

Inspector of
Custodial Services

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Inspection of Broken Hill and
Tamworth Correctional Centres

December 2024

Acknowledgement of Country

The Inspector of Custodial Services acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present and emerging and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this report.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

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Inspector's overview

The inspection of Tamworth and Broken Hill Correctional Centres (CCs) was announced in 2021 during the COVID-19 pandemic,¹ as the Greater Sydney region was placed into lockdown, and regional travel restrictions were imposed.² The inspection of Tamworth CC took place in October 2021 and the inspection of Broken Hill CC took place in February 2022. This was the first full inspection of these centres. Previously, Tamworth CC was inspected in 2018 for the purposes of the Health Services Report and in 2020 for the Inmate Transport Report.³ Broken Hill CC was previously inspected in 2018 for the Programs, Education and Employment Report and in 2020 for the Inmate Transport Report.⁴ The inspections in 2021 and 2022 informed the Review of the Response to COVID-19 in NSW custody.⁵

Although these centres have been inspected and reported on for the purpose of the thematic reviews already mentioned, it is important that a full report on these centres is also tabled in NSW Parliament. These two centres hold the highest percentage of Aboriginal people so it provides an opportunity to focus on the treatment and conditions of Aboriginal people in custody in NSW. For this reason, I have included a section of the report that provides some context to the issue of over-representation of Aboriginal people in custody and the challenges that are not unique to NSW. The addition of incarceration in the revised Commonwealth Close The Gap targets is evidence of the scale of the issue.⁶ The most recent reporting against the targets does not show any signs of improvement in the incarceration rates of Aboriginal adults. Indeed, it is worsening, despite the concerted efforts of many.⁷

The Aboriginal prison population in NSW is now at a record high, with 4,103 Aboriginal adults in prison in September 2024. Aboriginal people now comprise a record 32% of the prison population in NSW. The increase is primarily due to more Aboriginal people being on remand. Aboriginal remandees increased by 236 or 14.5% since September 2023. Almost half of Aboriginal adults in custody are on remand (45.4%).⁸

What is unique to NSW, as this report outlines, is that the two centres with the highest percentage of Aboriginal people in custody is also some of the oldest infrastructure in NSW.⁹ Although at the time of the initial inspections over two years ago we were given information and assurances that remediation works and new infrastructure would address our concerns about the inherent risks of using 1800s infrastructure,¹⁰ our most recent site visits have not assuaged our concerns. To the contrary, the conditions we observed at Broken Hill CC highlighted the concerns we discussed in our Review of the Response to COVID-19.¹¹ A recent COVID-19 outbreak exposed the issue of relying on 1800s era cells with no showers to medically isolate Aboriginal people.¹² We were advised the plans to build new, fit for purpose infrastructure at Broken Hill CC had been shelved.¹³

Lockdowns due to COVID-19 outbreaks or staff shortages in both centres have highlighted the inadequacy of this infrastructure to accommodate Aboriginal people remanded in custody. It is inevitable that these 1800s correctional centres will close and the NSW Government should plan for this now. Moreover, it is difficult to reconcile how the \$3.8 billion injection of funding for new beds and infrastructure in the NSW correctional system, was not used to replace the 1800s infrastructure

1 Terms of Reference were announced on Monday 28 June 2021.

2 Sydney went into lockdown on Saturday 26 June 2021. NSW Government, 'COVID-19 (Coronavirus) statistics', *NSW Health* (web page, 26 June 2021) < https://www.health.nsw.gov.au/news/Pages/20210626_00.aspx >

3 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022); Inspector of Custodial Services (NSW), *Health services in NSW correctional facilities* (Report, March 2021).

4 Inspector of Custodial Services (NSW), *Programs, Employment and Education Inspection* (Report, February 2020); Inspector of Custodial Services, *Inspection of Inmate Transport in NSW* (Report, June 2022).

5 Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023).

6 Productivity Commission, *Closing the Gap Annual Data Compilation Report* (July 2021) 60.

7 *Closing The Gap, Commonwealth 2023 Annual Report* (2024) 38.

8 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update September 2024* (November 2024) 20.

9 Corrective Services NSW, *Aboriginal Offenders Statistical Report*.

10 Information from staff and CSNSW.

11 Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023) 33.

12 Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023) 60.

13 Information provided by staff, 7 March 2024.

used to accommodate a high-risk vulnerable Aboriginal population.¹⁴ Corrective Services NSW (CSNSW) invested \$851,000 at Broken Hill CC to upgrade the electronic security system and build two multipurpose cells.¹⁵

At Tamworth CC, significant remediation work had occurred in the 1800s cells to remove hanging points since our post-inspection feedback in 2021. A coronial inquest following a death in custody at the centre also recommended remediation works.¹⁶ There had been no remediation work at Broken Hill CC to remove hanging points from the 1800s cells since our post-inspection feedback. A recent Aboriginal death in custody at Broken Hill CC is currently before the Coroner.¹⁷

Although the operational capacity of these centres is relatively small in comparison with much larger correctional centres in NSW, the number of receptions and admissions to these two centres is high.¹⁸ Both centres receive high numbers of Aboriginal people remanded in custody directly from courts and police, and in the case of Tamworth CC, from court cells at Moree managed by CSNSW. As we have discussed in many of our previous reports, the initial remand period is high risk for people in custody.¹⁹ The correctional officers and non-custodial staff who work in these prisons must do the best they can with the infrastructure they have, and we observed many officers doing their best. However, we also observed poor practice, complacency and heard allegations of racism from staff and inmates. This was more pronounced at Broken Hill CC than Tamworth CC, and probably compounded by the tyranny of distance from CSNSW executive. Greater oversight of this centre is required by the CSNSW executive, who have committed to building a respectful, purposeful and collaborative culture to ensure the safety and engagement of staff and inmates.²⁰

Given the age of the infrastructure, and the relatively small operational capacity of both of these centres, their ongoing viability is questionable. CSNSW claim that both centres are an important part of CSNSW's state wide operations and enable Aboriginal offenders to be placed on Country.²¹ However we did not find this to be the case. Except for a few sentenced minimum security men in both locations, we found both centres were predominantly used as reception centres. Most Aboriginal people remanded in custody were designated 'Remand Bed Placement' (RBP) and transferred to another correctional centre within a period of one to two weeks, to make space for more new receptions.²² CSNSW have recently accepted our recommendation to cease the use of the RBP policy.²³

The number of receptions into custody at Broken Hill CC from the surrounding areas requires a correctional centre in this location. It is not feasible to transfer people to the closest centre at Wellington CC on admission to custody, some 800 kilometres from Broken Hill CC. Moreover, a purpose built centre creates an opportunity to increase the centre's capacity to accommodate people remanded in custody, and cease the practice of moving Aboriginal people back and forth between Broken Hill CC and Wellington CC for court, an eight hour road trip each way, in transport vehicles. As we discussed in our report on Inmate Transport in NSW, this is the longest transport route in the NSW correctional system, and the conditions endured during this transport can be inhumane and degrading.²⁴ In my view, the only viable solution for Broken Hill CC is to build a new fit for purpose centre and close the original 1800s gaol.

14 NSW Government, 'NSW Budget: New Prisoner Beds, Record Corrections Funding' (Media Release, 16 June 2016) < <https://www.treasury.nsw.gov.au/news/media-release-berejiklian-nsw-budget-new-prisoner-beds-record-corrections-funding> >

15 Information provided by Corrective Services NSW 8 August 2024.

16 *Inquest into the death of Tane Chatfield* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 26 August 2020).

17 Letter CSNSW to Inspector of Custodial Services 2 August 2024.

18 Information provided by Corrective Services NSW, 8 October 2021; Data provided by NSW Corrective Services Research and Evaluation Services (GRES), 5 November 2021.

19 Inspector of Custodial Services (NSW), *Inspection of Parklea Correctional Centre* (Report, June 2022) 36; Inspector of Custodial Services (NSW), *Inspection of the Metropolitan Remand and Reception Centre* (Report, February 2024) 20; Inspector of Custodial Services (NSW), *Inspection of John Morony Correctional Centre 2023* (Report, March 2024) 29.

20 Information provided by Corrective Services NSW 8 August 2024.

21 Information provided by Corrective Services NSW 8 August 2024.

22 Inspector of Custodial Services (NSW), *Full House: The Growth in the Inmate Population in NSW* (April 2015) 40.

23 Information provided by Corrective Services NSW 8 August 2024; Letter from Acting Commissioner, CSNSW to Inspector of Custodial Services 11 July 2024.

24 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) 67.

Similarly, Tamworth CC is predominantly used as a reception centre for people arrested and remanded into custody from the immediate surrounding area and the north-west of NSW. At the time of inspection and subsequent visits, the majority of people remanded in custody were designated RBP and transferred to another correctional centre within one to two weeks. At the time of inspection, the majority of Aboriginal men remanded in custody were transferred south to Cessnock CC or Shortland CC. Wellington CC and Clarence CC are large remand and reception centres in the central-west and north-east of the State respectively. Women remanded in custody in the same region serviced by Tamworth CC are already transferred directly to Wellington CC or Clarence CC. If it is determined that there is a need for a remand and reception centre in Tamworth, planning should commence for a new facility with capacity to hold inmates for the duration of the period they are on remand.

Tamworth and Broken Hill CCs should provide services and programs tailored to Aboriginal people, and have a culturally competent workforce, but they do not. There are some very dedicated Aboriginal and non-Aboriginal staff attempting to address the cultural safety deficits in these centres, but they are in the minority. Due to their regional locations many staff (apart from governors and managers of security) have spent their entire careers at these centres, and some staff are related or in relationships. The Astill Inquiry highlighted the potential risks associated with these employment practices.²⁵

These inspections, along with a series of inspections undertaken in 2022 and 2023 also provided me with an opportunity to test our draft Inspection Standards for Aboriginal people in Custody. The Standards have been developed having regard to the International Standards and Australian Guidelines for the incarceration of Aboriginal people. I have consulted widely on the Standards with CSNSW, Youth Justice NSW, the Justice Health & Forensic Mental Health Network (JH&FMHN), their dedicated Aboriginal Policy units and Aboriginal staff, the former Deputy Secretary Aboriginal Outcomes, Department of Communities and Justice (DCJ), non-government organisations, the Aboriginal Legal Service, Aboriginal Official Visitors, and Aboriginal people in custody. The Standards will be used to guide our inspections much the same way that the Inspection Standards for Adults in NSW guide our inspections of custodial centres and reviews of custodial services. It has been pleasing to see the efforts made by CSNSW and the JH&FMHN to take steps to implement and adopt the Standards before their formal publication. I commend them for doing so.

Fiona Rafter
Inspector of Custodial Services NSW
December 2024

25 *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre (Report, March 2024) recommendation 24.*

Glossary of terms and acronyms

Aboriginal	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people.
ACCHO	Aboriginal Controlled Community Health Service
ALRC	Australian Law Reform Commission
AMS	Aboriginal Medical Service
AVL	Audio-visual link
CC	Correctional centre
Closing The Gap	The National Agreement on Closing The Gap aims for Aboriginal and Torres Strait Islander people and governments to work together to overcome the inequality experienced by Aboriginal and Torres Strait Islander people, and achieve life outcomes equal to all Australians.
CMU	Case management unit
COPP	Corrective Services NSW's Custodial Operations Policy and Procedures
Country	Country is the term often used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected.
COVID-19	Coronavirus disease 2019, caused by the SARS-CoV-2 virus
Cultural Safety	Cultural safety is about overcoming the power imbalances of places, people and policies that occur between the majority non-Indigenous position and the minority Aboriginal and Torres Strait Islander person so that there is no assault, challenge or denial of the Aboriginal and Torres Strait Islander person's identity, of who they are and what they need. Cultural safety is met through actions from the majority position which recognise, respect, and nurture the unique cultural identity of Aboriginal and Torres Strait Islander people. Only the Aboriginal and Torres Strait Islander person who is recipient of a service or interaction can determine whether it is culturally safe. ²⁶
CSA	Core skills assessment
CSNSW	Corrective Services NSW
CSI	Corrective Services Industries
EQUIPS programs	Explore, Question, Understand, Investigate, Practice and Succeed programs
GP	General Practitioner
Guiding Principles	Corrective Services Administrators' Council's <i>Guiding Principles for Corrections in Australia 2018</i>
ICS	Inspector of Custodial Services
ICS Act	<i>Inspector of Custodial Services Act 2012</i>
IDC	Inmate development committee
JH&FMHN	Justice Health & Forensic Mental Health Network
Medical isolation	Where people with COVID-19 or the close contacts of people with COVID-19 are separated to prevent further transmission.
NAIDOC	National Aboriginal and Islander Day of Celebration
OS&P	Offender services and programs
Quarantine	Where young people and adults are separated for a period after entering custody to ensure they do not have COVID-19.

26 Closing The Gap (n.d.), 12. *Definitions*, <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/12-definitions>

RAPO	Regional Aboriginal Pathways Officer
RBP	Remand Bed Placement
RCIADIC	Royal Commission into Aboriginal Deaths in Custody
ROAMS	Remote Off-Site and Afterhours Medical Services
RUSH program	Real Understanding of Self Help program
Sally Port	The secure entrance where vehicles enter the Correctional Centre
SAPO	Services and programs officer
SOG	Security Operations Group
WH&S	Workplace health and safety

Executive summary

The overrepresentation of Aboriginal people in custody is a matter of long-standing and justified concern. We acknowledge that many reports and inquiries have extensively considered the overrepresentation of Aboriginal people in correctional environments, comprehensively outlining the historical, social and economic contexts that have contributed to the disproportionate incarceration rates of Aboriginal people.

There are many layers of disadvantage that contribute to this disproportionate representation. The Australian Law Reform Commission's *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* report²⁷ listed some of these layers of disadvantage as: lack of employment opportunities and educational attainment; poor mental health, physical disability, cognitive disability, and substance abuse; harmful use of alcohol; homelessness, inadequate housing and overcrowding; family violence; and intergenerational trauma. More than 30 years ago the 1991 *Royal Commission into Aboriginal Deaths in Custody* (RCIADIC) final report similarly listed the following factors as contributing to the disproportionate representation of Aboriginal and Torres Strait Islander people in prison: the economic position of Aboriginal and Torres Strait Islander people; poor health; poor housing; access or non-access to an economic base including land and employment; poor rates of education; the part played by alcohol and other drugs – and its effects.²⁸

Incarcerated Aboriginal people are a vulnerable prison sub-population in terms of health needs. As well as being overrepresented in prison, Aboriginal people have more complex health issues than non-Aboriginal people.²⁹ The National Agreement of Closing The Gap recognises at a national level the shorter life expectancies of, and higher rates of complex health conditions among, Aboriginal and Torres Strait Islander people compared to non-Indigenous Australians (known as 'The Gap').³⁰ The Closing The Gap targets include the reduction of the incarceration rates of Aboriginal and Torres Strait Islander adults and young people.³¹ This national acknowledgement of the interaction of criminogenic and health factors in the future wellbeing of Aboriginal people is long overdue and requires action.

Closing The Gap recognises that Aboriginal overrepresentation can be addressed by giving Aboriginal people a voice in how programs and services are delivered to their people, in their own places and on their own Country; that community-controlled organisations deliver the best services and outcomes for Closing The Gap; and government agencies and institutions need to address systemic, daily racism, and promote cultural safety and transfer power and resources to communities.³²

“Cultural safety is about overcoming the power imbalances of places, people and policies that occur between the majority non-Indigenous position and the minority Aboriginal and Torres Strait Islander person so that there is no assault, challenge or denial of the Aboriginal and Torres Strait Islander person’s identity, of who they are and what they need. Cultural safety is met through actions from the majority position which recognise, respect, and nurture the unique cultural identity of Aboriginal and Torres Strait Islander people. Only the Aboriginal and Torres Strait Islander person who is recipient of a service or interaction can determine whether it is culturally safe.”³³

27 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 42.

28 *Royal Commission into Aboriginal Deaths in Custody: National Report* (Final Report, 1991) vol 1, 1.3.6.

29 In 2015, JH&FMHN identified that Aboriginal inmates had 'markedly divergent' health needs, including higher instances of schizophrenia, psychosis, alcohol abuse or dependence, and post-traumatic stress disorder among Aboriginal patients compared to non-Aboriginal patients; see Justice Health and Forensic Mental Health Network, *Network Patient Health Survey: Aboriginal People's Health Report 2015* (Final Report, November 2017) xiii, 41.

30 Productivity Commission, *Closing the Gap Annual Data Compilation Report* (July 2023)

31 Productivity Commission, *Closing the Gap Annual Data Compilation Report* (July 2023).

32 Closing The Gap, *The National Agreement* (Web Page, undated) <<https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/4-new-approach>>.

33 Closing The Gap (n.d.), 12. *Definitions*, < <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/12-definitions> >

The NSW correctional system is the largest in the country and NSW has the highest prison population of any Australian jurisdiction.³⁴ It also has the highest number of correctional centres (36) and the majority of correctional centres are located in regional NSW.³⁵ In NSW Aboriginal people make up 32% of the prison population despite being approximately 3% of the population of NSW. This figure is even higher for women in adult corrections (34%).³⁶ Tamworth CC and Broken Hill CC have the highest percentage of Aboriginal people in custody.³⁷

The importance of Country

The distribution of Aboriginal people across the correctional system in NSW is not even. In some centres Aboriginal people will make up 10% of the population and in others Aboriginal people can make up over 70% of the population in a centre. This report relates to the inspection of the two centres with the highest percentage of Aboriginal people in NSW, Broken Hill CC (over 60%) and Tamworth CC (over 70%). Although these centres have the highest percentage of Aboriginal people, the number of people held in custody at these centres is low with a maximum capacity of approximately 100. These are small centres compared with other large correctional centres in NSW that have a capacity of over 1000 people and may have a lower percentage but higher population of Aboriginal people in custody, for example, Mid North Coast CC.

Notwithstanding the size of Broken Hill CC and Tamworth CC they provide an insight into how CSNSW manages centres with a dominant Aboriginal population, the conditions in which Aboriginal people are held, and how Aboriginal people are treated in custody within the NSW system. This also provided an opportunity to assess whether the policies and practices of CSNSW need to be changed to be able to Close The Gap, reduce Aboriginal overrepresentation, improve Aboriginal health outcomes and reduce Aboriginal deaths in custody.³⁸

Broken Hill CC is located in the centre of the town of Broken Hill, 1141 kilometres from Sydney. It was built in 1892 on Wilyakali Country. Tamworth CC is located in the centre of Tamworth 397 kilometres from Sydney. It was built in 1881 on Kamilaroi, Gomeroi and Gamilaraay Country. They are two of the oldest correctional centres in NSW and two of five correctional centres built in the 1800s in NSW that are still operating today.

Country is the term used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity.³⁹ Despite the number of correctional centres located throughout NSW (36) many Aboriginal people are held off Country.

The Guiding Principles for Corrections in Australia highlight that the placement of inmates can influence their rehabilitation and wellbeing. These principles suggest that, where practicable, Aboriginal and Torres Strait Islander people should be placed in a location proximate to their family and community.⁴⁰ Particular consideration should be given to the placement of Aboriginal inmates who retain a strong attachment to their Country.

During both inspections, we observed Aboriginal people being moved off Country and transferred to other correctional centres, as part of the Remand Bed Placement (RBP) policy. The justification provided by CSNSW for moving Aboriginal people off Country is to create bed space in the correctional centre for new receptions into custody. Broken Hill CC received 164 new inmate receptions in the 12-month period between 30 July 2020 and 30 June 2021, and has a capacity of 57 beds in the main part of the correctional centre, where inmates on remand are held. With an average stay on remand of 44 days it is difficult to reconcile the justification for moving people off Country and away from their families and community. We have consistently raised concerns about the RBP

34 Productivity Commission, *Report on Government Services 2024* (Report, January 2024) Part C, table 8A.4.

35 Productivity Commission, *Report on Government Services 2024* (Report, January 2024) Part C, table 8A.3; fortnightly CSNSW data.

36 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics September 2024* (Report, November 2024) 26

37 Corrective Services NSW, *Aboriginal Offenders Statistical Report* (March 2023) 7.

38 Corrective Services NSW, *Aboriginal Offenders Statistical Report* (March 2023) 7; NSW Closing The Gap, *Annual Report 2022-23* (Report, November 2023) 47.

39 The Australian Institute of Aboriginal and Torres Strait Islander Studies, *Welcome to Country* (nd) <<https://aiatsis.gov.au/explore/welcome-country#toc-what-is-country->>

40 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (2018) 5.1.5.

and Women's Remand Bed Placement policy and have recommended that CSNSW review the RBP practice and minimise the movement of remand inmates throughout NSW.⁴¹ Moreover the RBP policy is not culturally safe and fails to consider the importance of being on Country to Aboriginal people from regional and remote communities, and the consequent detrimental impacts on Aboriginal people in custody when they are transferred away from their Country and community supports.

During the inspection of Broken Hill CC, we observed four Barkandji men moved off Country due to the RBP policy. This practice was still occurring in March 2024. However, we were pleased to see that in March 2024 the majority of sentenced minimum security inmates at Broken Hill CC were Aboriginal men from the local region. CSNSW should keep Aboriginal people on Country whenever possible. The Acting Commissioner CSNSW has since confirmed that the RBP policy will cease.⁴²

Accommodation and conditions

Although the exterior and gardens of Tamworth CC and Broken Hill CC were observed to be neat and tidy, there were a number of issues with the 1800s era buildings in which inmates are held at both centres. Most of the problems identified at Tamworth and Broken Hill CCs stemmed from the use of outdated infrastructure that was no longer fit for purpose. The main accommodation building at Tamworth CC is so old it has evidence of where the gallows were once located on the top landing. It is a sad indictment on the NSW correctional system, that in the 21st century any person and particularly Aboriginal people are being kept in custody with such remnants of our colonial past.

The 1800s infrastructure is also an issue from a security perspective. As discussed in our Inmate Transport Report, inmate transport vehicles are unable to enter the secure perimeter of the correctional centre at Tamworth CC.⁴³ At Broken Hill CC, transport vehicles are able to enter the secure perimeter. Broken Hill CC and Tamworth CC are the only two correctional centres that manage their own inmate transport vehicles. Other centres rely on the Court and Escort Security Unit to transport inmates to court and between correctional centres. As discussed in our Inmate Transport Report there can be issues with correctional centres managing their own transport needs.⁴⁴

A tower was constructed in 2018 at Broken Hill CC due to a thwarted escape plan. An armed guard is positioned in the tower. We have previously recommended the retirement of armed towers in maximum security centres, as they are an outdated mode of security.⁴⁵ A new facility at Broken Hill would provide an opportunity to install modern security systems.

Our main concerns related to the cell sizes, the number of inmates held in a cell, ligature points in cells, no showers in cell, poor ventilation, and the windows at both centres being open to the elements, which can range from as low as -2.9 degrees celsius to as high as 46.3 degrees celsius.⁴⁶ Since the inspections significant remediation works have occurred to remove hanging points at Tamworth CC. We observed these improvements in March 2024 however the lack of showers and ventilation remains an issue. At Broken Hill CC, air-conditioning provides relief from the extremely high temperatures. However, the size of cells, lack of showers in cells, hanging points, and no useable door hatches, are issues that remain unresolved in 2024. An Aboriginal death in custody at Broken Hill CC on 31 July 2024 is currently before the Coroner.⁴⁷

Due to their location and a lack of alternative reception options, Broken Hill and Tamworth CCs continued to receive new inmates into custody during the COVID-19 pandemic. Quarantining inmates

41 Inspector of Custodial Services (NSW), *Full House: The growth of the inmate population in NSW* (Report, April 2015) 36; Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) recommendation 6; Inspector of Custodial Services (NSW), *Inspection of Parklea Correctional Centre* (Report, June 2022) 18; Inspection of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) recommendation 3.

42 Letter Acting Commissioner CSNSW to Inspector of Custodial Services 11 July 2024.

43 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) 71.

44 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) 70.

45 Inspector of Custodial Services (NSW), *Inspection of Lithgow Correctional Centre* (Report, May 2022) 17, recommendation 1; Inspector of Custodial Services (NSW), *Inspection of Goulburn Correctional Centre and the High Risk Management Correctional Centre* (Report, June 2022) 26.

46 Bureau of Meteorology, *Climate statistics for Australian locations: Broken Hill AWS* (online, 30 November 2022) <http://www.bom.gov.au/jsp/ncc/cdio/cvg/av?p_stn_num=047048&p_prim_element_index=0&p_comp_element_index=0&redraw=null&p_display_type=full_statistics_table&normals_years=1991-2020&tablesizebutt=normal>

47 Letter CSNSW to ICS 4 August 2024.

in some of the oldest custodial infrastructure operating in Australia created issues with new inmate arrivals and increased safety and security risks. In comparison to inmates held in quarantine in Tamworth CC, inmates held in quarantine at Broken Hill CC had access to some amenities such as a TV, fridge, and kettle. However, inmates in quarantine at Broken Hill CC were only allowed to leave their cells to shower or use the phone, neither of which occurred daily. Of significant concern, women were being held in adjoining cells to men.

There were issues at both Tamworth and Broken Hill CCs with implementing Commissioner's directions relating to COVID-19 due to the old infrastructure in use. The quarantine cells at Broken Hill CC shared a narrow corridor with inmates who were not in quarantine. The hatches in the 1800s style doors were not airtight and therefore not suitable for housing people in quarantine or medical isolation. Cells at Tamworth and Broken Hill CCs are ill-equipped for quarantining or medically isolating people in custody as they do not have showers in cells, requiring isolated inmates to be moved to communal shower blocks. Furthermore, at Tamworth CC the inmate population consisted of quarantine and non-quarantine inmates. To ensure inmates had access to phones and showers, different cohorts would be rotated to different yards throughout the day. Whether a yard was designated as a red or an orange zone at a particular time depended on whether it contained quarantine or non-quarantine inmates. The zones and the PPE requirements could change with each yard rotation, making compliance challenging. This was plainly not the intention behind the creation of PPE zones, which appeared to assume the classification of an area would remain static. Our Review of the Response to COVID-19 in NSW custody provides further details.⁴⁸

We visited Broken Hill CC in March 2024 to see if conditions had improved. The centre was responding to a COVID-19 outbreak. At the time of our visit, we were advised the population of the centre was 98% Aboriginal people. All of the concerns that we expressed in our Review of the Response to COVID-19 in NSW custody had manifested.⁴⁹ The 1800s part of the centre had been in lock down for four days, and although the whole of centre lock down had lifted there were several men with COVID-19, and their close contacts (cell mates), still locked in their cells in medical isolation. We were shown a shower where the men had been released from their cells to shower, as there are no showers in cells. There was no sign of any infection control hygiene requirements taking place. The shower was dirty with multiple cakes of used soap discarded on the floor presumably for the next person to use. It was no surprise that in these conditions COVID-19 spread among inmates and staff. I should stress at this point, it is not the fault of staff that they must manage people in custody in these draconian conditions, although refresher training in infection control is clearly needed.

Reception and Induction

Overall, reception processes at Tamworth CC were well run and we observed a services and programs officer (SAPO) undertake a comprehensive individual induction session in March 2024. Broken Hill CC requires refresher training in reception procedures to ensure inmate screening takes place in a discrete area and interpreter services are utilised when required. The SAPO led induction process at Broken Hill CC was similar to Tamworth CC. They provided the Health Survival Tips course with a booklet and questionnaire and also did welfare checks on inmates, particularly those held in quarantine or medical isolation who were checked daily.

Inmates held on remand at Tamworth CC and Broken Hill CC lead an impoverished existence compared with inmates who are sentenced. This is not unique to these locations as we have observed this to be the case across many correctional centres in NSW.⁵⁰ Many inmates on remand rely on their families to subsidise the costs of items in custody. However, many Aboriginal people in custody cannot rely on their family to provide money for food, hygiene products, television and fan rental, and the cost of phone calls. It is important to remember that as many as one in ten inmates on remand are acquitted of their charges,⁵¹ and many are sentenced to short sentences or community based orders.

