



## **COMMUNITY JUSTICE COALITION**

**Pre 2011 State Election submission and questionnaire for  
specific reforms to the NSW Prison System**

**NSW GOVERNMENT SUBMISSION**

**FEBRUARY 2011**

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## **High Economic and social cost of the decade long 'law and order' campaigns failure to reduce crime**

Will you commit to addressing causes of crime in 'law and order' campaigns through positive programs which also have regard to the health, education, disability, welfare and housing systems.

Yes. The Government has already introduced a raft of diversionary positive court programs which seek to engage offenders in treatment for problems relating to health, education, disability, welfare and housing. These include the MERIT program, the CREDIT program, the Drug Court, reforms to ICOs, and Forum and Circle Sentencing amongst others.

Will you commit to increasing investment into social crime prevention such as problem solving courts and diversionary schemes including the Drug Court, MERIT scheme, section 32 and 33 applications under the *Mental Health (Forensic Provisions) Act 1990* (NSW) and youth justice conferencing.

The Government has only recently committed an additional \$4 million to expand the Drug Court to the Hunter region.

The Government will continue to review and consider further options for social crime prevention programs

Will you commit to amending sentencing legislation to remove mandatory sentencing and to restore to the judiciary greater discretionary sentencing functions under the law.

The premise of the question is wrong. There is no mandatory sentencing legislation in NSW. In fact, unlike the Opposition, the NSW Government has consistently opposed mandatory sentencing.

## **Lack of incentives for prisoners to rehabilitate as the result of the truth in sentencing policy**

Will you commit to restorative justice and social support measures for prisoners in addition to ICOs involving mandatory participation in rehabilitation and education programs.

All custody and community based therapeutic programs in NSW are designed to reduce recidivism and are based on international research. These programs address aggression and violence, alcohol, drugs and addictions, cognitive skills and sex offending, and target offenders who are identified at a high risk of re-offending. All programs are delivered by qualified facilitators.

Additional programs or support measures will be considered individually on their merits, and the Government is always open to considering new ideas and improvements in this field.

Will you commit to Sentencing Council reporting annually on use of ICOs and review the functioning of ICOs within two years.

As recommended by the Sentencing Council, it is proposed that the ICO be subject to annual reporting by the Council on the use of the Order and the extent to which supervision and rehabilitative and educational interventions are being provided.

The Sentencing Council will be able to perform this function under its existing wide review power under section 100J of the Crimes (Sentencing Procedure) Act to monitor and report on sentencing trends and practices.

In addition, the Crimes (Sentencing Procedure) Act contains a statutory review provision requiring the Sentencing Council to review the operation of the ICO after five years.

Will you commit to directing the Bureau of Crime Statistics and Research to evaluate the impact of ICOs on repeat offending.

Also as recommended by the Sentencing Council, the Bureau of Crime Statistics and Research will be asked to conduct an evaluation of the effect of the Order on recidivism after five years of operation.

## **High Recidivist rate and inadequate pre-release programs**

Do you agree with the stated aim of Corrective Services above?

Yes.

Will you commit to imposing more non custodial and community based sentences and including a range of alternative options to prison.

The Government cannot 'commit to imposing more non custodial and community based sentences'. In our system of Government, courts impose sentences. If the Government were to take on this function, this would be a serious breach of the separation of powers and undermine the rule of law.

To assist courts in this role, sentencing legislation already provides a raft of non-custodial options, including dismissals, bonds, fines, community service, Intensive Correction Orders, and home detention.

Will you commit to each prisoner taking part in a needs assessment prior to release which identifies major issues that may place the person at risk, which would increase the likelihood of recidivism such as housing and health needs.

Corrective Services already undertakes most of the reforms suggested in section of the questionnaire, including:

- each offender being subject to needs assessment to identify criminogenic risk factors;
- comprehensive case management to identify education, rehabilitation and health interventions and other factors;
- collaboration and information sharing with other government and non-government agencies;
- regular evaluation of programs to ensure they meet offender and community needs;
- providing conflict resolution skills to corrective services staff;

Will you commit to ensuring key services for prisoners prior to release through proper case management which includes education, training, housing and mental health services.

Case management undertaken by Corrective Services already takes into these issues.

Will you commit to ensuring flexible and coordinated support from mainstream agencies, specialist disability services and Aboriginal services involving communication, transparency and consultation between Corrective Services, Justice Health, NSW Health, Ageing, Disability and Home Care (ADHC), Housing NSW, Community Services and the NGO sector to facilitate adequate and appropriate support, including financial support for prisoners post release.

Corrective Services works in partnership with other government and non-government justice and human services agencies in regard to inmates in custody and offenders in the community.

Will you commit to increased funding for post release, rehabilitation, probation and parole services under the Community Funding Program.

The CFP is a key strategy in delivering the Government's *Throughcare Strategy*. Funded agencies assist inmates to maximise post-release opportunities by providing a network of support services throughout their incarceration, extending that care to their transition back into the community, and supporting offenders' families and children throughout this process.

Will you commit to regular evaluations of programs to ensure that they are meeting prisoner and community needs including assisting prisoners with integration and participation back into the general community.

Yes. Corrective Services Corporate Research, Evaluation and Statistics (CRES) is currently undertaking a number of correctional and community programs evaluations. Examples of evaluations currently underway include:

- Evaluation of the Drug Summit funded Co-existing Disorders Interagency Collaboration Project which is examining the outcome of this correctional based treatment program
- Evaluation of the DAAP and RPP programs - which examines the outcomes of these Drug Summit funded programs to assist offenders with drug and or alcohol issues to integrate into the larger community
- Evaluation of the Mothering at a Distance Program, Phase 2, which is evaluating the outcomes of a program which is seeking to improve the parenting skills of incarcerated Aboriginal mothers
- Evaluation of the Community Offender Support Program which is examining the outcomes of offenders participating in a community based support service which offers support to successfully integrate individuals into the larger community
- Evaluation of the Ngura Nura Program - evaluating the outcomes of this correctional based drug and/or alcohol treatment program
- Evaluation of the Balund-a Program which is examining the outcomes of Aboriginal offenders participating in this innovative diversionary program in Northern NSW
- Evaluation of Out of the Dark, a program for women who have experienced domestic violence

Additional evaluations involving a partnership arrangement with a relevant university department of research organisation are also undertaken as deemed necessary.

Will you commit to education in conflict resolution for corrective services and support staff.

Yes, this is already available and has been over the past decade. Corrective Services offers a two-day course for staff named *Managing Conflict Constructively*. The course is run on a bi-monthly basis at the Corrective Services Academy and in regional areas upon request.

Will you commit to expanding the DCS Restorative Justice Unit which is currently inadequate. Presently, there are five or six people only to service 10,000 inmates - applicable in limited circumstances.

The Government is actively considering means of expanding the service capacity of this unit.

Will you commit to increasing resources on court ordered programs such as sex and violent offender programs.

This year alone the Keneally Government is investing more than \$140 million on inmate rehabilitation and education programs. Over the past year The Government has almost doubled the number of places available in the Custody Based Intensive Treatment (CUBIT) and Violent Offenders Treatment Program (VOTP). These are intensive programs that specifically target sex and violent offenders.

Will you commit to increase support for family support programs (eg facilitating phone access and visitation rights).

Yes, this is occurring. In 2010, Corrective Services established the Children and Families of Offenders Steering Committee which is chaired by an Assistant Commissioner.

The Committee comprises staff from operational and support services areas including Child Protection as well as two Official Visitors and representatives of SHINE for Kids and the Community Restorative Centre.

The main role of this Committee is the effective implementation of the *CSNSW Families of Offenders Strategic Framework*. The main focus of the Steering Committee in the first 12 months of its existence is to achieve improved services to families and children of offenders visiting their inmate parent/relative in custody.

