

Inspector of
Custodial Services

Inspector of Custodial Services

Inspection of Mid North Coast
Correctional Centre 2023

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We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Inspection of Mid North Coast Correctional Centre 2023

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Inspector's overview

We announced the inspection of three regional correctional centres in 2022: Wellington Correctional Centre (CC), South Coast CC, and Mid North Coast CC.¹ The inspection of Mid North Coast CC took place in May 2023 and this correctional centre was the last to be inspected as part of this series.

Mid North Coast CC is located at Kempsey, approximately 445km north of Sydney. The centre opened in 2004 and is situated on Thunggutti/Dunghutti land. Mid North Coast CC can accommodate 1,002 male and female remand and sentenced inmates and provides accommodation for maximum, medium and minimum security inmates. Wellington CC is located at Wellington, approximately 350km from Sydney. The centre opened in 2007 and is situated on Wiradjuri land. Wellington CC can accommodate 616 male and female remand and sentenced inmates and provides accommodation for maximum, medium and minimum security classification inmates. South Coast CC is located at Nowra, approximately 167km south of Sydney. The centre opened in 2010 and is situated on Yuin land. South Coast CC can accommodate 928 remand and sentenced inmates and provides accommodation for maximum, medium and minimum security male inmates.

We inspected these three large regional correctional centres as part of one series of inspections as the centres are a similar age and original build from an infrastructure perspective. Wellington CC and Mid North Coast CC both have a women's unit attached to these male correctional centres and South Coast CC was originally designed to have a women's unit. All centres perform a similar function as the remand and reception centres for their local region and they all hold a high percentage and number of Aboriginal people.

Undertaking a multi-centre inspection takes time. The on-site component of these inspections took six months to complete. Although there are themes and systemic issues that have emerged across all three centres, they will be discussed in another report. I thought it was important to publish the report into Mid North Coast CC as a standalone report. The report into Wellington CC was tabled in June 2024.

Mid North Coast CC was last inspected in 2018 as part of a thematic inspection focusing on the delivery of programs, employment, and education across correctional centres in NSW. The inspection detailed in the current report considered all aspects of Mid North Coast CC, with a focus on the treatment and conditions of people in custody. This inspection took place after Mid North Coast CC was expanded to provide beds for an additional 440 male inmates, which significantly added to the number and complexity of the inmate population. There are a number of recommendations in this report to ensure Mid North Coast CC can achieve its objectives. Stable leadership is required to implement and progress these recommendations and to ensure a complex centre like Mid North Coast CC functions optimally.

Fiona Rafter
Inspector of Custodial Services NSW
December 2024

¹ Inspector of Custodial Services, 'Announcement of the inspection of three regional correctional centres' (Web Page, June 2022), <https://inspectorcustodial.nsw.gov.au/documents/terms-of-reference/WCC_SCCC_and_MNCCC_Terms_of_Reference.pdf>.

Glossary of terms and acronyms

Aboriginal	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people.
APO	Assessment and planning officer
AVL	Audio visual link
CADL	Common Auto Dial List
CAPO	Classification and placement officer
CC	Correctional Centre
CCTV	Closed-circuit television
CMU	Case management unit
COPP	Custodial Operations Policy and Procedures
COVID-19	Coronavirus disease 2019, caused by the SARS-CoV-2 virus
CPT	Classification and placement team
CSI	Corrective Services Industries
CSNSW	Corrective Services NSW
CSSL	Corrective Services Support Line
EQUIPS	Explore, Question, Understand, Investigate, Practice and Succeed programs
FSP	Foundation Skills Program
HIPU	High Intensity Program Unit
ICS	Inspector of Custodial Services
ICS Act	<i>Inspector of Custodial Services Act 2012</i>
ICS Standards	<i>Inspector of Custodial Services' Inspection Standards for Adult Custodial Services in New South Wales</i>
IDC	Inmate development committee
ILC	Intensive Learning Centre
ISQ	Intake Screening Questionnaire
JH&FMHN	Justice Health and Forensic Mental Health Network
KPI	Key performance indicator
LLN	Language, Literacy and Numeracy
LOP	Local Operating Procedure
MAAD	Mothering at a Distance
MOSP	Manager of Offender Services and Programs
MPU	Multipurpose unit
MSA	Management service agreement
OAT	Opioid Agonist Treatment
OS&P	Offender services and programs
PRLA	Protection Limited Association
PRNA	Protection Non-Association
RIT	Risk intervention team

SAPO	Services and Programs Officer
SCAPO	Senior classification and placement officer
SMAP	Special management area placement
SORC	Serious Offenders Review Council
SSIP	Short Sentence Intensive Program
TWES	Time to Work Employment Service
UNODC	United Nations Office on Drugs and Crime
VOIP	Voice over internet protocol
VTP	Vocational training program
WPT	Workplace training
WRBP	Women's Remand Bed Placement

Executive summary

Mid North Coast Correctional Centre (CC) is a large multi-classification correctional centre for male and female inmates. It has four accommodation areas (sectors) and holds male inmates of all security classifications as well as female inmates with a minimum security classification. A significant expansion in November 2019 increased the capacity of Mid North Coast CC by almost 80% and provided beds for more than 400 additional maximum security male inmates. Mid North Coast CC also acts as an important remand and reception centre for Northern NSW.

The inspection of Mid North Coast CC took place in May 2023. At that time, most of the restrictions related to the management of the COVID-19 pandemic had been removed. This development, along with the unification of award arrangements for correctional officers across NSW, addressed some of the staffing issues that Mid North Coast CC had been experiencing. However, there was still a high rate of absenteeism among staff which presented challenges for maintaining normal operations.

During the inspection, we observed a lack of collegiality in some teams and heard allegations of bullying, harassment, and conflict among staff. The management of Mid North Coast CC was aware of these issues and reported on the measures they had been implementing to address them. Mid North Coast CC provided a diverse range of training to its custodial and non-custodial staff which is commendable. We were concerned to hear several instances of the use of racist language and stereotyping of certain inmate groups. It is recommended that all staff at this centre complete relevant training.

Corrective Services NSW (CSNSW) advises that Mid North Coast CC management's efforts to improve workplace culture will be supported by the implementation of the Culture and Wellbeing Framework. According to CSNSW, the framework will facilitate the development, implementation, and delivery of initiatives to improve culture, provide targeted support to staff and deliver initiatives to support the improvement of staff wellbeing across CSNSW. The framework also includes targeted campaigns to reduce negative workplace behaviours and build resources and avenues of support for staff wellbeing. This work is complemented by the wider systemic reforms which are being implemented by CSNSW in response to the *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre*.²

Mid North Coast CC operated a hybrid roster of eight-hour and 12-hour shifts. However, the daily routine of most accommodation areas except for the minimum security sector was based on eight-hour shifts, providing less than seven hours of time out of cell for inmates in those sectors. This was also the case for female inmates, even though they all had a minimum security classification. We recommend that CSNSW increases time out of cell for female inmates. We also note that the slow let-go process in Sector 4 reduced the limited time out of cell even further, with inmates in some parts of Sector 4 unlocked from their cells one and a half hours after the time they should have been let go.

Data shows that often Aboriginal inmates make up close to half of the population of Mid North Coast CC. However, we identified several issues that showed lack of proper consideration of the needs of this population. Mid North Coast CC is located on land with significant cultural meaning to the Aboriginal community and is a place where Aboriginal women are not permitted to be. Despite this, Mid North Coast CC has the capacity to hold up to 54 female inmates, many of whom are Aboriginal. This presents a complex situation in which Aboriginal women who are local to the area can be accommodated on Country but in a correctional centre that is incompatible with their cultural requirements, or off Country in another correctional centre. We have argued that the best way to manage this situation is by working closely with the Aboriginal community to identify and develop appropriate cultural support for Aboriginal women in custody, so they feel culturally safe.

It was pleasing to see that some of the sectors in Mid North Coast CC had accessible Yarning Circles or cultural spaces for Aboriginal inmates. It was also positive to see that Mid North Coast CC had a full-time Aboriginal mentor. However, overall, the number of Aboriginal staff in this centre was quite low.

2 Information provided by Corrective Services NSW, 5 November 2024.

There were very few targeted programs and activities for Aboriginal inmates. Applications for compassionate leave to attend funerals which were primarily lodged by Aboriginal inmates were not processed promptly and the centre routinely failed to properly communicate the outcome of those applications to inmates.

A significant issue of concern for us was the complexity of the inmate population at Mid North Coast CC. The centre manages multiple different inmate cohorts with various security classifications, each with their own unique needs. We note that this issue was further compounded by the presence of protection inmates in half of the accommodation units of Sector 4 while the other units in this sector accommodated mainstream inmates. As these two groups could not mix, inmate movements, delivery of rehabilitative services, and the delivery of health services all needed to be coordinated to ensure this separation. This was challenging to achieve and had negative impacts on the delivery of services, especially for protection inmates. We formed the view that Sector 4 of Mid North Coast CC should only accommodate one of those groups. We have also highlighted the considerable diversity that existed within the protection group and the lack of proper consideration of this in the placement of inmates which created safety risks.

