



Justice  
Inspector of  
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Ms Kathrina Lo  
Director, Justice Policy  
Department of Justice  
GPO Box 31  
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Our Ref:ICS14 042

Dear Kathrina

## Consultation on the proposed Crimes (Administration of Sentences) Regulation 2014

Thank you for the opportunity to comment on the proposed *Crimes (Administration of Sentences) Regulation 2014*.

### Introduction

By way of introduction to my detailed, but limited comments, this office is supportive of:

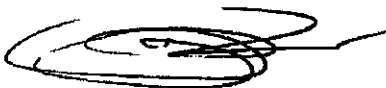
- The proposition that many of Corrective Services New South Wales' (CSNSW) procedures flowing from the *Crimes (Administration of Sentences) Act 1999* should be in the form of regulations, rather than in the form of administrative instruments.
- Option 4 as the preferred means to achieve the stated objectives of the proposed regulation.

### Detailed Comments

- cl 11. Placement of Inmates. The proposed clause does not appear to give appropriate consideration to inmate family location. ✓
- cl 15. Case Plan. This is linked to Div 5 of Part 4 and seemingly does not recognise the important issue of the usually unmet needs of inmates with short sentences. ✗
- cl 16. Contents of case plan. State Parole Authority requirements or expectations? ✗

- cl 24. Classification of male inmates. It is not clear why CSNSW is potentially locking itself into a specific capital works solution in the form of towers which are specified in several places. x
- cl 36. Accommodation. You may wish to consider including here (or in the CSNSW Operations Procedures Manual) a limitation on the use of double-bunking. It is noted that the Correctional Service Canada has chosen to do this by way of a *Commissioner's Directive* which can, of course, be easily revoked or modified and so defeat the whole purpose of such a limitation. x
- cl 49. Transfer of property. One of the confounding issues in the management of inmate property is the question of responsibility for property loss/damage on transfer. This clause offers the opportunity to clarify this by clearly assigning responsibility for resolution to either the dispatching or receiving Correctional Centre. x
- cl 65 (1). Responsibilities of accredited chaplains. The role of the Chaplaincy is limited in this clause to spiritual care, which appears to narrowly construe the wider role expressed in the NSW Department of Corrective Services – Civil Chaplaincies' Advisory Committee of NSW *Memorandum of Understanding 2001 (Revised 2006)*.
- cl 68. Participation of inmates in religious observances. You may wish to give the General Manager a degree of discretion over the numbers attending communal religious/spiritual activities at any one time.
- cl 68 (5). Use of Chapels. This clause is negative in its tenor; that is, it counsels against damaging religious texts or items. A more positive approach would be to include an expectation that staff will handle recognised Holy texts and religious items with respect.
- cl 76 (1). Number of visits. The specific limit of twice weekly visits for unconvicted inmates is presumably founded on analysis and evidence, but it is not consistent with the spirit of *Standard Minimum Rules for the Treatment of Prisoners* 92, *European Prison Rules* 99 and the *Standard Guidelines for Corrections in Australia (Revised)* 1.16.
- cl 305. Notice of discharge. You may wish to consider making the unauthorised discharge of a firearm a specific offence under correctional legislation. x

Yours sincerely



J R Paget  
Inspector of Custodial Services

23 July 2014