A new visitors' survey has been commissioned and will be conducted between 1 and 30 April 2011 across all correctional centres in NSW. The survey helps to ascertain the level of satisfaction with services and facilities provided to visitors to inmates in correctional centres. The results are expected to inform policy and procedural decisions.

Significant improvements have also been achieved in increasing the child-friendliness of visiting areas. There have been major improvements to the telephone visits booking system specifically at the Metropolitan Remand and Reception Centre (MRRC), the largest reception and remand facility to ensure speedy and efficient customer service, and increased use of video conferencing facilities for family visits including contact between children and parents.

## Indigenous issues

Will you commit to promotion of nationally binding targets for reducing incarceration rates, with a particular emphasis on 'closing the gap' between Indigenous and non-Indigenous Australians, through increased resourcing of diversion, rehabilitation and treatment options; a focus on strengthening family groups; support for models such as the Victoria Koori Courts; and facilitating the transition from prison to the community.

The NSW Government is already a party to COAG's nationally binding Close the Gap targets to reduce indigenous disadvantage which address many of the causes of high indigenous incarceration rates such as low education and employment. In addition, the NSW Government has already committed itself to the detailed strategies and actions of the *National Indigenous Law and Justice Framework 2009-2015*, which specifically aim to reduce the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system, and support the Close the Gap targets by creating safer indigenous communities. Moreover, NSW is already participating in the current deliberations by SCAG around the development of an Aboriginal Justice Closing the Gap Target.

Pursuant to these commitments, the DJAG has established a number of projects, including those that divert Aboriginal people away from the criminal justice system, reduce re-offending, strengthen family groups and improve the way the system responds to Aboriginal people. These include: Aboriginal Community Justice Groups; Care Circles; the Safe Aboriginal Youth program; and Circle Sentencing. There are also a number of other mainstream programs that greatly assist Aboriginal people to stay out of prison such as: Work and Development Orders; the Drug Court; the CREDIT program; the MERIT program; Intensive Correction Orders; as well as Youth Conduct Orders and the Youth Drug and Alcohol Court.

Will you commit to research which differentiates between Indigenous and non-Indigenous prisoners and ensure that incarceration prevention, treatment and rehabilitation interventions are culturally sensitive, evidenced-based and appropriately evaluated (ie taking into account diabetes, renal failure, mental illness and substance abuse).

Yes. This already occurs. The DJAG Aboriginal Programs Unit has been set up specifically to research and design programs that are culturally sensitive, evidence-based and appropriately evaluated for Aboriginal people.

Will you commit to expanding the role of Aboriginal Community-Controlled Health Services (ACCHS) in providing culturally appropriate health care to prisoners incorporating a focus on both health and community.

The Government will consider this request. To ensure that incarcerated Aboriginal people have access to the full range of services expected in the custodial environment, existing health care services are drawn from mainstream health centres and enhanced health care services and programs are provided through collaborative partnerships between Justice Health, Aboriginal Community Controlled Health Services (NSW and ACT) and Area Health Services.



Justice Health has a strong relationship with the Aboriginal Health & Medical Research Council of NSW (AH&MRC). The Council is the peak body for more than sixty ACCHS throughout the state. Presently, Justice Health has linkages with six (6) ACCHS (Brewarrina, Bulgarr Ngaru, Durri, Western Sydney, Winnunga Nimmityjah (ACT), Tamworth) and three (3) Area Health Services (Sydney South West, Hunter/New England, Sydney West) that provide enhanced health care services to eleven adult correctional centres and one juvenile facility.

Will you commit to investigating new methods for recruitment and retention of correctional services staff of Aboriginal and Torres Strait Islander descent.

Yes. Where possible and appropriate staff positions in Corrective Services are identified as being suitable for indigenous candidates specifically.

It is very encouraging to note that 19 Aboriginal apprentices were part of a workforce of 95 Aboriginal people who worked on the construction of the newly opened South Coast Correctional Centre.

Will you commit to providing greater and more flexible visitation rights for Indigenous community members.

Visitations must be conducted in a controlled manner that does not risk the safety and security of the correctional centre. Visitation arrangements are also affected by the classification of the inmate and behaviour of the inmate/visitor during prior visits.

Video visits are well established in a majority of correctional centres. Priority is given to encouraging Aboriginal family members to make use of this facility.

In December 2010, CSNSW in conjunction with the Attorney General's arm of the Department expanded the capacity for visits by Aboriginal family members in rural and remote communities by using AV facilities at Walgett in Western NSW. A hands-on demonstration was provided with an AV link to offenders at Bathurst Correctional Centre and to the Balund-a program at Tabulum. This was well attended by community members and a number of Aboriginal people registered to use the facility.

## **Culturally and Linguistically Diverse (CALD) Communities**

Will you commit to providing culturally sensitive programs (eg diet/education) in prisons which address the needs of the CALD community.

Yes, as part of Corrective Services' Cultural and Linguistic Diversity Strategic Plan 2010-2012, the following strategies are in place:

- modify, where appropriate, intervention programs and services to suit the specific needs of CALD offenders;
- revise the Offender program Unit's supervision checklist to include CALD considerations;
- conduct a review of cultural food and religious items so that it reflects the needs of a diverse offender population;
- establish and maintain strategic partnerships with other governments agencies and community organisations to improve responsiveness to CALD community needs;
- promote the role of the Community Language Allowance Scheme (a translating service provided by selected Corrective Services staff);
- translate information about CSNSW policies, procedures and services into relevant community languages;
- include in all Community Funding Program contracts a clause that all agencies considered for funding must include provisions for CALD clients in their funding applications; and,
- advertise to CALD communities criteria for grant applications on the Community Relations Commission's website and other relevant media outlets.

## Women Prisoners

Will you commit to implementing policy that recognises women prisoners have particular needs that are different to male prisoners?

Yes, this is already being done through an extensive suite of specialised programs available to assist with the rehabilitation of female inmates.

As an example, a major upgrade of facilities at Silverwater Women's Correctional Centre has provided increased opportunities to manage the specific needs of these offenders, including the establishment of a Mental Health Screening Unit and refurbishment of the Mum Shirl Unit for women with serious psychological and emotional problems.

Will you commit to implementing policy that recognises women prisoners have dependent children issues e.g. Mothers and Children Program at Emu Plains.

Yes. The Keneally Government recognises the advantages for female inmates to retain family ties and has purpose-built accommodation at specific correctional and transitional centres to allow children up to school age to live with their mothers. Older children can stay during school holidays.

Another recent innovation is the *Storytime* project at Emu Plains Correctional Centre which provides women with the opportunity to record bedtime stories for their children. A copy of the CD is sent to the child's carer together with the story book.

Will you commit to implementing policy and services that recognises the specific cultural and social needs of Aboriginal and Torres Strait Islander women?

Yes. The Keneally Government supports initiatives, and provides programs and services, specifically targeted to Indigenous women inmates and offenders, both in custody and after their release.

For example, Corrective Services runs Yulawirri Nurai, a program which assists Indigenous women with their re-integration into the community after a period of incarceration.

Will you commit to implementing policy and services that meet the specific needs of women with disability and women with mental health issues?

Yes. Correctives Services already operates a community-based facility for women, the Boronia Community Offender Support Program Centre at Emu Plains, which provides supported accommodation for female offenders in the community who are otherwise at risk of remaining in, or returning to, custody.

Will you commit to implementing policy and services that provide support to women post-release, for example mentoring programs?

Yes. We will consider these issues in the drafting of a draft strategy on transitional and post-release support services for Aboriginal women with a particular focus on employment.

Corrective Services is working with the Women in Prison Advocacy Network (WIPAN) to establish contact with women in custody to link them with post release mentoring services. This network focuses on women who will exit custody without the advantages of parole support.

Mentoring is also provided in Community Offender Support Centres which provide short-term accommodation and support for offenders so as to assist with their re-integration into the community.

