team Leader.
- 2.5. The approved D26.F5: Transitional Release Leave Application & Permit must be uploaded to CORIS by an OR Employment Officer.

### **3. Prior to Leave for community-based employment**

- 3.1. All D26.F5: Transitional Release Leave Application & Permit must be uploaded to CORIS, distributed by email to relevant parties, and a copy given to the detainee prior to their approved leave commencing. Relevant parties include all Transitional Release staff and AMC Operations Managers, with the email being cc'd to the Assistant Commissioner, Custodial Operations, Senior Director Operations, Director Reintegration and ACTCS Intelligence Unit.
- 3.2. Transitional Release staff must ensure that the detainee understands their obligations under the leave permit prior to leave

### **4. Spending money during community-based employment**

- 4.1. Detainees with sufficient funds in their trust accounts may request to transfer funds into an external bank account for spending during leave using the F1.F2: External Payment Request form and outlining the reasons for the request. The only restriction on the amount a detainee can transfer is having sufficient funds in the detainee's AMC trust account.
- 4.2. The F1.F2: External Payment Request form must be emailed to JACS AMC Finance who forward the request onto a Custodial Officer Grade 4 (CO4) for approval for spending during the detainee's Transitional Release Leave.
- 4.3. Requests under section 4.2 must be managed in accordance with the Detainee Trust Fund Management Policy for special external payment requests.

### **5. On Return from Leave for community-based employment**

- 5.1. Detainees and their property may be searched upon their return from leave in accordance with the Transitional Release Policy and the Searching Policy.
- 5.2. Only items approved during the leave application process by the Assistant Commissioner Custodial Operations or the Senior Director Operations can be bought back from leave by the detainee. Any additional items which have not been approved must be placed in the detainee's property in line with the Detainee Property Policy 2022

- 5.3. Detainees may be subject to alcohol and/or drug testing upon their return from leave under the *Drug and Alcohol Testing in Correctional Centres Policy*. Transitional Release staff must request drug testing occur if the detainee displays any behaviour which indicates the detainee may have used drugs while on leave. Random drug testing may also occur on a detainee's return from leave at least once a month.

## RELATED DOCUMENTS

- Transitional Release Policy
- Transitional Release Staged Approach to Reintegration Operating Procedure 2022
- Community-Based Employment Application and Assessment Operating Procedure
- Transitional Release Sponsors (Community-based Employment) Operating Procedure
- Drug and Alcohol Testing in Correctional Centres Policy
- Searching Policy
- Detainee Property Policy 2022
- Detainee Trust Fund Management Policy



Narelle Pamplin  
Assistant Commissioner Offender Reintegration  
ACT Corrective Services  
25 January 2023

## Document details

Criteria	Details
Document title:	<i>Transitional Release Leave (Community-based Employment) Operating Procedure 2023</i>
Document owner/approver:	Assistant Commissioner Offender Reintegration, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Offender Reintegration
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2022</i>

<b>Version Control</b>			
<b>Version no.</b>	<b>Date</b>	<b>Description</b>	<b>Author</b>
V1	September-22	First Issued	L Spulak
V2	December-22	Continual Revision	J Papadopoulo