48 Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023) 40.

49 Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023) 33.

50 Inspector of Custodial Services (NSW), *Inspection of Wellington Correctional Centre 2023* (Report, March 2024) 22.

51 Jennifer Galouzis and Simon Corben, 'Judicial Outcomes of Remand Inmates in New South Wales' (Research Bulletin No 34, Corrections Research, Evaluation and Statistics, Corrective Services NSW, October 2016) 2-3.

On a positive note, in cell tablets were rolled out during the COVID-19 pandemic, due to the necessary pause of in person visits. Inmates on remand need more access to support networks including friends and family, legal representation, and mental health professionals. Both centres had introduced a system to allocate in cell tablets to individual inmates. We did, however, note that both centres were unaware of the legislative requirement to provide free phone calls to people remanded in custody.⁵² This requires attention.

Broken Hill CC had regular visits from the Aboriginal Legal Service however the use of the RBP policy meant many people on remand were transferred from Tamworth CC to Cessnock CC or Broken Hill CC to Wellington CC within a short period of being remanded in custody. Although both centres had adequate audio visual link (AVL) suites for court appearances and professional visits, access to legal resources was an issue at both centres due to restricted library access.

Complaints and Advocacy

We found that Broken Hill CC had a functioning inmate development committee (IDC) that met regularly with the manager of security regularly attending these meetings. During our inspection we attended an IDC meeting and found that inmate representatives were able to articulate issues and concerns on behalf of their fellow inmates. The inclusion of both men and women in the same IDC meeting also reflects societal norms and is an example of pro-social modelling. Aboriginal and female inmates can also raise issues independently of the IDC which allows for cultural and female specific issues to be addressed. We commend Broken Hill CC for this good practice. We were pleased to hear that the Tamworth IDC had a number of Aboriginal people on the committee, however no Aboriginal inmate delegate. This should be rectified as the Aboriginal delegate provides an important support role for other inmates at Tamworth CC.

Cultural Safety

At the time of the inspection, it was disappointing to see how little was actually on offer to connect Aboriginal people to culture and the ignorance amongst some staff of the importance of culture to Aboriginal people. At Broken Hill CC and Tamworth CC we heard that Aboriginal Elders had not been visiting the centre on a regular basis. We also found that Aboriginal Elders had not been remunerated in accordance with CSNSW policy.⁵³ It is acknowledged that COVID-19 restrictions impacted Elders' access to correctional centres during the pandemic.

At the time of inspection most women in custody at Broken Hill CC identified as Aboriginal, and expressed a need for their own Yarning Circle. We were invited by the Governor to return to Broken Hill CC for NAIDOC celebrations in August 2022 and it was pleasing to see a Yarning Circle had been constructed in the women's section. We attended the women's and men's NAIDOC celebrations at the centre and the Governor, staff and Aboriginal people in custody should be commended for the success of both days. It provided an insight into what is possible at Broken Hill CC and we hope that the programs and activities that we witnessed on that day can be embedded into the centre and not be reserved for one day a year. In March 2024 we were pleased to see the Yarning Circle in the women's area at Broken Hill CC had been well maintained and remained accessible to the women. In contrast, the men's Yarning Circle located on the oval adjacent to the 1800s accommodation was not accessible due to its location in the centre. This needs to be rectified as we have been to multiple NAIDOC celebrations at Broken Hill CC and witnessed the positive impact of access to both Yarning Circles. The Yarning Circle at Tamworth CC is also only accessible when inmates are given oval access which was once a week in February 2024.

Despite the efforts and commitment of CSNSW's Aboriginal Strategy Directorate (ASD), these inspections and others have found that many of the programs in the CSNSW Aboriginal programs compendium were no longer operating or not operating well.⁵⁴ Many programs are only available

52 *Crimes (Administration of Sentences) Regulation 2014* cl 120; *Corrective Services NSW, Custodial Operations Policy and Procedures: 8.2 Inmate Telephones* (version 1.11, 11 August 2023) 8.

53 *Corrective Services NSW, Custodial Operations Policies and Procedures – 11.6 Aboriginal Community Mentors* (12 March 2020).

54 *Inspector of Custodial Services (NSW), Inspection of Emu Plains Correctional Centre 2021* (Report, April 2022); *Inspector of Custodial Services (NSW), Inspection of the Residential Facilities and the Compulsory Drug Treatment Correctional Centre* (Report, February 2020); *Inspector of Custodial Services (NSW), Inspection of St Heliers Correctional Centre 2021* (Report, November 2022).

at specific locations and are not accessible to the majority of Aboriginal people in custody. In particular, as we have discussed in other reports a number of the women's programs rely on short term Commonwealth funding and are not accessible to the majority of Aboriginal women in custody.⁵⁵ Certainly none of the ASD programs were accessible to the men and women at Broken Hill CC or Tamworth CC at the time of inspection. We acknowledge the work that the ASD has commenced more recently to reinvigorate the Elders Program, increase the number of cultural programs being delivered in correctional centres, build Yarning Circles, and recruit additional Regional Aboriginal Pathways Officers (RAPOs).

We are very conscious of the impact the COVID-19 pandemic has had on program delivery, education and community in-reach services. We found Aboriginal inmates at Tamworth CC to have quite high levels of education, while Broken Hill CC remained average, compared to Australia nationally. We commend both Broken Hill CC and Tamworth CC for concerted efforts to reconnect with community organisations to deliver services and programs to Aboriginal people in custody. We were particularly pleased to see the Tamworth Aboriginal Medical Service had commenced in reach services to Tamworth CC in March 2024. This addresses our recommendation about access to Aboriginal Health workers. We understand that work is also underway at Broken Hill CC to provide better in reach services from the local Aboriginal Medical Service. We are also pleased that since our inspections of Tamworth CC and Broken Hill CC, CSNSW has increased the number of RAPOs from four to six. Both centres also employ Aboriginal SAPOs.

Displaying the Aboriginal flag is an important way of demonstrating recognition of Aboriginal people and can promote community partnership and display commitment to Closing The Gap. This also demonstrates a critical element of cultural safety for services that access the centre and Aboriginal people in custody. Broken Hill CC displays the Aboriginal flag at the front of the centre. Tamworth CC does not. This seemed disrespectful considering local Aboriginal community members and Elders were invited to the centre to meet the inspection team. Despite feedback to the centre, in March 2024 there was still no Aboriginal flag at the entrance to Tamworth CC. CSNSW advise this has been remedied.

The future of Tamworth CC and Broken Hill CC

The NSW Government needs to determine the future of Tamworth CC and Broken Hill CC. From 1 September 2020 to 1 August 2021, there were over 600 admissions into custody and 191 people released from Tamworth CC.⁵⁶ If a centre at Tamworth is needed to service the local region and north-west of the state, CSNSW should build suitable infrastructure that can safely accommodate Aboriginal people newly received into custody and ensure the services at the centre are tailored to the needs of Aboriginal people on remand.

The volume of receptions into custody from the surrounding areas requires a correctional centre at Broken Hill. It is not feasible to transfer people to the closest centre at Wellington CC on admission to custody, some 800 kilometres from Broken Hill CC. Moreover, a purpose built centre creates an opportunity to increase the capacity of the centre to accommodate people remanded in custody, and cease the practice of moving Aboriginal people back and forth between Broken Hill CC and Wellington CC for court, an eight hour road trip in transport vehicles. We are also aware of a number of Aboriginal people who have been transferred from Broken Hill CC to Wellington CC, in accordance with the RBP policy, only to be released and have to find their way home to the Broken Hill region.

55 Inspector of Custodial Services (NSW), *Inspection of Emu Plains Correctional Centre 2021* (Report, April 2022); Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020); Inspector of Custodial Services (NSW), *Inspection of Wellington CC* (Report, May 2024).

56 Information provided by Corrective Services NSW, 8 October 2021.

Recommendations

The Inspector recommends:

1. Corrective Services NSW ensures that Regional Aboriginal Pathways Officers attend Broken Hill and Tamworth Correctional Centres on a regular basis and provide support to Aboriginal people in custody.
2. Corrective Services NSW ceases to use correctional infrastructure from the 1800s and constructs new accommodation at Broken Hill and Tamworth Correctional Centres that is culturally appropriate for Aboriginal people.
3. Corrective Services NSW constructs an entry and egress at Tamworth Correctional Centre that allows inmate transport vehicles to securely enter the centre and allow inmates to embark and disembark without unnecessary exposure to public view.
4. Corrective Services NSW ensures ongoing maintenance of minimum security accommodation units at Tamworth Correctional Centre.
5. Corrective Services NSW ensures Broken Hill and Tamworth Correctional Centres provide free telephone calls to remand inmates in accordance with clause 120 of the *Crimes (Administration of Sentences) Regulation 2014*, and access to legal materials.
6. Corrective Services NSW ensures Tamworth Correctional Centre provides warm clothing and bedding to inmates.
7. Corrective Services NSW ensures that staff at Broken Hill and Tamworth Correctional Centres complete Aboriginal cultural safety training, ensures compliance with mandatory training, and provides refresher training in custodial practice.
8. Corrective Services NSW ensures Aboriginal delegates are appointed to the Inmate Development Committee at Tamworth Correctional Centre.
9. Corrective Services NSW ensures that Aboriginal people in Tamworth Correctional Centre can access the Yarning Circle.
10. Corrective Services NSW engages and remunerates local Aboriginal Elders to provide mentoring and cultural support for Aboriginal inmates.
11. Corrective Services NSW ensures that a rental scheme for TVs and fans is available to all inmates at Tamworth Correctional Centre.
12. Corrective Services NSW increases employment opportunities for remand inmates at Broken Hill and Tamworth Correctional Centres.
13. Corrective Services NSW delivers culturally safe programs at Tamworth Correctional Centre.
14. Corrective Services NSW measures education completion rates in addition to participation rates.
15. Corrective Services NSW provides training to staff and ensures that staff use x-ray body scanners for searches instead of strip searches at Broken Hill and Tamworth Correctional Centres.
16. Corrective Services NSW and Justice Health and Forensic Mental Health Network ensure staff utilise interpreter services in accordance with policy at Broken Hill Correctional Centre.
17. Corrective Services NSW ceases placing women in the men's unit at Broken Hill Correctional Centre.
18. Corrective Services NSW completes an audit of ligature points and removes all hanging points in cells at Broken Hill Correctional Centre.

19. Corrective Services NSW ceases using the Remand Bed Placement policy to override the statutory classification and placement system and keep Aboriginal people on Country wherever possible.
20. Corrective Services NSW ensures that release arrangements for Aboriginal people in custody allow Aboriginal people, particularly those from regional and remote communities, to return to their homes safely and promptly.
21. Corrective Services NSW ensures that Broken Hill Correctional Centre transport provide inmates with toilet breaks and comfort stops and complies with CSNSW policy including cleaning requirements.
22. Corrective Services NSW increases the numbers of female correctional officers and Aboriginal correctional officers at Broken Hill Correctional Centre.
23. Justice Health & Forensic Mental Health Network continues to enter into service agreements with Aboriginal Controlled Health Services and recruit Aboriginal health care workers to provide culturally appropriate health services.
24. Justice Health & Forensic Mental Health Network ensures that Priority 1 and Priority 2 patients are seen within recommended timeframes at Broken Hill Correctional Centre.
25. Corrective Services NSW allows Aboriginal people in custody to practice their culture and observe cultural obligations.
26. Corrective Services NSW increases work release opportunities for Aboriginal people at Broken Hill Correctional Centre.
27. Corrective Services NSW ensures that programs and services are delivered to Aboriginal people in a culturally safe way.
28. The Inspector recommends that this report is made public immediately upon being tabled in NSW Parliament, in accordance with section 16(2) of the *Inspector of Custodial Services Act 2012*.

Inspection process

The office of the Inspector of Custodial Services (ICS) was established by the *Inspector of Custodial Services Act 2012* (the ICS Act) in October 2013. The mandate of the office is to provide independent scrutiny of the conditions, treatment and outcomes for people in custody, and to promote excellence in staff professional practice. The Inspector is required to inspect adult custodial centres at least once every five years and report on each such inspection to the NSW Parliament with relevant advice and recommendations.⁵⁷

Inspection provides independent information gathering and analysis concerning what is working well and which areas require improvement.

The inspections of Broken Hill CC and Tamworth CC focused on:

- custodial conditions, including safety and security
- the treatment, care, and wellbeing of inmates
- the rehabilitation of inmates, including programs, education, employment, and preparation for release, and
- resources and systems, including the staffing and management of each correctional centre.

The inspection team consisted of the Inspector, two principal inspection and research officers, an Aboriginal inspection and liaison officer and two Aboriginal Official Visitors.

Prior to the inspections, we received documents and data from both centres and the Corrections Research Evaluation and Statistics branch of CSNSW. During each inspection we conducted observations of a range of processes and areas of both Broken Hill CC and Tamworth CC. We also held discussions with a number of custodial and non-custodial staff, including union representatives, and inmates, including delegates from each centre's inmate development committees. We requested additional documents and data following the inspection.

Our draft *Inspection Standards for Aboriginal People in Custody* were piloted during the inspections of both centres. Broken Hill and Tamworth CCs were selected for the pilot due to the high number of Aboriginal people at these centres.

It is acknowledged that inspections capture a snapshot in time, with understanding and observations limited by time spent on site. It should be noted that inspections of custodial facilities that occurred during the COVID-19 pandemic were impacted by ICS staff and centre staff being unavailable at short notice due to illness, centre lockdowns due to COVID-19 outbreaks, and changes to routines and practices to prevent or mitigate the risk of COVID-19 transmission. Consequently, some interviews that would usually occur in person, took place virtually either before or after the on-site inspection. The length of time on site and ability to observe all functions of a centre was also impacted, often at short notice.

At the conclusion of the on-site inspection, a debrief was held with the Governors of the centres and the CEO of the Justice Health and Forensic Mental Health Network (JH&FMHN). This provided an opportunity for local management to address any immediate concerns and to be aware of the initial findings of the inspection and likely medium to longer term recommendations.

We made several post-inspection visits to Broken Hill CC to monitor progress including a visit in March 2024 during a COVID-19 outbreak at the centre. We visited Tamworth CC in February 2024 to observe remediation work that occurred following our initial inspection to remove ligature points and improve conditions in the 1800 cells.

The inspections considered sensitive information and methodologies. In accordance with section 15 of the ICS Act, information that could prejudice the security, discipline or good order of any custodial centre, identify or allow the identification of a person who is or was detained at a youth justice centre

57 *Inspector of Custodial Services Act 2012* s 6.

or in custody in a juvenile correctional centre, or identify or allow the identification of a custodial centre staff member, has been removed in the public interest.

A draft report or relevant parts thereof was provided to CSNSW and the JH&FMHN in accordance with section 14(2) of the ICS Act. Submissions were received from the JH&FMHN and CSNSW. In accordance with section 14(1) of the ICS Act, the Inspector provided the Hon Anoulack Chanthivong MP with the opportunity to make a submission in relation to the draft report. In accordance with section 14(3)(b) of the ICS Act, each submission and the Minister's response was considered before the finalisation of the report for tabling.

Introduction

The overrepresentation of Aboriginal people in NSW correctional centres

The overrepresentation of Aboriginal people in custody is a matter of long-standing and justified concern. We acknowledge that many reports, research and inquiries have extensively considered the overrepresentation of Aboriginal people in correctional environments, comprehensively outlining the historical, social and economic context that has contributed to disproportionate incarceration rates of Aboriginal people. This chapter aims to provide an overview of the issues, treatment and conditions experienced by Aboriginal people in custody; as well as identify the policies, programs and services that need to be available to people in custody in NSW correctional centres.

In December 2022, Aboriginal people comprised 29.1% of the NSW prison population.⁵⁸ The Aboriginal prison population in NSW was at a record high in September 2024. Aboriginal people now comprise 32% of the prison population in NSW.⁵⁹ However, some NSW correctional centres have Aboriginal populations much higher than 32%, as shown in the table below.⁶⁰ In particular, table 1 highlights the high percentage of Aboriginal people at Broken Hill Correctional Centre and Tamworth Correctional Centre.⁶¹

Table 1: NSW Adult Correctional Centres with Aboriginal Population > 25% of Total Population⁶²

Centre	Country	December 2019	December 2020	December 2021	December 2022	December 2023	October 2024
Bathurst (Maximum)*	Wiradjuri	-	-	35%	37%	39%	36%
Bathurst (Medium male/female)	Wiradjuri	33%	35%	40%	35%	42%	60%
Bathurst (Minimum)	Wiradjuri	23%	26%	32%	26%	38%	32%
Brewarrina (Minimum)*	Wailwan	100%	-	-	-	-	-
Broken Hill (Medium)	Wilyakali	66%	70%	64%	73%	72%	70%
Broken Hill (Minimum, male/female)	Wilyakali	41%	43%	68%	73%	47%	68%
CDTCC (Minimum)	Dharug	35%	26%	29%	32%	25%	27%
Cessnock (Minimum, male/female)	Wonnarua	32%	28%	23%	24%	23%	24%
Clarence (Maximum, male/female)*	Gumbaynggirr	-	36%	38%	39%	38%	43%
Cooma (Medium)	Yuin	12%	20%	33%	32%	27%	22%

58 NSW Bureau of Crime Statistics and Research, *New South Wales Custody Statistics Quarterly Update December 2022* (December 2022) 25.

59 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update September 2024* (November 2024) 20.

60 Corrective Services NSW, *Aboriginal Offenders Statistical Report*.

61 Corrective Services NSW, *Aboriginal Offenders Statistical Report*.

62 Corrective Services NSW, *Aboriginal Offenders Statistical Report*.

Dillwynia (Maximum, female)*	Dharug	-	17%	39%	45%	33%	45%
Dillwynia (Medium, female)	Dharug	33%	31%	33%	34%	38%	35%
Emu Plains (Minimum, female)*	Dharug	31%	24%	31%	-	-	9%
Goulburn (Minimum)	Gundungurra	15%	17%	29%	32%	27%	17%
Grafton (Minimum, male/female)*	Gumbaynggirr	35%	-	-	-	-	-
Ivanhoe (Minimum)*	Wongaibon	36%	-	-	-	-	-
John Morony (Medium)	Dharug	20%	25%	21%	28%	29%	23%
June (Maximum)*	Wiradjuri	-	33%	30%	31%	36%	28%
June (Medium male / female)	Wiradjuri	33%	33%	37%	39%	-	43%
Lithgow (Maximum)	Wiradjuri	27%	32%	32%	34%	34%	31%
Mid North Coast (Medium)	Dunghutti	42%	41%	28%	38%	57%	58%
Mid North Coast (Minimum)	Dunghutti	43%	19%	44%	44%	43%	44%
Mid North Coast (Maximum)	Dunghutti	48%	42%	40%	41%	40%	39%
MSPC Area 2 (Maximum)	Bidjigal	36%	45%	28%	26%	25%	32%
Shortland (Maximum)	Wonnarua	35%	35%	40%	35%	36%	34%
Silverwater Women's CC (Maximum)	Dharug	39%	37%	39%	39%	40%	44%
South Coast (Maximum)	Yuin	28%	32%	34%	33%	36%	33%
Tamworth (Medium)	Kamilaroi, Gomeri, Gamilaraay	73%	74%	66%	61%	74%	77%
Tamworth (Minimum)	Kamilaroi Gomeri, Gamilaraay	57%	33%	55%	50%	58%	79%
Wellington (Maximum)**	Wiradjuri	60%	62%	-	58%	62%	65%
Wellington (Minimum, male/female)**	Wiradjuri	51%	40%	-	50%	56%	56%

***Brewarrina, Grafton and Ivanhoe closed in 2020. Clarence opened in 2020. New maximum security accommodation was opened at Bathurst, Junee and Dillwynia in 2020. Emu Plains, Oberon and Dawn de Loas were temporarily closed in 2022.**

**** Wellington CC closed temporarily in 2021 due to damage caused by a mouse plague.**

There are many layers of disadvantage that contribute to this disproportionate representation. The Australian Law Reform Commission's *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* report⁶³ listed some of these layers of disadvantage as: lack of employment opportunities and educational attainment; poor mental health, physical disability, cognitive disability, and substance abuse; harmful use of alcohol; homelessness, inadequate housing and overcrowding; family violence; and intergenerational trauma. Over 30 years ago the *1991 Royal Commission into Aboriginal Deaths in Custody* (RCIADIC) final report similarly listed the following factors as contributing to the disproportionate representation of Aboriginal and Torres Strait Islander people in prison: the economic position of Aboriginal and Torres Strait Islander people; poor health; poor housing; access or non-access to an economic base including land and employment, poor rates of education; the part played by alcohol and other drugs – and its effects.⁶⁴

Aboriginal people held on remand

There has been a continued national increase of people on remand, particularly among people who identify as Aboriginal and Torres Strait Islander. The Australian Bureau of Statistics observed that there was a 15.1% increase in the number of remand prisoners nationally from 2017 to 2022.⁶⁵ In NSW Aboriginal adults on remand rose by 26.9% from September 2020 to September 2022, with a 5.7% increase in receptions observed.⁶⁶ The increase in remand inmates who identify as Aboriginal in New South Wales particularly, partially reflects changes to bail conditions, such as changes to breaches, bail being increasingly difficult to get, and inclusions of prior convictions (which reflect an increase in people being charged).⁶⁷ COVID-19 restrictions implemented from early 2020 to 2022 are also continuing to have an impact on the justice system.⁶⁸ In June 2022, the number of Aboriginal people in custody in NSW was observed to be higher than before the COVID-19 pandemic.⁶⁹

The Aboriginal prison population in NSW is now at a record high, with 4,103 Aboriginal adults in prison in September 2024. Aboriginal people now comprise a record 32% of the prison population in NSW. The increase is primarily due to more Aboriginal people being on remand. Aboriginal remandees increased by 236 or 14.5% since September 2023. Almost half of Aboriginal adults in custody are on remand (45.4%).⁷⁰

Remand is known to be a particularly unsettled time for inmates and is associated with elevated risks of suicide and self-harm.⁷¹ Inmates on remand also have different needs to those who have been sentenced, for example, they may need more frequent contact with their lawyers, legal information and resources, and may also require higher levels of medical, welfare and family support – which not only need to be quickly identified but promptly responded to.⁷²

63 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 42.

64 *Royal Commission into Aboriginal Deaths in Custody: National Report* (Final Report, 1991) vol 1, 1.3.6.

65 Australian Bureau of Statistics, 'Prisoners in Australia' (Report, February 2023), <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>>

66 NSW Bureau of Crime and Statistics Research, *NSW Criminal Justice Aboriginal over-representation Quarterly Report* (September 2022) 3.

67 Lorana Bartels, 'The Growth in Remand and its Impact on Indigenous Over-Representation in the Criminal Justice System' *Indigenous Justice Clearinghouse Research Brief* 24 May 2019.

68 Australian Bureau of Statistics, 'Prisoners in Australia' (Report, February 2023) <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>>

69 NSW Bureau of Crime and Statistics Research, *Media Release: Aboriginal prison population now above pre-pandemic levels* (4 August 2022) <https://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2022/mr-custody-Jun2022.aspx>

70 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update September 2024* (November 2024) 20.

71 Shaoling Zhong et al, 'Risk Factors for Suicide in Prisons: A Systematic Review and Meta-Analysis' (2020) 6 *Lancet Public Health* e164.

72 Inspector of Custodial Services, *Inspection of Parklea Correctional Centre* (Report, June 2022) 44-50.

Aboriginal deaths in custody

Aboriginal people accounted for 13.6% of all deaths in custody in NSW between 2008 and 2018.⁷³ As at 27 March 2024 the ICS had received notifications regarding 25 Aboriginal deaths in custody since December 2018. Of these 25 deaths, seven have been classified as unnatural, seven have been classified as natural and eleven have been classified as unknown.⁷⁴

A NSW parliamentary inquiry report in early 2021 called for changes to address the high rates of incarceration amongst Indigenous Australians as well as deaths in custody.⁷⁵ In response, CSNSW commenced a thematic review of Aboriginal deaths in custody to examine the circumstances and findings from investigations into deaths of Aboriginal people in the custody of CSNSW from 2010 to 2021.⁷⁶ The review is not yet complete.

Aboriginal women in custody

Aboriginal women are overrepresented within the NSW prison system: over a third of female inmates (34%) in September 2024 identified as Aboriginal.⁷⁷ Aboriginal women are 15 times more likely to be imprisoned than non-Aboriginal women.⁷⁸ Half of all Aboriginal women released from prison reoffend and return, compared to 38.6% of other women.⁷⁹ Aboriginal women in prison in Australia have higher rates (42%) of imprisonment on remand compared to non-Indigenous women (38%) and Aboriginal men (32%). Moreover, the average Aboriginal female remand population in NSW increased by 52.3% from 2014 to 2020.⁸⁰ Aboriginal women are also significantly overrepresented as victims of crime.⁸¹

Aboriginal women have a particularly elevated risk of mental health issues.⁸² Our *Women on Remand* report found that across the centres inspected there was a need for mental health services for Aboriginal women.⁸³ Surveys with Aboriginal women in prison across Australia also show that they experience high levels of psychological distress, depression and anxiety connected to social and emotional wellbeing, such as unresolved trauma, removal from their families as children, and separation from their community.⁸⁴ Further to this, a study of people in NSW who have been in prison and have mental and cognitive disability found that Aboriginal women were more likely to have the most complex support needs, experienced homelessness, and been victims of crime than both Aboriginal men and non-Aboriginal women.⁸⁵ Research has found that the period immediately after reception into prison – when inmates are most likely to be on remand – is often associated with a peak in poor mental health.⁸⁶ Aboriginal specific options for mental health care are required and should be culturally safe and responsive to individual needs.⁸⁷

73 NSW State Coroner, *Report by the NSW State Coroner into First Nations People's Deaths in Custody in NSW 2008-2018* (Final Report, March 2021) 7.

74 Data provided to ICS from CSNSW since December 2018.

75 New South Wales Parliament Legislative Council *Select Committee on the high level of First Nations people in custody and oversight and review of deaths in custody* (Final Report, April 2020).

76 NSW Government, *NSW Government response: Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody* (October 2021) 1.

77 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics September 2024* (Report, November 2024) 26

78 Australian Bureau of Statistics, 'Prisoners in Australia' (February 2023) < <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2022#aboriginal-and-torres-strait-islander-prisoners> >

79 NSW Government Communities and Justice, *Reducing Aboriginal overrepresentation in the criminal justice system* (2018) 6.

80 NSW Bureau of Crime Statistics and Research, *Trends in the Aboriginal female adult custodial population in NSW, March 2013 to February 2021* (Report, 2022) 5.

81 NSW Government Communities and Justice, *Reducing Aboriginal overrepresentation in the criminal justice system* (2018) 6.

82 Christine S. Tye and Paul E. Mullen, 'Mental Disorders in Female Prisoners' (2006) 40(3) *Australian and New Zealand Journal of Psychiatry* 266, 271.

83 Inspector of Custodial Services (NSW), *Women on Remand* (2020) 14.

84 Indig D, McEntyre E, Page J, Ross B. 2009 *NSW Inmate Health Survey: Aboriginal Health report* (Justice Health & Forensic Mental Health Network, 2010); Oglloff J, Pfeifer J, Shepherd S, Ciorciara J. 'Assessing the mental health, substance abuse, cognitive functioning, and social/emotional well-being needs of Aboriginal prisoners in Australia' (2017) 23(4) *Journal of Correctional Health Care* 398–411; Shepherd S, Oglloff J, Thomas S. Are Australian prisons meeting the needs of Indigenous offenders? (2016) 4(13) *Health and Justice*; Sullivan EA, Kendall S, Chang S, Baldry E, Zeki R, Gilles M, Wilson M, Butler T, Levy M, Wayland S, Cullen P, Jones J, Sherwood J. 'Aboriginal mothers in prison in Australia: a study of social, emotional and physical wellbeing' (2019) 43(3) *Australian and New Zealand Journal of Public Health* 241–7.

