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Ms Rebecca Main
Secretariat
Budget Estimates Committee
Parliament of NSW
Macquarie Street

Our Ref: ICS/18/107

Dear Ms Main

Please find enclosed my responses to questions taken on notice during my appearance before the Budget Estimates Committee 2018-19: Counter terrorism, Corrections and Veterans Affairs on 4 September 2018.

Should you or the Committee require any further clarification please do not hesitate to contact me.

Yours faithfully

Fiona Rafter
Inspector of Custodial Services

Questions on notice

At p. 10: “Would you be in a position to provide us with the correspondence that you sent to the Minister when you provided the draft report?”

A copy of the draft Juvenile Justice inspection report was delivered to the Minister's office as a courtesy on 20 December 2017. There was no associated correspondence.

At p. 19: “And has that ever breached, putting those two periods together, the 24-hour confinement period?”

Juvenile Justice has advised that it has not breached the maximum 24 hour confinement period in the last financial year. The Terms of Reference for the Juvenile Justice Inspection include how the use of separation, segregation and confinement of detainees in juvenile justice centres in NSW is managed.

At p. 27: “Can you provide the Committee with details of what those [minimum cell size] standards are?”

Clause 44B of the *Public Health Regulation 2012* requires the Commissioner of Corrective Services to issue directions concerning standards and sizes for rooms and cubicles at correctional centres. Pursuant to clause 44B, the Commissioner of Corrective Services issued the following directions on 30 September 2016:

1. Any existing configuration of a room or area allocated for sleeping accommodation within a correctional centre remains suitable for accommodation of inmates in accordance with its current purpose including single, double and triple cell occupancy.
2. For construction of new inmate sleeping accommodation, a cell or room that is purpose designed for single occupancy must have a minimum floor space of 8.5m² inclusive of en-suite facilities. During periods of population surge, such cells may be occupied by a maximum number of two inmates if required by operational necessity.
3. For construction of new inmate sleeping accommodation, a cell or room that is purpose designed for double occupancy must have a minimum floor space of 10.5m² inclusive of ensuite facilities. During periods of population surge, such cells may be occupied by a maximum of three inmates if required by operational necessity.
4. Any cell or accommodation area purpose designed for multiple occupancy (i.e for more than two prisoners) shall be of a size that is determined by the Commissioner on a case by case basis.

The NSW Inspector of Custodial Services Inspection Standards for adult custodial services in NSW provides at 19.4 that there are no clear international standards on cell size. 9m² has been considered a satisfactory size for an individual cell and is now a de

facto international norm.¹ Whether or not space is adequate depends upon if it is being shared, how many hours a day inmates are locked inside, whether they have in-cell access to shower and toilet and ambient temperatures.²

The *Standard Guidelines for Prison Facilities in Australia and New Zealand (1990)* recommended design guidelines for cell accommodation.³ The guidelines recommended the following dimensions for cell accommodation:

- Single Person Cell (Secure Accommodation, includes ablution facilities) – 8.75m²
- Double Person Cell (Secure Accommodation, includes ablution facilities) – 12.75 m²

¹ Inspector of Custodial Services, *Inspection standards: For adult custodial services in New South Wales*, August 2014, Section 19.4

² Inspector of Custodial Services, *Inspection standards: For adult custodial services in New South Wales*, August 2014, Section 19.5

³Victorian Office of Corrections, *Standard Guidelines for Prison Facilities in Australia and New Zealand (1990)*, p. 31