The complexity of inmate population diverted attention away from one of the main objectives of Mid North Coast CC which was to manage remand inmates. This group of inmates often made up half of the population of the centre and yet they were disadvantaged. They had limited access to educational opportunities, some health services, legal representatives and legal resources, welfare services and programs.

The placement of inmates in larger accommodation areas of Mid North Coast CC (Sectors 1 and 4) was based on their employment status. This disadvantaged remand inmates as unemployed remand inmates were placed in areas that also accommodated sentenced inmates who refused to work or were dismissed from work. Those accommodation areas often had poorer conditions, including reduced time out of cell and access to purposeful activities. We recommend that remand inmates are held in conditions that reflect their status as unconvicted and have access to required services.

One of the contributing factors to these poor conditions was the implementation of a punitive local Corrective Services Industries (CSI) policy that significantly reduced out of cell hours for sentenced inmates who refused to work or were dismissed from work, and subjected them to multiple punishments. We formed the view this policy was unlawful and raised our concerns during the inspection. In our subsequent engagement with the centre, we were informed that this policy had ceased.

The physical security of Mid North Coast CC was robust but the dynamic security in some of the accommodation areas could be improved. We have identified several issues in the way that breaches of correctional centre regulations by inmates were being adjudicated and penalised by the centre. We made recommendations to address those issues and ensure compliance with policy and legislation.

Some groups of inmates at Mid North Coast CC had better access to rehabilitation services (programs, education, and employment) than others. Where those services were provided, often opportunities to work were being prioritised at the cost of participation in programs and education.

Mid North Coast CC had two High Intensity Program Units (HIPU): one in the women's accommodation area and one in the men's minimum security area. Regrettably both HIPUs were underutilised and experienced frequent cancellations. The centre had three offender services and programs (OS&P) teams, all of which were experiencing staffing shortages which was largely the result of staff being absent on workers' compensation. We made a recommendation to ensure that not only the OS&P teams are adequately resourced but also that the teams had appropriate support and training to perform their duties optimally.

CSNSW has advised that it is undertaking a mapping and analysis of program needs and delivery across the state, which includes reviewing related processes to enhance the provision of programs to both male and female inmates. CSNSW also reports that it is 'reviewing selected programs to ensure they are culturally appropriate, meet the needs of Aboriginal inmates and that correctional centres

are provided with appropriate levels of support to deliver programs effectively'.³

The resources dedicated to education delivery within Mid North Coast CC were poor. The centre did not have sufficient trainers and while the infrastructure of the Intensive Learning Centre (ILC) was excellent, it was operating at less than half of its capacity. We found the current reporting and oversight arrangement, whereby CSI is responsible for both education and industries, problematic. This is a systemic issue across NSW that we believe results in the prioritisation of CSI industries over education. CSNSW disagrees that it prioritises inmate employment over education. CSNSW says it uses a 'flexible mixed model for the delivery of education and training to inmates whilst supporting non-compulsory employment of inmates.'⁴ According to CSNSW, this model is designed to deliver essential literacy and numeracy programs and enhance inmate work readiness by focusing on vocational training in support of prison employment and employment in the community following release.⁵ Our observations identified flaws in the model that often gives rise to the prioritisation of employment over education (as we explain in section 2.6.3), even though it may not be intended. We welcome a review of the current flexible mixed model of education that is due to commence this year.⁶ We have also made a recommendation to CSNSW to review the current reporting arrangement.

Mid North Coast CC provided access to in-person social visits on one day a week. The number of available places for these visits (50) was inadequate for a correctional centre with a capacity to hold 1,002 inmates. Virtual social visits were being facilitated via audio visual link (AVL) rather than tablets due to significant connectivity issues with visits tablets. This limited the number of available virtual social visits. Further, the unequal distribution of AVL suites across the centre created inequity in access to virtual visits. We recommend that Mid North Coast CC prioritise an increase in the number of in-person and virtual social visits.

We identified several issues that primarily affected inmates in one accommodation area. For example, while the cells in the multipurpose unit (MPU) in Sector 4 were appropriate and safe, the cells in the MPU in Sector 1 were not. Despite the completion of remedial work in the cells in the MPU in Sector 1 following a death in custody, there were still hanging points in those cells. We concluded that those cells were, therefore, not appropriate and safe for inmates at risk of self-harm and suicide and recommend that until the removal of all hanging points, these inmates were not to be placed in this MPU.

CSNSW advises that it is committed to improving cell safety and is undertaking an Anti-ligature Cell Refurbishment Program which includes building new cells designed to anti-ligature design principles, removing obsolete cells from use, and refurbishing existing cells to remove ligature points. According to CSNSW, cell refurbishments are completed in accordance with the risk-based prioritisation identified in this program and budget constraints. In the 2023/24 financial year, 12 priority cell refurbishments to remove ligature points were completed at Mid North Coast CC.⁷

Female inmates were placed in the smallest accommodation area of Mid North Coast CC. While the accommodation units were aged and had several maintenance issues, they were clean and the sector grounds provided women with access to green space, a walking track, gym equipment, and a relatively relaxed atmosphere which was appropriate for a minimum security population. However, in this accommodation area, women on remand were significantly disadvantaged. Most women on remand at Mid North Coast CC were not from the local area and had been transferred away from their families and children to this centre even though it provided them with little to no programs or services. There were also significant gaps in the provision of welfare support to all the women in this accommodation area.

Minimum security male inmates were arguably the most disadvantaged group in Mid North Coast CC. The accommodation units in this area were aged and had multiple outstanding maintenance issues, with peeling paint and black mould visible in several areas. The sector was close to capacity at the time of the inspection with many inmates living in triple occupancy cells that looked cramped.

3 Information provided by Corrective Services NSW, 5 November 2024.

4 Information provided by Corrective Services NSW, 5 November 2024.

5 Information provided by Corrective Services NSW, 5 November 2024.

6 Information provided by Corrective Services NSW, 5 November 2024.

7 Information provided by Corrective Services NSW, 5 November 2024.

While time out of cell in this accommodation area was more in line with the average time out of cell for minimum security inmates in NSW, inmates had very limited opportunities to meaningfully pass this time. There were not many opportunities for inmates to participate in programs or educational courses, to work, or to engage in purposeful activities. During our inspection of this sector, we were struck by the number of inmates who were sitting idly or walking laps around the sector.

It is important that minimum security inmates are provided with opportunities that aid their reintegration into the community, including external leave, work release, and engagement in community projects. None of these opportunities were available to inmates in this accommodation area. Further, minimum security inmates should have access to 'honour houses' as they can provide greater opportunities for independence to prepare inmates for release into the community. While Mid North Coast CC had two units that were initially built and functioned as 'honour houses' (for minimum security men and women), they no longer were being used for this purpose and instead had been turned into a staff locker room and short term staff accommodation. This was disappointing and we recommend CSNSW returns them to their original purpose.

As mentioned, in Sector 4, measures to ensure separation of protection and mainstream inmates often disadvantaged protection inmates and resulted in fewer programs and employment opportunities available to them. We were also concerned about the management of these inmates. We understood that staff used a regression-progression model to manage these inmates, meaning that the inmates in one of the pods of each block which held protection inmates were considered to be more problematic than the inmates in the other pod and the movement between the two pods was being used as a behavioural management strategy. This management method resulted in a punitive approach and negative attitude towards the inmates in the 'regression' pod.

Finally, this report includes an assessment of health services provided at Mid North Coast CC. There were two health centres located in Sectors 1 and 4 of Mid North Coast CC. They were functioning reasonably efficiently, and health staff had an effective relationship with correctional staff and they worked collaboratively together. However, both of the health centres had infrastructure issues that presented risks. The main health centre in Sector 1 had four camera cells that could hold inmates who were on a risk intervention team (RIT) management plan. We were advised at the time of the inspection that due to concerns around the presence of hanging points in those cells, a correctional officer was rostered to monitor the inmates who were placed there. While some remedial work was done in those cells after our inspection, we understood that this arrangement remained in place. This indicated to us that the issue of hanging points has not been fully resolved.

The Sector 4 accommodation areas were built on a hill with a steep pathway to the health centre. Nurses were required to push heavy medication trolleys (and equipment such as oxygen cylinders in the event of an emergency) up that pathway. This steep pathway also presented safety risks to a relatively large number of aged and frail inmates who lived in Sector 4 and needed to visit the health centre frequently. We observed that there was a more suitably graded ramp nearby but it was rarely used. We do not believe Sector 4 is a suitable accommodation area for aged and frail inmates or any other inmate who requires mobility aids to walk or move themselves. CSNSW advises that 'in order to assist inmates and Justice Health staff, the use of a motorised wheelchair has been approved' and an alternate access to the clinic is now operational.⁸

Access to inmates was a significant issue of concern for health staff. Reduced time out of cell and the complexity of the inmate population at Mid North Coast CC were some of the contributing factors to this issue.

It was positive that an Aboriginal health worker was working at Mid North Coast CC. However, they were not fully focused on this centre and needed to provide services to several other correctional centres across a vast geographical area. Mid North Coast CC did not have a dedicated women's health practitioner which led to a long wait time for female inmates to see a women's health nurse.