85 Eileen Baldry et al, 'It's just a big vicious cycle that swallows them up': Aboriginal people with mental and cognitive disabilities in the criminal justice system' (2012) 8(22) *Indigenous Law Bulletin* 10-1.

86 Kimberlie Dean and Daria Korobanova, 'Brief Mental Health Screening of Prison Entrants: Psychiatric History versus Symptom Screening for the Prediction of In-Prison Outcomes' (2018) 29(3) *The Journal of Forensic Psychiatry & Psychology* 455, 463.

87 Ed Heffernan et al, 'Mental Disorder and Cognitive Disability in the Criminal Justice System' in Patricia Dudgeon and others (eds) *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (2014) 165, 173.

Our *Women on remand* report also noted that the importance of providing Aboriginal women in custody with services and programs which acknowledge the importance of respect for history, culture, community, kinship and family responsibilities.⁸⁸ This is in line with existing international and national standards. The *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* (The Bangkok Rules) acknowledge that it is important to recognise that prisoners from different religious and cultural backgrounds have distinctive needs. Further, the Bangkok Rules note women may face multiple forms of discrimination in their access to gender and culturally relevant programmes and services, and that there is a need to create programs that respond to these needs.⁸⁹ The *Guiding Principles for Corrections in Australia* also recognise that programs and services should be responsive to the particular needs of vulnerable prisoner cohorts.⁹⁰

Other national reports have identified the importance of ensuring that all programs for Aboriginal women are culturally competent.⁹¹ The Australian Law Reform Commission (ALRC) have compiled a list of key issues in relation to access to prison programs for Aboriginal women in custody, including:

- Aboriginal women offenders are likely to be victims of family violence and sexual assault. Programs should acknowledge the role of family violence in Aboriginal and Torres Strait Islander women's incarceration cycles.
- Aboriginal female offending can intersect with histories of trauma and abuse. Prison programs that are able to successfully identify and address these histories in a culturally competent way may be more likely to be successful in reintegration, and
- Up to 80% of Aboriginal and Torres Strait Islander women in prison are mothers. Aboriginal women offenders often have children removed from their care and require programs that address issues around parenting capability or that model positive engagement with children.⁹²

The ALRC recommended that corrective services agencies around Australia develop specialised prison programs in tandem with relevant Aboriginal and Torres Strait Islander organisations that address offending behaviours and/or prepare people for release. These should be available to inmates held on remand, serving short sentences and female Aboriginal and Torres Strait Islander inmates.⁹³

Access to culturally safe primary healthcare

Incarcerated Aboriginal people are a vulnerable prison sub-population in terms of health needs. As well as being overrepresented in prison, Aboriginal people have more complex health issues than non-Aboriginal people.⁹⁴ The National Agreement of Closing The Gap recognises at a national level the shorter life expectancies of, and higher rates of complex health conditions among, Aboriginal and Torres Strait Islander people compared to non-Indigenous Australians (known as 'The Gap').⁹⁵ The Closing The Gap targets include the reduction of the incarceration rates of Aboriginal and Torres Strait Islander adults and young people.⁹⁶ The Closing The Gap Report identified the need to address the high rates of mental health and substance abuse issues among Aboriginal and Torres

88 Corrective Services NSW, *Recognising Gender Difference-A Strategy for the Program and Service Provision to Women Offenders* (May 2014) 3.

89 United Nations Office on Drugs and Crime, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules)* (2010) Rule 54.

90 Corrective Services Administrators' Council (Cth), *Guiding Principles for Corrections in Australia: Revised* (2018) 23-4 <<https://www.corrections.vic.gov.au/publications-manuals-and-statistics/guiding-principles-for-corrections-in-australia>>.

91 Council of Australian Governments, *Prison to Work Report* (2016) 23 <<https://www.coag.gov.au/sites/default/files/reports/prison-to-work-report.pdf>>.

92 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 294.

93 Recommendation 9-1 in Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report, December 2017).

94 In 2015, JH&FMHN identified that Aboriginal inmates had 'markedly divergent' health needs, including higher instances of schizophrenia, psychosis, alcohol abuse or dependence, and post-traumatic stress disorder among Aboriginal patients compared to non-Aboriginal patients; see Justice Health and Forensic Mental Health Network, *Network Patient Health Survey: Aboriginal People's Health Report 2015* (Final Report, November 2017) xiii, 41.

95 Closing The Gap: In Partnership, *National Agreement on Closing The Gap* (July 2020) <<https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf?q=0720>>.

96 Closing The Gap: In Partnership, *National Agreement on Closing The Gap* (July 2020) 26 <<https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf?q=0720>>.

Strait Islander inmates in order to reduce the overall health Gap amongst adults.⁹⁷ This national acknowledgement of the interaction of criminogenic and health factors in the future wellbeing of Aboriginal people suggests that priority needs to be given to considering specific initiatives in Aboriginal health to Close The Gap.

To this end the health needs of Aboriginal people should be considered in terms of Aboriginal understandings of health and wellbeing. The *National Aboriginal and Torres Strait Islander Health Plan 2021-2031* defines this as:

...not only physical health and wellbeing but also the social, emotional and cultural wellbeing of individuals, families and communities throughout the entire life course.⁹⁸

The Guiding Principles for Corrections in Australia also provide that 'interventions for Aboriginal and Torres Strait Islander prisoners/offenders be culturally specific or adapted to cultural needs. They [should] acknowledge the impact of Stolen Generations and emphasise indigenous healing and wellbeing.'⁹⁹

Culturally safe primary health care is central to meeting the health and wellbeing needs of Aboriginal people, and to improving the accessibility of health care for this group.¹⁰⁰ Culturally safe primary health care is:

somewhat broader in scope than most other primary health care models in Australia. In addition to primary clinical care and preventive and health promotion activity, Aboriginal Community Controlled Health Services usually include education and development in relation to workforce training, and governance and community capacity building ... The provision of this calibre of health care requires an intimate knowledge of the community and its health problems.¹⁰¹

The importance of culturally safe primary health care was recognised (though in different terminology) in 1991 by the RCIADIC which recommended:

That Corrective Services in conjunction with Aboriginal Health Services and such other bodies as may be appropriate should review ...

The extent to which services provided are culturally appropriate for and are used by Aboriginal people in custody. Particular attention should be given to drug and alcohol treatment, rehabilitative and preventative education and counselling programs for Aboriginal people in custody. Such programs should be provided by Aboriginal people;

The involvement of Aboriginal Health Services in the provision of general and mental health care to Aboriginal prisoners ...¹⁰²

The *ICS Health services in NSW correctional facilities* report found that there is significant work needed to embed culturally safe primary health care and social and emotional wellbeing services for Aboriginal people in custody in NSW correctional centres.¹⁰³ In 2019, only 9% of Aboriginal people in prison reported receiving treatment or consultation from an Aboriginal Controlled Community Health Organisation (ACCHO) or Aboriginal Medical Service (AMS) whilst in prison.¹⁰⁴ This occurs despite the recommendations of the RCIADIC for Aboriginal people in prison to have access to culturally safe health care and Aboriginal-specific health services¹⁰⁵ and *The United Nations Standard Minimum Rules*

97 Closing The Gap: In Partnership, *National Agreement on Closing The Gap* (July 2020) 26 <<https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf?q=0720>>.

98 Commonwealth of Australia, *National Aboriginal and Torres Strait Islander Health Plan 2021-2031* (2021) 6.

99 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (2018) 23.

100 The Lowitja Institute, *National CQI Framework for Aboriginal and Torres Strait Islander Primary Health Care 2015-2025* (November 2015) 5; Australian Healthcare and Hospitals Association, 'Cultural Safety Crucial in Aboriginal and Torres Strait Islander Health Care' (Blog, 26 March 2018) <<https://ahha.asn.au/news/cultural-safety-crucial-aboriginal-and-torres-strait-islander-healthcare>>; Australian Medical Association, 'Removing the Barriers to Indigenous Health - Strategies to Improve Access' (Blog, 16 September 2012).

101 The Lowitja Institute, *National CQI Framework for Aboriginal and Torres Strait Islander Primary Health Care 2015-2025* (November 2015) 25.

102 *Royal Commission into Aboriginal Deaths in Custody: National Report* (Final Report, 1991) vol 3, recommendation 152.

103 Inspector of Custodial Services (NSW), *Health services in NSW correctional facilities* (March 2020) 14.

104 Australian Institute of Health and Welfare. *The health of Australia's prisoners 2018* (2019).

105 *Royal Commission into Aboriginal Deaths in Custody Final Report* (1991).

for the Treatment of Prisoners (the Mandela Rules)¹⁰⁶ stating that people in prison have the right to the same level of health care that they would receive in the community. The main cause of this gap in access to ACCHOs or AMS is because when a person enters prison, their Medicare entitlements are revoked. Instead, the health care of people incarcerated in CSNSW facilities is the responsibility of the State through the NSW Ministry of Health.¹⁰⁷ As a consequence ACCHOs and the AMS are unable to claim Medicare for their services and therefore do not have a mainstream presence within CSNSW facilities. If Aboriginal and Torres Strait Islander people in custody were able to access Medicare, or have access to specific Medical Benefits Scheme (MBS) Item numbers, this may enhance their opportunity to receive culturally safe healthcare from such organisations.¹⁰⁸ Furthermore, increasing the number of health professionals who identify as Aboriginal is critical for the delivery of culturally safe primary health services to Aboriginal people in custody. Under Close The Gap this has been identified as a key strategy to improve engagement with health services and health outcomes for Aboriginal and Torres Strait Islander people.¹⁰⁹ The *Health services in NSW correctional facilities* report found an absence of Aboriginal health workers and registered Aboriginal and Torres Strait Islander health practitioners employed in correctional health centres.¹¹⁰ Embedding Aboriginal health workers or registered Aboriginal Health and Torres Strait Islander health practitioners in NSW correctional health centres, with appropriate professional supports for this industry, is likely to improve engagement of Aboriginal inmates with prison health services.

The importance of culturally safe practices

Care should be taken to ensure that Aboriginal cultural values are understood.¹¹¹ The call for corrections staff to receive culturally specific training appropriate for working with Aboriginal people in custody has been prolonged. In 1991 the RCIADIC recommended that:

Corrective Services authorities should ensure that all correctional officers receive cross-cultural education and an understanding of Aboriginal-non-Aboriginal relations in the past and the present. The training should be conducted by Aboriginal people (including Aboriginal ex-prisoners). Such training should be aimed at enhancing the correctional officers' skills in cross-cultural communication with and relating to Aboriginal prisoners.¹¹²

According to Closing The Gap, cultural safety is

...about overcoming the power imbalances of places, people and policies that occur between the majority non-Indigenous position and the minority Aboriginal and Torres Strait Islander person so that there is no assault, challenge or denial of the Aboriginal and Torres Strait Islander person's identity, of who they are and what they need. Cultural safety is met through actions from the majority position which recognise, respect, and nurture the unique cultural identity of Aboriginal and Torres Strait Islander people. Only the Aboriginal and Torres Strait Islander person who is recipient of a service or interaction can determine whether it is culturally safe.¹¹³

Further, the *NSW Inspection Standards for Adult Custodial Services in NSW* provide that 'All non-Aboriginal training delivery and assessment staff should be skilled in cross-cultural communication

106 United Nations Office on Drugs and Crime, *The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)* (2015), Rule 24.

107 Section 19(2) of the *Health Insurance Act 1973* (Cth) provides that health services are not eligible for Medicare benefit if the services are provided by state or territory governments. See also Department of Health (NSW), 2018-19 *Service Agreement: An Agreement Between Secretary, NSW Health and the Justice Health and Forensic Mental Health Network* (29 November 2018) 4: 'Commonwealth legislation provides that all persons on remand and convicted prisoners are ineligible to use their Medicare card for the purposes of accessing public health services whilst in custody, as prisoner health care is the responsibility of State and Territory Governments'; Plueckhahn T, Kinner, S.A., Sutherland, G., Butler, T.G. 'Are some more equal than others? Challenging the basis for prisoners' exclusion from Medicare' (2015) 203(9) *Medical Journal of Australia* 359-361.e1.

108 Inspector of Custodial Services (NSW), *Health services in NSW correctional facilities* (March 2020) 83.

109 Inspector of Custodial Services (NSW), *Health services in NSW correctional facilities* (March 2020) 14.

110 Inspector of Custodial Services (NSW), *Health services in NSW correctional facilities* (March 2020) 13-4.

111 Inspector of Custodial Services (NSW), *Draft Inspection Standards for Aboriginal People in Custody* (October 2021) 2.1.

112 *Royal Commission into Aboriginal Deaths in Custody* (Final Report, April 1991) vol 3, recommendation 177.

113 Closing The Gap (n.d.), 12. *Definitions*, <<https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/12-definitions>>.

and complete cultural safety training'.¹¹⁴ The standards also provide that all health care workers, managers and professionals (who work with people in custody) complete Aboriginal cultural awareness training.¹¹⁵

Similarly, the ICS draft *Inspection Standards for Aboriginal People in Custody* provide that:

- Prior to taking up their duties, custodial and non-custodial new recruits, transferees, and officers taking up promotional positions at correctional centres with an Aboriginal population should undergo cultural competence and safety training specific to the cultural prisoner profile for the prison.
- Periodic refresher cultural competence and safety training should be regularly scheduled for staff already working at correctional centres with an Aboriginal population.¹¹⁶

Displaying the Aboriginal flag is an important way of demonstrating recognition of Aboriginal people and can promote community partnership and show commitment to Closing The Gap. This also demonstrates a critical element of cultural safety for services that access the centre and Aboriginal people in custody.

The importance of Country

Country is the term used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity.¹¹⁷ The map below demonstrates the diversity of Aboriginal cultures and languages in NSW and the Australian Capital Territory, with approximately 70 different Aboriginal nations, each with their own language or language group.

114 Inspector of Custodial Services (NSW) *NSW Inspection Standards for Adult Custodial Services in NSW* (March 2020) 120.3.

115 Inspector of Custodial Services (NSW) *NSW Inspection Standards for Adult Custodial Services in NSW* (March 2020) 79.2.

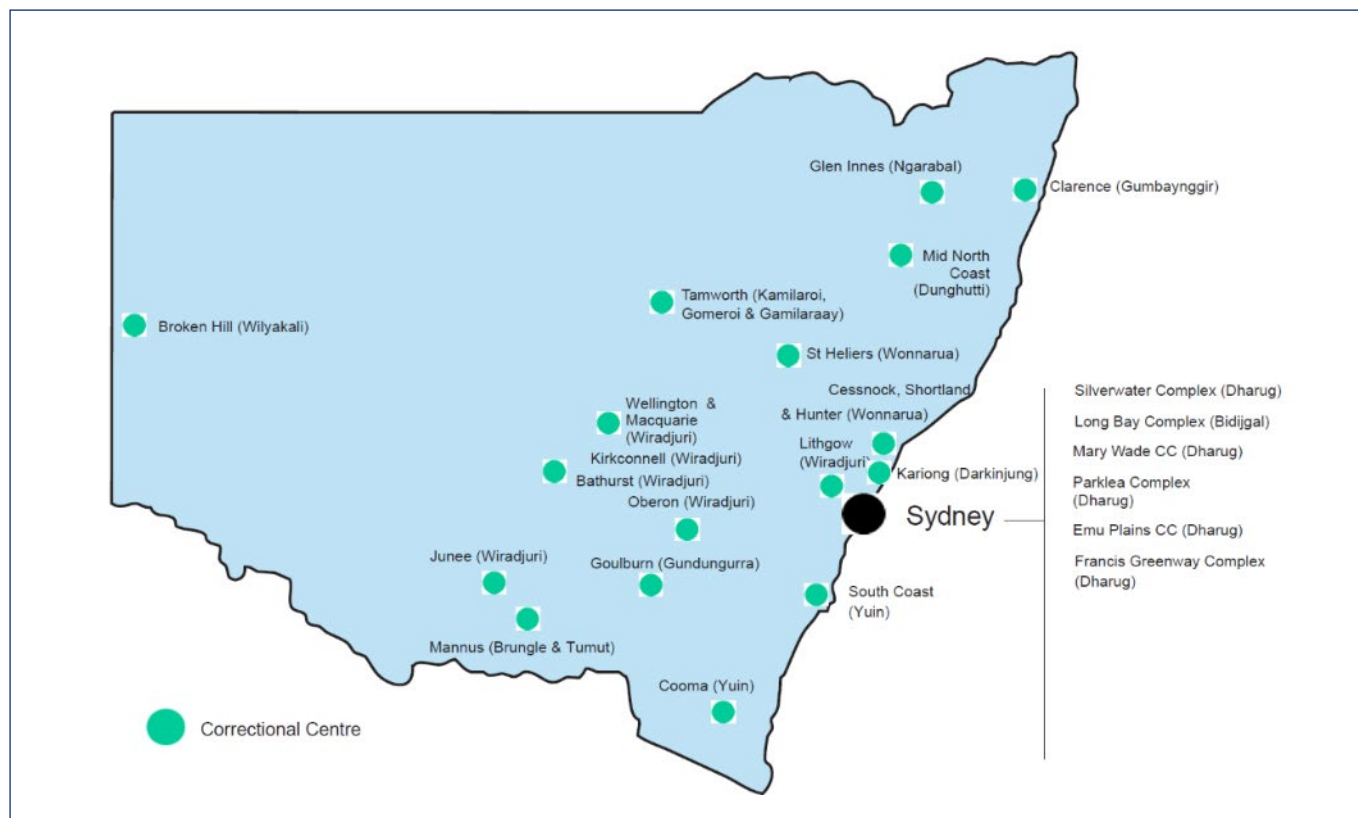
116 Inspector of Custodial Services (NSW) *NSW Inspection Standards for Aboriginal People in Custody* (October 2021) 4.3.

117 The Australian Institute of Aboriginal and Torres Strait Islander Studies, *Welcome to Country* (nd) < <https://aiatsis.gov.au/explore/welcome-country#toc-what-is-country->>

people are obligated to attend funerals to support their families while they are going through Sorry Business. Bereavement practices and protocols are often referred to as Sorry Business.¹²³

Aboriginal people’s strong connection to land, kin, and culture forms the foundation of community and individual wellbeing. Maintaining Aboriginal art, dance and stories strengthens cultural expression and is essential to closing the gap between inequality disparities. Due to the trauma in communities, there is a requirement to understand the role of kinship and community. Every Aboriginal person has a role in the community, and this is a role of privilege.¹²⁴

Figure 2: Location of correctional centres on Aboriginal nations



Access to culturally safe programs and services

Participation in prison-based programs and services are thought to be a protective factor against reincarceration.¹²⁵ The need for programs and services that address the needs of Aboriginal inmates has been raised by several inquiries. The RCIADIC recommended that corrective services agencies ensure that Aboriginal inmates ‘have the opportunity to perform meaningful work and to undertake educational courses in self-development, skills acquisition, vocational education and training including education in Aboriginal history and culture’.¹²⁶ The ALRC recommended that state and territory corrective services agencies ‘develop prison programs with relevant Aboriginal and Torres Strait Islander organisations that address offending behaviours and/or prepare people for release’. This recommendation highlighted the need to make such programs available to Aboriginal people in custody on remand and serving short sentences and Aboriginal women in custody.¹²⁷ The ALRC further outlined that culturally appropriate programs for Aboriginal people in correctional centres should be:

- designed, developed and delivered by Aboriginal and Torres Strait Islander organisations where possible

¹²³ Taylor and Guerin Health Care and Indigenous Australians Cultural Safety in Practice (2014) 147.

¹²⁴ Inspector of Custodial Services (NSW) *NSW Inspection Standards for Adult Custodial Services in NSW* (March 2020) 99.11.

¹²⁵ Pearson, F. S., Lipton, D. S., Cleland, C. M. and Yee, D. S. ‘The Effects of Behavioural/Cognitive-Behavioural Programs on Recidivism’ (2002) 48 *Crime & Delinquency* 476–96.

¹²⁶ *Royal Commission into Aboriginal Deaths in Custody* (Final Report, April 1991) vol 3, recommendation 184.

¹²⁷ Australian Law Reform Commission, *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, 28 March 2018) recommendation 9–1.

- trauma-informed, and
- focused on practical application to support reintegration to the community, such as housing, financial literacy and employment support, especially for inmates on remand or serving short sentences.¹²⁸

Our inspection standards also call for correctional centres to provide culturally appropriate offender programs for Aboriginal people in custody. Our *Inspection Standards for Adult Custodial Services in New South Wales* suggest that programs and services provided to Aboriginal people in custody should be established following close consultation with appropriate community groups and experts.¹²⁹ Similarly, our draft *Inspection Standards for Aboriginal People in Custody* highlight that ‘Core programs should be developed in consultation with Aboriginal organisations and relevant Aboriginal people, and they should be delivered by Aboriginal presenters with appropriate clinical supervision and support.’¹³⁰

The Council of Australian Government’s (COAG) report, *Prison to Work*, found that services and programs offering support to Aboriginal people in custody should be culturally competent and that more could be done to use time in custody to establish pathways to post-release employment.¹³¹ This COAG report emphasised that:

Understanding the particular circumstances of Aboriginal and Torres Strait Islander prisoners’ lives is crucial when designing services and programmes. Most importantly, Aboriginal and Torres Strait Islander prisoners require a particular kind of support prior to and after their release that recognises the underlying presence of trauma in their lives. This may have particularly significant manifestations for Aboriginal and Torres Strait Islander women.¹³²

Access to education

The links between lack of educational attainment and entry into the criminal justice system are well established.¹³³ The Australian Institute of Health and Welfare reported in 2016, around 1 in 10 (12%) of inmates who identified as Aboriginal had completed year 12 compared to 24% of non-Aboriginal inmates.¹³⁴ In 2018, data collected from a sample of inmates entering Australian prisons indicated that Aboriginal people in custody had lower levels of schooling attainment than non-Aboriginal people in custody.¹³⁵

The Mandela Rules state that provision should be made for the further education of all inmates.¹³⁶ The Mandela Rules state further that the education of inmates who are illiterate should be compulsory and the subject of special attention.¹³⁷ Our *Inspection Standards for Adult Custodial Services in NSW* also state that where appropriate, education programs should be customised to suit the learning styles and learning needs of Aboriginal people in custody.¹³⁸

128 Australian Law Reform Commission, *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, 28 March 2018) 296, 299–300.

129 Inspector of Custodial Services (NSW) *NSW Inspection Standards for Adult Custodial Services in NSW* (March 2020) 117.8.

130 Inspector of Custodial Services (NSW) *Draft Inspection Standards for Aboriginal People in Custody* (October 2021) 3.2.

131 Council of Australian Governments, *Prison to Work Report* (Final Report, 9 December 2016) 8–9, 23–6, 29–31.

132 Council of Australian Governments, *Prison to Work Report* (Final Report, 9 December 2016) 5.

133 New South Wales Parliament Legislative Council *Select Committee on the high level of First Nations people in custody and oversight and review of deaths in custody* (Final Report, April 2020) 33; *Royal Commission into Aboriginal Deaths in Custody* (Final Report, April 1991) vol 1, 1.3.6; Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report, December 2017) 63.

134 Australian Institute of Health and Welfare (AIHW), *The Health of Australia’s Prisoners 2018, 2019* <<https://www.aihw.gov.au/getmedia/2e92f007-453d-48a1-9c6b-4c9531cf0371/aihw-phe-246.pdf.aspx?inline=true>>

135 Australian Institute of Health and Welfare, *The Health of Australia’s Prisoners 2018* (Final Report, May 2018) 16-17.

136 United Nations Office on Drugs and Crime, *The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)* (2015) Rule 104.

137 United Nations Office on Drugs and Crime, *United Nations Standard Minimum Rules on the Treatment of Prisoners (The Nelson Mandela Rules)* (2015) Rule 104.

138 Inspector of Custodial Services, *Inspection Standards for adult custodial services in NSW* (May 2020) 120.4.

The importance of Aboriginal staff

The Mandela Rules,¹³⁹ the Guiding Principles for Corrections¹⁴⁰ and our draft Inspection Standards for Aboriginal People in Custody¹⁴¹ recognise the importance of staffing reflecting the people in custody. This is particularly important for Aboriginal people in custody, because of their heightened vulnerability and overrepresentation in the custodial system in NSW and Australia more broadly. The RCIADIC found that Aboriginal welfare officers in custodial centres provide a crucial role in responding to the welfare needs of Aboriginal people in custody because of their perceived sensitivity towards Aboriginal people in custody and their ability to identify with issues impacting Aboriginal people.¹⁴² The RCIADIC also found that Aboriginal welfare officers are a key link for Aboriginal people in custody to maintain contact with their friends, family and the community.¹⁴³

CSNSW created four regional Aboriginal programs officers in response to Recommendation 174 of the RCIADIC:

All Corrective Services authorities employ Aboriginal Welfare Officers to assist Aboriginal prisoners, not only with respect to any problems they might be experiencing inside the institution but also in respect of welfare matters extending outside the institution, and that such an officer be located at or frequently visit each institution with a significant Aboriginal population.¹⁴⁴

These positions are now titled regional Aboriginal pathways officers (RAPOs). The primary purpose of the role is to:

- provide culturally specific expert advice to correctional centre management and staff on strategies to reduce reoffending
- ensure the safe and humane treatment of Aboriginal inmates while they are in custody
- partner with correctional management to develop cultural capability of staff in correctional centres
- coach and mentor Aboriginal inmates
- support Aboriginal inmates and their families in the event of the death of an aboriginal person in custody.

As an Identified role, RAPOs must be Aboriginal or Torres Strait Islander persons and possess a Certificate IV in Social Work or equivalent or demonstrated work related experience in a similar field.¹⁴⁵ Since our inspections of Tamworth CC and Broken Hill CC, CSNSW has increased the number of RAPOs from four to six. Many centres also employ Aboriginal services and programs officers.

Recommendation: CSNSW ensures that Regional Aboriginal Pathways Officers attend Broken Hill and Tamworth Correctional Centres on a regular basis and provide support to Aboriginal people in custody.

139 United Nations Office on Drugs and Crime, *The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)* (2015) Rule 74.

