

Supplementary Questions for witnesses

Inspector of Custodial Services

1. Can you provide an update on the recommendations of the Statutory Review of the Inspector of Custodial Services Act 2012 and their implementation?

I have been consulted on a draft Bill.

2. Are you aware of any specific improvements made to the inspection standards for Aboriginal people in custody during the two reporting periods?

I have consulted with the Aboriginal Policy and Strategy Units of Corrective Services NSW, Youth Justice NSW and Justice Health and Forensic Mental Health Network, a number of nominated senior Aboriginal staff of Corrective Services NSW, the Office of the Deputy Secretary Transforming Aboriginal Outcomes, Aboriginal Official Visitors, and Aboriginal people in custody through engagement on inspection. I have tried to incorporate feedback from all stakeholders into the Inspection Standards for Aboriginal people in custody in New South Wales.

2(a). How did the changes to Corrective Services NSW's Aboriginal Policy Unit and the increase in regional Aboriginal Programs Officers impact the treatment of Aboriginal People in custody? (Transcript, p42)

There is still considerable work to be done to reduce the over-representation of Aboriginal people in custody, improve the conditions and treatment of Aboriginal people in custody, enhance cultural safety and improve services to Aboriginal people in custody.

I believe the changes to the Aboriginal Strategy and Policy Unit and the increase in Regional Aboriginal Programs Officers (RAPOs) has resulted in a renewed focus on delivering cultural programs for Aboriginal people in custody including the programs listed below.

Program/Initiative	Location	Comment
Installation of Yarning Circles	All CSNSW Correctional Centres	44 yarning circles have been constructed across multiple locations. Work has recently finished at Cooma and Mannus Correctional Centres, and Balund-a will commence soon. More yarning circles have been scheduled for implementation in FY24/25.
Reinvigorating the Elders Program	All CSNSW Correctional Centres	Elders are visiting 11 centres and the Aboriginal

		Advisory Unit and RAPOs are actively working to engage Elders/and Aboriginal Mentors at other centres.
Budbudda Dreaming – Didgeridoo program	Cessnock Correctional Centre	commenced May 2024
Gawura Cultural Immersion	St Heliers Correctional Centre	continuing
Djiriba Waagura	South Coast Correctional Centre	commenced late 2023.
Never Going Back	Mary Wade Correctional Centre	
Goanna Woodworks	Wellington Correctional Centre and Macquarie Correctional Centre	commenced May 2024.
Dreaming Inside – Poetry Program	South Coast Correctional Centre and Dillwynia Correctional Centre	commencing July 2024.

3. When do you consider recommendations to have been fully implemented, and when do you intervene or take further action, especially considering delays in implementing recommendations related to Aboriginal people in custody? (Transcript, p42)

We seek a formal update as at 30 June each year from the agencies, in respect of the recommendations they have achieved. We require evidence to support the implementation of a recommendation. This can include a change to a policy document, confirmation that a program has been/is being delivered, confirmation that officer training has been delivered, the appointment of Elders, the appointment of Aboriginal staff, site visits or photographs to observe yarning circles or programs, and attendance at NAIDOC celebrations or Closing the Gap events.

If there is insufficient evidence to substantiate the implementation of a recommendation, we will advise the agency what evidence we require to accept the recommendation as achieved.

4. How does your office ensure a balance of new and experienced Official Visitors and retain those with long tenures? (Transcript, 43)

From my perspective, we always need to have a balance of fresh eyes and fresh perspective as well as experience. There are currently over 90 Official Visitor appointments in NSW. The relevant Minister may appoint Official Visitors for a period of up to four years and may reappoint an Official Visitor. The *Appointment Standards for Boards and Committees* provides guidance that Statutory appointments should not exceed ten years except in exceptional circumstances.¹

As Official Visitors are nearing the end of their term of appointment, we ask them to submit an expression of interest if they wish to be reappointed to the same centre or another centre. At the same time, we advertise for new Official Visitors. We then seek to retain experienced Official Visitors who have not served ten years by either recommending they are reappointed to the same centre or recommending appointment to another centre. We also conduct interviews to identify suitable new Official Visitors we can recommend for appointment. Ideally at larger centres with multiple Official Visitor appointments we will have a blend of experienced and new Official Visitors.

4(a). Do you believe the current Official Visitors represent a diverse range of cultural backgrounds among inmate and young people? If not, what changes have been made to improve diversity?

During the 2022-23 reporting period, Aboriginal people held 30 Official Visitor appointments. Other cultural backgrounds of Official Visitors include Punjabi, German, Cambodian, Canadian, American, Pacific Islander, Macedonian and Middle Eastern. During this reporting period, 46% of Official Visitor appointments were held by women.²

Since then, we have increased the number of Aboriginal people appointed as Official Visitors to 33 and women now hold 50% of Official Visitor appointments. To increase diversity, we have undertaken targeted recruitment campaigns to attract applications from Aboriginal people. Our aim is to have an Aboriginal person appointed as an Official Visitor at each adult correctional centre and Youth Justice centre in NSW.

5. Can you please provide specific examples of situations where interpreters have been used in the past and how their presence enhanced the inspection process? (Transcript, p45)

I have observed Justice Health and Forensic Mental Health Network using the telephone interpreter service to ensure a patient was not allergic to any medications/vaccinations.

¹ NSW Public Service Commission, *Appointment Standards – Boards and Committees in the NSW Public Sector* (July 2013) cl 11.

² Inspector of Custodial Services, *Annual Report 2022-23* (Report, October 2023) 8.

The telephone interpreter service is readily available and operational policies provide for the use of interpreter services. During inspection we will ask CSNSW staff if they have utilised the interpreter service during reception and admission processes, induction processes, classification and placement processes and workplace health and safety processes.

If we believe that a person in custody requires an interpreter, we will speak to CSNSW staff, the centre manager or Governor and ask them to call the interpreter service.