It was also of concern that when we inspected Mid North Coast CC, the local health staff had misinterpreted the eligibility criteria for Opioid Agonist Treatment (OAT) that resulted in remand

8 Information provided by Corrective Services NSW, 5 November 2024.

inmates being advised they were not eligible to access OAT. This was not in line with the policy which does not exclude this group entirely. This issue was raised and resolved while we were on site. Nevertheless, we were concerned by the level of support provided to inmates who were experiencing physical symptoms of substance withdrawal.

Recommendations

The Inspector recommends:

1. Corrective Services NSW ensures that all staff at Mid North Coast Correctional Centre complete the Aboriginal cultural awareness and safety training.
2. Corrective Services NSW works closely with the local Aboriginal community to identify practical support that can be put in place at Mid North Coast Correctional Centre so women in custody feel culturally safe.
3. Corrective Services NSW reviews the programs and activities delivered at Mid North Coast Correctional Centre to ensure there is appropriate focus on the needs of Aboriginal inmates.
4. Corrective Services NSW ensures Mid North Coast Correctional Centre processes applications for compassionate leave promptly and communicates the outcome to the inmates in a timely manner. An auditable record should be maintained for each application.
5. Corrective Services NSW ensures remand inmates at Mid North Coast Correctional Centre have access to required services and resources and are held in conditions that reflect their status as unconvicted.
6. Corrective Services NSW ensures Mid North Coast Correctional Centre accommodates remand and sentenced inmates separately.
7. Corrective Services NSW undertakes a review of the number of AVL suites in different areas of Mid North Coast Correctional Centre and ensures there is appropriate access to virtual legal visits.
8. Corrective Services NSW ensures Mid North Coast Correctional Centre improves inmate access to legal resources and computers to view and prepare legal documentation.
9. Corrective Services NSW ensures the penalties issued by Mid North Coast Correctional Centre to inmates guilty of correctional centre offences comply with the legislation.
10. Corrective Services NSW reviews the local operating procedure of Mid North Coast Correctional Centre to ensure it provides clear instructions about dealing with correctional centre offences and is compliant with the policy.
11. Corrective Services NSW reviews all offender services and programs teams at Mid North Coast Correctional Centre to ensure they are adequately resourced, their resources are adequately distributed, and they have appropriate support and training to perform their roles.
12. Corrective Services NSW reviews the implementation of the 2017 education and training reforms and considers separating education from Corrective Services Industries.
13. Corrective Services NSW re-establishes the 'honour houses' at Mid North Coast Correctional Centre to assist in the preparation of inmates for release into the community.
14. Corrective Services NSW ensures the classification and placement team meets regularly to complete classification assessments.
15. Corrective Services NSW ensures special housing inmates at Mid North Coast Correctional Centre are placed on a section 78A order and their placement is reviewed via weekly segregation review meetings.
16. Corrective Services NSW increases the number of safe observation camera cells at Mid North Coast Correctional Centre's health centre and prioritises the placement of inmates at risk of self-harm in those cells.

17. Corrective Services NSW creates a dedicated post for monitoring inmates placed in camera cells at Mid North Coast Correctional Centre.
18. Corrective Services NSW increases the number of in-person visits available at Mid North Coast Correctional Centre as a matter of priority and ensures the centre complies with the Commissioner's Instructions at all times.
19. Corrective Services NSW increases the number of video visits available to inmates in Sectors 1, 2, and 3 of Mid North Coast Correctional Centre and ensures virtual social visits comply with the requirements of *the Crimes (Administration of Sentences) Regulation 2014*.
20. Corrective Services NSW resolves connectivity issues at Mid North Coast Correctional Centre.
21. Corrective Services NSW reviews the cost of inmate phone calls and/or seeks alternative measures to reduce this cost.
22. Corrective Services NSW ensures the governor of Mid North Coast Correctional Centre attends the Inmate Development Committees and all sectors have an Aboriginal delegate.
23. Corrective Services NSW ensures sufficient staff at Mid North Coast Correctional Centre are trained to use the body scanners.
24. Corrective Services NSW considers centralising the budget for the purchase of inmate clothing.
25. Corrective Services NSW removes all hanging points from the cells allocated to inmates on a risk intervention team management plan in Mid North Coast Correctional Centre's Sector 1 multipurpose unit (G pod) and ensures until such is completed inmates at risk of self-harm are not placed in this area.
26. Corrective Services NSW builds a new fit-for-purpose multipurpose unit in Sector 1 of Mid North Coast Correctional Centre that can safely accommodate inmates at risk.
27. Corrective Services NSW centrally identifies the inmates who are suitable for participation in intensive learning centres and prioritises the placement of those inmates at the correctional centres that have this facility.
28. Corrective Services NSW increases time out of cell for inmates in the women's accommodation area (Sector 2) of Mid North Coast Correctional Centre.
29. Corrective Services NSW ensures Mid North Coast Correctional Centre increases the number of educational opportunities and programs available to women in custody (including programs for women on remand).
30. Corrective Services NSW addresses the maintenance issues at minimum security area of Mid North Coast Correctional Centre and reduces the number of inmates placed in this accommodation area.
31. Corrective Services NSW identifies and establishes work release opportunities at Mid North Coast Correctional Centre and re-introduces community projects.
32. Corrective Services NSW ensures Mid North Coast Correctional Centre provides appropriate opportunities for minimum security inmates to access programs, education, and work.
33. Corrective Services NSW ensures Mid North Coast Correctional Centre reviews its let-go procedure for Sector 4 to increase the time out of cell for the inmates in this accommodation area.
34. Corrective Services NSW reviews the inmate cohort held at Sector 4 of Mid North Coast

Correctional Centre with a view to only accommodate either protection or mainstream inmates in this accommodation area.

35. Corrective Services NSW ensures Mid North Coast Correctional Centre increases programs, education and work opportunities available to the inmates in Sector 4, especially protection inmates.
36. Justice Health and Forensic Mental Health Network reviews access arrangements for health staff at Sector 4 of Mid North Coast Correctional Centre and considers medication transport options such as a motorised medication trolley.
37. Justice Health and Forensic Mental Health Network investigates ways to support the effective and efficient utilisation of satellite clinics in Mid North Coast Correctional Centre.
38. Justice Health and Forensic Mental Health Network ensures regular access to women's health services at Mid North Coast Correctional Centre.
39. Corrective Services NSW and Justice Health and Forensic Mental Health Network ensure the Management Service Agreements at Mid North Coast Correctional Centre are reviewed with a view to maximising patient access to health services.
40. Justice Health and Forensic Mental Health Network ensures eligible remand inmates at Mid North Coast Correctional Centre can access Opioid Agonist Treatment and that inmates are provided with appropriate support while experiencing physical withdrawal symptoms.
41. 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*.

Mid North Coast Correctional Centre profile

Location

Mid North Coast Correctional Centre (CC) is located on the land of the Dunghutti people. It is in Aldavilla in the Mid North Coast region of New South Wales, approximately 450km north of Sydney.

History

Mid North Coast CC opened as a 500-bed correctional centre in July 2004, under Corrective Services NSW (CSNSW) 'Way Forward' reforms. These reforms sought to achieve productivity savings through flexible use of resources within correctional centres. Key elements of the reforms included a different industrial award with reduced overtime payments, the introduction of rolling let-go and lock-in and dynamic allocation of staff, and enhancements to the structured day by creating split shifts in industries.⁹

In November 2019, Mid North Coast CC was expanded at the cost of \$131 million to include a new 440-bed accommodation area, along with an industries complex, programs spaces, a health centre, a segregation building, custodial offices, secure walkways, outdoor recreational areas, and an additional secure perimeter.¹⁰

Function

Mid North Coast CC is a multi-classification correctional centre for male and female inmates. It is an important reception and remand centre for Northern NSW and accommodates people on remand as well as sentenced inmates.

Mid North Coast CC has four accommodation areas (sectors). Two of these areas (Sectors 1 and 4) hold sentenced and remand male inmates who are classified as medium and maximum security. At the time of the inspection, half of the accommodation units in Sector 4 were assigned to special management area placement (SMAP)¹¹ or protection inmates.

Male inmates with a minimum security classification are held in Sector 3. All inmates in this sector are 'normal discipline'¹² (mainstream) and a significant majority are sentenced.

Mid North Coast CC's smallest accommodation area is the women's area (Sector 2). It can hold sentenced and remand female inmates who are classified as minimum security.

Capacity

At the time of the inspection, Mid North Coast CC had an operational capacity of 1,002 people across four accommodation areas:

- Sector 1 could hold up to 388 male inmates.
- Sector 2 could hold up to 54 female inmates.

9 Corrective Services NSW, *The Way Forward: Staff Information Package* (March 2004).

10 'Kempsey prison expansion officially opens', *Department of Communities and Justice* (Web Page, 28 November 2019) <<https://dcj.nsw.gov.au/news-and-media/media-releases-archive/kempsey-prison-expansion-officially-opens.html>>; Besix Watpac, 'Delivery excellence in high security environment: Mid North Coast Correctional Centre', *Secure Facilities* (Web Page, undated) <<https://besixwatpac.com/projects/secure-facilities/mid-north-coast-correctional-centre-expansion>>.