140 Corrective Services Administrators' Council, *The Guiding Principles for Corrections in Australia* (2018) 1.2.1.

141 Inspector of Custodial Services (NSW), *Draft Inspection Standards for Aboriginal People in Custody*, 4.1

142 Royal Commission into Aboriginal Deaths in Custody (Final Report, April 1991) vol 3 25.5.2.

143 Royal Commission into Aboriginal Deaths in Custody (Final Report, April 1991) vol 3 25.5.2.

144 Royal Commission into Aboriginal Deaths in Custody (Final Report, April 1991) vol 3 recommendation 174.

145 Corrective Services NSW, *Regional Aboriginal Pathways Officers: Position Description* (November 2023).

CSNSW Aboriginal Strategy Directorate

The ASD is an advisory body on matters concerning Aboriginal people in correctional centres. This directorate is involved in the development and implementation of policy and programs that aim to address the needs of Aboriginal people in custody, including:

- The Yarning Circle project.
- The Bundian Way Project, in which groups of Aboriginal inmates work on sections of an Aboriginal walking track that connects Targanfal (Kosciusko) in the mountains with Bilgalera (Fisheries Beach) in Eden. This project aims to help connect Aboriginal inmates to culture and Country.¹⁴⁶
- Dubai Gunyah, a two-year pilot program that provides accommodation for women leaving custody in a home located in Western Sydney. Developed in partnership between CSNSW, Aboriginal Housing, Illawarra Aboriginal Corporation and Marrin Weejalli, the project aims to support the transition of women into the community and stable housing.
- Gundi is a building construction program based at St Heliers Correctional Centre in which inmates construct buildings for Aboriginal communities.
- Never Going Back, in which inmates participate in the Clean Slate Without Prejudice initiative. Their aim is to support male inmates to transition back into the community with a goal to never reoffend. Never Going Back also support inmates in custody in a culturally appropriate way through connection to culture, community, and family; mentoring programs; connection to appropriate support services; development opportunities and support post-release.¹⁴⁷
- The operation of Bolwara Transitional Centre for women nearing the end of their sentence and Balund-a, a residential diversionary program for men.¹⁴⁸

The ASD is supportive of a number of other programs delivered by CSNSW or external providers including:¹⁴⁹

- The Aboriginal Cultural Strengthening program: This program aims to address responsivity issues experienced by Aboriginal offenders, including intergenerational trauma and disconnection from community, and helps participants gain coping, communication and pro-social skills.¹⁵⁰
- Babiin-Miyayang Aboriginal Parenting program: Babiin-Miyayang aims to help Aboriginal fathers understand their role as a parent, the needs of their child and their child's mother, and to develop communication, child management and coping skills. This program may be delivered as part of the High Intensity Programs Unit (HIPU).¹⁵¹
- The Girrawa Arts Program at Bathurst Correction Centre which aims to help Aboriginal and Torres Strait Islander inmates learn artistic skills and also become successful artists. The program also includes TAFE courses in contemporary design, picture framing and sand blasting as well as small business management courses.¹⁵²
- Pathfinders National Aboriginal Birth Certificate Project which assists Aboriginal people in custody to obtain identification documents.¹⁵³

In addition, as part of the NSW Government's response to the *Prison to Work* report, CSNSW and the ASD implemented several employment programs for Aboriginal women using Commonwealth

146 Corrective Service NSW, *Media Release: Traditional walking track reconnects Aboriginal inmates to culture and community*, (27 July 2017): < <https://www.begadistrictnews.com.au/story/4367894/behind-bars-to-bundian/> >

147 Tribal Warrior, *Never Going Back*, <[https://www.tribalwarrior.org/never-going-back#:~:text=Our%20Never%20Going%20Back%20\(NGB,and%20emotional%20health%20of%20participants%20.](https://www.tribalwarrior.org/never-going-back#:~:text=Our%20Never%20Going%20Back%20(NGB,and%20emotional%20health%20of%20participants%20.) (accessed 17 October, 2021).

148 Corrective Services NSW, *Aboriginal Strategy & Policy Unit Information Compendium* (undated).

149 Corrective Services NSW, *Aboriginal Strategy & Policy Unit Information Compendium* (undated).

150 Inspector of Custodial Services (NSW) *Programs, Employment and Education Inspection Report* (February 2020) 40.

151 Inspector of Custodial Services (NSW), *Programs, Employment and Education Inspection Report* (February 2020) 40.

152 Corrective Services NSW, *Arts and Craft: Art behind bars, 2020* <<https://correctiveservices.dcj.nsw.gov.au/csnsw-home/reducing-re-offending/initiatives-to-support-offenders/health--safety-and-wellbeing/arts-and-craft.html> > (accessed 17 October, 2021).

153 Pathfinders, *Pathfinders National Aboriginal Birth Certificate Program*, <<https://www.pathfinders.ngo/projects/aboriginal-birth-certificate-project/>> (accessed 17 October, 2021).

funding – the Gundanha Aboriginal Women’s Employment Program at Wellington CC;¹⁵⁴ the Aboriginal Mother’s Work Readiness Program at Emu Plains CC;¹⁵⁵ and an Employment and Training Hub at Bolwara Transitional Centre. The Australian Government has also established the Time to Work Employment Service – a national employment service to assist Aboriginal and Torres Strait Islander people in custody prepare for employment when they are released into the community.¹⁵⁶

Despite the efforts and commitment of the ASD, our inspections have found that many of these programs are no longer operating or not operating well.¹⁵⁷ Most programs are only available at specific locations and are not accessible to the majority of Aboriginal people in custody. In particular, a number of the women’s programs rely on short term Commonwealth funding and are not accessible to the majority of Aboriginal women in custody. We acknowledge the work that the ASD has commenced more recently to reinvigorate the Elders Program, increase the number of cultural programs being delivered in correctional centres, build Yarning Circles, and recruit additional RAPOs.

154 Inspector of Custodial Service (NSW), *Inspection of Wellington Correctional Centre* (Report, May 2024).

155 Inspector of Custodial Service (NSW), *Inspection of Emu Plains Correctional Centre* (Report, April 2022); Emu Plains Correctional Centre was temporarily closed in 2022.

156 ‘Time to Work Employment Service’, Department of Employment, Skills, Small and Family Business (Web Page, 2 July 2019).

157 Inspector of Custodial Services (NSW), *Inspection of Emu Plains Correctional Centre 2021* (Report, April 2022); Inspector of Custodial Services (NSW), *Inspection of the Residential Facilities and the Compulsory Drug Treatment Correctional Centre* (Report, February 2020); Inspector of Custodial Services (NSW), *Inspection of St Heliers Correctional Centre 2021* (Report, November 2022); Inspector of Custodial Services, *Inspection of Wellington Correctional Centre* (Report, May 2024).

1 Tamworth Correctional Centre

1.1 Tamworth Correctional Centre Profile

1.1.1 Location

Tamworth CC is located on Kamilaroi, Gomeroi and Gamilaraay Country in the Northern Tablelands, 397km north of Sydney.

1.1.2 History

Tamworth CC in its current form was opened in 1991 but much of the infrastructure dates back to the 1800s.¹⁵⁸ The centre originally opened in 1881 as a minimum security correctional centre for men. The gaol was closed in March 1943.¹⁵⁹ In 1948 the site became the Tamworth Institution for Boys, a maximum security detention facility housing young men aged 15 to 18. The institution was renamed as Endeavour House in 1976 and closed in 1989. In 1991, the centre re-opened as an adult correctional centre.

A photo of the former Endeavour House from 1977¹⁶⁰



1.1.3 Capacity

The centre is a medium security correctional centre that can hold a maximum inmate population of 89 inmates, comprising of 64 maximum security beds and 25 minimum security beds. The current maximum inmate population reflects the original design capacity of 89 beds.¹⁶¹

1.1.4 Previous inspection by the inspector of custodial services

Tamworth CC was previously inspected by the ICS as part of the *Health Services in NSW Correctional Facilities* report published in March 2021 and as part of the *Inspection of Inmate Transport in NSW* report published in June 2022.¹⁶² This inspection also informed the *Review of the Response to COVID-19 in NSW custodial facilities*.¹⁶³

¹⁵⁸ *Inquest into the death of Tane Chatfield* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 26 August 2020).

¹⁵⁹ The Tamworth Gaol closed on 25 March 1943 and this was ratified by a proclamation from 8 April 1943 that the buildings and enclosures so used at Tamworth, as a prison should cease to be a prison. (9) NSW Government Gazette No. 41, 1943, p. 697.

¹⁶⁰ State Library of NSW, *Endeavour House, Tamworth youth corrective institution* (Photograph, May 1977) <<https://archival.sl.nsw.gov.au/Details/archive/110232774>>

¹⁶¹ Information provided by CSNSW (February 2021).

¹⁶² Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022).

¹⁶³ Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023).

Inspection dates

Pre-inspection: 19 May 2021

Inspection: 9–11 November 2021

Post-inspection: 17 November 2022, 26 July 2023, 24 August 2023, 27 February 2024.

1.2 Inmate profile

1.2.1 Legal status and charges

As at 1 September 2021 there were 63 inmates held in Tamworth CC.¹⁶⁴ A total of 30 inmates (47.6%) had been sentenced, 15 of whom identified as Aboriginal (50.0%).

As at 1 September 2021 the most common offences among inmates were, ‘acts intended to cause injury’ (12.7% or 8 inmates), ‘traffic and vehicle regulatory offences’ (7.9% or five inmates), ‘prohibited and regulated weapons and explosives offences’ (6.3% or four inmates), ‘illicit drug offences’ (6.3% or four inmates), ‘unlawful entry with intent/burglary break and enter’ (4.8% or three inmates), ‘offences against justice procedures, government security and operations’ (4.8% or three inmates), ‘fraud, deception and related offences’ (3.2% or two inmates), ‘property damage and environment pollution’ (3.2% or two inmates), ‘theft and related offences’ (1.6% or one inmate), and ‘sexual assault and related offences’ (1.6% or one inmate).¹⁶⁵ ‘Miscellaneous offences’ was recorded for nearly half of the inmates (47.6% or 30 inmates).¹⁶⁶

At Tamworth CC, there were 33 inmates being held on remand (52.4%), of whom 23 (60.5%) identified as Aboriginal.¹⁶⁷ Among remand inmates, 32 had their bail refused, of whom 23 (60.5%) identified as Aboriginal,¹⁶⁸ indicating that 100% of the inmates on remand who identified as Aboriginal had their bail refused. On average, inmates spent 28 days on remand, the shortest stay for both Aboriginal and non-Aboriginal inmates was one day. The longest stay on remand was 323 days which was completed by an inmate who identified as Aboriginal. The longest time spent on remand for a non-Aboriginal inmate was 309 days.¹⁶⁹

1.2.2 Security classification and designations

Tamworth CC holds inmates classified as maximum (A), medium (B) and minimum (C). Almost a third of the inmates (19 inmates or 30.2%) at Tamworth CC were ‘unclassified’.¹⁷⁰ Of the unclassified inmates, 14 identified as Aboriginal (73.7%), compared to five non-Aboriginal inmates (26.3%).¹⁷¹ There were four inmates in maximum security (A2 and A2U), of whom one identified as Aboriginal (25.0%).¹⁷² Among the 21 inmates classified as needing medium security (B and BU) 15 identified as Aboriginal (71.4%).¹⁷³ Of the remaining inmates, 19 were classified as minimum security (C2 and C3), of which seven identified as Aboriginal (36.8%).¹⁷⁴

1.2.3 Demographic

The majority of inmates who identified as Aboriginal and inmates who were non-Aboriginal at Tamworth CC were young, aged between 18 and 34 years (55.3% and 52% respectively, see Figure

¹⁶⁴ Data provided by CRES, 1 September 2021.

¹⁶⁵ Data provided by CRES, 1 September 2021.

¹⁶⁶ ‘Miscellaneous offences’ refer to breaches of parole, for example, using illicit substances, repeated domestic violence, bail breaches, and inmates on short sentences who were unable to manage their substance dependence.

¹⁶⁷ Data provided by CRES, 1 September 2021.

¹⁶⁸ Data provided by CRES, 1 September 2021.

¹⁶⁹ Data provided by CRES, 1 September 2021.

¹⁷⁰ Data provided by CRES, 1 September 2021.

¹⁷¹ Data provided by CRES, 1 September 2021.

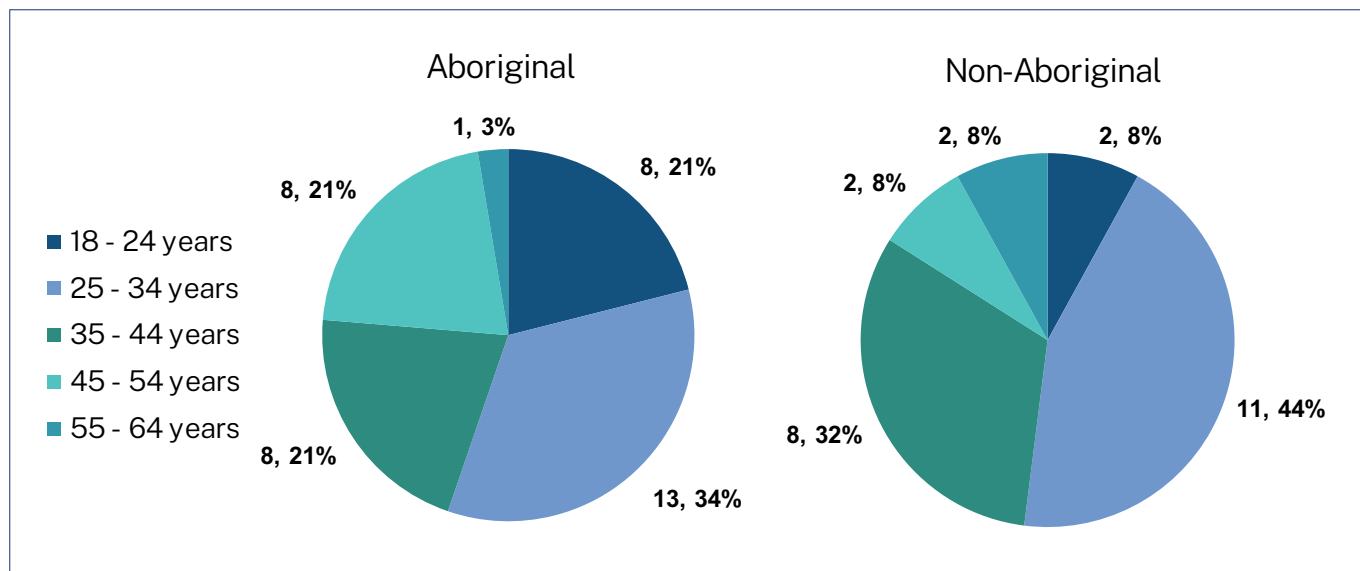
¹⁷² Data provided by CRES, 1 September 2021.

¹⁷³ Data provided by CRES, 1 September 2021.

¹⁷⁴ Data provided by CRES, 1 September 2021.

3) which is slightly higher than male inmates aged 18-34 years nationally (47.6%).¹⁷⁵ There were no inmates aged 65 years or older. However, over a fifth of the inmates who identified as Aboriginal were aged 45-64 years (23.7%), considerably more than inmates who did not identify as Aboriginal (16%).¹⁷⁶ The highest number of inmates were aged between 25 and 34 years among both inmates who identified as Aboriginal (34.2%) and those who did not (44.0%).¹⁷⁷

Figure 3: Inmate age groups at Tamworth CC by Aboriginal status ¹⁷⁸



1.2.4 Inmate culture and religious background

The vast majority of inmates at Tamworth CC were born in Australia (87.3% total).¹⁷⁹ Only one inmate who identified as Aboriginal had an ‘unknown’ country of birth, while two of the inmates who did not identify as Aboriginal had ‘unknown’ countries of birth.¹⁸⁰ The remaining inmates were born in England, Fiji, Ireland, Russian Federation, and Sudan (one from each country respectively).¹⁸¹

Among all the inmates at Tamworth, languages spoken at home were mostly English (85.7%), followed by ‘unknown’ language (12.7% or eight inmates), and Arabic (1.6% or one inmate).¹⁸²

As at 1 September 2021, there were a range of religious and non-religious backgrounds represented among the inmates at Tamworth CC. ‘No preferred religion’ and ‘No religion’ were the most frequently identified among the inmates (31.7% or 20 inmates and 27.0% or 17 inmates respectively).¹⁸³ Of those who did identify a religion, 11.1% were Catholic (seven inmates), 7.9% were Anglican/Church of England, 4.8% were either Roman Catholic Rite, Atheist, and Christian (three inmates respectively), and the remaining five inmates identified as Jewish, Muslim, Presbyterian, Pentecostal and Agnostic (1.6% respectively).¹⁸⁴

1.2.5 Inmate education and training

Many of the inmates at Tamworth CC had a qualification beyond schooling. Among the inmates who identified as Aboriginal 55.3% (21 inmates) had completed either a degree, a diploma/certificate or a statement of attainment, compared to 60.0% of inmates who did not identify as Aboriginal (15 inmates).¹⁸⁵ A fifth (21.1% or eight inmates) of Aboriginal people had finished secondary school (years 10-12) compared to 32.0% (eight

¹⁷⁵ Australian Bureau of Statistics, *Prisoners in Australia*, 9 December 2021 <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>>

¹⁷⁶ Data provided by CRES, 1 September 2021.

¹⁷⁷ Data provided by CRES, 1 September 2021.

¹⁷⁸ Data provided by CRES, 1 September 2021.

¹⁷⁹ Data provided by CRES, 1 September 2021.

¹⁸⁰ Data provided by CRES, 1 September 2021.

¹⁸¹ Data provided by CRES, 1 September 2021.

¹⁸² Data provided by CRES, 1 September 2021.

¹⁸³ Data provided by CRES, 1 September 2021.

¹⁸⁴ Data provided by CRES, 1 September 2021.

¹⁸⁵ Data provided by CRES, 1 September 2021.

inmates who did not identify as Aboriginal.¹⁸⁶ 23.7% of Aboriginal inmates had not completed school (year 10) compared to less than 10% of non-Aboriginal inmates.¹⁸⁷

1.2.6 Mental Health

Inmates who identified as Aboriginal had a higher burden of mental illness compared to non-Aboriginal inmates. Of those who identified as Aboriginal, 15.8% (eight inmates) had a history of mental illness and one in five inmates (21.1 or eight inmates) who identified as Aboriginal had a 'mandatory notification – RIT' (Risk Intervention Team) compared to less than 10% of non-Aboriginal inmates.¹⁸⁸ Specific diagnoses were not reported.

Between 1 September 2020 and 1 August 2021, there were 31 acts of self-harm at Tamworth CC. Staff at Tamworth CC expressed the view that many inmates were experiencing some form of substance addiction and that inmates experiencing withdrawals frequently threatened to self-harm.

1.3 Custody

1.3.1 Physical environment

Tamworth CC has two distinct areas which accommodate inmates. The first area is the main 1800s gaol which accommodates maximum security inmates as well as inmates on remand. The second area is the minimum security section which accommodates inmates with a C2 classification. It is located separately from, but adjacent to, the main 1800s gaol.

The main centre comprises the original 1800s building with a long narrow yard attached. It is about 60 metres long and about 10 meters wide. There is also a series of smaller exercise yards, some of which have shower facilities.

An administration block that houses the health centre, the reception area, interview rooms, program rooms, the library and the kitchen are within the perimeter of the original gaol. The centre also has an oval and a Yarning Circle attached to the rear of the original gaol.

A separate visitor area that is used by both maximum and minimum security inmates has large, picnic-style tables and smaller tables with stools bolted to the floor.

The greenspaces at Tamworth CC outside the perimeter wall were neat and tidy with a mix of mature trees and garden beds.

186 Data provided by CRES, 1 September 2021.

187 Data provided by CRES, 1 September 2021.

188 Data provided by CRES, 1 September 2021.

Front gate and COVID-19 testing station



1.3.2 Age of infrastructure

The Tamworth CC is an 1800s prison with an operational capacity to house up to 89 inmates. The main building is two levels with cells on both the upper and lower landings. There are four observation cells, one safe cell and one segregation cell on the ground level.¹⁸⁹ Each cell contains bunk beds, a toilet and an inbuilt television but due to the age of the infrastructure, the cells do not have showers. Showers are located in outside yards exposed to the elements and lacking privacy. The ICS Standards note that having in-cell access to a shower and toilet determines whether current correctional architecture is adequate or not.¹⁹⁰

Ground floor corridor with cells either side



The age of the cells meant there were light, temperature and ventilation issues in a location that is susceptible to extreme temperatures. Due to the 1800s design of the main building at Tamworth CC windows were open to the elements, meaning cells could get either very hot or very cold. Temperatures in Tamworth range from -6 degrees to over 40 degrees Celsius.¹⁹¹ Windows were also covered by an outside shade which provided little natural light into the cells.

The most significant concern, however, at the time of the inspection was the multiple hanging points we observed in the cells. The cells with ligature points were being used to accommodate inmates on remand and inmates in COVID-19 quarantine. Remand is known to be a particularly high-risk time for

¹⁸⁹ Information provided by Corrective Services NSW, 30 July 2021.

¹⁹⁰ Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Facilities in New South Wales*, May 2020, standard 20.6.

¹⁹¹ Australian Bureau of Meteorology, *Climate Statistics for Australian Locations: Tamworth Airport AWS* (online, 24 November 2022) <http://www.bom.gov.au/climate/averages/tables/cw_055325_All.shtml>

suicide and self-harm and the majority of inmates in quarantine were on remand. These inmates were only receiving one hour a day out of their cell. Concerningly, 31 incidents of self-harm were recorded during the period 1 September 2020 to 1 August 2021. When we visited the centre in February 2024, an inmate in segregation self harmed and another inmate was on an extended hunger strike.

Following an Aboriginal death in custody in 2017, some hanging points had been removed from the cells, but multiple hanging points were still evident during our inspection in 2021.

At the inquest, the Coroner was told the removal of hanging points is difficult in heritage listed buildings. This was deemed by the Coroner as “entirely inappropriate”.¹⁹² The Coroner recommended an urgent audit and removal of all ligature points in 2020.¹⁹³

At the time of inspection, nine cells in the main gaol had been refurbished. These cells included new sinks and toilets but no shower, cell doors had been replaced, and the cells had been repainted. Televisions were also being installed into each of these cells. Although all ligature points were reportedly removed, we observed there were still ligature points in each cell.

The integrity of a heritage building should not come before the health and wellbeing of the hundreds of inmates who are held at Tamworth CC each year. We heard during the inspection that there were plans to refurbish all the inmate accommodation and cells, with a focus of increasing the level of amenity and removing ligature points, which we supported. CSNSW advised us in August 2023 that they had completed further works to remove ligature points. We visited Tamworth CC in February 2024 to observe the condition of the cells and were pleased that ligature points had been removed and the condition of the cells was much improved.

1800s cell with ligature points



Refurbished cell with hanging points removed



However, the refurbishment was not able to address the ventilation issues in the cells. In February 2024 we were present for the morning unlock of cells and entered the cells immediately after the cell doors were open. The heat was stifling. The refurbishment did not install showers, so the men had no capacity to cool down other than by using the water tap on top of the toilet cistern.

One shower block is located in the long yard and contains six showers for over 30 inmates. At the time of the 2021 inspection, three out of the six showers had no hot water and one of the three hot showers was hot intermittently for less than a minute. The inmates said they complained about the water temperature every day, but it had been that way for so long that it no longer seemed like something that would be fixed. We raised this following the inspection and were disappointed that despite the showers being refurbished following the 2021 inspection, the water temperature issue had not been addressed when we visited the centre to check on remediation works in February 2024. There were other showers in a series of smaller rear exercise yards. Although they were refurbished after the inspection, when we tested the water in February 2024, we found it was also cold. CSNSW

192 *Inquest into the death of Tane Chatfield* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 26 August 2020) 31.

193 *Inquest into the death of Tane Chatfield* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 26 August 2020) 33.

has advised this has now been remedied.¹⁹⁴

Shower block in rear holding yard



2024 shower block refurbishment



Shower block in the long yard



2024 refurbishment of shower block



At the time of the 2021 inspection, the segregation cells at Tamworth CC were referred to by inmates and staff alike as “the dog kennels.”¹⁹⁵ Officers also commented that the segregation cells were “freezing in winter”. The shower was also outside. In our opinion, it was uninhabitable. We were pleased to observe a significant upgrade including the installation of a shower when we returned in February 2024.

¹⁹⁴ Information provided by Corrective Services NSW, 8 August 2024.

¹⁹⁵ CSNSW has undertaken to remind staff that the use of the terminology will not be tolerated and may lead to disciplinary action, Information provided by Corrective Services NSW 8 August 2024.

2024 refurbishment of the segregation cell



Although CSNSW is to be commended for having made a concerted effort to make the 1800s cells at Tamworth CC safer and habitable, it is doubtful that any remediation work can bring it to an acceptable standard to accommodate a population of predominantly Aboriginal people on remand.

The main accommodation building is so old it also has evidence of where the gallows were once located on the top landing. It is a sad indictment on the NSW correctional system, that in the 21st century any person and particularly Aboriginal people are being kept in custody with such remnants of our colonial past.

Tamworth gallows



The age of the centre means there are safety issues and security issues. Due to the age of the main gatehouse, prisoner transport vehicles cannot access the centre, making the centre vulnerable to escapes. This issue was highlighted in our *Inspection of Inmate Transport in NSW*. On 13 September 2019 an inmate escaped whilst being escorted to an inmate transport vehicle outside the main gate of Tamworth CC.¹⁹⁶ Although there are plans to upgrade the sally port in response to our recommendation that CSNSW securely and privately load inmates into inmate transport vehicles at all correctional centres,¹⁹⁷ this issue has still not been resolved. Not only is the current situation a security risk with inmates embarking and disembarking prisoner transports outside the secure perimeter, it also jeopardises the privacy of the inmates arriving and departing.

¹⁹⁶ Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) 10.

¹⁹⁷ Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) Recommendation 13.

Transport vehicle outside sally port at Tamworth CC



Recommendation: CSNSW ceases to use correctional infrastructure from the 1800s and constructs new accommodation at Broken Hill and Tamworth Correctional Centres that is culturally appropriate for Aboriginal people.

Recommendation: CSNSW constructs an entry and egress at Tamworth Correctional Centre that allows inmate transport vehicles to securely enter the centre and allow inmates to embark and disembark without unnecessary exposure to public view.

1.3.3 Minimum security buildings

The three accommodation units in the minimum security area are a stark contrast from the original 1800s main building. They were originally used as athlete accommodation during the Sydney Olympics in 2000. Two of the buildings can accommodate up to 10 inmates and one can accommodate six people. Each inmate has their own bedroom which connects to a shared ensuite bathroom between two bedrooms, with a toilet, handbasin, and shower. The bedrooms are off a central hallway leading onto a shared kitchen and lounge room with a TV. The units were air-conditioned and well ventilated. However, we found there was significant wear and tear in these units and ongoing maintenance is required to keep them habitable.

Recommendation: CSNSW ensures ongoing maintenance of minimum security accommodation units at Tamworth CC.

A Unit kitchen



B Unit kitchen



1.3.4 Arriving at Tamworth CC

COVID-19

The inspection of Tamworth CC took place during the COVID-19 pandemic. Tamworth CC is the remand and reception facility for its region and the north-west of the state. It has a high percentage of remand inmates at any given time and a high number of inmates remanded in custody transit through the centre each year. Although Tamworth CC only has capacity for 89 inmates at any time, 613 new receptions were received from July 2020 to July 2021.

Due to its remand and reception function, the centre had a significant number of its population in quarantine at any given time for much of the pandemic. Quarantine was introduced as a measure to prevent the introduction of COVID-19 to centres. It required inmates to spend 14 days in their cell with limited out of cell time for exercise, phone calls, and in some centres such as Tamworth CC, to shower. At the time of the inspection the quarantine period for new receptions was 14 days.¹⁹⁸ Inmates with mental health conditions reported that quarantine adversely impacted or exacerbated their mental health symptoms. Whilst it is acknowledged that the centre intended to refurbish cells and equip them with TVs, the absence of TVs in cells to provide at least some distraction and passive recreation during the 14-day quarantine period was in our view cruel.

At the time of inspection, there were 50 inmates being held in the main building, 11 of whom were in quarantine. Inmates in quarantine were located on the upper level of the main gaol. Those who had completed their period of quarantine but who were either on remand or were classified as medium or high security were meant to be held in the main gaol on the ground floor, separate from people who were in quarantine. However, we observed three inmates who had cleared quarantine being held in the upper level in the same area as quarantining inmates. Due to the lack of ventilation in the area there were concerns that anybody housed in the quarantine area would be at risk in the event of a positive COVID-19 case.

To try to prevent the transmission of COVID-19 the centre had been divided into 'red' and 'orange' zones. Each zone had different PPE requirements with the red zone requiring additional PPE. Challenges were observed with the implementation of the red and orange PPE zones at Tamworth CC. Many of these challenges were due to the aged infrastructure and the lack of available in-cell shower facilities. We observed that the red and orange zones were not static and moved according to where inmates in quarantine conditions were in the centre.

Unsurprisingly this created confusion amongst staff, and although staff were observed to be generally compliant with the requirements to wear the correct PPE in the relevant zones, we did observe some officers not wearing masks until they became aware they were being observed. A small number of officers chose not to wear masks properly.