### **Aboriginal women prisoners**

Will you commit to exploring the feasibility of establishing an Aboriginal Women's Healing Place, for Aboriginal women serving both minimum and maximum terms, with a site for Aboriginal women on remand, which would consider programs, visits, welfare services, post release, case management, counselling and health services.

Yes, the Government will explore the feasibility of this proposal.

Will you commit to establishing alternatives to the Mothers and Children Program, that caters specifically for Aboriginal mothers in prison and incorporates the extended Aboriginal family.

Yes, a full-time position within Corrective Services has been funded for a further three years with responsibility for delivering a parenting program for Aboriginal mothers in custody.

At Bolwara House, a transitional centre for Aboriginal women, Aboriginal mothers have access to parenting skills programs and attend domestic violence sessions as per their individual case plan. Children make regular visits facilitated by SHINE for Kids or Community Services NSW. This program runs for up to 12 months and caters for up to 30 women each year.

Will you commit to establishing a community based support program for Aboriginal women in prison, that can provide regular support to women in prison and provide linkages between women in prison and their families similar to the former Aboriginal Women in Custody Support Group.

A full time position with the Link Up organisation has recently been created, with financial support from the Government. This will assist Aboriginal women to arrange appropriate care for their children while in custody, and to develop contact, where needed, with kin and community.

Will you commit to establishing Aboriginal (female identified) counselling positions, specifically sexual assault counselling positions for women in Grafton, Broken Hill, Mulawa and Emu Plains.

The Government agrees with the intention of this reform, however, sourcing appropriately qualified staff who identify as Indigenous is challenging. Where possible and appropriate, staff positions in Corrective Services and NSW Health are identified as being suitable for indigenous candidates specifically. The Government encourages Indigenous workers to apply for positions within all public sector agencies.

NSW Health, which has professional staff trained to deliver this service. Currently women at Silverwater Women's Correctional Centre who have experienced child/adulthood sexual violence are provided with support services through the Western Sydney Area health Service. In addition, a trial of counselling services provided by Victims Services is in final development stage.

The Government will develop a referral mechanism to identify women in need of special counselling, based on a comprehensive literature review by the Australian Centre for the Study of Sexual Assault, which will inter alia examine the implications of a history of childhood or adult sexual abuse for referral to CSNSW services. This research will provide a basis for identifying the most appropriate response for women in need of counselling.

*Out of the Dark*, a program for women who have been victims of domestic violence, is available in correctional centres accommodating women

Will you commit to expanding the existing Drug Court zones to include western NSW and inner city (Sydney). That the Attorney General establish social work/ sexual assault counselling programs for women attending the drug court and MERIT programs.

The Government will continue to review and evaluate the operation of the Drug Court and its possible expansion into further areas.

The Drug Court program already includes social support and the development of living skills as one of its four fundamental aspects. According to a BOCSAR evaluation, treatment – which included not just pharmacotherapy treatment and relapse prevention, but also counselling - was most commonly reported as the 'best aspect' of the Drug Court program amongst participants (see BOCSAR, *NSW Drug Court Evaluation: Health, Well-being and Participant Satisfaction* (2002)).

Similarly, MERIT teams' case management practices include outpatient counselling interventions. As part of this, MERIT participants may also need to access a wide range of ancillary services such as accommodation and housing services, employment and vocational services and psychiatric and psychological services while on the program. Participants are referred to these agencies where appropriate but continue to be case managed by the MERIT team (see Department of Justice and Attorney General, *Policy Document for MERIT Program* (2002), available at [www.lawlink.nsw.gov.au/merit](http://www.lawlink.nsw.gov.au/merit)).

Will you commit to identifying strategies to support Aboriginal women serving sentences in the community, as alternatives to prison, that these strategies specifically cater for the family, and other needs of Aboriginal women.

Cultural specific courses and programs are available for all Aboriginal people serving a sentence imposed by the Court. These programs have a strong Aboriginal culture focus, particularly the significance of family.

Development of a specific course for Aboriginal women serving community-based sentences will be considered by the Government.

Will you commit to exploring funding options to provide housing support to Aboriginal women immediately upon their release from custody.

This specific option will be considered by Government. As outlined earlier a range of options are available for Aboriginal women post-release, including transitional accommodations and support services.

CSNSW is committed to seeking all avenues of support for vulnerable groups. Under the NSW Homelessness Action Plan, CSNSW has some specific initiatives which are well underway.

Will you commit to establishing a pre release program for Aboriginal women that is available to all Aboriginal women serving sentences in NSW Prisons.

Education programs for Aboriginal women include units of study in Aboriginal culture and history, and Aboriginal arts and cultural practices.

Corrective Services recently co-sponsored with Centrelink a forum focussing on improving the post release employment outcomes for Aboriginal women in custody. Recommendations agreed to at the forum are now being considered.

Will you commit to expanding the Probation and Parole service to include regional and metropolitan Aboriginal identified workers specifically for Aboriginal women.

Where possible and appropriate staff positions in Corrective Services are identified as being suitable for indigenous candidates specifically. The Government encourages Indigenous workers to apply for positions with the Corrective Services Community Offender Services division.

Will you commit to establishing a transitional centre for Aboriginal women being released from prison similar to that currently operating at Parramatta.

Yes, Corrective Services already operates the Yulawirri Nurai, a program which assists Indigenous women with their re-integration into the community after a period of incarceration.

Will you commit to supporting the expansion of Aboriginal community based post release support programs designed for Aboriginal women, such as that coordinated by the Yulla Wirri Nurai Aboriginal Women's Post Release organisation.

The Government will investigate the feasibility of expanding this program.

Will you commit to establishing and reviewing standards to assess the proper provision of health services for Aboriginal women in prison, with a strong focus on providing adequate access to immediate medical and dental services and adequate resourcing for appropriate psychological services for female inmates.

Thorough evaluation is undertaken into the provision of all health services, however, the Government will give consideration as to how this can be improved.

The Women's Health Stream of Justice Health incorporates the activities of all Justice Health clinical programs, including Drug & Alcohol, Mental Health, Primary

Health and Population Health to provide women in contact with the NSW criminal justice system comprehensive health services. The Women's Health Clinical Stream is responsible for the overall strategic planning for all Women's Health services State-wide, as well as the operational management of health services for the four major adult women's correctional centres.

The key issues highlighted in the NSW Health Women's Health Outcomes Framework include mental health, domestic violence, physical activity, smoking and pregnancy. These issues represent key focus areas for Justice Health especially pregnancy care for women in custody.

Generally women in custody are at a social disadvantage when compared to the general community. With this in mind the Women's Health stream aims to target women when they come into custody and provide gender specific screening such as cervical and breast screening.

Will you commit to establishing an Aboriginal women's healing and drug and alcohol detoxification strategy. That strategy should aim specifically to provide drug programs and programs that address the underlying causes of drug use in Aboriginal women. That the strategy aim to provide such services to Aboriginal women prior to them coming into contact with the criminal justice system.

As part of a whole of government approach Corrective Services works together with other Justice and Human Service agencies to provide appropriate services in Aboriginal communities.

CSNSW employs 18 Aboriginal Client Service Officers in metropolitan, rural and remote locations across the State. There is an even balance of male and female officers amongst them. Their role includes identifying support services in the community and referring clients to those services. They also provide advice and guidance to Probation and Parole managers and officers in all aspects of cultural sensitivities and on the most effective ways of engaging Aboriginal clients and communities to reduce re-offending and improve re-integration outcomes.

Will you commit to establishing Aboriginal identified counsellors that can work with victims of child abuse, especially child sexual assault.

The Government agrees with the intention with this reform, however, sourcing appropriately qualified staff who identify as Indigenous is challenging. Where possible and appropriate staff positions in Corrective Services are identified as being suitable for indigenous candidates specifically. The Government encourages Indigenous workers to apply for positions within Corrective Services.

Will you commit to conducting a similar study to 'Speak Out Speak Strong' examining the needs of female Aboriginal juveniles in detention.