11 A Special Management Area (SMAP) is a designated area for those inmates assessed as being vulnerable or at risk from other inmates in a normal discipline area of a correctional centre. SMAP inmates should have their status reviewed once every 12 months to ensure this placement remains relevant. See Corrective Services NSW, *Custodial Operations Policy and Procedures: 3.3 Special management area placement* (version 1.3, October 2020).

12 'Normal discipline' (or 'mainstream' as referred to in this report) refers to inmates who neither require protection, nor are subject to a segregation or separation order.

- Sector 3 could hold up to 110 male inmates.
- Sector 4 could hold up to 450 male inmates and had an additional surge capacity of 220 inmates.¹³

Previous inspections by the Inspector of Custodial Services

Mid North Coast CC was first inspected by the Inspector of Custodial Services in July 2016 as part of the review of the management of radicalised inmates in NSW.¹⁴

It was then inspected in July and August 2018 as part of a thematic inspection focusing on the delivery of programs, employment, and education across correctional centres in NSW.¹⁵

Inspection dates

Liaison visits: 16 September 2022 and 9 January 2024

Inspection: 30 April-5 May 2023

13 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

14 Inspector of Custodial Services NSW, *The Management of Radicalised Inmates in NSW* (Report, May 2018).

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

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 each adult custodial centre at least once every five years and report on each such inspection to the NSW Parliament with relevant advice and recommendations.¹⁶

Inspection provides independent information gathering and analysis concerning what is working well and which areas require improvement. The inspection of Mid North Coast CC focused on:

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

The on-site phase of the inspection took place between 30 April and 5 May 2023. The inspection team consisted of the Inspector, two principal inspection and research officers, one senior inspection and research officer, one inspection and research officer, and two Aboriginal inspection and liaison officers. A health consultant with expertise and clinical background in custodial health joined the team.

Prior to the inspection, we received documents and data from Mid North Coast CC, CSNSW, the Corrections Research Evaluation and Statistics branch of CSNSW, and Justice Health and Forensic Mental Health Network (JH&FMHN). In order to understand the main issues of concern for inmates at Mid North Coast CC, we asked the NSW Ombudsman for complaint data related to this centre and also reviewed the reports from the official visitors who are managed by the ICS.

During the inspection, we observed a range of processes and areas of Mid North Coast CC and collected documentation. We held discussions with senior and middle management as well as frontline custodial and non-custodial staff. The inspection team also spoke to inmates, including delegates from Mid North Coast CC's inmate development committees. The health consultant engaged with health staff and observed the areas where health services were provided. The clinical processes associated with the management of COVID-19 were also observed.

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 might take place virtually either before or after the on-site inspection. The length of time on site and the ability to observe all functions of a centre could also be impacted, often at short notice. Information obtained on site was complemented by additional data obtained after the inspection from Mid North Coast CC, various branches of CSNSW, and JH&FMHN.

At the conclusion of an on-site inspection, a debrief is held with the governor of the centre. This provides an opportunity for local management to address any immediate concerns and to be aware of the initial findings of the inspection as well as likely medium to longer term recommendations.

The inspection 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 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.

¹⁶ *Inspector of Custodial Services Act 2012* s 6.

A draft report or relevant parts thereof were provided to CSNSW and JH&FMHN in accordance with section 14(2) of the ICS Act. Submissions were received from CSNSW and JH&FMHN. 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.

1 Inmate profile

1.1 Population

On 1 May 2023, the first day of the inspection, Mid North Coast CC held 774 inmates: 723 men and 51 women.¹⁷

CSNSW provided more detailed data on the inmate population of Mid North Coast CC as of 31 January 2023. This data is presented below and gives a breakdown of the population by legal status, age, cultural background, and security classifications.

According to this dataset, on 31 January 2023, Mid North Coast CC held 753 inmates: 707 men and 46 women.¹⁸

1.1.1 Legal status and charges

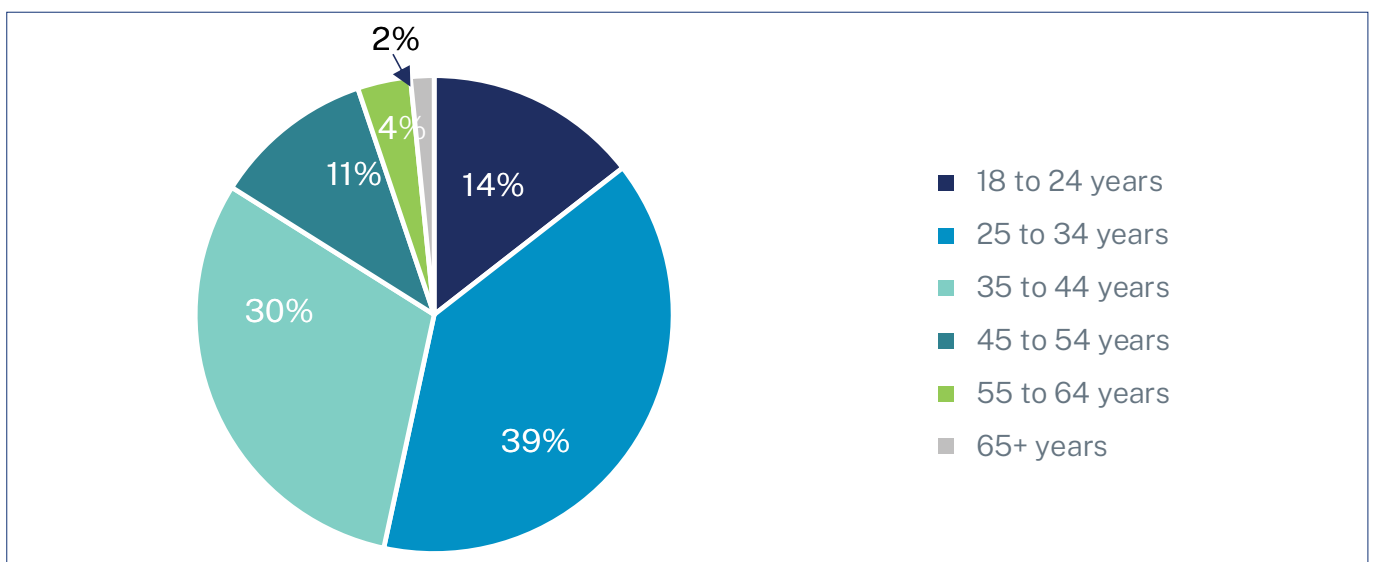
As of 31 January 2023, over half of the inmates held at Mid North Coast CC were on remand (381 people or 50.5% of the population). Around 49% of the inmates (372 people) were sentenced, and 50 people were appealing their sentences. The average time on remand for Mid North Coast CC inmates was 205 days, with the longest period on remand being 3,195 days.

Acts intended to cause injury was the most serious offence or charge for 249 inmates, followed by illicit drug offences (127 inmates), offences against justice procedures, government security and government operations (86 inmates), unlawful entry with intent/burglary, break and enter (55 inmates), and homicide and related offences (49 inmates).¹⁹

1.1.2 Age and cultural background

Mid North Coast CC had a young inmate population, as indicated in Figure 1. As of 31 January 2023, more than half of the population (53%) was aged 34 or under.²⁰

Figure 1: Age distribution of inmates at Mid North Coast CC- January 2023



Mid North Coast CC held a large population of Aboriginal inmates. Both on 31 January 2023²¹ and on the first day of our inspection three months later, 43% of all inmates held at Mid North Coast CC

¹⁷ Information provided by Corrective Services NSW, 7 December 2023.

¹⁸ Information provided by Corrective Services NSW, 6 March 2024.

¹⁹ Information provided by Corrective Services NSW, 6 February 2023.

²⁰ Information provided by Corrective Services NSW, 6 February 2023.

²¹ Information provided by Corrective Services NSW, 6 February 2023.

were Aboriginal.

On the first day of the inspection, 42.7% of male inmates and 47% of female inmates were Aboriginal.²²

Most inmates were born in Australia (80.7%) and 86.2% spoke English at home. Most inmates identified their cultural background as Australian (70.8%). The next largest cultural background identified was Arab (8.1%), followed by Polynesian (2.2%).