Inmate cleaners were observed wearing PPE when cleaning yards between use, but compliance with PPE requirements was variable with most wearing masks and gowns. There was no information available to inmate cleaners to remind them how to don and doff PPE correctly. CSNSW advise that Tamworth CC was provided with communication materials that should have been displayed in the centre.¹⁹⁹

198 Mandatory quarantine for new receptions ended on 12 March 2023. See Corrective Services NSW, *Commissioner's Instruction 2023/07 Novel Coronavirus (COVID-19) Interim Measure - Update to Correctional Centre management of isolation inmates, new reception inmates and COVID-19 positive inmates* (March 2023) 2.

199 Information provided by Corrective Services NSW 8 August 2024.

Upper unit corridor



Upper unit quarantine cell



1.3.5 Induction

When inmates arrive at Tamworth CC they are inducted by the SAPO (Services and programs officer) on duty. They are provided an information pack, a diary, an orientation pack, and a rundown of the centre routines, for example how the buy-ups system works there, and the out of cell times. They arrange the inmate's phone access and provide the 'health survival tips' booklet which outlines ways to stay healthy in the corrections environment.

One aspect of health survival tips is to ensure cells, utensils, and sharps are clean by using CSNSW approved disinfectant, Fincol.²⁰⁰ It is expected that every inmate has access to Fincol while in and out of their cells.²⁰¹ We heard that the Fincol dispensers were frequently low or empty. We urge staff at Tamworth CC to ensure all Fincol dispensers are full throughout each day as this is the only way inmates can disinfect their cells and items, particularly with such a high turnover of inmates in each cell.

We observed a combined screening and induction of an inmate who had never been in custody before in February 2024. The SAPO was professional, courteous and helpful. However, we did note that inmates on remand are not told they are entitled to a number of free phone calls.²⁰² We established with management that this was because inmates were not receiving their entitlement to free phone calls at Tamworth CC. This needs to be remedied.

Recommendation: CSNSW ensures Broken Hill and Tamworth Correctional Centres provide free telephone calls to remand inmates in accordance with clause 120 of the *Crimes (Administration of Sentences) Regulation 2014*, and access to legal materials.

1.3.6 Living conditions

Inmates held at Tamworth CC described disparate experiences of living conditions dependent on their security classification and legal status. The minimum security part of the correctional centre was considered by inmates to be pleasant. Inmates in this section had private bedrooms, access to TVs, shared kitchens and loungerooms, and easy access to amenities such as toilets, sinks, and showers. The main 1800s gaol, however, which holds the majority of inmates and where most of the staff conduct their duties, was described to us as "old and putrid." We found this to be an accurate description and observed the main gaol to be dirty and messy. It was in much better condition when we visited in February 2024.

200 Corrective Services NSW, *Custodial Operations Policy and Procedure: 6.5 Infectious and communicable diseases: 2.2 Fincol* (version 1.2, 12 March 2020) 7-8.

201 Corrective Services NSW, *Custodial Operations Policy and Procedure: 6.5 Infectious and communicable diseases: 2.2 Fincol* (version 1.2, 12 March 2020) 7-8.

202 *Crimes (Administration of Sentences) Regulation 2014* cl 120; Corrective Services NSW, *Custodial Operations Policy and Procedures: 8.2 Inmate Telephones* (version 1.11, 11 August 2023) 8.

As previously mentioned, there are issues in the main gaol beyond the control of the current centre management with temperature, light, ventilation, and shower facilities due to the age of the infrastructure. Complaints about the ventilation and facilities at Tamworth CC were one of the most frequent issues raised by inmates to Official Visitors.²⁰³

The centre claimed to be addressing the ventilation issue by allowing inmates to purchase a fan from their own money through the 'inmate buy-ups', a system designed to allow inmates the opportunity to buy particular groceries each week or activity items each month.²⁰⁴ This is not an adequate solution for a remand and reception centre with a majority of Aboriginal people in custody. We also found that basic amenities and hygiene items were not routinely provided. Pillows, toilet paper, and soap were a rare commodity.

1.3.7 Clothing and bedding

The inspection team were provided with a bedding and linen pack distributed to inmates upon reception to the Centre. It included two towels, a blanket, a pillowcase, and sheets as per the COPP guidelines. We noted that the blanket was light and quite frayed. There was also damage to the sheets which were torn in the corners. We were told damaged bedding should have been removed by the offsite laundry.

The Tamworth CC inmate handbook indicates doonas were available for purchase at a cost of \$27.95 with a cover at a cost of \$34.50. At the time of inspection newly arrived inmates were in quarantine for a period of 14 days and often transferred to another facility after that. There is probably no opportunity to purchase a doona in that time period. There are also few employment opportunities at Tamworth CC to make money to afford additional items, and therefore inmates must rely on outside assistance from family to afford items such as a doona. Given the high percentage of Aboriginal people in the centre, we are concerned about how many are able to receive outside financial assistance for basic items such as warm bedding during winter. Moreover, we point out that each Centre has a duty to provide appropriate bedding for the climate.²⁰⁵ We have found access to warm clothing and bedding is an ongoing issue in correctional centres which urgently needs to be addressed.²⁰⁶

Further, according to the buy-up sheet we were provided, it appears that gloves and beanies were only available to inmates who were in the minimum security section.

On a more positive note, we were informed that the mattresses were good, particularly in comparison to some other correctional centres, but there was a pillow shortage. This was perplexing as there appeared to be adequate stock.

When an inmate is transferred from Tamworth CC to another centre, they are asked to return their extra clothing which is then washed and provided to the next inmate. This practice was inconsistent with the procedure outlined in the COPP at the time of inspection, which stated that all clothing should go with the inmate upon transfer to another Centre.²⁰⁷ The COPP has subsequently been changed to reflect the practice of centres to retain all gaol issued clothing at the sending centre for re-issue or disposal.²⁰⁸

203 Official Visitor Reports conducted 13 January 2021 and 15 July 2021.

204 Corrective Services NSW, *Custodial Operations Policy and Procedures: 8.14 Inmate buy-up*, 2017.

205 *Crimes (Administration of Sentences) Regulation 2014* cl. 36(2); *Guiding Principles for Corrections in Australia* (February 2018) 4.2.4.

206 Inspector of Custodial Services (NSW), *Prison Greens: The Clothing and Bedding of Inmates in NSW*, June 2017.

207 Corrective Services NSW, *Custodial Operations Policy and Procedure:1.5 Issuing correctional centre clothing and linen: 1.1 Policy* (version 1.3, 16 March 2021).

208 Information provided by Corrective Services NSW 8 August 2024.

Reception pack



Recommendation: CSNSW ensures Tamworth Correctional Centre provides warm clothing and bedding to inmates.

1.3.8 Classification and placement

Clause 11 (1) of the *Crimes (Administration of Sentences) Regulation 2014* provides that an inmate must receive a classification as soon as practicable after being first received into a correctional centre.²⁰⁹ Classification is reviewed annually and where appropriate, an inmate's security rating is changed and/or they are transferred to another centre.

The inspection team observed the classification of one inmate at Tamworth CC. The classification team were knowledgeable and ensured that the inmates understood the process and outcome.

Tamworth CC received 613 new receptions from July 2020 to July 2021. The average time on remand at Tamworth is 24 days for Aboriginal inmates and 35 days for non-Aboriginal inmates.²¹⁰

The inspection team heard that Aboriginal inmates will likely be moved out of the centre and off Country after they have completed quarantine, as part of the RBP policy, in order to create space for new receptions. At the time of inspection many inmates from Tamworth CC were moved to Cessnock CC as part of the RBP policy. As highlighted in many of our reports, the RBP policy is used to circumvent the legislation governing classification and placement.²¹¹ It not only generates substantial transport related costs and places significant resource demands on the correctional system, but it moves Aboriginal people off Country and away from their family and community support. We reiterate our recommendation that CSNSW review the RBP practice and minimise the movement of Aboriginal remand prisoners throughout NSW.²¹² Unless there are safety or security considerations Aboriginal people should remain on Country. By letter dated 11 July 2024, the Acting Commissioner CSNSW advised the Inspector that the RBP policy had ceased.²¹³

209 *Crimes (Administration of Sentences) Regulation 2014*, cl.11(1).

210 CRES data and custodial movements report 2021.

211 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2020), 28-29.

212 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2020), recommendation 3.

213 Information provided by Corrective Services NSW 8 August 2024.

1.3.9 Safety and security

Lockdowns

Lockdowns in correctional centres occur for a variety of reasons, from low-risk scenarios such as staff training or shortages, to high-risk preventative measures to ensure staff and inmate safety and management. Prolonged lockdowns have been known to increase inmates reporting reductions in their physical and emotional health.²¹⁴

Lockdowns were common in Tamworth CC with at least one occurring each month between September 2020 and August 2021.²¹⁵ In September 2020, there were a total of 15 separate lockdowns.²¹⁶

Searches

During the inspection staff and visitors were searched on initial entry to the centre.

A body scanner had been installed but not everyone had been trained in using it. Some staff were sceptical of it due to safety concerns but even early in its use, contraband had been recovered.

Reception body scanner



Incidents

In the 12 months prior to the inspection, there had been 135 breaches of correctional centre regulation. Of these, 44 were charges against good order, 30 were for property damage, 24 were for other drug charges, 15 were for fighting or assault, 11 were smoking related, eight were for abusive behaviour, and there were three incidents of stealing. There were seven positive urinalysis results (lab confirmed) over the same period. Rates of assault were low at Tamworth CC, with only four incidents of staff being assaulted and nine incidents of inmates being assaulted over the same period.²¹⁷

There were also 27 use of force incidents recorded from the period of 1 September 2020 to 1 August 2021.²¹⁸ The inspection team obtained and watched body worn camera footage of the Tamworth CC Immediate Action Team (IAT) team discharging chemical munitions towards an agitated inmate with mental health issues and poor custodial practice was observed. It is for this reason that chemical munitions are a Tier 1 use of force and must be referred to and reviewed by the CSNSW Use of Force Review Committee.²¹⁹ This committee reviews the appropriateness of the deployment of chemical

214 Catherine Heard, *Locked in and Locked Down – Prison Life in a Pandemic: Evidence from Ten Countries* (Institute for Crime & Justice Policy Research, May 2021).

215 Data provided by CRES, 1 September 2021.

216 Data provided by CRES, 1 September 2021.

217 Information provided by Corrective Services NSW, 8 October 2021.

218 Information provided by Corrective Services NSW, 8 October 2021.

219 Corrective Services NSW, *Custodial Operations Policy and Procedures: 13.7 Use of Force Version 1.11*, (16 December 2017), cl 10.8.

munitions, and where necessary, may determine that an IAT officer undergo further training or that their chemical munitions certification is suspended.

1.3.10 Staffing

Correctional centre policy, planning and management

In the period prior to the inspection, Tamworth CC had several leadership changes which created instability at the centre. Tamworth CC now has a substantive manager of security who had been appointed for a three year term.

Correctional services and people

In February 2021, Tamworth CC had a staffing profile of 64, outlined in the table below:

Table 2: Tamworth CC staffing profile ²²⁰

Area	Approved full-time equivalent
Custodial	46
CSI	3
Offender Services & Programs	5
Case Management	2
Administration	4
Education	2
Classification	1
Sentence Administration	1
Total	64

Generally, we found staff at Tamworth CC to be accommodating and respectful to our staff during the inspection. We also found that many staff at Tamworth CC take initiative to ensure the good functioning of the centre. Many inmates described Tamworth CC to be old but tolerable due to the treatment and respect from staff.

However, some inmates told us they were treated very poorly in the main building when they were on remand, but after being sentenced and moving to the minimum security buildings, they were treated with respect by the same officers. The poor treatment of people remanded in custody in the main gaol is concerning. CSNSW has advised it is developing Practice Standards for custodial officers as part of its commitment to building a respectful culture.²²¹

We also heard that some custodial officers do not respond to calls for emergency assistance for medical issues and are rude to Aboriginal people seeking assistance through the prison intercom system. It was disappointing to hear this type of behaviour is still occurring at Tamworth CC despite the observations made by the Coroner that correctional centres have a specific and vital duty of care towards inmates as they are unable to go and receive their own medical attention.²²² The coronial inquest into an Aboriginal death in custody at Tamworth CC heard that officers were typically “outright rude” to Aboriginal inmates at Tamworth CC.²²³ The Coroner observed that at the time of his decision to suicide, he had no reason to trust or reach out to those tasked to care for him.”²²⁴

220 Information provided by Corrective Services NSW, 15 February 2021.

221 Information provided by Corrective Services NSW, 8 August 2024.

222 *Inquest into the death of Tane Chatfield* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 26 August 2020).9

223 *Inquest into the death of Tane Chatfield* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 26 August 2020). 22.

224 *Inquest into the death of Tane Chatfield* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 26 August 2020).10.

Staff have a duty of care to inmates and must ensure that all emergency calls are answered and that inmates are confident that they will be responded to. On our visit to Tamworth in February 2024 we tested an emergency call button. It was answered promptly by the front gate.

Staff training

From July 2020 to June 2021,²²⁵ staff completed training outlined below:

Table 3: Training completed by Tamworth CC staff

Training	Staff
X-Ray body scanner operation	18
Five minute intervention	57
Fire safety officer certification	2
Certificate IV Correctional practice	3
Front line communication	2
Batons	46
Field training officer certification	1
First aid	7
Riot management	12
Chemical munitions certification	14

We acknowledge that staff training was impacted during the pandemic. Notably very few staff completed training relevant to interacting with people in custody. A significant investment in staff training in cultural safety and trauma informed practice is required at this centre given the high percentage of Aboriginal people in custody at the centre. The team observed that staff who were trained in the role of COVID-19 officers had a positive attitude to the responsibility and performed their duties professionally.

Recommendation: CSNSW ensures that staff at Broken Hill and Tamworth Correctional Centres complete Aboriginal cultural safety training, ensures compliance with mandatory training, and provides refresher training in custodial practice.

Cultural safety

At the time of the inspection, the centre did not have Aboriginal Elders visiting the centre on a regular basis. Although COVID-19 had impacted regular visitation, Elders were also not being remunerated in accordance with the Aboriginal Communities Mentor program. CSNSW is reviewing the attendance and remuneration of Aboriginal Elders to the centre.²²⁶

The Aboriginal flag was not flown during the inspection of Tamworth CC. We were told this was because the flag pole was broken at the time. While this may have been the case, we considered this disrespectful because local Aboriginal Elders had been invited to attend the centre on the first day of the inspection. We note the Aboriginal flag was not flying when we returned to the centre in February 2024. Displaying the Aboriginal flag is an important way of demonstrating recognition and respect of Aboriginal people.²²⁷

²²⁵ Information provided by Corrective Services NSW, 30 July 2021.

²²⁶ Information provided by Corrective Services NSW 8 August 2024.

²²⁷ CSNSW advise the Aboriginal flag is now being flown at Tamworth CC, Information provided by Corrective Services NSW, 8 August 2024.

Flagpoles at Tamworth CC



1.4 Physical and mental health services

1.4.1 JH&FMHN

The Tamworth CC health centre operates from 8:00am to 8:30pm Monday to Friday and 9:30am to 6:00pm on weekends. The services provided are detailed in the table below.²²⁸

Table 4: Health services at Tamworth CC

Health service	Hours of operation
Primary health nurse	8:00am to 8:30pm Monday to Friday and 9:30am to 6:00pm on weekends
Drug and alcohol nurse	Daily service provided at the centre with on call ROAMS. Telehealth also available weekly.
Mental health nurse	Daily service provided at the centre with on call ROAMS Telehealth also available twice a week
Population health nurse	Daily service provided at the centre with on call ROAMS Telehealth also available once a week
General Practitioner	Once a week from 9:00am to 1:00pm
Dental/Oral Health	Occurs as needed via a dental hotline
Aboriginal health nurse	On an as needed basis
Optometrist	On an as needed basis

228 Information provided by Justice Health and Forensic Mental Health Network, 30 July 2021.

Table 5: Inmate waitlist numbers for medical services at Tamworth CC at 20 June 2023 ²²⁹

Medical service	Priority level	Number of inmates waiting	Days on waitlist
Population health nurse	P1	2	3-4
	P3	1	2
Primary health nurse	P2	1	13
	P3	18	1-34
	P4	36	1-157
General practitioner/Nurse practitioner	P2	1	13
	P3	7	8-17
	P4	3	12-19
Mental health nurse	P2	5	5-14
	P3	10	1-84
	P4	3	2-3
Optometrist	P3	1	51
Aboriginal health nurse	P4	2	2

In June 2021, there were 14 patients on the waitlist for primary health care with eight of these patients identifying as Aboriginal.²³⁰ There were no Aboriginal health workers at Tamworth CC at the time of the inspection. It was positive to hear that the centre runs an annual ‘Close The Gap’ health promotion and that a Memorandum of Understanding was being developed between the centre and Wallhallow Medical Service at the time of the inspection. However, it is doubtful that this is sufficient to address the need for culturally safe health care given the high number of Aboriginal people in custody at Tamworth CC. The JH&FMHN recently established an Aboriginal Health Practitioner role at Tamworth CC and has successfully recruited to the position. The new clinician commenced in July 2024, and will enhance the delivery of culturally safe care to First Nations patients at the centre.²³¹

Telehealth is used to provide mental health and drug and alcohol health services to inmates at Tamworth CC. Difficulties were reported by inmates accessing mental health and psychiatric services. As at June 2021, there were 18 patients on the mental health waitlist, nine of whom were Aboriginal or Torres Strait Islander. There was one patient on the drug and alcohol waitlist who was not Aboriginal.

When we visited the centre in February 2024 the local Tamworth Aboriginal Medical Service had commenced delivering services to the centre under a service level agreement with JH&FMHN. We commend JH&FMHN for implementing this arrangement to provide culturally safer health services to Aboriginal people in custody at Tamworth CC.

Dental services at the centre were reportedly delivered infrequently. Inmates are required to call the dental hotline. As the list fluctuates due to inmate movement, Tamworth CC is not prioritised. The centre is equipped with a dental suite, however at the time of inspection the dental suite was obstructed by a large office cabinet restricting access to the room. As at 21 June 2023, there were two patients on the oral health assessment waiting list and one patient on the treatment waiting list.²³² From the period of 1 June 2022 to 30 May 2023, n=3 patients (30%) of the patients on the oral health assessment waiting list had been seen on time by the dentist and n=7 (70%) had been seen outside of the recommended timeframe.²³³

229 Information provided by Justice Health and Forensic Mental Health Network, 4 July 2023.

230 Information provided by Justice Health and Forensic Mental Health Network, 30 July 2021.

231 Information provided by Justice Health and Forensic Mental Health Network, 18 July 2024.

232 Information provided by Justice Health and Forensic Mental Health Network, 4 July 2023.

233 Information provided by Justice Health and Forensic Mental Health Network, 4 July 2023.

JH&FMHN health centre at Tamworth CC



1.4.2 Psychology services

At the time of the inspection, Tamworth CC had one psychologist and one senior psychologist. Inmates at Tamworth CC can be referred to psychology services by JH&FMHN or CSNSW staff. Referrals are triaged based on their priority level (1, 2 or 3).

From December 2020 to May 2021, there were four priority level 1 referrals, 365 priority level 2 referrals and 33 priority level 3 referrals. There were also 31 criminogenic risk/needs referrals. A total of 433 psychology sessions were delivered during this period, with 280 sessions for Aboriginal inmates.²³⁴

1.4.3 Food and nutrition

Food arrives three days a week from Cessnock CC to Tamworth CC on Tuesday, Wednesday and Thursday. The rest of the food arrives frozen and is reheated later. At the time of inspection, people in custody rarely complained about the food, it was even rated by one inmate as 9/10 and another as 5/10.

Inmates in the main building did say they wanted more bread. They used to receive 10 slices of bread a day and now only receive four slices of bread a day. Like most maximum security centres in NSW dinner is served before lock in at 3pm and inmates must choose between eating the meal when it is hot or eating the meal cold at dinner time.

234 Information provided by Corrective Services NSW, 30 July 2021.

Meal from kitchen



CSNSW strongly refutes any suggestion that there has been a reduction in the overall quantity of food supplied by CSNSW and that an external dietician provides input into the menu control plan.²³⁵ Notwithstanding this, providing less bread to inmates appears to have made them more reliant on buy-ups. This effectively puts the burden of cost for sufficient food onto inmates and their families rather than the centre. This is a concerning development considering it may mean that some inmates who already need to consider their budget for phoning friends and family, buying hygiene items such as deodorant, shampoo and toothpaste, warm clothing and bedding, now need to buy food as well. This is not possible without employment or family support. We note again that there are few jobs at Tamworth CC for remand inmates.

Inmates in the main building also expressed a concern that they were unable to adequately wash their cutlery and cups as there was no dishwashing liquid provided to them. They are provided with one set of cutlery for the entire day and wanted to wash them between meals. The reason they could not have dishwashing liquid, they were told, was because the liquid could be used to ignite a fire. We could not find evidence of that being true. We urge Tamworth CC to provide dishwashing liquid to inmates.²³⁶

The men in the minimum security building have more control over how and when they eat, and because they have employment at the centre are able to purchase additional food items to supplement the prison meals. They also have access to a vegetable garden.

1.5 Inmate services and amenities

1.5.1 Contact with family

In-person visits

According to the inmate booklet, in-person visits to Tamworth CC only occurred on Sundays. Visits via AVL were on Saturdays. In response to the suspension of in person social visits due to COVID-19, CSNSW introduced video visits and phone calls via tablets in correctional centres across NSW. While tablets have been rolled out at Tamworth CC, it was reported that there is poor reception in the main section due to the 1800s infrastructure. CSNSW have worked to address the issues with reception.²³⁷

235 Information provided by Corrective Services NSW, 8 August 2024.

236 CSNSW advise that dishwashing liquid is now available to inmates at Tamworth CC, Information provided by Corrective Services NSW 8 August 2024.

237 Information provided by Tamworth CC, 8 June 2023.

Visits area



Telephone access

Inmate access to telephones is essential for family contact. There are two main requirements for inmate telephones: their installation should afford sufficient privacy and there should be enough telephones to avoid competition or conflict over access. As a guide the ICS has indicated a ratio of one telephone per 20 inmates.²³⁸ At Tamworth CC there were phones in each accommodation unit in minimum security and there were six phones in the main part of the centre. There were also cordless phones that could be taken to inmates. The introduction of in cell tablets allow inmates to make calls to 10 pm at night. Although this is a positive initiative, the cost of calls can be prohibitive, and we urge CSNSW to take action to reduce the cost of phone calls and ensure inmates receive the free calls they are entitled to.²³⁹

1.5.2 Access to legal representative

The majority of people in custody at Tamworth CC are on remand. Having access to legal resources including their lawyers is a fundamental right. Inmates at Tamworth CC have access to two AVL suites to contact their legal representatives.²⁴⁰

During the initial quarantine period when inmates had limited time out of cell a cordless phone was used to allow inmates to contact their legal representatives. There is a space in the inmate library for inmates to access Australian legislation and sentencing information via the secure CSNSW Legal Information Portal. As there are no set opening hours for the library inmates must request access to the library.

1.5.3 Advocacy and Complaint mechanisms

An Official Visitor is appointed to the centre and visits once per month to hear and resolve inmate complaints. The free call system is also able to facilitate inmates having phone contact with various relevant external authorities, such as the NSW Ombudsman.

Each correctional centre should establish a staff-inmate forum at which inmates can draw attention to issues of concern before they become the source of complaints. This is known as an inmate development committee (IDC). CSNSW policy requires governors to ensure that an IDC is established in each correctional centre.²⁴¹

Positively we found that Tamworth CC had a functioning inmate development committee that had met regularly in 2021. There were two Aboriginal delegates on the inmate development committee at that time. When we visited the centre in February 2024, we found there was no appointed Aboriginal delegate (a paid position) although there were Aboriginal people on the IDC.

²³⁸ Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Facilities in New South Wales*, standard 105.2.

²³⁹ Corrective Services NSW, *Custodial Operations Policy and Procedures: 8.2 Inmate Telephones* (version 1.11, 11 August 2023) 1.

²⁴⁰ Information provided by Corrective Services NSW, 8 June 2023.

²⁴¹ Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.8 Inmate Development Committees* (version 1.2, 12 March 2020).

Recommendation: CSNSW ensure Aboriginal delegates are appointed to the inmate development committee at Tamworth Correctional Centre.

1.5.4 Cultural support for Aboriginal inmates

Aboriginal Steering Committee

In accordance with the 1991 *Royal Commission into Aboriginal Deaths in Custody*,²⁴² Aboriginal inmate committees should be established and remain active at every NSW correctional centre.²⁴³ Despite the high prevalence of Aboriginal people in custody at Tamworth CC, there was no active Aboriginal inmate committee at the time of the inspection.

An Aboriginal steering committee had been established at the centre but had not met in five months. A lack of consistency in centre management, and COVID-19 were cited as reasons for this. The purpose and key objectives of the Aboriginal steering committee was unclear and should be documented, and parameters should be established about membership of the committee and frequency of meetings.

Community engagement

Tamworth has a wealth of Aboriginal Elders and Aboriginal services in the local community willing to engage with the Tamworth CC. At the time of inspection Aboriginal Elders had not been visiting the centre on a regular basis. Although this was most likely due to visitor restrictions imposed due to COVID-19, we also found that Aboriginal Elders were not being remunerated in accordance with CSNSW policy.²⁴⁴

A stronger relationship between Tamworth CC and the local Aboriginal community would benefit Aboriginal people in custody at Tamworth CC. A community engagement meeting held at the time of inspection was a positive step forward for the centre in establishing relationships with members of the Aboriginal community. However, the purpose of the engagement needs to be clear to CSNSW and communicated with Elders and community leaders.

Yarning Circle

The construction of the Yarning Circle on the oval is a positive initiative to provide inmates with a place for cultural strengthening however we heard that people in custody from the main part of the centre have access to this area for only 1.5 hours a week. It is important that adequate opportunities are provided for the men to use this space. In February 2024 we were informed the Yarning Circle was only accessible when the men were allowed to use the oval once per week.

242 Royal Commission into Aboriginal Deaths in Custody: National Report (Final Report, 1991) recommendation 183.

243 Corrective Services NSW, *Custodial Operations Policy and Procedures: 11.3 Aboriginal inmate committees* (version 1.2, 12 March 2020).

244 Corrective Services NSW, *Custodial Operations Policies and Procedures: 11.6 Aboriginal Community Mentors* (12 March 2020).

Oval with Yarning Circle



Recommendation: CSNSW ensures that Aboriginal people in custody at Tamworth Correctional Centre can access the Yarning Circle.

Recommendation: CSNSW engages and remunerates local Aboriginal Elders to provide mentoring and cultural support for Aboriginal inmates.

1.5.5 Support for religious inmates

The chaplain at Tamworth CC had been in the role for three months and works 2.5 days a week. He was not able to work in the chapel because it was deemed a security risk, so he often worked in the library. He builds good relationships with inmates, however he noted that it was hard to maintain these relationships with the short stays many of the inmates have.

Prayer beads (\$6.00), prayer mats (\$21.00), and prayer caps (\$8.55) were available for purchase on the inmate activity buy-ups.

1.5.6 Access to purposeful activity

During time out of cells inmates were placed in a series of yards depending on their ability to associate with others. The let go and lock in process was observed to be lengthy and somewhat disorganised. This may be explained in part by the need to manage COVID-19 quarantine cohorts, and the need to move inmates one group at a time between different yards to allow inmates to shower or use the phone.

Inmate activities in the yards included watching television, exercising, talking on the phone, or showering depending on the yard they were in and available amenities. It is acknowledged that the centre has recently installed television and table tennis facilities in some of the yards.

The long yard adjacent to the main gaol is the largest yard. It had a shade cloth to provide some shade and one toilet which was filthy. There was no exercise equipment. There was a table tennis table at one end but because the bats were reportedly broken, this was used as a seat. One inmate had a guitar, and another was playing chess. We observed there was little for people in custody to do but pace up and down the yard.