This will be considered by the Government.

## **Children of Prisoners**

Will you commit to considering support for recommendations made by the NSW Parliamentary Standing Committee on Social Issues in A Report into Children of Imprisoned Parents, 1997 with a view to implementing these recommendations.

In March 1998, the Government provided a response to the Report into Children of Imprisoned Parents, indicating the recommendations that were supported, those that had already been actioned and those which were underway.

Will you commit to providing child access to parents via Barnardos etc, also if father is in gaol.

This is already facilitated. Corrective Services funds SHINE for Kids to facilitate child visits to parents in correctional centres. SHINE for Kids plays an important role in developing strategies to reduce the impact of incarceration on families and children. SHINE is regularly consulted by the Government in policy and procedural development. Some parenting programs for offenders include a component in which children are brought to visit parents outside standard visiting times.



## Justice Health

Will you commit to justice health remaining a function of the Department of Health and not being transferred to or limited to by corrective services in delivery of health care and being the sole provider of justice health.

Yes.

Will you commit to accepting the principle that people in custodial care have the right (as far as practicable) to the same/equivalent level/standard of health care as other members of the community.

This principle is already accepted by the Government. The Government is investing \$143.1 million to deliver better services for Justice Health in 2010/11. This is an increase of \$13.2 million or 10.2% over the previous year.

Will you commit to recognising the importance of/support for and funding of peer-based health education programmes in areas of drug use/HIV/Hepatitis C as the most effective and are you prepared to fund it.

The Population Health clinical stream provides services aligned with Public Health Units in the community and population-focused health improvement initiatives that are specific to the NSW correctional and juvenile justice environment including health protection, disease prevention including surveillance, infection control, immunisation, communicable diseases outbreak management, and environmental health.

A combination of sexual health, public health, hepatitis and harm minimisation nursing that is unique to Justice Health is also delivered.

The Health Survival Tips DVD is also shown to all inmates at facilitated screenings in the reception process

Will you commit to provision and review of dental services for people in custodial care.

Oral health services are provided throughout the NSW correctional system, through Visiting Dental Officer clinics, employment of Staff Dental Officers and arrangements with local health services. Improving access to Oral Health Services and improvements in oral health among the patient population is a key objective of Justice Health.

Justice Health will ensure that health promotion will have particular emphasis on oral health care and awareness. Collaboration will occur with the Aboriginal Health Education Officer in providing culturally sensitive health promotion and education programs that meet the needs of our Aboriginal population.

Will you commit to making representations to the Commonwealth for amendment of the National Health Act to make Medicare benefits available for prisoners/prison health services.

This is an issue for the Commonwealth Government. NSW Health continues to advocate for access to Medicare Benefits for prisoners.

Will you commit to recognising the need for the provision of health services which are culturally sensitive.

This practice is already in place. Practical steps and solutions related to cultural sensitivity, communication and continuum of care linkages have been developed as a means to improving access for people with or at risk of chronic conditions in accessing mainstream health services whilst in custody.

To ensure that incarcerated Aboriginal people have access to the full range of services expected in the custodial environment, existing health care services are drawn from mainstream health centres and enhanced health care services and programs are provided through collaborative partnerships between Justice Health, Aboriginal Community Controlled Health Services (NSW and ACT) and Area Health Services.

Justice Health has a strong relationship with the Aboriginal Health & Medical Research Council of NSW (AH&MRC). The AH&MRC is the peak body for more than 60 Aboriginal Community Controlled Health Services (ACCHSs) throughout the state. Presently, Justice Health has linkages with six ACCHS (Brewarrina, Bulgarr Ngaru, Durri, Western Sydney, Winnunga Nimmitjiah (ACT), Tamworth) and three Area Health Services (Sydney South West, Hunter/New England, Sydney West) that provide enhanced health care services to eleven adult centres and one juvenile facility.

Justice Health is focussed on increasing its Aboriginal workforce within health centres beginning with the successful recruitment of both female and male Aboriginal Health Workers at Wellington Correctional Centre.

Justice Health also provides an Aboriginal History Awareness Program for all staff.

Will you commit to supporting the trial of a needle and syringe programme in appropriate correctional facilities with independent evaluation of the outcomes of any such trial.

No, the Government believes that a prison-based needle exchange program is not appropriate.

It is an offence to carry syringes into NSW correctional centres with a maximum penalty of two years gaol in place. These laws were introduced following the 1991 stabbing of a correctional officer by an inmate known to be HIV-positive with a blood-filled syringe. Regrettably, this officer later died as a result of this incident.

## **Mental Health**

Will you commit to review and upgrade of the provision of psychiatric and psychological services for people in custodial care.

The proportion of individuals with mental health problems coming into contact with the criminal justice system is a concern for the Government. This has been highlighted by Justice Health surveys of the NSW inmate population.

In response, the Government has developed and implemented a range of strategies to address the mental health and offence-related needs of these offenders without increasing risk to community safety.

These strategies include:

- a court diversion and liaison service operating in numerous local courts and managed by Justice Health which aims to divert mentally ill offenders from the criminal justice system to hospital or to community mental health placements where appropriate;
- a second tier of screening on reception into custody with the possibility of diversion where appropriate;
- designated accommodation for offenders with mental health issues in the custodial environment;
- inpatient services provided in secure forensic psychiatric facilities; and
- community forensic mental health services.
- referral for assessment, prescription of medication and monitoring by Justice Health psychiatrists and nurses;
- referral for assessment and psychotherapy by Corrective Services psychologists to reduce cognitive and behavioural symptoms associated with mental health disorders;
- a 43 bed male Mental Health Screening Unit with additional 100 bed step-down facility;
- a 10 bed female Mental Health Screening Unit with additional 10 bed step-down facility;
- a 135 bed Forensic Health Hospital operated by Justice Health and a Correctional Hospital with mental health and forensic beds which are available for assessment and stabilisation of acutely mentally ill inmates;
- two Acute Crisis Management Units for acutely suicidal or self-harming male offenders;
- the refurbished *Mum Shirl* Unit to provide therapeutic intervention for chronically self-harming female inmates; and
- a Personality and Behaviour Disorders Unit, which provides a consultancy service to assist correctional centres in managing offenders with mental health disorders so they can participate in offence-specific programs.

Will you commit to allocating additional resources to the receptions screening program, including adequate funding and staffing to ensure that remand inmates with a mental health problem are identified.

Processes are in place to detect mental health issues with new inmates. All new reception inmates are screened by Corrective Services and Justice Health for mental

health and/or self-harm issues. In 2009-10 14,750 new reception inmates were screened.

Referral to Mental Health Services such as specialist mental health nurses, psychiatrists, psychologists and in-patient services is arranged through Justice Health clinics.

A variety of models are used to provide mental health care, depending on demand, including: visiting psychiatrists, mental health nurses, telehealth (psychiatry) services and telephone advice to general health staff.

A psychiatrist and a registrar are on call (via telephone) for all correctional centres 24 hours per day. Mental Health Services are supplemented by a number of specialised units operated by the Corrective Services NSW, as well as three acute crisis management units for offenders in the adult system.

CSNSW also provides training programs to enable staff to identify offenders presenting with suicide and mental health risks and for staff to refer them for assessment and treatment. The Mental Health First Aid course and Suicide Awareness course is now included in the new recruits induction training.

Will you commit to funding a secure forensic mental health facility for women.

The forensic hospital has a 17 bed female unit. A stand alone facility for women is not considered necessary at this stage, as female offenders' needs are being adequately met by the range of initiatives listed above.

Will you commit to developing a National Prisoner Mental Health approach including: best practice standards on mental health and co-morbidity issues; healthcare treatment guidelines in prisons for mental health and drug users; best practice approach to prisoners with an intellectual disability; and support for a National Prisoner Mental Health Act.

Justice Health already participates in the National Forensic Mental Health Benchmarking Program.