The largest religious group was Catholic (8.8%), followed by Muslim (7%), and Christian (6.8%). Almost half of the inmates (49.6%) had no preferred religion.²³

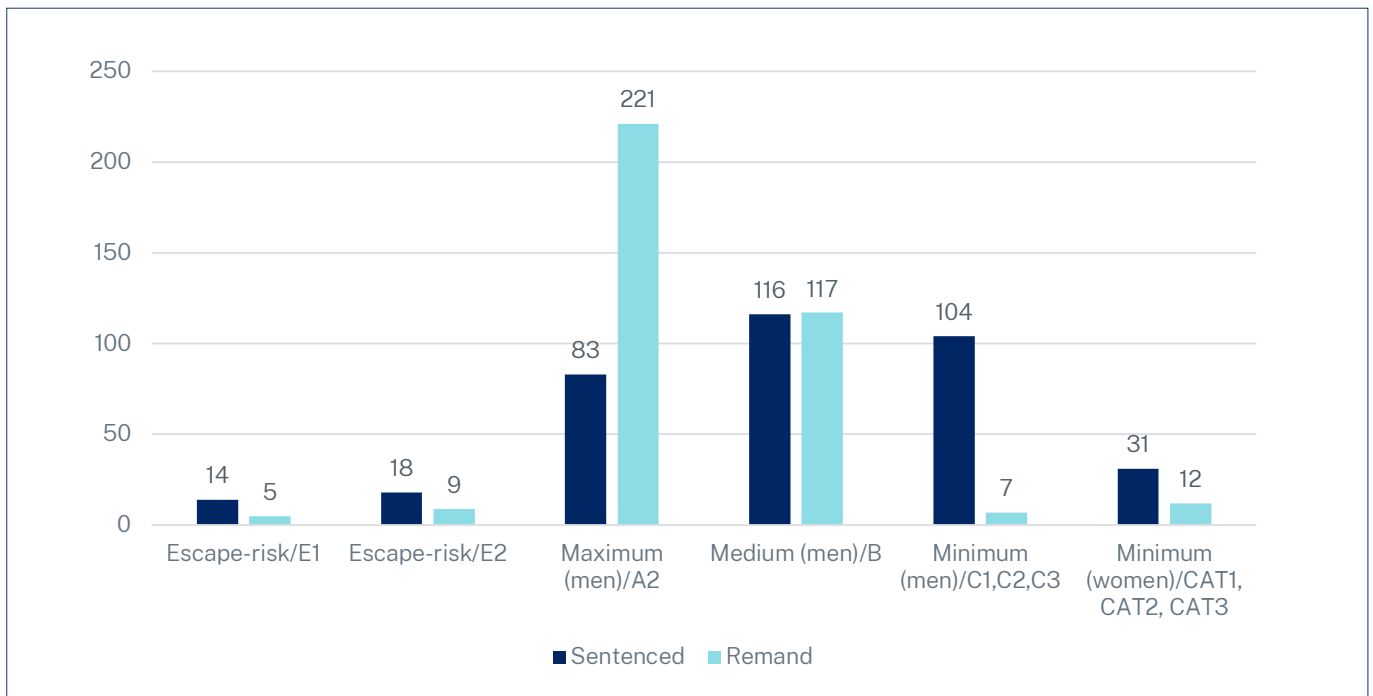
1.1.3 Security classifications

As a multi-classification correctional centre, Mid North Coast CC held inmates with a wide variety of security classifications.²⁴

The breakdown of those classifications across sentenced and remand inmate cohorts is presented in Figure 2. It should be noted that Figure 2 reflects the classifications as at 31 January 2023, when three women and 13 men in custody were yet to be classified.²⁵

As Figure 2 illustrates, maximum security men on remand were the largest inmate group, making up around 30% of the centre’s population. Sentenced and unsentenced men with medium security classification were the next two largest groups, followed by sentenced minimum security male inmates. Women (both sentenced and on remand) comprised a small percentage of Mid North Coast CC’s population.

Figure 2: Security classifications of inmates at Mid North Coast CC- January 2023



22 Information provided by Corrective Services NSW, 7 December 2023.

23 Information provided by Corrective Services NSW, 6 February 2023.

24 Inmate security classifications and risk designations are defined in the *Crimes (Administration of Sentences) Regulation 2014* cls 12, 14-15.

25 Information provided by Corrective Services NSW, 6 February 2023.

Around 12.5% of the population of Mid North Coast CC were SMAP or protection inmates. The Serious Offenders Review Council (SORC)²⁶ managed 19 inmates (2.5% of the population) and the Pre-Release Leave Committee²⁷ managed 91 inmates (12% of the population).

Mid North Coast CC also held four people with Extreme High Security²⁸ and one person with High Security designations. The centre held 15 people who were Immigration Release Notification inmates.²⁹

26 SORC provides advice and makes recommendations to the Commissioner of Corrective Services NSW regarding the security classification, placement and program participation of 'serious offenders'. See *Crimes (Administration of Sentences) Act 1999 s 197*. A 'serious offender' is defined in *the Crimes (Administration of Sentences) Act 1999 s 3* and includes an offender serving a life sentence, who must serve at least 12 years in custody or who is required to be managed as a serious offender due to a decision of the sentencing court, the State Parole Authority or the Commissioner of Corrective Services NSW.

27 The Pre-Release Leave Committee is the division of the Serious Offenders Review Council that manages 'public interest inmates'. A public interest inmate includes one who is serving a custodial sentence for an offence which is the subject of wide public interest or that is specified in the policy; see: Corrective Services NSW, *Inmate Classification and Placement: Serious Offenders Review Council (SORC) and Subcommittee Managed Inmates* (version 2.6, 8 April 2022) 17-18.

28 The Commissioner may designate an inmate as High Security, Extreme High Security, Extreme High Risk Restricted or National Security Interest. This applies to inmates who are considered to constitute a danger (or extreme danger) to other people, or a threat (or extreme threat) to good order or security, and there is a risk that the inmate may engage in, or incite others to engage in, activities that are considered a serious threat to the peace or good order of a prison; see: Corrective Services NSW, *Factsheet 9: Classification and Placement* (May 2019).

29 Information provided by Corrective Services NSW, 6 February 2023.

2 Centre-wide issues and observations

2.1 Staffing

Mid North Coast CC had a staffing profile of 353 full-time equivalent (FTE), as outlined in Table 1.³⁰ From 2007 until early 2023, staff at Mid North Coast CC were employed under *the Crown Employee (Correctional Officers, Department of Communities and Justice) Award for Kempsey, Dillwynia, Wellington and John Morony* (KDWJ Award). As explained in our report on the inspection of Wellington CC,³¹ it was believed that the employment conditions under the KDWJ Award were less favourable and therefore centres operating under that award faced barriers to attracting and retaining staff. These barriers were particularly salient for Wellington and Mid North Coast CCs as the regional location of these centres already limited the candidate pool for filling custodial positions.

The KDWJ Award was rescinded by consent on 12 January 2023. Therefore, when we inspected Mid North Coast CC in May 2023, it had been a few months since the resolution of this issue which reportedly made a positive difference to staff morale. This, along with the easing of the restrictions related to the management of COVID-19 pandemic (such as the need for staff who were a close contact of a COVID-19 case to isolate), improved staffing numbers. We were advised that since January 2023, Mid North Coast CC had been able to retain its staff, employ new staff and attract a number of temporary staff from other centres.

During our inspection, Mid North Coast CC had sufficient staff to ensure the normal operation of the centre. We were pleased to observe that several custodial staff could attend a full-day training without a need for partial or full lockdown of the centre. Staff data showed that Mid North Coast CC had seven staff as 'reserves' during the week of our inspection.³²

We were, however, concerned by the high rate of absenteeism among the staff and the challenges it presented for maintaining normal operation. On 2 May 2023, a total of 21 custodial staff were on sick leave, 21 custodial staff were absent from work on workers compensation, and 13 custodial staff were working reduced hours as part of their return to work plans.³³ There were particular concerns about the staff shortages within the overseer portfolio and the adverse impacts this was having on the operation of industries.

It was reported that compared to 12 months ago, the number of lockdowns, especially those that occurred as a result of staff shortages, had fallen. While this was positive, our analysis of the centre data still showed a concerningly high number of lockdowns. In the period of January to March 2023, there were 43 instances where the centre was fully or partially locked down. While some of those lockdowns were triggered by security incidents, on 20 occasions full or partial lockdowns were the direct result of staff shortages.³⁴ Further, on seven additional occasions, lockdowns occurred when staff were redeployed to carry out unscheduled medical escorts. We argue that inadequate staff numbers often necessitate such redeployments.

We note that some sectors and some accommodation units within sectors experienced more frequent lockdowns. More detailed analysis of the lockdowns by sector is available in subsequent chapters of this report.

30 Information presented in Table 1 was provided by Mid North Coast Correctional Centre on 21 April 2023.

31 Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022* (Report, 2024) 17-18.

32 Information provided by Mid North Coast Correctional Centre, 2 May 2023.

33 We note that these numbers did not include absences among non-custodial staff.

34 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

Table 1: Staffing profile of Mid North Coast CC

Area	Position	Approved FTE
Custodial	Governor	1
	Manager of security	2
	Functional managers	10
	Senior correctional officers	42
	Correctional officers	151
Corrective Services Industries (CSI)	Operations manager	1
	Manager of industries	2
	Manager of business units	3
	Senior Overseers	12
	Overseers	32
	Administration clerk grade 1/2	2
Offender services and programs (OS&P)	Manager of offender services and programs (MOSP)	3
	Senior services and programs officer	5
	Services and programs officer (SAPO)	28
	Senior psychologist	1
	Psychologist	7
	Mentor	1
	Clerk grade 1/2 (HIPU)	1
Case management unit	Senior case management officer	2
	Case management officer	11
Education	Education services coordinator	1
	Assessment and planning officer	3
	Correctional education officer	1
	Literacy/numeracy teacher	4
Classification	Clerk grade 7/8	1
	Clerk grade 5/6	2
Sentence administration	Clerk grade 7/8	1
	Clerk grade 5/6	2
	Clerk grade 3/4	3
Custodial administration	Senior business manager	1
	Finance and administration manager	1
	Clerk grade 3/4	3
	Clerk grade 1/2	7
	General scale clerks	3
Operational support unit	Clerk grade 3/4	3
Total		353

Mid North Coast CC operated a hybrid roster of eight-hour and 12-hour shifts. This included an eight-hour day shift from 8am to 4pm, a 12-hour day shift from 6am to 6pm, and a 12-hour night shift from 6pm to 6am. All custodial staff in the two smallest sectors worked similar shift hours: in Sector 2 all staff worked eight-hour shifts and in Sector 3 all staff worked 12-hour shifts. As a result, Sector 3 provided the longest out of cell hours in Mid North Coast CC (around 10 hours as opposed to around 6.5 hours of time out of cell in other sectors). Staff assigned to Sectors 1 and 4 worked a combination of eight-hour and 12-hour shifts. However, the daily routine of those sectors remained based on eight-hour shifts.