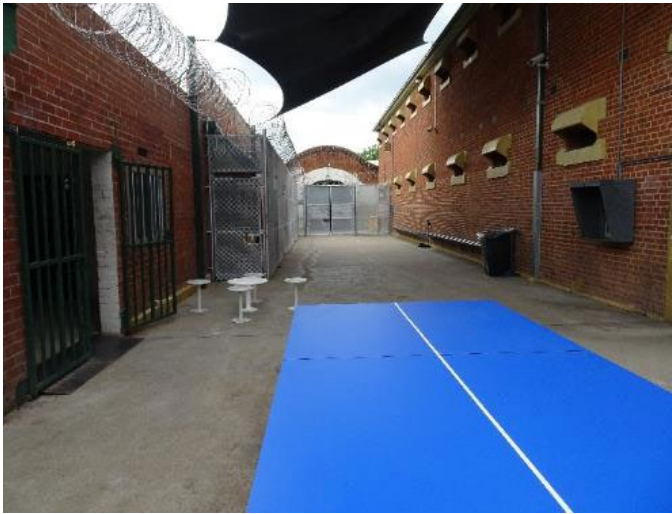
Most inmates reported that there was nothing to do as there was limited employment, no programs and no education on offer to the inmates on remand. Multiple people in custody said a small gym would be really useful. The people in custody highlighted that there was a need for more structured activity giving them something to do as well as a need for initiatives that assist with mental health issues.

Although inmates can purchase televisions from the centre through the buy up system and have them delivered the same day or the following day, most inmates being received at Tamworth CC are on remand and unlikely to be able to afford to buy a television. There was a pool of rental televisions available for inmates in crisis, but these were infrequently used. Inmates reported that access to a television during quarantine or when detoxing was a much needed distraction.

Inmates from the main part of the centre have limited access to the oval (once per week). The oval was available for use by minimum security inmates most afternoons and was easily accessible to the minimum security area.

Recommendation: CSNSW ensures that a rental scheme for TVs and fans is available to all inmates at Tamworth Correctional Centre.

Long Yard



Rear yard with exercise equipment



Library

The library at Tamworth CC is a small space which has one wall of shelving for books. It can accommodate four inmates at a time however it does not have set opening hours, creating access issues. Because the chaplain is not allowed to use the chapel, the library is being used by the education team and the chaplain.

The lack of library access is not acceptable as it is one of the few meaningful activities available to people remanded in custody at Tamworth CC.²⁴⁵

²⁴⁵ CSNSW advise the use of the library will be reviewed and opening times will be scheduled, Information provided by Corrective Services NSW, 8 August 2024.

Education room and library shelves



1.6 Rehabilitation

1.6.1 Case management

The Case Management Unit undertakes risk and needs assessments to identify what programs, services, work and education people in custody should undertake during their sentence to reduce their risk of reoffending. CSNSW policy determines case plans for inmates sentenced to a period of three months or more, be formulated within 35 days of sentencing and approved by 42 days. This timeframe enables a series of interview and assessment to inform case plan development prior to the 35 days.²⁴⁶

Being primarily a remand centre, most inmates do not have a case plan at Tamworth CC. As at 30 June 2021, 18 sentenced inmates at Tamworth CC had a current case plan. During the inspection, we heard that often inmates will arrive at Tamworth CC from other centres without a case plan in place.

1.6.2 Employment

The lack of employment opportunities at Tamworth was concerning. Without employment opportunities many inmates who do not have family support struggle to purchase basic necessities such as hygiene items and warm bedding that CSNSW should but refuses to provide.

The majority of employment opportunities are for minimum security inmates as they are all sentenced. Work opportunities at Tamworth CC include the kitchen, laundry, ground and building maintenance, and community projects. Table 6 provides a breakdown of inmate employment as at 1 September 2021.

²⁴⁶ Information provided by Corrective Services NSW, 30 July 2021.

Table 6: Tamworth CC employment profile as at 1 September 2021 ²⁴⁷

Employment	Percentage of inmates employed	Total number employed
Kitchen (CSI)	3.2%	2
Accommodation unit cleaners	15.9%	10
Community projects	3.2%	2
Education area cleaners	1.6%	1
Laundry services	1.6%	1
Maintenance	1.6%	1
Maintenance – ground	1.6%	1
Programs	1.6%	1
Reception room	1.6%	1
Unemployed – on remand	73%	46

The requirement for inmates to work only applies to those who have been convicted of a criminal offence, not those who are remand.²⁴⁸ CSI policy provides that ‘unconvicted inmates, while not obligated to work are to be encouraged to participate in work and other programs for their own ‘self development’.²⁴⁹ Our *Programs, Employment and Education* report found that it can be challenging for centres to provide employment opportunities for remand inmates because industries rely on a stable workforce and remand inmates may be moved or released with little or no notice.²⁵⁰

Although the policy rightly recognises that unconvicted people should be treated differently from convicted inmates, this has led to a perverse outcome in the NSW correctional system whereby unconvicted remand inmates may live in impoverished conditions compared with sentenced inmates. This was certainly the case for the men in the main gaol at Tamworth CC.

Recommendation: CSNSW increases employment opportunities for remand inmates at Broken Hill and Tamworth Correctional Centres.

1.6.3 Programs

Tamworth CC does not deliver programs although it has been identified as suitable to deliver the EQUIPS Maintenance programs for sentenced inmates. There was an addictions support group with four participants.

Given the high prevalence of Aboriginal people in custody at Tamworth CC, cultural programs should be made available, following close consultation with appropriate community groups and experts.²⁵¹

Recommendation: CSNSW delivers culturally safe programs at Tamworth Correctional Centre.

1.6.4 Education

Opportunities for education and vocational training were limited at Tamworth CC at the time of the inspection. The table below provides a breakdown of inmate education and vocational training as at 1 September 2021.

247 Information provided by Corrective Services NSW, 1 October 2021.

248 *Crimes (Administration of Sentences) Act 1999* s.6.

249 Corrective Services NSW, *CSI Policy Manual 8.2 Inmate Wages System* (July 2018) 2.

250 Inspector of Custodial Services (NSW), *Programs, Employment and Education Inspection*, (February 2020), 89.

251 Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Facilities in New South Wales* (May 2020), standard 117.8.

Table 7: Education and vocational training offered at Tamworth CC from September 2020 to August 2021 ²⁵²

Course/Program	Enrolled	Participants	Sessions	Completions
Barber hygiene	29	29	57	0
Driver Knowledge Test	39	39	57	0
VTP –Agriculture	16	15	195	0
VTP –Cleaning operations	14	13	98	0
WPT –First aid	7	7	14	0
WPT –Forklift	14	8	64	0

We acknowledge that COVID-19 impacted the delivery of education and programs at Tamworth CC, nonetheless it was disappointing to see that even with a limited offering of short courses not one participant completed a program. The high rate of transfers from the centre after the completion of the 14 day quarantine period was no doubt a contributing factor.

Recommendation: CSNSW measures education completion rates in addition to participation rates.

252 Information provided by Corrective Services NSW, 1 September 2021

2 Broken Hill Correctional Centre

2.1 Broken Hill Correctional Centre profile

2.1.1 Location

Broken Hill CC is a medium and minimum security facility for men and women in custody. It is located on Wilyakali Country, 1141 km west of Sydney.

2.1.2 History

Broken Hill CC first opened on 8 November 1892 and is the third oldest operating centre in NSW after Goulburn CC (1884) and Bathurst CC (1888).²⁵³ From 1942 until 1945, the centre was vacated temporarily for use by the Commonwealth Government to store gold during World War II.²⁵⁴

Photograph of Broken Hill Gaol, as it was then named, from 1953²⁵⁵

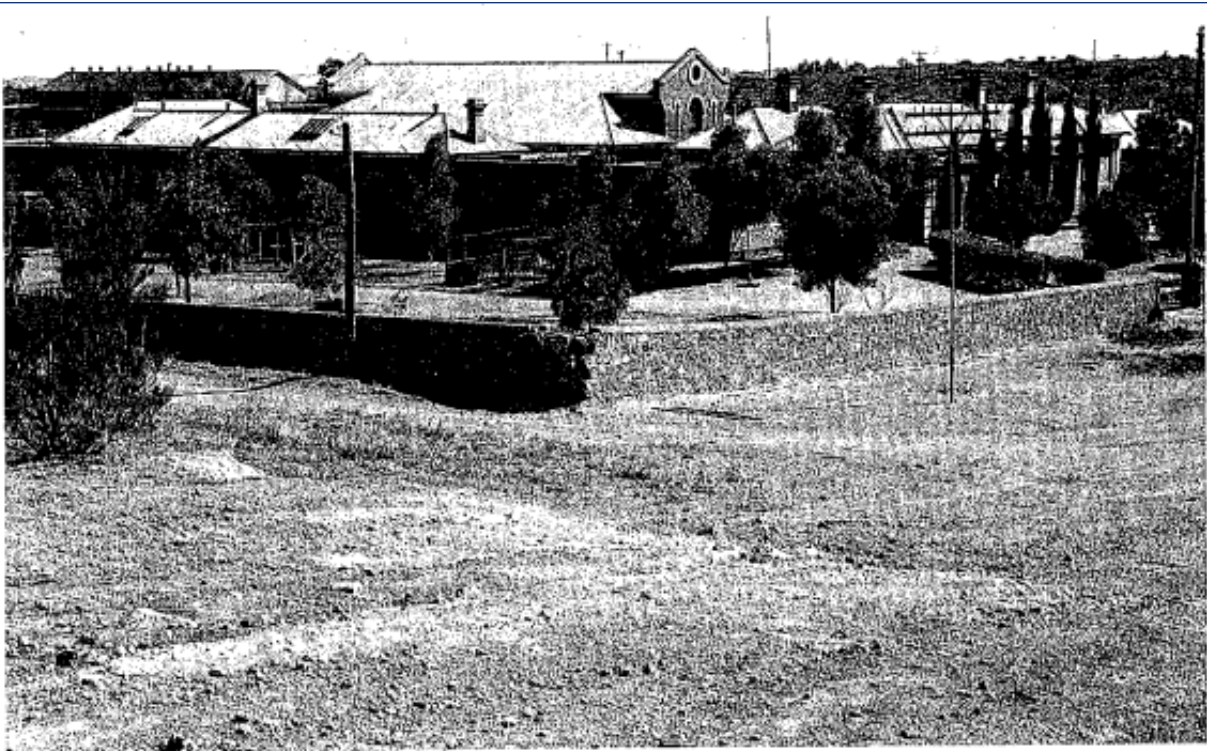


Fig. 3.8 Photograph of the gaol 1953 (Reproduced by kind permission of Mr R.J.Solomon)

2.1.3 Capacity

57 male inmates of varying classification can be accommodated in the main gaol and 28 inmates can be housed in the minimum security area known as X-Wing. The Women's Assessment Unit can house a maximum of 12 female inmates.

2.1.4 Previous Inspections by the Inspector of Custodial Services

Broken Hill CC was previously inspected as part of the *Programs, Employment and Education Inspection* report published in February 2020²⁵⁶ and as part of the *Inspection of Inmate Transport in*

253 Corrective Services NSW, *Broken Hill Correctional Centre celebrates 125 years* (n.d) < <https://www.justice.nsw.gov.au/Documents/Media%20Releases/2017/broken-hill-correctional-centre-marks-125-years.pdf>>

254 Department of Corrective Services, *Broken Hill Correctional Centre Conservation Plan* (Report, June 1996), 16.

255 Department of Corrective Services, *Broken Hill Correctional Centre Conservation Plan* (Report, June 1996) 27.

256 Inspector of Custodial Services (NSW), *Programs, Employment and Education* (Report, February 2020).

NSW report published in June 2022.²⁵⁷ This inspection also informed the *Review of the Response to COVID-19 in NSW custody*.²⁵⁸

Inspection dates

Pre-inspection: 16 December 2021

Inspection: 7 to 10 February 2022

Post-inspection: 20 to 21 September 2023, 20 December 2023, 16 February 2024, 7 March 2024

2.2 Inmate profile

2.2.1 Legal status and charges

On 1 October 2021, Broken Hill CC had a total of 27 sentenced inmates (73.0% of inmates).²⁵⁹ Among the sentenced inmates, five were women (18.5%) and 22 were men (81.5%), two of whom were appealing their sentences.²⁶⁰ 16 people identified as Aboriginal (59.2%).²⁶¹ One inmate was appealing his sentence and one had been identified as needing to remain at the centre following his earliest possible release date as his parole was not granted.²⁶²

The inmates held at Broken Hill CC were charged and sentenced with a variety of offences, the most common to least common were:²⁶³

- 13 *Acts intended to cause injury*: 10 were men (77.0%) and 10 identified as Aboriginal (77.0%).
- Five *Miscellaneous offences*²⁶⁴: four were men (80.0%) and three identified as Aboriginal (60.0%).
- Five *Illicit drug offences*: all were men (100.0%) and one identified as Aboriginal (20.0%).
- Four *Offences against justice procedures, government security and government operations*: three were men (75.0%) and three identified as Aboriginal (75.0%).
- Three *Homicide and related offences*: two were men (66.7%) and none identified as Aboriginal.
- Three *Traffic and vehicle regulatory offences*: three were men (100.0%) and two identified as Aboriginal (66.7%).
- Two *Theft and related offences*: both were men (100.0%) and one identified as Aboriginal (50.0%).
- One *Sexual assault and related offences*: A man who identified as Aboriginal.
- One *Dangerous or negligent acts endangering persons*: A man who identified as Aboriginal.

At Broken Hill CC, 10 people were on remand (27.0% of inmates).²⁶⁵ Among the people on remand 90.0% were men and one was a woman (10.0%).²⁶⁶ Aboriginal people made up 60.0% of those held on remand. Bail had been refused to all 10 inmates held on remand.²⁶⁷

Broken Hill CC is the reception prison for the local area for people remanded in custody or sentenced to imprisonment. Broken Hill CC received 164 new inmate receptions between 30 July 2020 and

257 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022).

258 Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023).

259 Data provided by CRES, 5 November 2021.

260 Data provided by CRES, 5 November 2021.

261 Data provided by CRES, 5 November 2021.

262 Data provided by CRES, 5 November 2021.

263 Data provided by CRES, 5 November 2021.

264 'Miscellaneous offences' refers to breaches of parole, for example, using illicit substances, repeated domestic violence, bail breaches, and inmates on short sentences who were unable to manage their substance dependence.

265 Data provided by CRES, 5 November 2021.

266 Data provided by CRES, 5 November 2021.

267 Data provided by CRES, 5 November 2021.

30 June 2021. The length of time held on remand varied by sex and Aboriginality at Broken Hill CC. Overall, the average time on remand was 169 days.²⁶⁸ The average number of days on remand was 55 for women and 191 days for men.²⁶⁹ For inmates who identified as Aboriginal the average number of days on remand was 44 compared to 352 for inmates who did not identify as Aboriginal.²⁷⁰ The shortest length of stay on remand for all inmates was one day.²⁷¹ The longest length of time on remand for women was 256 days and for men it was 1801 days.²⁷² Inmates who identified as Aboriginal spent up to 256 days on remand. The man who spent almost 5 years (1801 days) on remand did not identify as Aboriginal.

2.2.2 Security Classifications and Designations

As at 1 October 2021 inmates at Broken Hill CC were designated into a range of security classifications. Among the six women in custody, 83.3% or five had a minimum-security (CAT2) classification, 60.0% of whom identified as Aboriginal and 16.7% or one Aboriginal woman had a unsentenced minimum-security (UCAT2) classification.²⁷³

Among the 31 men in custody:

- 6.5% or two men had a **minimum-security** (C1) classification, of whom 50.0% identified as Aboriginal;
- 29.0% or nine men had a **minimum-security** (C2) classification, of whom 44.4% identified as Aboriginal;
- 3.2% or one man had a **minimum-security** (C3) classification, he did not identify as Aboriginal;
- 22.6% or seven men had a **medium-security** (B) classification, of whom 71.4% identified as Aboriginal;
- 19.4% or six men had **medium-security** (BU) classification, of whom 50.0% identified as Aboriginal;
- 6.5% or two men had an **maximum-security previous escapee** (E2) classification, neither of whom identified as Aboriginal;
- 6.5% or two men had an **maximum-security unsentenced previous escapee** (E2U) classification, neither of whom identified as Aboriginal;
- 6.5% or two men were **unclassified**, neither of whom identified as Aboriginal.²⁷⁴

The centre had two inmates designated Special Management Area Placement, meaning that they were separated from the inmate population for their own safety.²⁷⁵ One inmate was identified by the Serious Offender Review Council (SORC).²⁷⁶ There were five 'Public Interest Inmates'.²⁷⁷ Finally, there were two inmates identified as 'Immigration Release Notifications', which refers to inmates who will be sent to detention centres and deported after they have completed their sentence.

2.2.3 Demographic

On 1 October 2021, the ages of people in custody at Broken Hill CC ranged from 18 to 64 years old.

268 Data provided by CRES, 5 November 2021.

269 Data provided by CRES, 5 November 2021.

270 Data provided by CRES, 5 November 2021.

271 Data provided by CRES, 5 November 2021.

272 Data provided by CRES, 5 November 2021.

273 Data provided by CRES, 5 November 2021.

274 'U' refers to unsentenced inmates, the majority of whom are unconvicted and on remand.

275 Corrective Services NSW, *Custodial Operations Policy and Procedure – 3.3 Special management area placement* (version 1.3, 30 October 2020) 4.

276 Meaning this inmate was either serving a sentence for murder, and/or received a life-sentence, had a non-parole period and not eligible for release until at least 12 years in custody, or was identified as needing to be designated as a serious offender, Crimes(Administration of Sentences) Act 1999. Corrective Services NSW, *Serious Offender Review Council (SORC)* 29 July 2022 <<https://correctiveservices.dcj.nsw.gov.au/csnsw-home/community-corrections/parole/serious-offenders-review-council--sorc-.html#:~:text=The%20Serious%20offenders%20Review%20Council,inmates%20classed%20as%20serious%20offenders>>

277 which is designated to inmates convicted of a range of offences, from violent and deadly offences, to people smugglers and people who are residing in Australia illegally. Corrective Services NSW, *Serious Offender Review Council (SORC) and Subcommittee Managed Inmates – 6 Public interest inmates and the PRLC* (version 2.0, 2 February 2021) 17-19.

There were no inmates aged 65 years or older.²⁷⁸ Among the six women in custody, one was 18-24 years and one was 25-34 years.²⁷⁹ The remaining four women were aged between 35-44 years (66.7%).²⁸⁰

Figure 4 shows the distribution of age among the 31 male inmates.²⁸¹ The highest number of male inmates (48.4%) were aged 25-34 years followed by inmates aged 35-44 years (22.6%), 18-34 years (12.9%), 45-54 years (9.7%) and 55-64 years (6.5%).²⁸²

The majority of men were, therefore, young (aged 34 years and younger) while women (though a much smaller population size) were more likely to be slightly older (35-44 years).²⁸³

Figure 4: Age group distribution among male inmates at Broken Hill CC ²⁸⁴

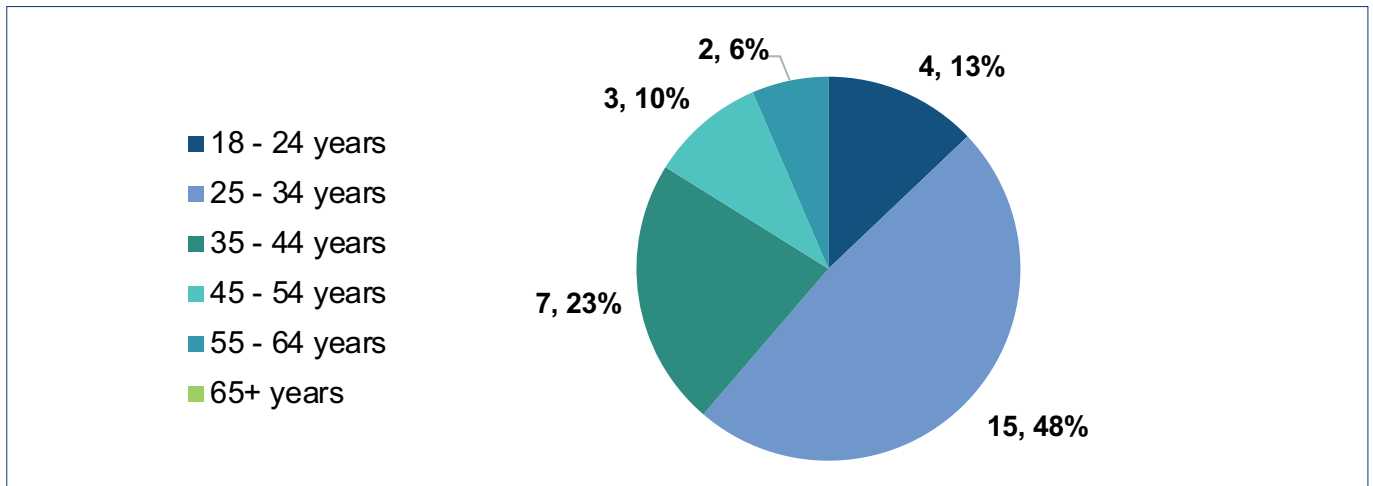
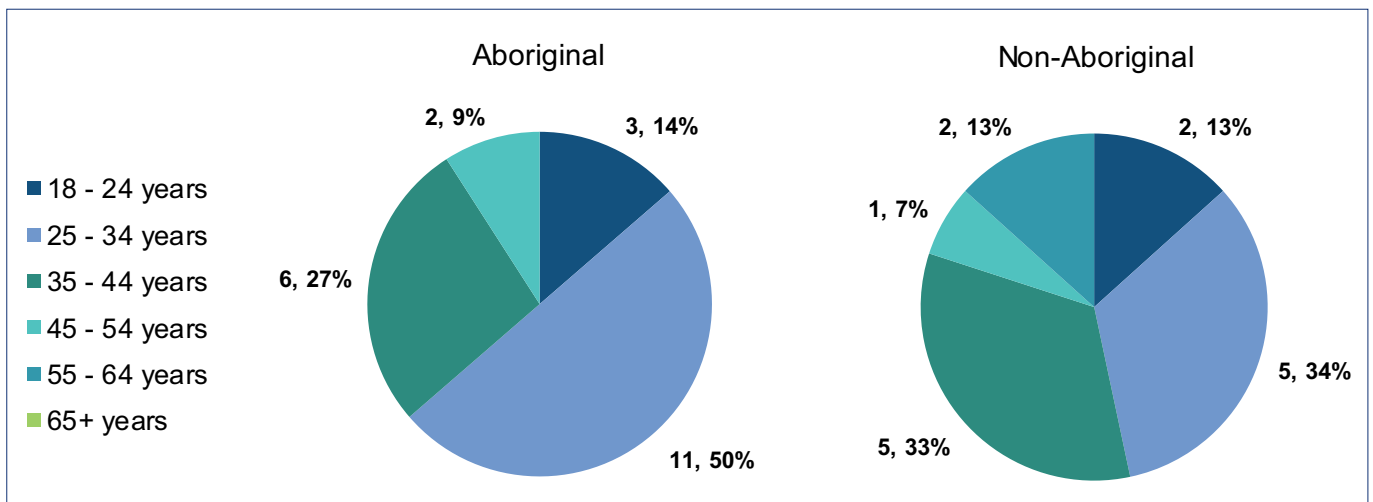


Figure 5 shows distributions by age group among inmates who identified as Aboriginal (22 inmates) and those who did not (15 inmates). There were similar distributions of inmates aged between 18 and 24 among inmates who identified as Aboriginal and those who did not (13.6% and 13.3% respectively). Inmates who identified as Aboriginal were all under the age of 55, while 13.3% of inmates who did not identify as Aboriginal were aged between 55-64.

Figure 5: Comparison of age groups of inmates by Aboriginal status ²⁸⁵



278 Data provided by CRES, 5 November 2021.
 279 Data provided by CRES, 5 November 2021.
 280 Data provided by CRES, 5 November 2021.
 281 Data provided by CRES, 5 November 2021.
 282 Data provided by CRES, 5 November 2021.
 283 Data provided by CRES, 5 November 2021.
 284 Data provided by CRES, 5 November 2021.
 285 Data provided by CRES, 5 November 2021.

2.2.4 Inmate culture and religious backgrounds

The majority of inmates at Broken Hill CC were born in Australia (83.8%) which included all six female inmates and all 19 inmates who identified as Aboriginal.²⁸⁶ There was one inmate from China, Iran, Kuwait, and Taiwan respectively and two inmates whose country of birth was 'unknown', all of whom were male.²⁸⁷

The countries of birth reflected the variety of languages spoken at home among the inmates at Broken Hill CC. The most common language spoken at home was English (89.2%), followed by one inmate who spoke Cantonese, Iranian, and Mandarin, respectively.²⁸⁸ Similarly, one inmate's home language was 'unknown' and one inmate required an interpreter.²⁸⁹

Inmates at Broken Hill CC also identified themselves as practitioners of various religions, though the highest percentages of inmates indicated they either had no religion (24.3%) or no preferred religion (18.9%).²⁹⁰ This was reflected when just looking at the women, 33.3% indicated they had no religion and 16.7% indicated they had no preferred religion.²⁹¹ Among male inmates 22.6% identified as having no religion and 19.4% had no preferred religion.²⁹² Similarly, inmates who identified as Aboriginal were more likely to have indicated they had no religion (27.3%) or no preferred religion (22.7%).²⁹³ Inmates who did not identify as Aboriginal had the highest percentage of people with no religion (60.0%) while 13.3% indicated they had no preferred religion.²⁹⁴ Atheism was also practised by 10.8% of all inmates, 12.9% of male inmates, 13.7% of inmates who identified as Aboriginal and 6.7% of inmates who did not identify as Aboriginal.²⁹⁵

Catholicism was the most common religion practiced among all inmates in Broken Hill CC (13.5%), 16.1% of male inmates and 22.7% of inmates who identified as Aboriginal were reported to be Catholic.²⁹⁶ None of the female nor non-Aboriginal inmates identified as Catholic.²⁹⁷ A quarter of inmates (26.7%) who were not Aboriginal reported they were Muslim and represented 12.9% of male inmates.²⁹⁸ There were three inmates who identified as Christian, two of whom were women who represented 33.3% of female inmates. Christian inmates consisted of two inmates who were not Aboriginal and represented 13.3% of inmates who did not identify as Aboriginal, compared to 4.5% (or one) of inmates who identified as Aboriginal.²⁹⁹ Similarly, three inmates reported to be Anglican/Church of England, which represented 6.5% of male inmates and 16.7% of female inmates.³⁰⁰ Among inmates who identified as Aboriginal, 9.1% reported they followed Anglican/Church of England religion compared to 6.7% of inmates who did not identify as Aboriginal.³⁰¹ Finally, there were two men who did not identify as Aboriginal who indicated they practiced Buddhism and Judaism respectively (3.2% among of male inmates and 6.7% of inmates who did not identify as Aboriginal respectively).³⁰²

2.2.5 Inmate education and training

Inmates at Broken Hill CC had a range of experiences with education institutions and training facilities. One inmate (2.7%), a non-Aboriginal male, had obtained a degree.³⁰³ Many inmates had a diploma or certificate (37.8%), which included two women (14.2%) and 11 inmates who identified as Aboriginal (78.5%), this accounted for 50% of inmates who identified as Aboriginal.³⁰⁴ Almost a

286 Data provided by CRES, 5 November 2021.

287 Data provided by CRES, 5 November 2021.

288 Data provided by CRES, 5 November 2021.

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302 Data provided by CRES, 5 November 2021.