Will you commit to providing prisons with funding to improve the facilities for the treatment of women with a mental illness or disorder. The funding allocation should cover the following:

- Comprehensive occupations health and safety (OH&S) review by an independent WorkCover accredited consultant; and
- Implementation of the OH&S review recommendations.

The treatment of female offenders with a mental health issue is being adequately met by the range of initiatives listed above. Mental Health Services within Justice Health promote continuity of care and health promotion, through a population health based model to optimise patient health outcomes. Admission, transfer and discharge are targeted to maximise interagency links within the correctional system and externally with the wider community.

Will you commit to ensuring that any future maximum and medium security forensic hospital built in NSW should incorporate segregated accommodation suitable to male and female patients.

This is already in place at the Long Bay Forensic Hospital. In designing any new facility of this nature, segregation of male and female inmates will be considered.

Will you commit to improving the transition from prison to the community for those with a mental illness including: support networks in the post release period; increased employment opportunities following release; support for access to appropriate and continuing health services; assistance with access to appropriate housing; funding for specific transition programs.

Yes, substantial improvement in this area is already being delivered through:

- The *Parolee Support Initiative*, which provides housing and intensive support to parolees with a functional mental illness or an intellectual disability for up to six months. This inter-agency initiative is currently being implemented in the Western Sydney metropolitan region.
- The *Co-existing Disorders Project*, which has been implemented across five community offender service locations. The project targets those at risk of re-offending who have complex needs and need to be linked to support from relevant human service agencies.
- A new *Targeted Housing Project* is currently being implemented under the NSW Homelessness Action Plan to facilitate services to offenders with complex needs, including mental health, who require support and accommodation, and operates at an inter-agency level.

If required, offenders with mental disorders can be accommodated in one of the CSNSW Community Offender Support Program (COSP) Centres established to provide offenders and former inmates at risk of homelessness, with short-term accommodation and links to appropriate health and human services, in the community.

Corrective Services has established 24 Senior Psychologist positions that advise on treatment and work individually with offenders with mental health disorders released from custody, as well as assisting Probation and Parole Officers in their supervision of mentally ill offenders in the community.

Will you commit to ensuring forensic patients are not subjected to the same lock in requirement as other inmates in custody.

Yes, as this is not the case now.

Will you commit to creating criminal justice life course histories, highlighting points of agency interactions, diversion and support.

Offender histories are addressed in pre sentence reports, and in the case plans which address offence and reintegration needs of inmates through the course of

their sentence. Case plans address diversionary strategies and interagency inputs where appropriate.

Will you commit to review of proscribing practices.

This is not deemed necessary as all Justice Health prescribers operate in accordance with NSW Health policy directives and guidelines.

### **Bail Act and Remand Issues**

Will you commit to amending the *Bail Act 1978 (NSW)* to reducing the number of provisions enacted which prevent the presumption in favour of bail.

The Government has recently released a new draft Exposure Bill proposing a new Bail Act. The Bill is currently being examined by a stakeholder roundtable chaired by Justice Megan Latham. The roundtable is considering a number of issues.

Will you commit to establishing a system of prisons which separates remand prisoners who are not convicted of any offence from convicted prisoners.

This is already done to the extent possible. Corrective Services already separates inmates of different classifications and classes. For example, the management of remand inmates in NSW is split between remand centres and separate remand sections of correctional centres.

Will you commit to reducing length of time remandees are in custody pre-trial.

The length of time a person spends awaiting trial is influenced by a number of different factors unrelated to Government and which vary from case to case. Most notably, this can include the time taken to finalise evidence, which will often depend on the circumstances of each individual case.

Will you commit to providing greater access to facilities for remandees held within the Remand Centre including legal resources and adequate access to a lawyer.

Adequate access to legal resources is available for inmates. Remand centres have additional interview rooms and unrestricted legal visits. Video link can also be used in remand centres and correctional centres for discussions with legal representatives.

An electronic gateway of legal information has been established for inmates. The Inmate Legal Information Portal is a secure, closed circuit site available on specific inmate computers. The site was developed and funded by Corrective Services and the NSW Legal Assistance Forum and features civil, family and criminal law information surrounding domestic violence, police and the courts and driving and traffic offences.

Corrective Services can also transport inmates and remandees for meetings with legal representatives (within a correctional centre) when an inmate has an upcoming court date.

Will you commit to addressing issues relating to court cell location overcrowding/facilities and length of stay for remandees before being transferred to Remand centre.

The Government is not aware of any evidence to support claims of court cell overcrowding.

The busiest criminal remand court would be Central Local Court which has recently had a \$2.6 million upgrade which has increased the number of available cells to 13. Some of these cells have facilities for and readily accommodate several prisoners at a time. The use of court cells has been significantly reduced at busier courts with the introduction of audio visual link (AVL) allowing defendants who are in custody to appear without being transferred from the prison complex.

### **Juveniles in Custody**

Will you commit to a bipartisan approach to juvenile justice based on a recognition that children and young people are both important and different, that rehabilitation and diversion underpin the State's approach to juvenile justice.

The NSW Government has already committed to a bipartisan approach to juvenile justice through its response to the 2009 *NSW Juvenile Justice Policy Review* (available at [www.djj.nsw.gov.au/strategic\\_review.htm](http://www.djj.nsw.gov.au/strategic_review.htm)).

This includes obtaining a bipartisan commitment to the broad principles referred to in the above question. In 2008, the Government put forward legislative amendments to introduce the following relevant principles into the Act into the *Children's (Criminal Proceedings) Act*.

(a) that children have rights and freedoms before the law equal to those enjoyed by adults and, in particular, a right to be heard, and a right to participate, in the processes that lead to decisions that affect them,

(b) that children who commit offences bear responsibility for their actions but, because of their state of dependency and immaturity, require guidance and assistance,

(c) that it is desirable, wherever possible, to allow the education or employment of a child to proceed without interruption,

(d) that it is desirable, wherever possible, to allow a child to reside in his or her own home,

(e) that the penalty imposed on a child for an offence should be no greater than that imposed on an adult who commits an offence of the same kind,

(f) that it is desirable that children who commit offences be assisted with their reintegration into the community so as to sustain family and community ties.

The Government succeeded in obtaining cross party support for these principles, and they are now enshrined in section 6 of the Act.

Will you commit to acknowledging that unintended consequences on children and young people as a result of changes to the *Bail Act* can be overcome by having the *Children (Criminal Proceedings) Act* take precedence over the *Bail Act*.

There is no evidence that amending section 50 of the *Children (Criminal Proceedings) Act 1987*, which provides that 'the *Bail Act 1978* prevails in the event of an inconsistency between that Act and this Act', would have any discernable impact on court decisions to grant or refuse accused children bail.

The Government is not aware of any such inconsistency arising in recent times and would welcome reviewing any actual case examples where an inconsistency between the two Acts has triggered the operation of section 50, and where this has had an adverse impact on a child defendant.

Will you commit to introducing a children and young person's impact statement into the legislation and policy development and amendment process.

The Government will consider this proposal.

Will you commit to developing a policy strategy or framework to offer a range of services, projects, programs to children and young people and to building youth friendly infrastructure for juvenile justice centres.

Yes; we already do this. All our Juvenile Justice Centres meet or exceed national and international standards and are fully compliant with NSW and Commonwealth law, and international treaties.

Will you commit to providing services and programs to young offenders on a voluntary basis beyond their court ordered mandate (control and supervised orders) in order to ensure successful reintegration into the community.

A range of Government-funded NGO services is already available. The participation of young people whose control or supervision orders have been completed is, of course, impossible to mandate.

Will you commit to research into how interventions may be made early in the lives of children at risk to divert them from entering the juvenile justice system in addition to NSW Police diverting offending behaviour through the use of the *Young Offenders Act*.

The Bureau of Crime Statistics regularly undertakes and publishes such research.