When we visited Macquarie and Hunter CCs in late 2019 and early 2020, we observed the clear benefits of all custodial staff working 12-hour shifts. We saw that this model allowed for a structured day that spanned daylight hours with a full complement of custodial staff and therefore recommended the implementation of 12-hour shifts for other correctional centres to enable longer out of cell hours.³⁵ While it may be argued that the 12-hour shift model has the potential to reduce staff consistency (for example staff who work three consecutive days on 12-hour shifts could be on days off for the next six days), when implemented with the aim of providing longer out of cell hours, the benefits can outweigh the drawbacks.

At Mid North Coast CC, the inclusion of 12-hour shifts in the hybrid model did not result in longer out of cell hours. Many custodial staff found the hybrid model positive as it provided them with greater flexibility and helped them choose the shifts that aligned best with their life priorities. However, the way the model had been implemented did not provide any benefits for inmates while still reducing staffing consistency that both the management and inmates found challenging.

Mid North Coast CC's management believed that custodial officers who worked with higher needs inmates, for example those in the multipurpose units (MPUs), would benefit from working eight-hour shifts as they reduced fatigue and prevented burnout. As a result, they saw benefits in maintaining a hybrid model. If Mid North Coast CC is to keep the current hybrid roster, it should be implemented in a way that enables longer out of cell hours for all inmates, considering this was the primary purpose for introducing the 12-hour shifts.

Generally, we found most Mid North Coast CC staff to be committed to their work and cooperative in facilitating our work. However, we observed a lack of collegiality in some teams and heard allegations of bullying, harassment, and conflict among staff. We also directly observed an unprofessional exchange between two custodial staff around the procedure to distribute inmate tablets. The exchange was marked by disrespectful language and staff did not work well together to resolve the issue.

Mid North Coast CC's senior management acknowledged the issues regarding workplace culture and discussed the work they had been doing to address those issues. It included supporting managers to resolve the conflict within their teams, increasing accountability, offering training on workplace issues and respectful workplace relationships, and making referrals to CSNSW's Professional Standards and Investigations (formerly known as Professional Standards Branch).

CSNSW advises that it 'remains committed to improving workplace culture and staffing issues, addressing any systemic issues and supporting management in all locations with the necessary resources, advice and tools. The CSNSW Staff Support Culture and Wellbeing Directorate has been established and a Culture and Wellbeing Framework is being developed'.³⁶

In December 2020 there was a serious hostage incident at Mid North Coast CC in which two inmates assaulted two correctional officers and took one of them hostage for several hours. Such incidents which severely compromise the safety of staff can have long-term negative impacts on staff as individuals and on the social climate of a correctional setting. It was obvious from our conversations during the inspection that the incident was front of mind for many staff. However, this incident does not explain the totality of the organisational culture at Mid North Coast CC as a significant proportion of the current workforce joined after December 2020.

35 Inspector of Custodial Services, *Inspection of Macquarie Correctional Centre and Hunter Correctional Centre* (Report, 2020) 21.
36 Information provided by Corrective Services NSW, 5 November 2024.

We also directly encountered several instances of racist language and stereotyping of certain inmate groups. Some staff characterised challenging inmates in terms of their racial or cultural background. In Sector 2 we heard reports that a unit mainly accommodating Aboriginal inmates was referred to by some officers as 'the Mission' or 'Mount Druitt'. We also heard that in that sector a unit that held older female inmates was referred to as a 'retirement village'. These references lack professionalism and show discriminatory attitudes towards certain groups of people in custody.

Discriminatory and racist language create an unsafe environment for both Aboriginal inmates and Aboriginal staff who work at Mid North Coast CC. They can also act as a barrier to retaining and recruiting Aboriginal staff. We raised this issue with the governor of Mid North Coast CC at the conclusion of the inspection.

CSNSW advises that the executive team of Mid North Coast CC will liaise with the Corrective Services Academy and the Aboriginal Strategy and Policy Unit to ensure staff have access to relevant training.³⁷

Recommendation: Corrective Services NSW ensures that all staff at Mid North Coast Correctional Centre complete the Aboriginal cultural awareness and safety training.

It was positive to see that Mid North Coast CC provided a diverse range of training to custodial and non-custodial staff. The management encouraged staff to discuss ideas for training needs.

During our inspection and the week following, Mid North Coast CC offered a range of training, including:

- first aid training which was offered over three days in the week of the inspection, with a capacity for 20 participants each day
- a full-day course on the 'use of aerosol' which was provided in the week of the inspection and was completed by 19 officers
- baton recertification which was provided in the week of the inspection and was completed by 13 officers
- body worn camera training which was provided in the week of the inspection and was completed by 12 officers
- working with female offenders training which was provided in the week following our inspection and was completed by 15 staff.³⁸

In 2022, a total of 211 staff at Mid North Coast CC participated in training and 322 courses were completed. This is commendable. Courses available to staff in 2022 included:

- first aid
- disability awareness
- resilience
- workplace issues
- Method Of Entry (MOE)/ critical incident management
- respectful workplace relations
- unit/cell clearing.³⁹

37 Information provided by Corrective Services NSW, 5 November 2024.

38 Information provided by Mid North Coast Correctional Centre, 21 April 2023, 5 May 2023 and 14 June 2023.

39 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

2.2 Aboriginal inmates

Mid North Coast CC manages a significant number of Aboriginal people in custody. At the time of our inspection, 43% of people in custody in this centre were Aboriginal. This percentage remained consistent in the months prior to the inspection.

As Mid North Coast CC has such a consistently high number of Aboriginal people in custody, focus on the needs of this population will not be limited to this chapter. Throughout this report, we considered the experiences of Aboriginal inmates when we examined the custodial conditions of Mid North Coast CC, its treatment of inmates, and their access to rehabilitation services (work, programs and education).

2.2.1 Location of Mid North Coast CC

The site of Mid North Coast CC has significant cultural meaning to the Aboriginal community as a place for Aboriginal men's ceremonies and therefore a place for Men's Business where women are not permitted to be.⁴⁰ Despite this, Mid North Coast CC can hold up to 54 women, many of whom are Aboriginal. Throughout the inspection, Aboriginal women in Sector 2 expressed concerns about being held in an area that was culturally inappropriate. We also heard that this issue was well known not only within the local Aboriginal community, but also within the Aboriginal community at large.

It is acknowledged that prior to the construction of Mid North Coast CC, some efforts were made to determine the Aboriginal cultural heritage value of this site. In 2000, before the original development of Mid North Coast CC, an archaeological assessment of the site was conducted and some members of Aboriginal community were consulted. It was concluded at that time that there were no Aboriginal cultural heritage constraints to the construction of the Mid North Coast CC and therefore the construction commenced.⁴¹ However, due to the limitations in the scope of the assessment, a monitoring program was recommended and implemented during the construction. That monitoring program identified five Aboriginal sites.⁴² The construction nevertheless continued.

Another assessment was undertaken in 2017, prior to the expansion of the centre. That assessment did not identify any additional sites. However, it recommended the continued consultations with the Aboriginal community as well as the development of an education program which included information on the Aboriginal cultural heritage value of the area for any staff who worked in the centre.⁴³

The location of Mid North Coast CC presents a complex situation in which Aboriginal women who are local to the area can be accommodated on Country but in a correctional centre that is incompatible with their cultural requirements, or off Country and separated from family in another correctional centre.

We believe the best way to manage this situation is through meaningful engagement and consultation with the local Aboriginal community to develop appropriate cultural support for Aboriginal women in custody in Mid North Coast CC. This can help Aboriginal women feel culturally safe and consequently enables them to work towards rehabilitation.

Increasing the number of Aboriginal staff who work at this centre, especially at the sector accommodating women, can be another protective factor. Mid North Coast CC should also work towards increasing the knowledge of all staff about the cultural significance of the site the centre is built on and the associated issues.

40 Women's and Men's business and their separation are central to Aboriginal culture. There are certain places and practices that are strictly for women or for men. This tradition has been passed down through generations to protect sacred sites and ceremonial practices. Women's and Men's business can relate to health, upbringing, and maintenance of culturally significant places and sacred sites.

41 *Mid North Coast Correctional Centre, Kempsey NSW: Archaeological Survey for Aboriginal Sites* (an unpublished report for the NSW Department of Corrective Services, September 2000).

