



Inspector of  
Custodial Services  
Attorney General & Justice

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Mrs Carly Maxwell  
Director  
Legislative Assembly Committees  
Committee on the Ombudsman,  
The Police Integrity Commission  
and the Crime Commission  
Parliament of New South Wales  
Macquarie Street  
Sydney NSW 2000

Your Ref: D14/03852  
Our Ref: ICS 14/006  
File No:

Dear Mrs Maxwell,

In the paragraphs which follow I provide my responses to the further questions detailed in your reference letter of 28 February 2014.

Q1a. Developing procedures for inspection. The agencies and offices which have informed the approach of this office in its development of procedures for inspection are, primarily, Her Majesty's Chief Inspector of Prisons and the Western Australian Inspector of Custodial Services (OICS), both of which have extended valuable support and assistance to this office. The procedures of these two agencies are particularly relevant because both are independent custodial inspectorates, like that of NSW. In addition, this office has consulted on inspection procedures with the agencies here in NSW which will be inspected, that is, Corrective Services NSW (CSNSW) and the Department of Juvenile Justice (DJJ). Notwithstanding that the custodial inspection bodies in Victoria and Queensland are not independent to the same extent as that of NSW, this office will also be consulting with them on inspection procedures. The objective is to have the procedures for inspection finalised by the end of April 2014.

Q1b. Developing performance measures. The agency which has made the major contribution to this office in this area of governance has been the Western Australian Inspector of Custodial Services. Discussions with the Inspector of Custodial Services on appropriate performance measures have taken place within the wider context of the performance management and measurement in the custodial setting. The performance measures for the Inspector are documented in the draft *Inspection Manual*.

Q.2 Section 14 [14(1)] of the *Inspector of Custodial Services Act 2012*. I am comfortable with the provisions of this section of *the Act* for several reasons:

- The requirement to provide the Minister and others with draft copies of the Inspectors reports, to me, is a reasonable and fair procedure under natural justice.
- I consider it most important for the effectiveness of inspection that it should be, and seen to be, executed in partnership with the agencies being inspected, rather than on them or at them. In accordance with this approach, CSNSW and NSW DJJ have been provided with draft copies of the *Inspection Manual* for comment and will be involved in the development of the *Inspection Schedule*. Both agencies have been consulted on the structure of the two *Codes of Inspection Standards*.
- I also consider that it would be rather presumptuous to assume that omniscience came with the appointment of the Inspector. Giving those being inspected the opportunity to comment on inspection reports can only but improve the quality of the final document.

I note that Section 14 (3) of *the Act*, while requiring the Inspector to consider the submissions made by the Minister and others, does not bind the Inspector to amend a report in the light of those submissions.

Q.3 The management of a full time Investigation. It is assumed that this question refers the circumstances when the Inspector might be required to investigate a specific and significant matter referred to the Inspector by the Minister under Section 6 (1) (f) of *the Act*. I have held discussions with Finance staff of the Department of Attorney General and Justice on the budget of the office of the Inspector and the need for a modest allocation (within the existing budget) for the employment of specific expertise that a referred or scheduled investigation might require. This might be, for example, an architect with particular expertise in facility design for the mentally ill or cognitively impaired. A further approach which might be taken is informed by my experiences working with the WA OICS. Where a specific and significant investigation is requested by the Minister, and which is outside the planned *Inspection Schedule*, the scope of the investigation would be examined and the expertise and other resources required for its execution would be identified and costed. Where the resources and expertise were not immediately available in the office of the Inspector, these might be requested from other agencies or additional funds might be sought to acquire these from other sources.

Yours faithfully



J. R. Paget  
Inspector of Custodial Services



13 March 2014