303 Data provided by CRES, 5 November 2021.

304 Data provided by CRES, 5 November 2021.

quarter of all inmates (24.3% or nine inmates) had a statement of attainment, all of whom were men and four (44.4%) identified as Aboriginal – this represented 18.2% of all inmates who identified as Aboriginal.³⁰⁵ Around 11% of all inmates had completed secondary school (years 10-12), all of whom were male and two of whom identified as Aboriginal (50.0%), representing 9.1% of inmates who identified as Aboriginal.³⁰⁶ There were more inmates who had not completed year 10 than those who had completed years 10-12 at 16.2% (or six inmates).³⁰⁷ Of the six inmates who had not completed year 10, 50.0% were female and 66.7% identified as Aboriginal, this represented 9.1% of all inmates who identified as Aboriginal and 26.7% of inmates who did not identify as Aboriginal.³⁰⁸ It was reported that three inmates (8.1%) had no education background recorded or this was unknown, one of whom was female and all three identified as Aboriginal.³⁰⁹

2.2.6 Mental Health

On 1 October 2021, two inmates were identified to have a history of mental illness, both of whom were male and identified as Aboriginal.

The Risk Intervention Team (RIT) managed three inmates between October 2020 and October 2021. Of the three inmates managed on a RIT, two identified as being Aboriginal (66.7%) and one was a woman (33.3%).³¹⁰

Between October 2020 and October 2021, seven acts of self-harm were recorded at Broken Hill CC.

2.2.7 Intellectual Disability

There were two male people in custody at Broken Hill CC who were reported to have an intellectual disability due to their IQ score range. Both of these inmates were men, and both identified as Aboriginal.³¹¹

2.3 Custody

2.3.1 Physical environment

Layout

The grounds at Broken Hill CC are well maintained. The inspection team noted the front facade of Broken Hill CC to be particularly neat and that grass on the oval was an improvement from our last visit. The people in custody tended the new plants and gardens. The Official Visitor assigned to Broken Hill CC made similar observations in January and July of 2021.

305 Data provided by CRES, 5 November 2021.

306 Data provided by CRES, 5 November 2021.

307 Data provided by CRES, 5 November 2021.

308 Data provided by CRES, 5 November 2021.

309 Data provided by CRES, 5 November 2021.

310 Data provided by CRES, 5 November 2021.

311 Data provided by CRES, 5 November 2021.

Broken Hill CC Oval



Flagpoles at Broken Hill CC

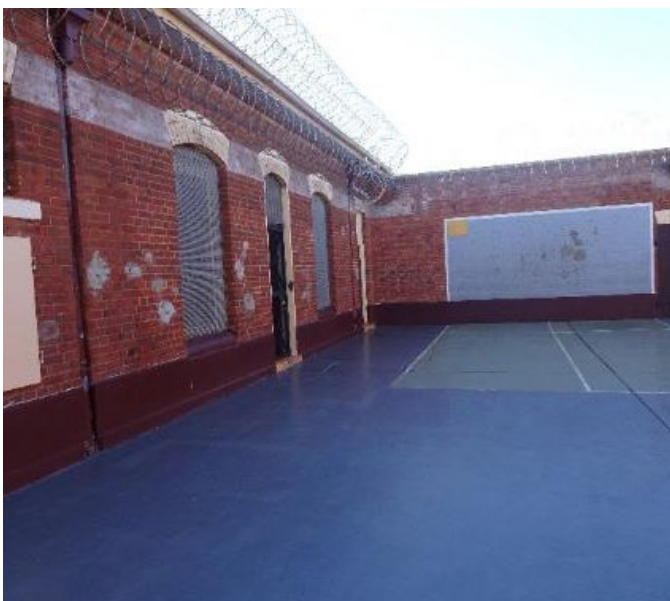


There are three areas which hold people in custody at Broken Hill CC. The first is the 'main' building which is the oldest part of the centre comprising of the 1800s era reception area and cells. This part also includes what is known as the "Dormitory" which holds up to four inmates in a cell. The main area also contains several older cells that can accommodate inmates who need to be separated for their own protection or because they pose a risk to the centre. A new multipurpose building with two cells was built offsite and installed after our initial inspection.

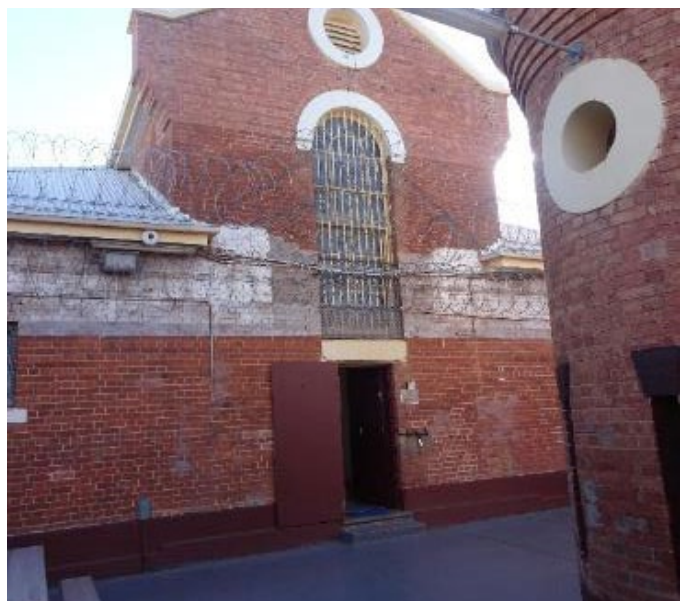
The second is the men's minimum security building known as 'X wing'. It is a single storey building located at the rear of Broken Hill CC. X wing has an administrative area housing an officer station, kitchen, laundry, and program rooms. There are two accommodation wings with single and shared rooms opening on to a verandah and central grassed courtyard area. It is separated from the main building as well as the Women's Assessment Unit (women's unit). Both the women's unit and X wing were built more recently than the 1800s era main building.

The women's unit is a small building at the rear of the centre. It holds up to 12 minimum security female inmates. Anyone using the public street behind the centre could easily see into the women's unit, which jeopardised the privacy of potentially extremely vulnerable women.

Exercise yard adjoining 1800s unit



1800s accommodation unit



2.3.2 Age of the infrastructure

Broken Hill CC was established in the 1800s and the use of such aged infrastructure for a remand and reception centre creates safety and security issues with new inmate arrivals. The main building at Broken Hill CC held the most inmates. The inspection team found the main building reflected common problems frequently identified during inspections of other correctional centres built in the 1800s.³¹² The cells were small, contained ligature points and did not have showers.

Staff at Broken Hill CC identified a number of issues with maintaining the old infrastructure. Plumbing and electricity were noted to be problematic for both staff and people in custody. Staff reported that contractors are reluctant to work on heritage listed buildings as they are concerned about the expense and accountability for any damage.

All laundry has to be outsourced to Broken Hill Base Hospital. Though laundry services used to be provided by inmates, a recently acquired new washing machine is no longer compatible with the old chemical supply unit, the mechanism which measured and mixed the chemicals required to launder the linens and clothes.

Further, internet reception for virtual tablet visits, which were implemented during COVID-19, was described as “patchy.” This has created difficulties for inmates to remain in contact with friends and relatives, and essential legal services.

A more concerning issue raised by inmates at Broken Hill CC was that the tap water supplied to the prison was “undrinkable” and if not a local “makes you sick”. A filtered water station was provided to alleviate this issue, but it was only accessible in the yard and therefore not after lock-in (i.e. not between 5:30pm and 6:30am). CSNSW have advised that inmates can purchase water to drink in their cells after lock in.³¹³ Drinking water should be made available to inmates without charge.

Original gatehouse entrance



Original 1892 building



2.3.3 Arriving at Broken Hill CC

The inspection team observed how inmates are received into Broken Hill CC. Broken Hill CC is a reception prison for the local area and police bring people to the centre if they are refused bail. Other people are either remanded in custody or sentenced by local courts and transferred to Broken Hill CC via CSNSW transport vehicles. Some inmates are transferred from other correctional facilities to Broken Hill CC.

On arrival, new receptions were rapid antigen tested for COVID-19 then searched and issued prison issue clothing.

312 Inspector of Custodial Services (NSW), *Inspection of Goulburn Correctional Centre and the High Risk Management Correctional Centre* (Report, June 2022).

313 Information provided by Corrective Services NSW, 8 August 2024.

Broken Hill CC had installed a new X-ray body scanner in the reception room and some staff had been trained in its use. While it is positive that the centre has this new technology, we observed several inmates arriving at the centre being strip searched instead of going through the body scanner and several people being put through the body scanner as well as strip searched.

In one instance an inmate was strip searched after being suspected of having internally secreted contraband. The strip search came as a surprise to the inspection team as the X-ray body scanner performs the same function in a less invasive manner and is more useful in detecting internally secreted contraband. It was reported that only some of the staff at Broken Hill CC were trained in how to use the body scanning machine. On a visit to the centre in March 2024, the body scanner was not being used due to industrial action.³¹⁴

We also heard that there was confusion amongst staff, and some staff erroneously believed that they needed to routinely strip search inmates after they had been through the body scanner. We note that the Assistant Commissioner of Custodial Operations has subsequently clarified that this is not necessary.³¹⁵

All new inmates into custody are required to have a minimum amount of clothing, bedding, and hygiene items³¹⁶ issued to them upon reception.³¹⁷ These include shoes, socks, shirts, pants, and jumpers.³¹⁸ According to the COPP, male and female inmates receive slightly different initial clothing. For example, men receive singlets which do not appear to be available to female inmates, and women are issued bras. Women are to receive a hat, thongs, and pyjamas upon reception to custody while these items are listed in the 'additional clothing' for male inmates and can be issued at the Governor's discretion. The inspection team observed plenty of fresh clothes and shoes in storage.

All inmates are to receive at least one pillowcase, two sheets, and two blankets. Governors can also use their discretion to provide warmer bedding to any inmate at any time. All clothing and bedding supplied to inmates should be appropriate to the climate.³¹⁹

The inmate reception room at Broken Hill CC was recently upgraded, however it remains cramped, and privacy continues to be a jeopardised. Reception screening can be overheard by other inmates as this is a thoroughfare for the centre. Although the majority of inmates received into custody are Aboriginal, the centre does receive inmates that do not speak English or speak English is a second language. We had to remind custodial staff of the need to use interpreter services in those circumstances.³²⁰ CSNSW and JH&FMHN should ensure staff at Broken Hill CC are aware of when and how to engage interpreter services, in accordance with policy.

JH&FMHN has developed patient resources to support care access and coordination for patients who need interpreter services. This includes wallet-sized cards patients can present to health or custodial staff (rolled out statewide in April 2023), and posters for display in custodial health centres and other patient areas. To further support care coordination for patients that do not speak English or speak English as a second language, health staff can add an alert for interpreter services in the patient administration system (PAS) to enable easy identification for subsequent healthcare interactions.³²¹

Newly arrived inmates from Wellington CC reported to the inspection team that they were given food and water during their time on the transport vehicle, but as previously identified by ICS the facilities where they stopped for a comfort break during the eight hour journey were of an unacceptable standard. The inmates told the inspection team that there was no running water at the comfort

314 Public Service Association, Body Scanners – CSNSW lodges dispute, PSA, (May 1, 2024) < <https://psa.asn.au/body-scanners-csnew-lodges-dispute/> >

315 Corrective Services NSW, *Deputy Commissioner's Memorandum 2022/05 Use of body scanners in preference to strip searches* (December 2022).

316 According to the COPP, minimum hygiene items are: one soap, a toothbrush, toothpaste, a comb, a disposable razor, shaving soap and two towels, with additional sanitary pads and tampons for female inmates.

317 Corrective Services NSW, *Custodial Operations Policy and Procedure: 1.5 Issuing correctional centre clothing and linen: 1.1 Policy* (version 1.3, 16 March 2021).

318 Corrective Services NSW, *Custodial Operations Policy and Procedure: 1.5 Issuing correctional centre clothing and linen: 1.1 Policy* (version 1.3, 16 March 2021).

319 *Crimes (Administration of Sentences) Regulation 2014* cl. 36(2); Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (February 2018) 4.2.4.

320 During our visit in March 2024.

321 Information provided by Justice Health and Forensic Mental Health Network, 18 July 2024.

stop, so the toilets remained unflushed, and they were unable to wash their hands. The inability for inmates to wash their hands, particularly after using the bathroom and during COVID-19, was unacceptable.³²²

Recommendation: CSNSW provides training to staff and ensures that staff use X-ray body scanners for searches instead of strip searches at Broken Hill and Tamworth Correctional Centres.

Recommendation: CSNSW and JH&FMHN ensure staff utilise interpreter services in accordance with policy at Broken Hill Correctional Centre.

COVID-19

At the time of the inspection, all new receptions were sentinel tested for COVID-19 and placed in quarantine for 14 days to prevent the introduction of COVID-19 to the centre. The process for inmates suspected to have COVID-19 was for a nurse to administer a rapid antigen test and to isolate the inmate pending the result. Inmates who tested positive for COVID-19 were placed in medical isolation pending transfer to the medical isolation unit at MRRC by road, provided they were deemed well enough by JH&FMHN to endure the 18 hour journey. Any inmate who was considered a close contact of an inmate who had tested positive for COVID-19 would be placed in isolation for 14 days.

Staff were also subject to rapid antigen testing each day before commencing their shift to prevent the introduction of the virus to the centre. We heard about a case of a COVID-19 positive staff member being identified through compulsory rapid antigen testing for staff, which demonstrates that the system has been effective in preventing the spread of COVID-19.

This inspection occurred during the COVID-19 pandemic and at the time of the inspection some parts of the centre were designated as 'red' and 'orange' zones, with different PPE requirements. Red is deemed to be the highest risk. We found that staff generally committed to safe work practices and wearing PPE where required. It was also positive to hear that at the time of the inspection the staff COVID-19 vaccination roll out was going well at Broken Hill CC, with most staff fully vaccinated.

The designated quarantine area at Broken Hill CC in the main gaol was classed as a 'red zone' and required the highest level of PPE. The management of red and orange zones was particularly challenging for the centre. Unlike larger and newer correctional facilities with dedicated quarantine units, Broken Hill CC quarantine cells were determined by how many people were in quarantine and a traffic cone. Cells could be occupied by quarantining inmates in the morning and hold non-quarantine inmates later the same day. The border of the red and orange zone was determined by the traffic cone that was moved according to the number of people in quarantine and whether someone occupying the cell was in quarantine or not. The quarantine cells also shared a narrow corridor with inmates who were not in quarantine.

Due to the inadequacy of the infrastructure we also observed a woman being held in the main male quarantine cells with male inmates in adjoining cells. The woman was distressed, and we immediately informed the Governor this practice should cease. It is recommended that female inmates are not placed in men's units.

Due to the age of this part of the centre, the quarantine cells we observed at Broken Hill CC had multiple ligature points, and the hatches on the 1800s style doors were not suitable for housing people in quarantine. Inmates in quarantine did not have access to a shower in their cell and were required to use the communal showers. They were permitted to leave their cells for a maximum of one hour a day to shower or use the phone, however, at the time of inspection, both the staff and inmates reported inmates were generally only being released to shower once every 48 hours. Furthermore, the showers were observed to be grimy, mouldy, and in urgent need of cleaning. They also lacked privacy and were visible from a main corridor. Fortunately, inmates did have access to TVs, fridges and kettles in the quarantine cells.

322 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) 72-73.

We returned to the centre in March 2024 when the centre was dealing with a significant COVID-19 outbreak. The conditions we observed at Broken Hill CC highlighted the concerns we discussed in our Review of the Response to COVID-19.³²³ A recent COVID-19 outbreak had exposed the issue with relying on using 1800s era cells with no showers to medically isolate Aboriginal people.³²⁴ We were shown a shower where the men had been released from their cells to shower, as there are no showers in cells. The shower was dirty with multiple cakes of used soaps discarded on the floor presumably for the next person to use. It was no surprise that in these conditions COVID-19 had spread among the inmates with both inmates and staff infected. We should stress at this point, it is not the fault of staff that they have to manage people in custody in these draconian conditions, although refresher training in infection control is clearly needed.

Shower at Broken Hill CC, March 2024



Recommendation: CSNSW ceases placing women in the men’s unit at Broken Hill Correctional Centre.

Recommendation: CSNSW completes an audit of ligature points and removes all hanging points in cells at Broken Hill Correctional Centre.

2.3.4 Induction

Induction is a process designed to orientate inmates to the correctional centre in which they are being held as well as corrections generally. Every inmate is required to be screened for underlying mental and physical illness as well as participate in an induction to the centre.³²⁵ During the induction process, inmates are to be given a booklet which explains the disciplinary system set out by CSNSW and observed and abided by in each centre, as well as a centre booklet which outlines the routines, programs, and services.³²⁶ Each inmate who arrives into a correctional centre must also take part in a ‘health survival tips’ session, which is an initiative by CSNSW to reduce transmission of communicable diseases among inmates.³²⁷ This includes prevention of the spread of Hepatitis C, the risks of sharing needles, how to clean needles, how to prevent sexually transmitted diseases, and what to do/who to see if exposed to bodily fluids in prisons.³²⁸ Health survival tips is facilitated by watching a DVD and then completing a questionnaire, or by reading a booklet with a questionnaire.

323 Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023) 33.

324 Inspector of Custodial Services (NSW), *Review of the response to COVID-19 in NSW custody* (Report, December 2023) 33.

325 Corrective Services NSW, *Custodial Operations Policy and Procedure: 1.1 Reception procedures: 9.2 Correctional centre routine and discipline information* (version 1.9, 8 July 2022) 25–26.

326 Corrective Services NSW, *Custodial Operations Policy and Procedure: 1.1 Reception procedures: 9.2 Correctional centre routine and discipline information* (version 1.9, 8 July 2022) 25–26.

327 Corrective Services NSW, *Custodial Operations Policy and Procedure: 6.5 Infectious and communicable diseases: 1.5 Health survival tips* (version 1.2, 12 March 2020) 6.

328 Offender Services & Programs Corrective Services NSW, *Policy and Procedure for Delivery of the Health Survival Tips Session and RPOSP Health in Prisons-1 Policy statement and Purpose* (version 2.4, 3 May 2021).

We were provided with the inmate induction booklet for Broken Hill CC. The booklet was comprehensive and outlined the various services and programs on offer, with a disclaimer that the numbers of participants would dictate whether the programs would go ahead.

It was pleasing to see that Broken Hill CC's booklet is empathetic to the experiences many inmates may have when first received into custody, stating:

You may find yourself a bit confused when you arrive in custody and feel stressed.

To try and make your first few days in Broken Hill Correctional Centre a little easier we have developed this Information Booklet to help you.

When we come to a new place we may be unsure of the rules or the routine. We may feel frustrated, scared or angry. It is hoped that by the time you have read this booklet you will have an idea of what to expect at Broken Hill Correctional Centre and what is expected of you.

The use of the 'we' pronoun in the above extract is a clever way to create a sense that any anxieties experienced are common and the reader, if feeling this way, is not alone.

It would be prudent to note that help is available if needed, for example, through health, psychology or welfare services. The centre had a RAPO and several SAPOs, one of whom was Aboriginal. Although, the inspection team were informed that Broken Hill CC were having trouble filling two SAPO (welfare) positions at the Centre. We were told that the priority for the SAPO at Broken Hill CC was to screen new inmates on arrival.

We also found the induction booklet to be quite accessible, particularly the use of pictures to orientate the reader and break up the sections. There was a page for notes and a clear list of important numbers for inmates to call, such as the CSNSW Support Line, Law Access NSW, and Legal Aid NSW. We commend Broken Hill CC for this thoughtful booklet.

We were also impressed that the inmate booklet at Broken Hill CC included a description of the medical emergency 'knock up' button in multiple languages: English, Spanish, Korean, Japanese, Indonesian, Somali, French, Vietnamese, and Arabic. We commend this foresight, however, recommend that the most common languages spoken at Broken Hill CC are included in the booklet. We note that Cantonese and Mandarin are among the five most common languages spoken at home for inmates held in Broken Hill CC.

2.3.5 Living conditions

At Broken Hill CC, most inmates were housed in cells for two people however there were some cells which held up to four inmates. Each of the cells had a television, a fan, air-conditioning, and a small kitchen area with a kettle and a fridge. Though it was noted that the men were allowed out of their cells between 6:30am and 3pm in the main part of the gaol, this does not include the vast amounts of time the men were locked in for maintenance, or training, or other unspecified reasons.

As noted in the previous section, cells in the main gaol had multiple ligature points including the segregation cell. Being alone in a cell increases the risk of suicidal behaviours.³²⁹ Ventilation was also an issue at Broken Hill CC, as has been found at other prisons built in the 1800s.³³⁰ The windows at Broken Hill CC were open to the elements, which can range from as low as -2.9 degrees celsius to as high as 46.3 degrees celsius.³³¹ The windows were also positioned high on the walls with covers over them hindering natural light and retaining heat. Furthermore, with four inmates to a cell, the heat was generated and stagnated in the cells. Inmates were also locked in at 3pm in the main building at Broken Hill CC, the hottest point in the day. Though the building had air-conditioning, the inmates

329 Shaoling Zhong et al, 'Risk Factors for Suicide in Prisons: A Systematic Review and Meta-Analysis' (2020) 6 *Lancet Public Health* e164.

330 Inspector of Custodial Services (NSW), *Inspection of Goulburn Correctional Centre and the High Risk Management Correctional Centre 2021* (Report, June 2022) 18; Inspector of Custodial Services (NSW), *Inspection of Cooma Correctional Centre* (Report, June 2022) 28.

331 Bureau of Meteorology, *Climate statistics for Australian locations: Broken Hill AWS* (online, 30 November 2022) <http://www.bom.gov.au/jsp/ncc/cdio/cvg/av?p_stn_num=047048&p_prim_element_index=0&p_comp_element_index=0&redraw=null&p_display_type=full_statistics_table&normals_years=1991-2020&tablesizebutt=normal>

reported to the inspection team that it worked only intermittently. The inmates were reluctant to complain about this, however, as they recognised, many centres do not have air-conditioning at all.

There were no showers in the cells in the main building at Broken Hill CC. Inmates who needed to use the shower could do so in a shower block located in another section of the building, when they were allowed out of their cells. When inmates are locked-in, for example during lockdowns, or if the prisoner is in segregation, quarantine, or medical isolation, they were unable to access the showers. Two new purpose built multipurpose cells were built offsite and installed in Broken Hill CC between our initial inspection and our return visit in March 2024. The conditions in these cells were much better.

Cell holding four people



Cell without shower



New multi-purpose cell



2.3.6 Minimum security

Although a much newer building than the original 1800s gaol, the facilities in X wing were run down. X wing had a shower block which was separated from the cells. There were six showers servicing up to 28 men. The showers were grimy and mouldy. There is a shaded, outdoor gym for inmates held at X wing but it had damaged equipment. On a positive note, the inmates had frequent use of lawns and the oval.

One of the two units in X wing included a shared lounge area with a television, chairs, fridge, and a dining table, while the other did not have any facilities like that. Inmates who were in the second unit, without the facilities, did not use the common area. The inmates reported to the inspection team that they would like access to a case manager, the psychologist and SAPO and education officers, which reflected a general sense of boredom generated by the lack of programs offered.

X wing



Minimum security cell



2.3.7 The Women's Unit

The inspection team were pleased to find the interior of the women's unit had improved since our last visit to Broken Hill CC. The unit had a shared loungeroom with a television. Furniture in the common area was in good condition, and new curtains had been installed. There was also some art on the walls. The lounge area had two telephones, one was to contact the gatehouse and the other could make external calls on the prison phone system. The unit was air conditioned to help mitigate the heat at Broken Hill. The women had a kitchenette with a fridge and appliances where they were able to cook some food and prepare tea and coffee.

The bedrooms were noted to be large, with some women sharing a room and others not. A communal bathroom was located in the unit so the women have 24 hour access. The bathroom in the women's unit was clean and tidy with no grime or mould issues.

Outside, the unit had a small veranda where a washing machine was located. There was an adjoining arts and crafts room which also had some computers. We also observed some gym equipment which was adequate for the number of women held in the women's unit.

At the time of inspection there was no grass in the outdoor section of the women's unit, but the women did have access to a greenhouse and vegetable garden where they could grow flowers and fresh herbs and vegetables. On a subsequent visit to the centre we noted that an upgrade to the grounds of the women's unit had been completed. A Yarning Circle had been built and was surrounded by plants and lawn. An outside dining area had been constructed and the greenhouses were in plentiful supply of edible plants. The women in custody said that the maintenance of the new grounds was being carried out by the staff. On a more recent visit in March 2024 we observed the gardens were well maintained and the Yarning Circle was accessible. Although the green house had been removed, the women were looking after an aviary full of budgerigars.

Women's Yarning Circle



Aviary



A feeling of uncertainty was a common theme in our meeting with the female inmates at Broken Hill CC. Officially, the women are allowed out of their unit between 6:30am and 3:30pm, however, on both days of the inspection, we observed their headcounts and lock-ins occurred at 3pm. The women were unsure why they were locked-in earlier than the minimum security men in X wing who are not locked into their unit until 5:30pm. CSNSW could not provide an acceptable explanation for the disparity in treatment of men and women.³³²

Women's unit



Women's unit



2.3.8 Classification and Placement

Clause 11 (1) of the *Crimes (Administration of Sentences) Regulation 2014* provides that an inmate must receive a classification as soon as practicable after being first received into a correctional centre.³³³

At Broken Hill CC, the Classification and Placement Team is made up of one classification manager, and a classification and placement officer. They are responsible for conducting initial classifications and reviews and change of placement reviews. The classification team were knowledgeable and carried out classification reviews in a professional way, ensuring that inmates understood the process and outcome.

During the inspection, we heard that local Aboriginal people remanded in custody are routinely moved off Country and transferred to other correctional centres because of the RBP policy. The RBP policy is used to circumvent the legislation and transfer unconvicted inmates between correctional

³³² Information provided by Corrective Services NSW, 8 August 2024.

³³³ *Crimes (Administration of Sentences) Regulation 2014*, cl.11(1).

centres without conducting a classification and placement review. It is predominantly used to create bed vacancies in metropolitan Sydney by transferring inmates to regional correctional centres. As highlighted in the ICS Full House report, this practice is expensive, disruptive to court preparation and does little to reduce inmate tension.³³⁴ This practice is also being used at Broken Hill CC to create bed vacancies at the centre. Consequently this also means that many Aboriginal people from Broken Hill are transferred off Country.

Broken Hill CC received 164 new inmate receptions in the 12 month period between 30 July 2020 and 30 June 2021, and has a capacity of 57 beds in the main part of the correctional centre. With an average stay on remand of 44 days it is difficult to reconcile the justification for moving people off Country and away from their families and community. The ICS has consistently raised concerns about the RBP policy and has recommended that CSNSW review the RBP practice and minimise the movement of remand inmates throughout NSW.³³⁵ Moreover the RBP policy is not culturally safe and fails to consider the importance of being on Country to Aboriginal people from regional and remote communities. The consequent detrimental impacts on Aboriginal people in custody when they are transferred away from their Country and community supports needs to be better understood by CSNSW and their staff. On our return to Broken Hill CC in March 2024 a transport vehicle was departing Broken Hill CC for Wellington CC with a number of men from the local area designated RBP. We are also aware of a number of Aboriginal people who have been transferred from Broken Hill CC to Wellington CC, in accordance with the RBP policy, only to be released and have to find their way home to the Broken Hill region. By letter dated 11 July 2024 the Acting Commissioner CSNSW advised the Inspector that the use of the RBP policy had ceased.

Recommendation: CSNSW ceases using the Remand Bed Placement policy to override the statutory classification and placement system and keep Aboriginal people on Country wherever possible.

Recommendation: CSNSW ensures that release arrangements for Aboriginal people in custody allow Aboriginal people, particularly those from regional and remote communities, to return to their homes safely and promptly.

