

Inspector of Custodial Services

1. How will provision 16A of the *Inspector of Custodial Services Amendment Act 2025* allow your office to provide more comprehensive information about the steps Corrective Services NSW (CSNSW) and Youth Justice NSW (YJNSW) are taking to implement your recommendations? (Transcript, p 2)

Section 16 A of the *Inspector of Custodial Services Amendment Act 2025* provides

“16A Response to Inspector’s recommendations

- (1) This section applies if the Inspector includes in a report to Parliament a recommendation relating to a government sector agency or management company.**
- (2) The Inspector may, by written notice, require the head of the government sector agency, or the management company, to give the Inspector, within the reasonable time specified in the notice, information about the government sector agency’s, or the management company’s, response to the recommendation.**
- (3) Without limiting subsection (2), the Inspector may require the following information to be given to the Inspector-**
 - (a) the steps taken or proposed to be taken in response to the recommendation,**
 - (b) if no steps have been taken or are proposed to be taken in response to the recommendation – the reasons why no steps have been taken or are proposed to be taken.**

a. What has been the barrier to including this information in your annual or other reports prior to the amendment?

The Inspector of Custodial Services (ICS) has not had an express power to request information in relation to the implementation of recommendations or the reason why no steps have been taken or are proposed to be taken to implement recommendations.

b. Does ICS have adequate resources to implement provision 16A? (Transcript, p 2)

The ICS requires additional resources to implement provision 16A.

2. In your view, are CSNSW and YJNSW responding quickly and adequately to issues you find during your inspections?

Between 2013 and 2024 86% of recommendations made by the ICS were either supported or partially supported by relevant agencies (Inspector of Custodial Services Annual Report 2023-2024, p.24.)

On the whole, CSNSW and YJNSW are responsive to issues identified by ICS. However, some issues are responded to more quickly than others. Section 16A (3) will provide the Inspector with the express power to require information in relation to

- (a) the steps taken or proposed to be taken in response to the recommendation:**
- (b) if no steps have been taken or are proposed to be taken in response to the recommendation – the reasons why no steps have been taken or are proposed to be taken.**

3. Are you satisfied that CSNSW has addressed the voting administration issues that the ICS identified in correctional centres? (*Inspection of Shortland Correctional Centre and Cessnock Correctional Centre*, pp 7, 51-52)

Recommendation 36 of the Inspection of Shortland Correctional Centre and Cessnock Correctional Centre states

“CSNSW ensures all eligible inmates are supported to access electoral roll enrolment and voting.”

Recommendation 32 of the Inspection of Bathurst Correctional Centre states

“Corrective Services NSW allows mobile polling booths in correctional centres, in consultation with the Australian Electoral Commission and NSW Electoral Commission.”

I am satisfied that CSNSW and the Australian Electoral Commission have worked together to plan for mobile polling in correctional facilities, to facilitate prisoner voting in the 2025 Federal election.

a. What arrangements does ICS have to notify or refer possible maladministration to other agencies?

Section 7 (e) of the *Inspector of Custodial Services Act 2012* provides that

“The Inspector in the exercise of the Inspector’s functions may refer matters relating to a custodial centre to other appropriate agencies for consideration or action.”

Section 10 (1)(b)

“The Inspector and the Ombudsman may enter into arrangements regarding matters about which the inspector will notify the Ombudsman that could be made the subject of such a complaint, inquiry, investigation or other action.”

The Inspector of Custodial Services and the NSW Ombudsman have entered into a Memorandum of Understanding as provided for in s.10 of the *Inspector of Custodial Services Act 2012*.

Section 26 (1)

“The Inspector may, at any time, furnish to the Ombudsman information obtained by the Inspector in discharging functions under this or any other Act if the Inspector is of the opinion that the information relates to conduct that could be the subject of a complaint under the *Ombudsman Act 1974*.

4. At the hearing, you noted that ICS has recently published the Inspection Standards for Aboriginal People in Custody. a. What was the cause of the ongoing delay in publishing these standards?

The ICS undertook consultation with various agencies, groups and individuals during the development of the Standards.

b. Has ICS had an opportunity to implement these new standards?

The ICS has commenced developing templates for staff to use to assess custodial facilities against the Inspection Standards for Aboriginal People in Custody.

5. What issues are you having with funding the Official Visitor program? (Annual Report 2023-24, p 12)

Support for the Official Visitor Program and Official Visitors is resource intensive. The Coordination of the Official Visitor Program has one dedicated position in the ICS staffing establishment, a 7/8 level Official Visitor Coordinator. As the Official Visitor Program has grown and become more diverse, Official Visitors have required greater support. Official Visitors also require ongoing training and assistance with handling an increase in serious complaints. The Official Visitor Coordinator position is no longer able to manage the workload attached to the position. Other ICS staff and resources have been diverted to support the program and the coordinator; however, this is no longer sustainable. Additional resources and funding are required to ensure the efficient and effective operation of the Official Visitor Program.

a. Why haven't these issues been raised in ICS's previous annual reports?

The need for additional resources to support the Official Visitor Program has been an emerging issue.