42 Niche Environment and Heritage, *Mid North Coast Correctional Centre: Aboriginal Cultural Heritage Assessment* (Report, September 2017).

43 Niche Environment and Heritage, *Mid North Coast Correctional Centre: Aboriginal Cultural Heritage Assessment* (Report, September 2017).

Moving forward, we encourage CSNSW to consult more widely and meaningfully with Aboriginal communities before developing any new correctional centres to ensure custodial infrastructure and the layout of the correctional centres are culturally appropriate for the Aboriginal population⁴⁴ and cultural protocols are not violated.

CSNSW maintains that it is committed to meaningful engagement with local Aboriginal community and provides that it does so through various initiatives such as Aboriginal Community Mentor Program, which creates connections and relationships with local Aboriginal communities and allows Aboriginal inmates to be mentored by Elders. CSNSW is also developing an Aboriginal Impact Statement with input from Aboriginal people and organisations to ensure CSNSW considers the impact of policies and procedures on Aboriginal inmates and their families.⁴⁵

Recommendation: Corrective Services NSW works closely with the local Aboriginal community to identify practical support that can be put in place at Mid North Coast Correctional Centre so women in custody feel culturally safe.

2.2.2 Aboriginal staff

At the time of our inspection, despite the high number of Aboriginal people placed at Mid North Coast CC, only 3.6% of staff identified as Aboriginal. According to the data we received, 4.3% of correctional officers and 5.4% of senior correctional officers were Aboriginal.⁴⁶ The percentage was much higher in the OS&P teams, with 19% of staff who were employed in one of the three OS&P teams identifying as Aboriginal.

Apart from the OS&P teams, the number of Aboriginal staff at Mid North Coast CC was insufficient and disproportionate to the number of Aboriginal people in custody.

As discussed in section 2.1, we formed views during this inspection that some staff members held negative and discriminatory views about Aboriginal people and lacked cultural awareness and capabilities in their professional interactions.

2.2.3 Support for Aboriginal inmates

While there were some targeted programs and activities for Aboriginal inmates across Mid North Coast CC, they were limited in scope.

Data provided by CSNSW and Mid North Coast CC showed that 35 inmates participated in the Aboriginal Cultural Strengthening program in 2022, 19 of whom completed the program. However, this program only ran for inmates in Sector 3 through the High Intensity Programs Unit (HIPU) and for the inmates in Sector 4.⁴⁷ Despite holding a large number of Aboriginal inmates, Sectors 1 and 2 (where women and some of maximum security men were placed) did not deliver this program in 2022.

In the first half of 2023, the Aboriginal Cultural Strengthening program was delivered twice from the HIPU and twice outside the HIPU. In total, 30 inmates participated in the program and 25 completed it.⁴⁸ We note that in the week of the inspection, this program was only being offered in the HIPU in Sector 3. It should also be noted that the Aboriginal Cultural Strengthening program does not teach Aboriginal culture and is not required to be facilitated by an Aboriginal person.

Mid North Coast CC had a relationship with the Time to Work Employment Service (TWES). This is a national voluntary in-prison program which aims to assist Aboriginal inmates to find employment upon their release from custody. This program targets sentenced Aboriginal prisoners who are

44 Inspector of Custodial Services, Draft *Inspection Standards for Aboriginal People in Custody in New South Wales*, Standard 1.2.

45 Information provided by Corrective Services NSW, 5 November 2024.

46 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

47 Information provided by Mid North Coast Correctional Centre, 21 April 2023 and Information provided by Corrective Services NSW, 9 October 2023.

48 Information provided by Corrective Services NSW, 9 October 2023.

between one and four months from their earliest possible release date.⁴⁹ Mid North Coast CC reported that this program re-commenced at the centre in October 2022 and until March 2023, a total of 57 inmates were supported to complete an employment transition plan. As of April 2023, another 20 inmates were waiting for a transition plan.⁵⁰

Recommendation: Corrective Services NSW reviews the programs and activities delivered at Mid North Coast Correctional Centre to ensure there is appropriate focus on the needs of Aboriginal inmates.

For Aboriginal people, art is a fundamental part of the way of life and cultural expression. Therefore, ensuring their access to arts supplies does not merely mean ensuring prisoners' access to a meaningful activity; it means providing Aboriginal inmates with an important outlet to practice their culture and express their identity and connection to the land and community.

During our inspection, we were pleased to see several Aboriginal men in Sector 3 who were engaged in painting, including two inmates who were creating a mural. However, the arts supplies, namely paint, canvases, and other painting tools were inaccessible. While canvases and paint were available to purchase, most Aboriginal inmates found the cost (at \$3.65 for a 12"x10" canvas panel and \$4.65 for a 16"x12" canvas panel) prohibitive, especially as they used them frequently. As a result, many inmates resorted to using other material as canvases. We saw multiple paintings by Aboriginal people in custody that were done on book covers, chess boards, and bedding.

We understand that CSNSW's Aboriginal Strategy and Policy Unit provides some funding to correctional centres for the provision of art supplies to Aboriginal inmates. As part of this, in the financial year of 2022-23, Mid North Coast CC received two payments of \$500.⁵¹ Evidently, this has been inadequate, especially given the number of Aboriginal inmates at Mid North Coast CC.

Being able to practice and express culture should not be contingent on an Aboriginal inmate's access to financial resources. Aboriginal people in custody should have access to a reasonable quantity of art supplies free of charge. We note that this issue was not limited to Mid North Coast CC and was observed in all of our recent inspections of centres with significant numbers of Aboriginal inmates. Therefore, we urge CSNSW to ensure that funding for art supplies for Aboriginal inmates is commensurate with the number of Aboriginal inmates held in a correctional centre.

It was positive to see that Mid North Coast CC had a full-time Aboriginal mentor. The mentor started in September 2022 in the OS&P team and had been providing cultural support to Aboriginal inmates since then. We understood that the position did not have an allocated spending budget and all requests for funding, for example resources to organise an event or an activity, needed to be sent to CSNSW's Aboriginal Strategy and Policy Unit for approval.

The Aboriginal mentor at Mid North Coast CC received referrals from around the centre. However, there was still a lack of awareness of (and at times support for) this role amongst the staff. The Aboriginal mentor role has a significant potential to improve the wellbeing of Aboriginal inmates. Stronger support by Mid North Coast CC staff can enhance the mentor's access to inmates and ensure a stronger presence throughout the centre. However, at the same time, it is important to note that in a correctional centre where half of the inmates are Aboriginal, all staff have a duty to be responsive to the needs of this population. Mid North Coast CC should ensure that the role of Aboriginal mentor is well understood by staff. This is to make sure the mentor promptly receives referrals for the issues that are within the scope of their role and for which they can provide support.

We were impressed with the Yarning Circle in Sector 2. It was in a central, outdoor location, easily accessible, and well-maintained. Sector 3 also had a cultural space for Aboriginal inmates that was accessible and had the potential to further grow through input from Aboriginal inmates.

The Yarning Circle in Sector 1 was adjacent to the Intensive Language Centre (ILC). Considering that access to the ILC was limited to the students and the ILC was underutilised, this Yarning Circle was

49 Australian Government, 'Time to Work Employment Service', *Department of Employment and Workplace Relations* (Web Page, undated) <<https://www.dewr.gov.au/time-work-employment-service>>.

50 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

51 Information provided by Corrective Services NSW, 21 June 2023.

inaccessible to most of the inmates in Sector 1. According to CSNSW, further Yarning Circles for Sectors 1 and 4 are currently being explored.⁵²

Yarning Circle in Sector 2 (women's area)



Applications for compassionate leave

An inmate may apply for compassionate leave if they need to attend a funeral, visit a seriously ill family member, or attend other events of family or cultural significance. According to the *Custodial Operations Policy and Procedures* (COPP), if this leave is not granted, the inmate may be approved to attend the event via audio visual link (AVL). It is emphasised that the AVL attendance 'should only be approved after full consideration has been given to the ability of the inmate to attend in person'.⁵³

At Mid North Coast CC, the majority of the applications for compassionate leave were made by Aboriginal inmates who wanted to attend a funeral. It is important that culturally appropriate criteria for leave to attend family funerals are established and implemented for Aboriginal people in custody.⁵⁴

We understood that a SAPO would assist an inmate who wanted to apply for compassionate leave by completing the relevant form and verifying the details of the event they wished to attend. The form would then be forwarded to the intelligence team to assess the security risks. A final decision was made by custodial management. This was in line with the procedures in the COPP.

During the inspection we heard concerns that decisions were not being communicated clearly or in a timely manner to inmates. The impact of this was that people did not know whether they could attend a funeral (either in person or via AVL) and needed to repeatedly follow up while they were grieving.

We requested the details of compassionate leave applications lodged between February and the end of May 2023, and received 35 applications. Almost all applications were for funeral attendance and 28 (or 80%) were made by Aboriginal inmates. We found that the applications varied in quality and many had crucial information such as the date of the decision missing. As a result, it was difficult to ascertain how long on average it took for applications to be approved from the date of submission. Reviewing those applications that did have all the dates showed that it could take up to nine days for some to be approved. Several applications were approved on the day of the funeral.

