



# The Honourable David Elliott MP

Minister for Corrections  
Minister for Emergency Services  
Minister for Veterans Affairs

D16/568139

Mr David Blunt  
Clerk of the Parliaments and  
Clerk of the Legislative Council  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Blunt

In accordance with Standing Order 233, I am pleased to provide you with the NSW Government response to the recommendations of the Standing Committee on Law and Justice's report entitled *Inquiry into the Security Classification and Management of Inmates Sentenced to Life Imprisonment*.

Yours sincerely

David Elliott MP  
**MINISTER FOR CORRECTIONS**  
**MINISTER FOR EMERGENCY SERVICES**  
**MINISTER FOR VETERANS AFFAIRS**

20 September 2016

**NSW GOVERNMENT RESPONSE TO THE RECOMMENDATIONS  
OF THE LEGISLATIVE COUNCIL STANDING COMMITTEE ON  
LAW AND JUSTICE INQUIRY INTO SECURITY CLASSIFICATION  
AND MANAGEMENT OF INMATES SENTENCED TO LIFE IMPRISONMENT**

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<b>Recommendation 1.</b>
That the NSW Government amend the <i>Crimes (Administration of Sentences) Regulation 2014</i> to establish a separate classification for inmates sentenced to life imprisonment with little or no prospect of release from custody that is based on the risk they pose to the community, preserves the good order of correctional facilities and ensures the safe and effective management of the inmates.
<b>Response</b>
Recommendation accepted. The Government will pursue the necessary legislative changes.  Changes will be made to Corrective Services NSW policies and procedures to enable effective oversight and management of these inmates
<b>Recommendation 2.</b>
That Corrective Services NSW develop and action a comprehensive communication strategy to educate the public on the operation of the New South Wales correctional system.
<b>Response</b>
Recommendation accepted.  The Government recognises the need to improve the information available to the public and its level of understanding and the NSW correctional system. Corrective Services NSW is continually involved in educating the public in the operation of the NSW correctional system through the media, the Department of Justice website, and social media.  CSNSW will expand the range of topics it addresses, and the means by which it disseminates the information to include newspaper articles, documentaries, fact sheets, and information provided to schools. The operation of the classification system which was discussed during the Inquiry will be one of the topics to be addressed.
<b>Recommendation 3.</b>
That the NSW Department of Justice consider merging the victims registers of the Mental Health Review Tribunal, Juvenile Justice and Corrective Services NSW.
<b>Response</b>
Recommendation is not accepted.  The criteria for entry onto each register varies, and each register is held on a different computer system. The operations of each agency responsible for the registers are unique and complex. As the victims on each register are approached differently and receive different support it is considered they are best served by interacting with the individual agency. For these reasons, a single register is not considered appropriate or feasible.  The Government notes the intent of the recommendation being to ensure victims have easy access to the information and services they need. Corrective Services NSW as the lead agency will work with the other agencies who maintain registers to improve communication and better educate staff working in these areas about the services and functions of the other registers so that access to information and services for victims is 'seamless' irrespective of which register a victim is on or makes contact with.

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<b>Recommendation 4.</b>
That Corrective Services NSW trial an opt-out Victims Register for victims of inmates sentenced to life imprisonment.
<b>Recommendation 5.</b>
That, as part of the opt-out system at Recommendation 4, Corrective Services NSW establish a policy whereby the Victims Register conduct a one-off follow up of victims of inmates sentenced to life imprisonment who have opted-out of the register to ask if the victim would like to reconsider joining the register, and that victims be informed of this policy when they initially make the decision to opt-out.
<b>Response</b>
<p>Recommendations not accepted.</p> <p>Adopting these recommendations is considered problematic for privacy, logistical and pragmatic reasons and the decision to not accept this Recommendation was informed by discussion and consultation with the Commissioner, Victim Services, and the Victims Advisory Board.</p> <p>The Government recognises the importance empowering victims to make a choice about the level of information/services they wish to access. Corrective Services NSW will put in place measures to improve the level of awareness about the Victims Register and the availability of information for victims. Victims will be encouraged to 'opt in' at any point (contact with police, courts, victim services, juvenile justice, mental health review tribunal).</p> <p>In addition to the above, steps will be taken to provide a more personal (rather than formal) level of contact in the provision of information through the Victims Register, and at a frequency determined by the registered victim.</p>
<b>Recommendation 6.</b>
That Corrective Services NSW establish a policy whereby, as soon as possible following sentencing, the Victims Register provide an information package to victims of inmates sentenced to life imprisonment and offer to telephone or meet with them to explain the correctional system, custodial management practices and the day-to-day life of an inmate and that it consider doing this in the presence of a counsellor.
<b>Response</b>
<p>Recommendation accepted.</p> <p>Corrective Services NSW will work with victims support groups to improve its dealings with victims, and will adopt a more personal approach in its interaction with victims through the Victims Register and at a frequency determined by the victim.</p> <p>Staff from the Corrective Services NSW Victims Register will complete Trauma Informed Practice Training, and should a victim require support during face to face interviews it will be arranged through organisations such as the Homicide Victims Support Group.</p>
<b>Recommendation 7</b>
That Corrective Services NSW develop, in consultation with victim support groups and the Commissioner of Victims Rights, a form to be provided to victims of inmates sentenced to life imprisonment following sentencing that includes a list of matters that victims can nominate to receive updates about, and that this form also be made available to current victims of inmates sentenced to life imprisonment.
<b>Response</b>
<p>Recommendation accepted.</p> <p>At workshops held with victims of crime since the launch of the Inquiry it has become apparent that victims want information related to general management of inmates, for example, understanding security</p>

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classification, opportunities to lobby for sentencing reform and greater access to support over time rather than at particular points in time. Information from victims suggests that there is no other information they routinely seek, and would be appropriate or feasible to provide.

Having regard to legislative constraints around the release of information, Corrective Services NSW will develop a process which enables victims to nominate the information they wish to receive and at what frequency.

**Recommendation 8.**

That the NSW Government amend the *Crimes (Administration of Sentences) Regulation 2014* to state that, in cases where the Commissioner of Corrective Services does not adopt the recommendations of the Serious Offenders Review Council, reasons as to why the recommendations were not adopted must be provided.

**Response**

Response not accepted.

The Government acknowledges it is good administrative practice to provide reasons, and it is the practice of the Commissioner to do so where possible. This is supported by the 2014/15 figures showing how the Commissioner responded to recommendations by the Serious Offenders Review Council (Review Council) which were available to the Committee. Notably, the Commissioner or Acting Commissioner gave reasons for his decision not to approve a recommendation of the Review Council in 65 out of 67 instances.

However, the correctional environment is a complex and high risk environment. Decisions made by the Commissioner may be informed by highly confidential intelligence information provided by third parties, such as other law enforcement agencies which by its very nature cannot be revealed. Confidential information from victims from time to time may also be incorporated into aspect of the decision and it would not be appropriate to make reference to this. In the small number of cases where the Commissioner does not give reasons for not accepting the recommendation of SORC, it generally is because it is not possible to do so.

**Recommendation 9**

That the NSW Government consider measures to improve the capacity of the prison system to adequately house, manage and care for aged and frail inmates, including to establish designated units and areas in more correctional centres in New South Wales.

**Response**

Recommendation accepted in principle.

The Government has a significant program of building works for the future and accommodation suitable for this inmate cohort will be included.