Will you commit to addressing the complex causes of juvenile crime involving a range of community solutions and agencies besides Juvenile Justice and the Department of Human Services with amendments to bail determination and compliance.

It is unclear what this means.

Will you commit to arrest, detention and imprisonment of children only being used as a last resort and for the shortest appropriate length of time.



Section 33(2) of the *Children (Criminal Proceedings) Act 1986* already provides that the Children's Court cannot impose a control order unless it is satisfied that it would be wholly inappropriate to deal with the person under other available sentencing options, including dismissals, diversionary options under the *Young Offenders Act 1997*, fines, bonds, probation orders and community service orders.

If a court is satisfied of this and decides to impose a control order, then relevant sentencing principles ensure the length of the order is appropriate, having regard to the nature and seriousness of the offence, the rehabilitative prospects of the offender, and a range of other factors.

Will you commit to acknowledging that juvenile prisoners have the right to maintain contact with their family through correspondence and visits.

Yes. Juvenile Justice already deploys significant resources in providing visitation and other contact with family and friends. It is one of the most important aspects of rehabilitation, in addition to a recognised right.

### **Bail Act and juveniles**

Will you commit to implementation of a presumption in favour of bail for all young people charged with offences.

No. This would have to include serious offences like murder, an offence for which there have been longstanding and appropriate statutory and common law presumptions against bail.

Will you commit to legislating a statutory requirement that children be granted bail unless there are exceptional reasons for holding them in custody.

No. The vast majority of criminal offences, especially those for which accused children are commonly charged, already carry presumptions in favour of bail.

Otherwise, the Government has recently released a new draft Exposure Bill proposing a new Bail Act. The Bill is currently being examined by a stakeholder roundtable chaired by Justice Megan Latham. The roundtable is considering a number of issues.

Will you commit to implementation of a presumption in favour of bail for young people, save where there is a presumption against bail.

As noted above, Bail Act Review stakeholder roundtable is considering a number of issues.

## **Refugees and the criminal Justice System**

Do you accept that there are special needs for refugees within the community who come to the attention of the police and are placed into criminal justice.

The Government acknowledges that the offender population includes offenders who arrived in Australia as refugees and who have experienced war, trauma, or ethnic or religious victimisation in their home country. They may also have little or no community or family support.

Such offenders will benefit from existing education and rehabilitation programs for people from culturally and linguistically diverse backgrounds. However, they may also have particular needs in respect of counselling and other psychological programs – these needs are currently being evaluated.

Do you accept there are special needs for juveniles similarly affected.

Similarly with adults, these needs are being evaluated by the Government. Juvenile offenders will also benefit from the range of existing education and rehabilitation programs for people from culturally and linguistically diverse backgrounds.

Do you accept that there is a need for specialist health care assessment and ongoing treatment and counselling of refugees within the corrective services and juvenile justice systems.

All new reception inmates are screened by Corrective Services and Justice Health for mental health and/or self-harm issues. In 2009-10 14,750 new reception inmates were screened.

Referral to Mental Health Services such as specialist mental health nurses, psychiatrists, psychologists and in-patient services is arranged through Justice Health clinics.

A full suite of mental health care is available for all inmates depending on their needs including access to psychiatrists, mental health nurses, telehealth (psychiatry) services and telephone advice to general health staff.

A psychiatrist and a registrar are on call (via telephone) for all correctional centres 24 hours per day. Mental Health Services are supplemented by a number of specialised units operated by the Corrective Services NSW, as well as three acute crisis management units for offenders in the adult system.

CSNSW also provides training programs to enable staff to identify offenders presenting with suicide and mental health risks and for staff to refer them for assessment and treatment. The *Mental Health First Aid* course and *Suicide Awareness* course is now included in the new recruits induction training.

Do you accept that Justice Health needs to implement special arrangements for the ongoing care and support of refugees within its purview.

This will be considered by the Government. Referral to Mental Health Services such as specialist mental health nurses, psychiatrists, psychologists and in-patient services is arranged through Justice Health clinics.

Do you accept that Department of Corrective Services and Department of Juvenile Justice need to implement special arrangements to identify refugees at risk and needing specialist ongoing support.

The development of any special arrangements or specific education and programs will be considered following completion of the needs evaluation.

Do you accept that there is a need for specialist education and training programs for refugees within the corrective and juvenile justice systems.

This will become known following completion of the needs evaluation.

## **Education/Skills Training**

Will you commit to the provision of education in correctional settings should be guaranteed in legislation.

This necessity for this reform will be considered. However, it must be plainly stated that this Government will retain responsibility for all aspects of prison management and ownership as well as policy setting. It can be guaranteed that education and training programs will be available in correctional centres so long as Labor holds office.

While this issue is dealt with later in the survey, it is appropriate to reinforce there will be no further privatisation of correctional facilities by the Government.

Will you commit that prisoners will have access to vocational education and training which should include classroom subjects, adult basic and general education, accredited vocational education sensitive to trends in the labour market, distance education, creative and cultural activities, physical education and sports, social education and pre- and post-release programmes.

Yes, this is already available. The Government has in place a range of initiatives aimed at improving the literacy, language and numeracy skills of inmates, and at providing education and vocational training opportunities for inmates who wish to improve their skills and qualifications for further education and for post-release employment.

In 2009/10, more than half of all inmates were enrolled in one or more education and/or vocational training programs, representing more than 10,278 enrolments.

NSW is one of five state and territories in Australia to establish a Registered Training Organisation specifically for offenders – the Adult Education and Vocational Training Institute (AEVTI). Programs target basic skills (literacy, oracy and numeracy), employability skills (generic skills such as communication, teamwork, problem solving and exercising initiative) and vocational skills including Information Technology, Horticulture, General Construction, Small Business Management, Art and Music.

Most inmates combine part-time study with employment in one of the Corrective Services Industries. However, CSNSW also offers two full-time education programs in designated centres called Intensive Learning Centres, which deliver educational courses in a specially built learning environment.

Will you commit that the development of educational programmes in correctional settings should recognise the diverse backgrounds and needs of prisoners, with respect to education, vocational education and personal development.

Yes, this already occurs. The Government recognises that many inmates have a history of limited schooling through irregular or limited attendance until reaching the minimum school leaving age. In many cases, their last complete year at school is at upper primary level. Many demonstrate limited problem-solving skills, low-levels of literacy, language and numeracy, and poor self-management skills. These same inmates also usually have limited employment histories and work experience.

The range and level and education and training programs available allow inmates to enrol and commence study at a level suitable to their specific needs and background.

Will you commit that the development and resourcing of programmes should be set within the context of, and underpinned by an understanding of the overrepresentation of Indigenous people in the criminal justice system, and their specific needs.

Yes. The core basic education curriculum in NSW correctional centres is the *Access to Employment Education and Training Framework* (certificates 1 – 3), licensed to CSNSW by TAFE NSW. This curriculum develops knowledge and skills in Literacy, Language, Numeracy and generic employability skills, and includes units in job seeking skills, work place communication, community living, study skills, workplace safety, women's issues and Aboriginal studies. The Aboriginal studies unit is delivered by designated Aboriginal teachers in a number of centres. Units from vocational Training Packages provided by the AEVTI also count towards certificate completion.

The Government recognises the importance of encouraging Indigenous inmates to engage in education and training. We will be actively considering measures to improve the participation levels of Indigenous inmates in education – which is currently at around 25 per cent.

In addition to AEVTI courses, in the period 2009/10 TAFE NSW provided 4,300 hours specifically for Indigenous students under targeted funding arrangements. TAFE NSW courses delivered to Indigenous student groups included:

- Aboriginal Vocational Preparation;
- Aboriginal Arts & Crafts Practice;
- Parenting Skills (Aboriginal Women);
- Aboriginal Identity;
- Mentoring in the Community; and
- a range of vocation skills courses.

