



## REPUBLIC OF VANUATU

### CORRECTIONAL SERVICES ACT NO. 10 OF 2006

#### Correctional Services (Temporary Release) Regulation Order No. 48 of 2006

In exercise of the powers conferred on me by paragraph 68(2)(n) of the Correctional Services Act No. 10 of 2006, I, Honourable ISABELLE DONALD, Minister of Justice and Social Welfare, make the following Order.

An Order to regulate the temporary removal under custody or release of a detainee.

#### **1 Temporary release**

Any approved temporary removal under custody or release of a detainee from a Correctional Centre in accordance with this regulation is a temporary release.

#### **2 Considerations for temporary release of a detainee**

When considering any temporary release the Director must have regard to all of the following:

- (a) whether the temporary release may pose an undue risk to the community;
- (b) the extent to which the detainee is to be supervised;
- (c) the benefits to the detainee or community in facilitating the reintegration of the detainee into the community;
- (d) whether the period of the temporary release would undermine the integrity of any sentence being served by the prisoner.

#### **3 Temporary release of a detainee awaiting trial or sentence**

- (1) The Director may approve the temporary release of a detainee awaiting trial or sentence on compassionate or medical grounds provided that the detainee remains under the supervision of at least one correctional officer.
- (2) The period of a temporary release on compassionate grounds must not be greater than that required to reasonably address the purpose of the temporary release.

- (3) Despite subclause (2), a period of a temporary release on compassionate grounds must not be more than 12 hours.
- (4) The period for a temporary release on medical grounds is to be determined by the Director in accordance with medical advice.

#### **4 Temporary release of a sentenced detainee**

- (1) The Director may approve the temporary release of a sentenced detainee.
- (2) The Director must issue to a sentenced detainee an Approval Form as set out in Schedule 1, which contains the following information:
  - (a) detainee details:
  - (b) the purpose of the temporary release and relevant supporting information:
  - (c) the conditions of the Temporary release including the time and date of the temporary release and the time and date of the detainee's return to the Correctional Centre:
  - (d) where appropriate, the name of the person or organisation which will sponsor the detainee during the period of temporary release and to assist in ensuring any conditions of temporary release are adhered to by the detainee.
- (3) All sponsors must be provided with a copy of the Approval Form.

#### **5 Compassionate grounds**

- (1) For the purposes of this Regulation **compassionate grounds** means the temporary release of a detainee in the event of any of the following circumstances:
  - (a) a death of an immediate family member; or
  - (b) a major illness of an immediate family member: or
  - (c) an event of major significance as assessed by the Correctional Centre Manager.
- (2) In such circumstances as described in paragraphs 5(1)(a), (b), and (c), the Correctional Centre Manager must receive documentation or representation from a family member or community member in relation to the event.

#### **6 Temporary release of a sentenced detainee for the purposes of rehabilitation or reintegration**

- (1) The Director may approve the temporary release of a sentenced detainee for the purposes of attending courses on health, social or general education.

- (2) A temporary release may be granted for the purposes of reintegration with the detainee's family or community and must only be granted in the latter part of a detainee's sentence.
- (3) A temporary release may be granted for the purpose of attending a significant custom ceremony and a release for such purpose must require supporting documentation or representation from a person or persons of significant standing in the detainee's community in support of the detainee's attendance.

#### **7 Temporary release of a sentenced detainee to attend work**

- (1) The Director may approve the temporary release of a sentenced detainee for the purposes of attending work.
- (2) The Director will determine the times and period of release, and the conditions of the release.

#### **8 Costs**

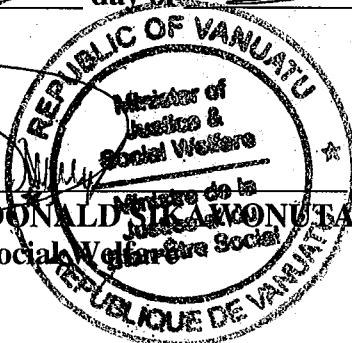
- (1) A detainee or his or her family members may be required to meet the expenses arising from a temporary release on compassionate grounds.
- (2) In an event where more than one escorting officer is considered necessary, only the cost of one officer is charged.
- (3) The charges that may be required to be met by a detainee or his or her family members include:
  - (a) the fares of the detainee and one escorting officer;
  - (b) traveling allowances and expenses, for one officer;
  - (c) one officer's salary to the nearest hour from time of departure to time of return.
- (4) To avoid doubt, this clause applies to both detainees awaiting trial or sentence and sentenced detainees.

#### **9 Commencement**

This Order commences on the day on which it is made.

Made at Port Vila this 13<sup>th</sup> day of December 2006

  
Honourable ISABELLE DONALD SIKAIWONUTA  
Minister for Justice and Social Welfare



**SCHEDULE 1**

<b>TEMPORARY RELEASE - DIRECTOR APPROVAL FORM</b>
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<b>PRISONER SURNAME, FIRST NAME(S):</b>		<b>SENTENCE DATE:</b>
<b>PRISON:</b>	<b>SENTENCE:</b>	<b>PAROLE ELIGIBILITY DATE:</b>
<b>OFFENCE(S):</b>	<b>SECURITY RATING:</b>	<b>SENTENCE END DATE:</b>

<b>REASON FOR TEMPORARY RELEASE</b>
<b>SUPPORTING INFORMATION (LOCATION, DURATION, SPONSOR):</b>
<p>Is the proposed activity part of the detainee's sentence management plan?          YES / NO / NOT APPLICABLE (circle one)</p>

<b>CONDITIONS OF TEMPORARY RELEASE</b>
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<b>TIME AND DATE OF TEMPORARY RELEASE</b>	<b>TIME AND DATE OF RETURN TO CORRECTIONAL CENTRE</b>
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<b>SUPPORTING DOCUMENTS</b> (please tick) :	<input type="checkbox"/> Sentence Plan
<input type="checkbox"/> Misconduct/Incident Reports	<input type="checkbox"/> Other, <i>state</i>
<input type="checkbox"/> Prisoner submissions	

<b>PRISON MANAGER'S RECOMMENDATION:</b>	<b>SIGNATURE / DATE:</b>
	(Prison Manager)                                  /        /

**DIRECTORS USE ONLY**

► **COMMENT:**

► **RECOMMENDATION** (circle one):

*NOT SUPPORTED / PRISON MANAGER'S RECOMMENDATION SUPPORTED AS STATED / SUPPORTED SUBJECT TO:*

(Signature

Position

Date)