2.3.9 Safety and security

Lockdowns

Lockdowns in correctional centres occur for a variety of reasons, from low-risk scenarios such as staff training or shortages, to high-risk preventative measures to ensure staff and inmate safety and management. Prolonged lockdowns have been known to increase inmates reporting reductions in their physical and emotional health.³³⁶

According to data provided by CSNSW, there were an average of eight lockdowns a month at Broken Hill CC between 1 October 2020 and 1 October 2021. These ranged from two lockdowns a month up to 20. The month with 20 lockdowns was December, which indicated that inmates were locked in for most of one of the hottest months of the year. The manager of security indicated that Broken Hill CC locked down for a half day once per month for training. It was not explained why the centre had far more lockdowns than this. The implications of repeated and long-term lockdowns in outdated cells are explored in the following sections.

Incidents

There were 94 breaches of correctional centre regulations recorded from 1 October 2020 to 1 September 2021.³³⁷ Of these, 39 (41.5%) were charges against good order, 17 (18.1%) were other

334 Inspector of Custodial Services (NSW), *Full House: The growth of the inmate population in NSW* (Report, April 2015) 36.

335 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) recommendation 3; Inspector of Custodial Services (NSW), *Inspection of Parklea Correctional Centre* (Report, June 2022) 18; Inspector of Custodial Services (NSW), *Full House: The growth of the inmate population in NSW* Report (April 2015) 36.

336 Catherine Heard, *Locked in and Locked Down – Prison Life in a Pandemic: Evidence from Ten Countries* (2021) Institute for Crime & Justice Policy Research.

337 Information provided by CSNSW, 11 November 2021.

drug charges, 13 (13.8%) were for fighting or assault, 12 (12.8%) were for abusive behaviour, 10 (10.6%) were for property damage, two (2.1%) were for stealing and there was one (1.1%) instance of a smoking-related charge.³³⁸ There were eight instances of positive urinalysis results (lab confirmed) during the period of 1 October 2020 to 1 September 2021.³³⁹ There were relatively low rates of assaults, with two assaults of staff and nine assaults of inmates in the same period.³⁴⁰

From 1 October 2020 to 1 September 2021, there were 14 instances of use of force at Broken Hill CC.³⁴¹ We viewed CCTV of three separate instances of use of force. The first incident involved gas being deployed on an inmate transport vehicle contrary to procedure and poor custodial practice was observed. The second incident involved male officers using force on an Aboriginal woman to change her into a modesty gown to prevent her self-harming. This concerning incident highlights the need for additional female correctional officers in centres that accommodate women. The third incident involved an inmate being moved out of Broken Hill CC who was making threats and attempting to self-harm. Staff were observed to be professional throughout this challenging interaction.

A tower was constructed in 2018 at Broken Hill CC due to a thwarted escape plan. An armed guard is positioned in the tower. We have previously recommended the retirement of armed towers in maximum security centres, as they are an outdated mode of security.³⁴² A new facility at Broken Hill would provide an opportunity to install modern security systems.

Tower at Broken Hill CC



Transport

Broken Hill CC is one of two correctional centres that manage their own inmate transport vehicles. Other centres rely on the Court and Escort Security Unit to transport inmates to court and between correctional centres.

We inspected an inmate transport vehicle as part of the inspection. The vehicle was generally clean, and no issues were raised regarding safety. The inmates that we spoke to noted that their journey to the centre was very long but confirmed they had received food and water.

Regional inmate transport in NSW can involve traversing significant distances. The inter-centre transfer between Broken Hill CC and Wellington CC is the longest continuous escort performed by CSNSW stretching over 807km and taking approximately 8 hours and 26 minutes.³⁴³ It was identified that on some occasions transport officers from Broken Hill CC were not offering comfort stops.

338 Information provided by CSNW, 11 November 2021.

339 Information provided by CSNW, 11 November 2021.

340 Information provided by CSNW, 11 November 2021.

341 Information provided by CSNW, 11 November 2021.

342 Inspector of Custodial Services (NSW), *Inspection of Lithgow Correctional Centre* (Report, May 2022) 17, recommendation 1; Inspector of Custodial Services (NSW), *Inspection of Goulburn Correctional Centre and the High Risk Management Correctional Centre* (Report, June 2022) 26.

343 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) 10.

This was an issue identified in our *Inspection of Inmate Transport in NSW* and we recommended that CSNSW ensure regular comfort stops are taken on long haul journeys, and that inmates are provided with sufficient food and water for the journey.³⁴⁴

Transport vehicle



Transport vehicle departing Broken Hill CC



Recommendation: CSNSW ensures that Broken Hill Correctional Centre transport provide inmates with toilet breaks and comfort stops and complies with CSNSW policy including cleaning requirements.

2.3.10 Staffing

Correctional centre policy, planning and management

In the period since our last inspection Broken Hill CC had experienced several leadership changes. The leadership changes, in addition to an unclear vision and purpose, had led to instability and staffing issues. It was positive to hear that Broken Hill CC now has a substantive female manager of security.

Correctional services and people

Inmates and staff reported during the inspection that their relationship was generally positive, and the inspection team observed many officers interacting with inmates in a professional way. There appeared to be a level of mutual respect between many inmates and staff.

However, some staff were found to hold racist or ignorant attitudes towards certain inmates. We also heard about instances of racist language being used to describe Aboriginal inmates. Given the high population of Aboriginal inmates at Broken Hill CC more Aboriginal staff are needed at the centre. At the time of inspection, the centre had a vacant Aboriginal identified SAPO position, which had been vacant for a significant period of time. More needs to be done to attract and retain Aboriginal staff to promote culturally safe practices at the centre. Racism directed at other staff and inmates should not be tolerated and staff should be referred to professional standards.

Similarly, the lack of female correctional staff at the centre was an issue. Although it was positive to see a woman appointed to the role of manager of security, there were only two other female custodial staff working at the centre. This is concerning given that the centre has a women's unit and requires female staff to undertake searches.

The centre had correctional officer vacancies at the time of the inspection, with the centres casual pool being largely exhausted and only one casual left in the pool. Casual staff were reported to be filling temporary employment contracts or to have been made permanent. The resulting staffing shortages had prompted the need for staff to complete double shifts. In one case it was reported that a staff member had completed ten double shifts in a fortnight.

344 Inspector of Custodial Services (NSW), *Inspection of Inmate Transport in NSW* (Report, June 2022) recommendation 14.

Staff training

At the time of the inspection, mandatory staff training was not up to date, including chemical munitions training. This was attributed to COVID-19.

There was also an urgent need for training staff to work with the cohort of inmates at the centre. Training around cultural safety, trauma informed practice and working with female offenders should be mandatory for custodial officers working at Broken Hill CC.

Positively, a locally developed mentoring program was operating where senior correctional officers mentor junior staff. It was reported throughout the inspection that officers are exposed to a variety of functions and posts at the centre and the mentoring process aids in the development of junior staff.

Recommendation: CSNSW increases the numbers of female correctional officers and Aboriginal correctional officers at Broken Hill Correctional Centre.

2.4 Physical and mental health services

2.4.1 JH&FMHN

The Broken Hill CC health centre operates from 8:30am to 6:30pm Monday to Friday, and 8:00am to 4:30pm on weekends. The health centre is staffed by one nursing unit manager, two full-time nurses and one casual nurse. Overall, inmates at Broken Hill CC were found to have good access to the health centre. The services provided are detailed in the following table.³⁴⁵

Table 8: Health services at Broken Hill CC

Health services	Hours of operation
Primary health nursing	8:30am to 6:30pm Monday to Friday and 8:00am to 4:30pm on weekends
Primary health women's nurse	Visits on an as needed basis
General Practitioner/Nurse Practitioner	Visits once every four months and is available by telehealth for 8 hours every 4-6 weeks
Drug and alcohol nurse (depot only)	Visits once a week
Mental health nurse	4 hours minimum per fortnight via telehealth
Mental health nurse practitioner	On an as needed basis
Population health nurse	Visits on an as needed basis
Dentist	Visits once a month
Physiotherapy	Visits on an as needed basis
Psychiatry	3 hours per month via telehealth
Aboriginal health nurse (from Wellington CC)	Visits every few months
Aboriginal health worker ³⁴⁶	On an as needed basis
Physiotherapist	Visits on an as needed basis via telehealth
Optometrist	On an as needed basis

JH&FMHN employ waitlist categories which appropriately aligns the timeframe for care with clinical need. Patients can be reassessed and triaged up or down if required.

³⁴⁵ Information provided by Justice Health and Forensic Mental Health Network, 28 April 2023.

³⁴⁶ Services are provided by Maari Ma Aboriginal Medical Centre.

Table 9: Waitlist categories at Broken Hill CC

Priority level	Urgency level	Target timeframe
Priority 1	Urgent	1 to 3 days
Priority 2	Semi-urgent	3 to 14 days
Priority 3	Non-urgent	14 days to 3 months
Priority 4	Routine	3 to 12 months
Priority 5	Follow up	No timeframe

Table 10: Inmate waitlist numbers for medical services at Broken Hill CC at 20 June 2023³⁴⁷

Medical service	Priority level	Number of inmates waiting	Days on waitlist
Primary health nurse	P1	1	27
	P2	1	13
	P3	31	9-117
	P4	31	4-206
Primary health nurse practitioner	P2	1	4
	P3	1	63
	P4	1	24
Women's health nurse	P2	1	133
	P3	1	117
General practitioner/nurse practitioner	P2	1	10
	P3	4	7-63
	P4	5	7-47
Mental Health nurse	P2	1	12
Mental health nurse practitioner	P2	1	29
	P3	1	62
Optometrist	P2	1	71
	P3	25	1-228
Aboriginal health nurse	P3	2	61-103
	P4	2	69-242
Aboriginal health worker	P4	1	27
Physiotherapist	P3	3	36-95
Population health nurse	P3	5	18-85
	P4	11	14-89
Drug and alcohol doctor/nurse practitioner	P4	2	21-24
Psychiatrist	P4	3	6-37

347 Information provided by Justice Health and Forensic Mental Health Network, 4 July 2023.

From the period of 1 June 2022 to 30 May 2023, the majority of patients (93%) had received care within the recommended waitlist time.³⁴⁸ However, n =1 (50%) of Priority 1 patient and n = 26 (53%) Priority 2 patients were not seen within the recommended timeframe.³⁴⁹

Inmates at Broken Hill CC are seen once a month by a dentist. Information provided by JH&FMHN shows that as at 21 June 2023, there were five patients on the oral health assessment waiting list and seven patients on the oral health treatment waiting list.³⁵⁰ From the period of 1 June 2022 to 30 May 2023, n = 15 (50%) people on the oral health assessment waitlist had been seen on time and n = 15 (50%) people were not seen within the recommended timeframe.³⁵¹

Despite having a very high population of Aboriginal people in custody, Broken Hill CC does not have an Aboriginal health worker. The Wellington CC Aboriginal health worker visits every few months to complete chronic health plans. A Memorandum of Understanding with the Maari Ma Aboriginal Medical Centre facilitates information sharing about patients from the local community and although these relationships are very good it is doubtful it is sufficient to meet the needs of Aboriginal people in the centre. In addition to information sharing arrangements, Justice Health NSW also established a Service Level Agreement with Maari Ma in 2023 to provide regular dental services for Broken Hill CC patients (up to 2 days per month).³⁵²

It is recommended that JH&FMHN creates an Aboriginal health worker position to ensure culturally safe health care at Broken Hill CC or arranges in reach services to be delivered by Maari Ma Aboriginal Medical Centre. JH&FMHN is continuing to explore partnership opportunities with Aboriginal Community Controlled Health Services to enhance patient access to culturally safe care, including in-reach service arrangements and joint appointments to Aboriginal health practitioner roles.³⁵³

Recommendation: JH&FMHN continues to enter into service agreements with Aboriginal Controlled Health Services and recruit Aboriginal health care workers to provide culturally appropriate health services.

Recommendation: JH&FMHN ensures that Priority 1 and Priority 2 patients are seen within recommended timeframes at Broken Hill Correctional Centre.

JH&FMHN health centre at Broken Hill CC



348 Information provided by Justice Health and Forensic Mental Health Network, 4 July 2023.

349 Information provided by Justice Health and Forensic Mental Health Network, 4 July 2023.

350 Information provided by Justice Health and Forensic Mental Health Network, 4 July 2023.

351 Information provided by Justice Health and Forensic Mental Health Network, 4 July 2023.

352 Information provided by Justice Health and Forensic Mental Health Network, 18 July 2024.

353 Information provided by Justice Health and Forensic Mental Health Network, 18 July 2024.

2.4.2 Psychology services

At the time of the inspection, the psychologist position at Broken Hill CC was vacant. The centre was utilising one psychologist and one senior psychologist from CSNSW's Community Corrections in Broken Hill. Inmates were also able to access psychology services run by DCJ Victims Services via AVL.

An inmate may be referred to a psychologist by CSNSW or JH&FMHN staff. Referrals are then triaged according to their priority level with psych 1 being the most urgent cases. Despite the staffing issues there were 249 occasions of psychology services provided during January to June 2021.³⁵⁴ On 16 September 2021 there were no inmates at Broken Hill CC with a psych 1 referral, 23 inmates with a psych 2 referral and two inmates with a psych 3 referral.³⁵⁵ It was positive to see that the most acute cases were being seen, but the waitlist for less serious interventions meant that access to psychologists was reported to be an issue for men housed in the minimum security X wing.

2.4.3 Food and nutrition

Inmates in NSW ought to receive three sufficient and nutritious meals a day at standard mealtimes which reflect community routines, for example breakfast at 7am, lunch at 12pm, and dinner at 7pm.³⁵⁶ In NSW, however, it is common for inmates to receive their dinner at their lock-in time, which is often around 2.30-4pm, depending upon their security classification. Inmates must then decide whether to eat their dinner warm or later at a more regular time when it is cold. Inmates at Broken Hill CC were provided a pre-cooked dinner each day provided from an offsite facility. Lunches throughout the week were a selection of freshly prepared onsite sandwiches, salads, and fruit. As many of the pre-cooked meals provided to inmates are cooked, frozen, reheated and served, it is highly recommended from a food safety perspective that they eat their meals while they are still hot.³⁵⁷

Inmates at Broken Hill CC had access to a meat, eggs, and other groceries buy-up. The women held at Broken Hill also had access to a vegetable garden which they could tend at their leisure and eat what they produced. The women had a kitchen and were able to cook their own meals, encouraging greater autonomy over mealtimes and increasing food preparation skills.

2.5 Inmate services and amenities

2.5.1 Contact with family and friends

Maintaining supports throughout an inmate's time in custody is essential to their health and wellbeing. This is particularly so when inmates first come into custody and as they prepare to leave custody.

Our inspection occurred at a time when in person visits were impacted by COVID-19 restrictions. According to the Broken Hill inmate booklet, in-person visits are usually held on weekends and public holidays, except Christmas. The Broken Hill inmate booklet also mentioned that families of inmates might be eligible for financial assistance to visit.

There are a number of ways inmates can access these support networks other than in-person visits. These include telephone communications, mail correspondence, and video calls. In response to the suspension of in-person social visits due to COVID-19, CSNSW introduced video visits via tablets in correctional centres across NSW, including Broken Hill CC.

Broken Hill CC had two phones in the yard of the main gaol where most inmates congregated during

354 Information provided by Corrective Services NSW, 16 September 2021.

355 Information provided by Corrective Services NSW, 16 September 2021.

356 Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standards 91-93; Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (February 2018) [4.2.2]; United Nations Standard Minimum Rules for the Treatment of Prisoners, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) rule 22(1).

357 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) rule 22(1).

the day. Inmates told us that it was often hard to hear, and we were concerned that conversations lacked privacy. Broken Hill CC also provides access to in cell tablets for all inmates at the centre.³⁵⁸ This enables inmates to make phone calls until 10pm at night.

2.5.2 Access to legal services

Broken Hill CC has two AVL suites used for access to legal services as well as court appearances.³⁵⁹ The use of AVL technology has become a mainstay in the justice system, with use increasing because of the COVID-19 pandemic. Inmates on remand need to be held in readiness for their next court appearance and assisted to be prepared for that appearance,³⁶⁰ Aboriginal Legal Services also regularly attend the centre.

2.5.3 Inmate development committee

Governors in each correctional centre in NSW should have established monthly meetings between staff and an IDC.³⁶¹ An IDC consists of inmates, preferably elected by their peers, to allow inmates the opportunity to raise issues and resolve concerns with senior corrections staff, including the governor and the functional Manager.³⁶² The COPP outlines that an inmate who identifies as Aboriginal must be on the committee to represent their peers, as well as inmates who are culturally and linguistically diverse.

We found that Broken Hill CC had a functioning IDC that met regularly in 2021, with the manager of security regularly attending these meetings. During our inspection we attended an IDC meeting and found that inmate representatives were able to articulate issues and concerns on behalf of their fellow inmates.

The inclusion of both men and women in the same IDC meeting also reflects societal norms and is an example of pro-social modelling. Aboriginal and female inmates can also raise issues independently of the IDC which allows for cultural and female specific issues to be addressed. We commend Broken Hill CC for this good practice.

Visits centre with artwork



358 Information provided by Corrective Services NSW, 8 June 2023.

359 Information provided by Corrective Services NSW, 8 June 2023.

360 Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 6.

361 Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.8 Inmate Development Committees* (version 1.2, 12 March 2020) 4.

362 Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.8 Inmate Development Committees* (version 1.2, 12 March 2020) 4.

2.5.4 Cultural support for Aboriginal people in custody

On 16 September 2021 there were 24 Aboriginal inmates at Broken Hill CC.³⁶³ Of this group, 21 were Aboriginal men and three were Aboriginal women.³⁶⁴ Although these appear to be low numbers in a system with over 12,600 people in custody,³⁶⁵ Aboriginal people make up 76% of medium security inmates and 45% of minimum security inmates at Broken Hill CC.³⁶⁶

Information provided by the Broken Hill CC indicated that despite the overrepresentation of Aboriginal people in custody at the centre, there were limited Aboriginal specific programs running at the time of the inspection.

Aboriginal people were provided with opportunities to engage in Aboriginal art in the centre and the centre was encouraging people to enter the Murri Ma Indigenous Art awards, in association with the Broken Hill Regional Art Gallery and West Darling Arts. We were pleased to hear that some people in custody had won prizes at local art competitions over the past few years, many of whom identified as Aboriginal people. Art supplies were available for purchase and the centre provided some art supplies on a needs basis. We also heard that the centre was planning to run an Aboriginal Cultural Arts program online, through Eora College.

Yarning Circles had been constructed in the men's section to provide Aboriginal men with a place to meet. While this is a positive initiative, we heard that access to the Yarning Circle can be an issue at times. It is important that adequate opportunities are provided for the men to use this space.

Photos of Broken Hill CC Yarning Circles, August 2022



Two Aboriginal people had applied to attend funerals in the six months prior to the inspection. Both applications were approved. There were no issues or concerns raised in regard to funeral attendance.

Access to Elders was limited due to COVID-19 restrictions. We also found that Aboriginal Elders were not being remunerated in accordance with CSNSW policy.³⁶⁷ At the time of the inspection, 23 Aboriginal community Elders and mentors were approved to attend Broken Hill CC though it is acknowledged that COVID-19 restrictions had hindered access.³⁶⁸ The Inspection team also heard of instances of Aboriginal Elders not being remunerated for performing Welcome to Country and Smoking ceremonies in accordance with the CSNSW Aboriginal Community Mentors policy.³⁶⁹ Overall, it was disappointing to see how little was actually on offer to connect Aboriginal people to culture and the ignorance displayed by many staff of the importance of culture to Aboriginal people in custody.

363 Information provided by Corrective Services NSW, 16 September 2021.

364 Information provided by Corrective Services NSW, 16 September 2021.

365 Corrective Services NSW, *Offender Population Report* (April 2024) 2.

366 Corrective Services NSW, *Aboriginal Offenders Report* (January 2024) 7.

367 Corrective Services NSW, *Custodial Operations Policies and Procedures: 11.6 Aboriginal Community Mentors* (12 March 2020).

368 Information provided by Corrective Services NSW, 16 September 2021.

369 Corrective Services NSW, *Custodial Operations Policies and Procedures: 11.6 Aboriginal Community Mentors* (12 March 2020).

We were invited by the governor to return to Broken Hill CC for NAIDOC celebrations in August 2022 and it was pleasing to see a Yarning Circle had also been constructed in the women's section. We attended the women's and men's NAIDOC celebrations at the centre and the governor, staff and Aboriginal people in custody should be commended for the success of both days. It provided an insight into what is possible at the centre, and we hope that the programs and activities that we witnessed on that day, including the Community Restorative Centre's Songbirds Program, continue to be delivered at the centre.

Recommendation: CSNSW allows Aboriginal people in custody to practice their culture and observe cultural obligations.

2.5.5 Support for religious inmates

According to the inmate booklet, inmates at Broken Hill CC can ask for a referral to see the visiting chaplain. Further, to attend the Chapel Services, inmates need to indicate their faith when they are received into custody at Broken Hill CC.

The dominant religion at Broken Hill before our inspection was Catholicism, closely followed by Islam. A Catholic chaplain visits the men each Tuesday afternoon. He visits each wing and conducts prayer services. He also helps men of other faiths, like those who practice Islam, to receive prayer rugs and the Quran. Copies of the Quran and Bible are available in the library. Women at Broken Hill CC are visited by a female chaplain.

2.5.6 Access to purposeful activity

Correctional centres are expected to maximise and facilitate purposeful activities for inmates each day. Purposeful activities at Broken Hill CC centred around arts and crafts. In addition to the Aboriginal art programs and competitions, the women were also able to do some craft work. The local Community Restorative Centre (CRC) also conducted a Songbirds Program which allowed inmates to collaborate with local musicians to create tracks for an album released annually, Songbirds: Ballads Behind Bars. The CRC also runs music and arts programs and a candle making program for women at the centre.

The women and men in X-wing had access to vegetable gardens which they were able to tend and use. The men were also able to access the oval on occasion and the woman wanted to be able to access the oval.

Although these activities were good, they were very ad hoc, and we found that there was an overwhelming sense of boredom at the centre. More is needed to be done in this area both by centre staff and through partnerships with community organisations. It is acknowledged that COVID-19 impacted the ability for community groups and visitors to enter the centre and deliver programs and activities. However, an opportunity exists to partner with community groups to provide cultural programs and activities for Aboriginal people in custody, who make up approximately 70% of the population in custody at Broken Hill CC.

It is pleasing to note that in August 2022 CRC and Broken Hill CC partnered to establish a Cultural Prison Program with the aim of connecting Aboriginal people in custody to Culture through a wood carving program. Aboriginal people also had the opportunity to do fishing day trips with the CRC on Country.

Exercise equipment



2.6 Rehabilitation

2.6.1 Case management

The case management team at Broken Hill CC consisted of one case management officer and one senior case management officer who is Aboriginal. The team prepare case plans for eligible sentenced inmates. As at 20 September 2021, there were 17 inmates who had current case plans at Broken Hill CC.³⁷⁰ This reflects the fact it is a small centre with a significant remand population. 12 people with case plans identified as Aboriginal and/or Torres Strait Islander.³⁷¹ The team advised that cultural considerations are important to case planning at Broken Hill CC but one challenge they face is the lack of programs and services to support those cultural considerations.

The case planning team also deliver NEXUS to inmates at Broken Hill CC, which is a reintegration strategy consisting of three streams. NEXUS streams 1 and 2 aim to engage inmates with their reintegration needs from their reception into custody and involve an information booklet, worksheet and subsequent engagement with staff. NEXUS stream 3 seeks to engage inmates who are three to six months from release to help them focus on their immediate reintegration needs.³⁷²

2.6.2 Employment

Employment provides inmates with a constructive use of their time, an opportunity to learn new skills to increase post release employment, and a way to earn remuneration. It also benefits correctional centres by keeping inmates occupied and can also contribute to correctional centre costs. Therefore, it is important that correctional centres ensure that inmates have access to a range of productive employment opportunities.³⁷³

Corrective Services Industries (CSI) is responsible for operating over 100 inmate commercial business units and services industries across NSW.³⁷⁴ Inmate employment may also be organised by correctional centre's themselves and through their relationships with local non-for-profit organisations and businesses.

The majority of employment at Broken Hill CC was to support the running of the centre and involved cleaning (hygiene). There was very little skills based employment at the centre and no work release

370 Information provided by Corrective Services NSW, 20 September 2021.

371 Information provided by Corrective Services NSW, 20 September 2021.

372 Inspector of Custodial Services (NSW), *Programs, Employment and Education Inspection* (Report, February 2020). 42.

373 Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standards 126-131.

374 Corrective Services NSW, 'Welcome to Corrective Services Industries (CSI)', *Corrective Services Industries (CSI)* (Web Page) < <https://www.csi.nsw.gov.au> >

employment opportunities for C3 minimum security inmates at the centre. We were advised in March 2024 that community projects were about to recommence.

Table 11: Broken Hill CC employment profile as at 1 October 2021 ³⁷⁵

Employment	Percentage of inmates employed	Total number employed
Kitchen (CSI)	8.1%	3
Hygiene	45.9%	17
Laundry services	5.4%	2
Maintenance	16.2%	6
Programs	5.4%	2
Unemployed – on remand	16.2%	6

Recommendation: CSNSW increases work release opportunities for Aboriginal people at Broken Hill Correctional Centre.

2.6.3 Programs

The ICS Standards provide that ‘each correctional centre should provide a range of evidence-based programs’, cognitive development and offence-related and resettlement programs that match inmate needs.³⁷⁶ In 2021, there were no programs running at Broken Hill CC. It is acknowledged that COVID-19 restrictions would have impacted the ability to deliver programs at that time. However, staff also reported that due to the small number of sentenced people in custody, the centre struggles to have enough inmates to form an EQUIPS program cohort. Consequently, there are instances where inmates from the local area are transferred off Country to complete a program at another centre. More needs to be done to be able to offer core rehabilitation programs at Broken Hill CC that are responsive to the needs of Aboriginal people.

Recommendation: CSNSW ensures that programs and services are delivered to Aboriginal people in a culturally safe way.

2.6.4 Education

The *Crimes (Administration of Sentences) Regulation 2014* includes literacy and numeracy programs as well as educational and vocational training programs among those that the Commissioner may offer to an inmate.³⁷⁷ The Mandela Rules state that provision should be made for the further education of all inmates. Education in correctional centres should, as far as possible, be integrated with education in the community so that inmates may continue their education following their release. The education of people who are illiterate should be compulsory and the subject of special attention.³⁷⁸

There were limited educational opportunities available to inmates at Broken Hill CC. The education and traineeship courses that were offered at Broken Hill CC from 2020 to 2021 is outlined in the table below. It is acknowledged that the delivery of courses was no doubt impacted by the restrictions imposed due to the COVID-19 pandemic. The lack of education and vocational training is possibly linked to the lack of skills based employment at the centre and more needs to be done to enhance education and vocational offerings and completions.

³⁷⁵ Information provided by Corrective Services NSW, 5 November 2021. Note data adds up to 97.2.

³⁷⁶ Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 117.

³⁷⁷ *Crimes (Administration of Sentences) Regulation 2014* cl 60 (2)(e)-(f).

³⁷⁸ United Nations Standard Minimum Rules on the Treatment of Prisoners rule 104.

Table 12: Education and vocational training offered at Broken Hill CC October 2020 to September 2021 ³⁷⁹

Course/Program	Enrolled	Participants	Sessions	Completions
CSI workplace health & safety	32	27	39	0
Driver Knowledge Test	12	10	25	0
FSP Level 1 – Digital Literacy	35	31	399	7
FSP preCert-LLN	6	6	151	6
Traineeship/Apprenticeship	1	0	0	0
VTP – Agriculture	14	14	190	0
WPT – Food safety	10	10	26	6

2.6.5 Release from custody

Inmates released from Broken Hill CC are people on remand who have been granted bail or found not guilty at court; or sentenced inmates when their sentence has expired, or they are released to parole. From the period of 1 October 2020 to 1 September 2021, there were 114 instances of inmates being released from Broken Hill CC.³⁸⁰

³⁷⁹ Information provided by Corrective Services NSW, 1 October 2021.

³⁸⁰ Information provided by Corrective Services NSW, 5 November 2021.

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