TAFE NSW also provides funding specifically for Aboriginal educational and training programs, matched dollar for dollar by Corrective Services.

Will you commit that educational programmes should be accredited and integrated with the educational and vocational education and training system so that after release, prisoners can continue with their education and vocational training with less difficulty.

Yes, this already occurs. Vocational courses include: Hospitality, Rural & Agricultural Studies, Small Motor Maintenance, Forklift, Backhoe and other Plant Equipment Operations, Asset Maintenance and Laundry Operations.

The Corrective Services Traineeship program, under the auspices of the Department of Education and Training, has seen more than 600 inmates commence traineeships since 2004. The overall completion rate of approximately 75 percent compares favourably with the national average for completions of around 50 percent. In 2009/10, the Traineeship Program was expanded from 20 to 22 correctional centres. During the year, 136 trainees were commenced and 128 traineeships were completed.

Inmates may also undertake distance education courses via TAFE NSW, Open Learning Australia or other providers if this is endorsed in their Education Plan.

In 2009/2010 the following credentials were achieved by inmate students, in addition to credentials issued by TAFE:

- 7,899 AEVTI Statements of Attainment for completed units of competency;
- 309 AEVTI Certificates for completed courses;
- 18 Tertiary Preparation Programs;
- 2 Diploma/Associate Degree/Advanced Diplomas; and,
- 6 Bachelor Degrees.

Will you commit that teachers teaching in correctional settings should be fully teacher qualified with their professional status recognised.

Yes, this is already the case.

Will you commit that within correctional facilities:

- All prisoners should be provided with access to educational programmes which are comprehensive and which meet individual needs and aspirations, no matter what their legal status;

Yes, this is already the case.

- Education should have no lesser status than work and no prisoner should be disadvantaged financially or otherwise for taking part in education;

Inmates attending education courses are not disadvantaged financially for taking part in education.

- Appropriately resourced teaching facilities including a library or similar facility with a range of appropriate resources and technology should be available for all inmates;

All correctional centres have an inmate library and appropriate resources including computers for use by inmates undertaking education courses.

- All prisoners need to have access to information on sexuality and HIV/AIDS.

Yes, this is in place. The Population Health clinical stream provides services aligned with Public Health Units in the community and population-focused health improvement initiatives that are specific to the NSW correctional and juvenile justice environment including health protection, disease prevention including surveillance, infection control, immunisation, communicable diseases outbreak management, and environmental health.

A combination of sexual health, public health, hepatitis and harm minimisation nursing that is unique to Justice Health is also delivered.

The Heath Survival Tips DVD is also shown to all inmates at facilitated screenings in the reception process

Will you commit that all students in correctional settings have the right to access an accredited programme of education, including vocational skills training, for the purpose of improving their overall level of education and their life chances after release. Specifically:

- Young prisoners and those with special needs should be given priority;

All inmates have the right to access education courses. Specific education courses may be linked to case plan and reintegration objectives. There is an intensive learning centre specifically for young adult male offenders and specific education programs are delivered to inmates with special needs in Additional Support Units managed by the Statewide Disability Service.

- Young prisoners subject to compulsory education should have access to such education;

Inmates of school age receive school education. High school based qualifications such as the School Certificate and Higher School Certificate are also available to the broader inmate population for individuals who have not attained these levels of education. Individuals who enrol in these qualifications as distance education students are provided with support from qualified teachers employed by Corrective Services.

- Prisoners from indigenous backgrounds should have access to programmes which are culturally appropriate and relevant to their needs;

Yes, this is already the case, highlighted by previous responses relating to Indigenous specific programs and rehabilitation.

- Prisoners from traditionally marginalized groups including women, persons from linguistic minority groups, GLBTI and prisoners with disabilities should have access to appropriate education programmes;

Yes, this is already the case, highlighted by previous responses relating to inmate populations described in the question.

- Prisoners with literacy and numeracy needs, and those without basic or vocational education should also be given priority;

A range of education programs are available to meet the varying literacy and numeracy ability of inmates. These inmates are strongly encouraged to undertake education programs.

- Prisoners in correctional facilities have the right to educational programmes which deliver recognized qualifications.

All education and vocational training courses delivered in correctional facilities are AQF compliant and VETAB accredited and deliver recognised qualifications

Will you commit that teachers working in correctional facilities have the right to:

- Be protected by industrial awards and agreements which ensure their conditions of work;

Yes, this is already the case.

- A safe and healthy working environment protected by OH&S legislation which covers blood borne communicable diseases;

Yes, this is already the case.

- Be represented by their union, especially within their working environment;

Yes, this is already the case.

- Approved courses of teacher training, and access to well resourced, ongoing professional development;

Yes, this is already the case.

- Secure employment, with appropriate additional financial compensation for the particular circumstances of their working environment.

Yes, this is already the case.

Will you commit to addressing the interruption and termination of prisoner access to education caused by prison administrators, officers, frequent lockdowns and abrupt transfers between institutions.

Keeping an inmate in a stable, familiar environment where they are participating in some form of education, employment or therapeutic program is desirable. However, in some instances transfers occur for any number of reasons such as inmate safety, security or a family or inmate request.

When such a transfer occurs, every effort is made to ensure continuity in the program being undertaken by the inmate.

Will you commit to increasing the number of safe and stable spaces in which to learn; indifference to needs associated with specific disabilities; withdrawal of educational “privileges” as a punitive measure; absence and/or withdrawal of public funding for, particularly, higher education together with the prohibitive costs of self-funding; financial “penalties” incurred if education is pursued in place of prison employment; discriminatory access to education based on place of detention, sentence length, and/or security category; and discriminatory, inappropriate and inadequate education for women, minorities and those with learning difficulties.

The intent of this question is not clear.

Will you commit to wider consultation on the range of education courses including detainees, prison officers, the outside community, non-governmental organisations and families.



The Government works across agencies, particularly with the Department of Education and Training to evaluate and expand opportunities for inmate learning. The Government will also investigate influences from the outside community may assist with developing specific inmate education plans.

Will you commit to enhancing funding for self-learning and distance education style modular courses that can be completed in a cell from TAFE and Universities.

Inmates may enrol in distance education courses provided this is consistent with their case plan objectives and not contra indicated by their particular offence. There is no prohibition against in-cell study.

Will you commit to increasing and improving access to AEVTI courses, and other courses from the public VET provider TAFE

The Government recognises the importance of addressing responsivity to optimise the effect of program participation as well as the importance of addressing basic and vocational skill deficits to optimise post release employment and reintegration outcomes. It is policy that inmates with a sentence of more than 3 months undergo an education assessment. Referrals to education and vocational training are based on this assessment and a follow up interview. Access times are timetabled according to teaching resources to fit in with other structured activities

Will you commit to increasing computer access for coursework.

Corrective Services is continually designing new, secure intranet content to assist with inmate education programs. Computers are available to complete tasks such as word processing etc, however access to the internet is forbidden and there are no plans to review this position.

Will you commit to increased computer access for work unrelated to coursework such as preparation for trial or appeal matters and contact with families and communities.

The Government is unaware of any inadequacies with access to computers for coursework or legal preparation. Contact with family would need to occur via the internet and this is forbidden.

Will you commit to comprehensive education programmes aimed at the development of the full potential of each detainee, which also aim to minimise the negative impact of incarceration, improve prospects of reintegration, rehabilitation, self-esteem and morale.

Yes, these programs already exist and are paired against inmate education plans to achieve the best results for the rehabilitation and education of the inmate.

Will you commit to education programmes in detention being based on current, multidisciplinary and detailed research including cooperation and exchange mechanisms for research sharing and best practice implementations.

Yes, this already occurs. Corrective Services' Corporate Research Evaluation and Statistics Unit has an established research schedule which includes evaluation of

programs. Corrective Services also works with tertiary institutions on evidence based enhancements to programs addressing the needs of specific offender groups.

### **Better education and training and career opportunities for prison officers**

Will you commit to greater restructuring of prison officer's role in a welfare direction through case management.

Employees of Corrective Services have specialised roles within the operation of each correctional centre. It is not practical to have a Correctional Officer trained and accredited to undertake counselling and welfare – these are function best met by trained professionals in their field of expertise.

## **Addressing health and safety concerns of prison officers**

The Government shares the concerns of the unions and will not be pursuing a needle exchange program within correctional centres.

### **Privatisation**

Will you commit to prisons remaining a government responsibility.

Yes. In addition, the Government has no plans to further privatise correctional centres.

### **Safety**

Will you commit to the Commissioner directing inmates be kept in segregated custody if it is considered that their association with other inmates is a threat to the personal safety of any other person.

Yes, the Commissioner, bases on advice from specialist staff, is best placed to determine segregation orders.

Will you commit to inmates being held in protective custody if the association of the inmate with other inmates constitutes or is likely to constitute a threat to the personal safety of the inmate.

Yes, however, the risk or threat to an inmate must be determined by Corrective Services based on intelligence and knowledge of offenders in the facility.

Will you commit to decisions on segregation and protective custody being reviewed within a period of 21 days and every three months after the first review.

The procedures for reviewing segregated and protective custody directions are provided for in Division 2 of Part 2 of the *Crimes (Administration of Sentences) Act 1999*.

The Act States in part:

#### **16 Review of segregated or protective custody direction by Commissioner**

- (1) The general manager of a correctional centre where an inmate is held in segregated or protective custody must submit a report about the segregated or protective custody direction to the Commissioner within 14 days after the date on which the direction is given (the relevant date), regardless of whether the segregated or protective custody direction was given by the Commissioner or by the general manager of a correctional centre.
- (2) Within 7 days after receiving the report, the Commissioner must review the segregated or protective custody direction and give one of the following directions:
  - (a) a direction revoking the segregated or protective custody direction,
  - (b) a direction confirming the segregated or protective custody direction,

(c) a direction confirming the segregated or protective custody direction but amending its terms.

### **Domestic and international prison transfer**

Will you commit to supporting procedures for interstate prisoners to serve their sentences in another state.

The Government supports interstate transfers when a supporting application for transfer to another state is in the best interests of the inmate, their support network and post release plan. The transfer must also be agreed to by the Ministers of each respective state.

Will you commit to passing complementary legislation to the Commonwealth International Transfer of Prisoners Act 1997.

The *International Transfer of Prisoners (New South Wales) Act 1997 No 144* has been on the statute books of NSW since the late 1990s. This Act is to give effect to the scheme for the international transfer of prisoners set out in the Commonwealth Act by enabling such prisoners to be transferred to and from this jurisdiction.

Will you commit to supporting a subcommittee involving two nations to address issues of parole.

This issue has been raised at the Corrective Services Administrators Conference and is a matter of on-going debate and negotiation with the Standing Committee of Attorneys General.

Will you commit to bilateral arrangements for Australians committing offences overseas to be repatriated to Australia to serve their sentences.

This is a matter primarily for the Commonwealth Government and Ministerial Council.

## **Value for Money**

Will you commit to supporting sentencing reforms for reduced sentences and parole.

The Government will continue to pursue sentencing policy based on expert advice and appropriate responses to crime.

Will you commit to increasing programs and services to reduce crime.

The NSW Government has a strong crime prevention program. In 2010/11 alone, the Keneally Government has provided more than \$2.6 million to fund local crime prevention projects. This includes \$1.61 million in funding to local councils for their crime prevention plans and \$1 million in funding to local councils or local organisations to deal with graffiti in graffiti hot spot areas.

In addition, the Government has established the Designing out Crime Research Centre in partnership with University of Technology Sydney. The Research Centre was officially opened on 16 October 2009. To date, since 2009 the NSW Government has invested \$2,250,000 or \$450,000 per year over 5 years to 2013 in the Centre.

In terms of inmate education and rehabilitation, the Keneally Government is this year alone investing more than \$140 million through Corrective Services. This investment delivers a wide range of intensive, therapeutic and educational programs.

Will you commit to a recalculation of justice investment based on a system of data driven policies and prison reduction measures.

The Government has already committed additional resources to new programs designed to provide courts with an alternative to imprisonment.

For example, the Government recently introduced the new Intensive Correction Order (ICO), at a cost of \$14.5 million for the first year of operation. A court can only impose an ICO where it would otherwise send an offender to prison. In its first ten weeks of operation, 48 individuals had been sentenced to an ICO instead of imprisonment.

Similarly, those placed on the NSW Drug Court Program must have been otherwise sentenced to a term of imprisonment. With its recent expansion to the Hunter, the NSW Government is now spending around \$8 million the program.

Will you commit to delegating greater financial responsibility for justice investment to local community agencies (with a view to affecting crime rates and recidivism).

It is unclear what this question means.

Will you commit to research and studies that factor in the effects of imprisonment itself as a generator of crime (i.e. incarceration itself, fracturing of community, hardening, and mental health).

The Bureau of Crime Statistics and Research can and has already undertaken extensive research in this area.

Will you commit to research and studies that assess post release effects (i.e. reduced employment opportunities, labelling, effects on families and communities).

The Bureau of Crime Statistics and Research can and has already undertaken extensive research in this area.

Will you commit to specific research and studies on the effects of high imprisonment for indigenous communities (ie socialisation issues, prison as a shaping institution for whole indigenous population, incarceration as crime producing).

The Bureau of Crime Statistics and Research can and has already undertaken extensive research in this area.

Will you commit to assessing severity of sentences and suspended sentences.

This is already done on an ongoing basis by the Sentencing Council.

Will you commit to increasing expenditure on educational programs and pre and post release services while reducing expenditure on prisons.

More than \$140 million will be invested this financial year alone on rehabilitation and education programs for offenders. The investment in Community Offender Services is already increasing substantially in line with the expanded Community Offender Support Program facilities and increasing Intensive Corrections Orders, for a maximum period of two years, being imposed by the court.

Will you commit to supporting a definition of 'efficient and effective' use of resources for future value for money assessments of NSW correctional centres.

The work undertaken by Correctives Services varies from securing the most dangerous offenders inside correctional centres, to case managing, supervising and supporting offenders on community-based orders and parolees.

Investments made in the Corrective Services portfolio are carefully considered on a case by case basis by the Government and are supported by evidential information.

Having a broad, overarching definition would be of little assistance to the decision-making process, given there are very clear targets in the Government's State Plan to which investment should be directed.

Will you commit to implementing acceptable means through which the stated (corrective) purpose of provision of correctional centres in NSW can be obtained such as the level of education opportunities, work experience programs and drug rehabilitation considered appropriate to correct 'criminal' behaviour.

Information on the range and scope of educational programs undertaken within correctional centres is readily available. Information is also published yearly through the Annual Report.

Will you commit to considering alternative criteria for 'value for money' assessments for NSW correctional centres such as safety considerations, educational outcomes, quality of services provided and low recidivism.

This already occurs throughout the decision making process for investment in corrections.

### **Governance and transparency in the prison system**

Will you commit to the appointment of a Statutory Inspector General of Prisons with the status of a District or a Supreme Court Judge, with the right and the duty to visit NSW prisons as and when they see fit; with the duty to ensure that the NSW prisons meet the UN Standard Minimum Rules for the Treatment of Prisoners 1957 and The Standard Guidelines for Corrections in Australia and with the duty to report directly to the Minister for Corrective Services at least once a year.

No, a number of mechanisms are already in place for inmates to raise grievances, particularly the direct links between the NSW Ombudsman and inmates.

Will you commit to strengthening the role of Prison Visitors by giving them the right to report directly to the Minister when they judge it advisable to do so.

Official visitors already report directly to the Minister for Corrective Services on a regular basis. The work of Official Visitors is highly valued by the Government.