CSNSW advises that compassionate leave applications are considered on a case by case basis and in consideration of security and operational requirements of the centre.⁵⁵ Almost all funeral applications were approved for AVL attendance. While acknowledging that for many inmates there were valid reasons to only permit virtual attendance at funerals, the almost universal use of AVL did

52 Information provided by Corrective Services NSW, 5 November 2024.

53 Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.3 Application for compassionate leave* (version 1.2, 12 March 2020) 1.

54 Inspector of Custodial Services, Draft *Inspection Standards for Aboriginal People in Custody in New South Wales*, Standard 2.2.

55 Information provided by Corrective Services NSW, 5 November 2024.

not convince us that the centre was routinely considering in-person attendance as a viable option.

Recommendation: Corrective Services NSW ensures Mid North Coast Correctional Centre processes applications for compassionate leave promptly and communicates the outcome to the inmates in a timely manner. An auditable record should be maintained for each application.

2.3 Complexity of inmate population

Mid North Coast CC manages multiple different inmate cohorts. At the time of the inspection, the centre was managing sentenced and unsentenced male inmates across all security classifications (maximum, medium, minimum). Some of those inmates were SMAP and needed to be kept separate from other inmate cohorts. In addition, the centre was managing women on remand, as well as sentenced women with a minimum security classification.

During the inspection, it became clear to us that managing such a mixed prison population was not sustainable. Each of these inmate cohorts has its own unique needs and requires targeted measures to address them. It is not feasible for one correctional centre to address the needs of all of these cohorts properly and equitably and inevitably some will be disadvantaged. In Mid North Coast CC, people on remand and SMAP inmates were particularly disadvantaged.

One of the significant challenges for Mid North Coast CC was management of inmates in Sector 4 where half of the prisoners were SMAP and the other half were mainstream. These two groups needed to be separated and this created challenges in terms of inmate movements, carrying out routine tasks, delivering rehabilitation services, and providing health services. This issue was identified by staff as a key concern. Further, the diversity within the population of SMAP inmates created more challenges for Mid North Coast CC which had the potential to compromise the safety of this group and breach the centre's duty of care towards them. This issue is further explored in chapter 6.

We note CSNSW's statement that the management of inmate cohorts within a correctional centre is complex and their placement is dependent on a number of factors.⁵⁶ We acknowledge the complexities associated with the placement of inmates and a multitude of factors that need to be considered. However, the capacity of a correctional centre to cater for the needs of the inmates placed there is a key factor that needs to be considered. When a correctional centre accommodates multiple different inmate cohorts with varied needs, this capacity is often constrained.

2.4 Remand inmates

Mid North Coast CC is the publicly operated reception and remand centre for Northern NSW. Data obtained from the centre showed that at the end of January 2023, over half of the population of Mid North Coast CC was on remand and 6.6% of the population were appealing their sentences. This was similar to the breakdown of the population on the first day of our inspection, when 45% of inmates were on remand and 4% were appealing their sentences.⁵⁷ Many of those remand inmates were transferred from other areas of NSW because of CSNSW's Remand Bed Placement policy.⁵⁸

All sectors of Mid North Coast CC, except for Sector 3, housed a significant number of remand inmates, as shown in table 2.

Despite comprising such a significant percentage of the population of Mid North Coast CC, remand inmates were disadvantaged. They had limited access to remand programs, educational opportunities, some health services, and important resources such as computers and legal resources. The engagement of remand inmates in employment depended on their location. Those in Sectors 1 and 2 were largely employed, while the remand inmates in Sector 4 were largely unemployed.

56 Information provided by Corrective Services NSW, 5 November 2024.

57 Information provided by Corrective Services NSW, 7 December 2023.

58 On 11 July 2024 the Acting Commissioner of Corrective Services NSW wrote to the Inspector of Custodial Services and advised that the Remand Bed Placement policy was being revoked.

Table 2: Legal status of inmates at Mid North Coast CC (as of 1 May 2023)⁵⁹

Sector	Percentage of remand inmates	Percentage of inmates who were appealing their sentences	Percentage of sentenced inmates
1	54.6%	2.4%	43%
2	49%	4%	47%
3	2%	10.5%	87.5%
4	49.5%	3%	47.5%

The *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Mandela Rules) provide that unconvicted prisoners should benefit from a special regime and should be kept separate from convicted prisoners.⁶⁰ This is also reflected in the ICS Standards.⁶¹ The ICS Standards also emphasise that the management and care of remand inmates should acknowledge and minimise the particular stresses that confront them and ensure their conditions of imprisonment are not less than what is provided for sentenced inmates.⁶² These standards were not met at Mid North Coast CC.

While acknowledging that in some circumstances remand inmates are co-located with sentenced inmates, CSNSW maintains that it understands the specific needs and entitlements of this group, including access to visits and legal resources. CSNSW reports that it is undertaking a statewide review of the management of remand inmates and is developing strategies to enhance the overall provision of intervention to this cohort.⁶³

2.4.1 Placement of remand inmates

As remand inmates were not separated from sentenced inmates, their placement in the accommodation areas followed the same rules that were applied to sentenced inmates. In Sector 1 placement was organised according to an inmate's employment status and work location. In Sector 4 placement was organised by an inmate's protection status, and then according to their employment status. It should be noted, however, that almost all protection inmates in Sector 4 were unemployed and here it was an inmate's behaviour that largely influenced placement decisions. Sector 2 had a community living arrangement and in all accommodation units, sentenced and remand women lived together.

Overall, arranging placement based on the employment status meant that all unemployed inmates were placed in the same accommodation area, irrespective of the reason for their unemployment. Unlike those who have been convicted of a criminal offence, people on remand are not required to work. Therefore, people on remand could be unemployed due to a lack of work opportunities or because they chose not to work. They should not be punished for this choice. Sentenced inmates might be unemployed due to a lack of employment opportunities or because they have refused to work or have been dismissed from work due to incidents.

When inmates are assigned to accommodation units based on their employment status, these differences can be difficult to distinguish, and as a result, people on remand who are unemployed could be treated in the same punitive way as the inmates who are being disciplined for refusing to work or for bad behaviour at work. This was the case at Mid North Coast CC. We were concerned about the conditions of the accommodation areas that housed unemployed inmates as they often had limited time out of cell, faced frequent lockdowns, and had very limited access to purposeful activities.

⁵⁹ Information provided by Corrective Services NSW, 7 December 2023.

⁶⁰ *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 111.

⁶¹ Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 5.1.

⁶² Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standards 5.1 and 9.

⁶³ Information provided by Corrective Services NSW, 5 November 2024.

We note that lower regard for the needs of unemployed inmates along with a punitive approach towards sentenced inmates who refused to work or were dismissed from work were not issues unique to Mid North Coast CC. We observed these issues, to a varying degree, across all three regional centres that our team visited in 2022-2023 (Wellington CC, South Coast CC, and Mid North Coast CC). We believe this approach comes from the understanding that a centre is a 'working jail'. This understanding risks favouring the needs of industries at the expense of inmate programs and services, which are vital to meeting the correctional objective of reducing recidivism.

Recommendation: Corrective Services NSW ensures remand inmates at Mid North Coast Correctional Centre have access to required services and resources and are held in conditions that reflect their status as unconvicted.

Recommendation: Corrective Services NSW ensures Mid North Coast Correctional Centre accommodates remand and sentenced inmates separately.

2.4.2 Contact with legal representatives

Inmates on remand and inmates who are appealing their sentences have the highest demand for legal support from lawyers. Inmates at Mid North Coast CC could receive in-person legal visits from Monday to Friday between 9am and 2pm. However, similar to what we observed in other correctional centres since the onset of COVID-19 pandemic, legal representatives had been primarily arranging their visits virtually via AVL.

Mid North Coast CC had 14 AVL suites that were being used for virtual social visits on Saturdays and for court appearances as well as legal and professional virtual visits during the week.

Five of those AVL suites were located in Sector 1 where there was a holding area and an AVL office from where inmate movements and their appointments were coordinated. The other nine suites were located in various accommodation blocks of Sector 4. Most blocks in that sector had two AVL suites, except for V1 block which only had one suite.

Sector 4 did not have its own dedicated AVL office and the officers working in the AVL area of Sector 1 coordinated the appointments of inmates in Sector 4 as well. This was reported to be challenging as, in addition to managing the appointments and movements of inmates remotely and via contact with staff in Sector 4, the AVL staff needed to navigate the complexities of the Sector 4 population. They were often limited in the AVL suites they could use as they needed to ensure inmates from certain groups did not have an opportunity to mix.

The demand for virtual legal and professional visits at Mid North Coast CC was high and there were insufficient AVL suites to address the needs of a centre with such a large population. The unequal distribution of AVL suites among the sectors further limited the availability of appointments for some groups of inmates, especially for those in Sectors 1, 2, and 3.

This is particularly of concern as Sectors 1 and 2 held a significant number of remand inmates. People on remand need to speak with and provide instructions to their legal representatives in a timely manner. Delays in speaking with legal representatives can also impact court cases as they may need to be adjourned and delayed.

The limited availability of AVL suites meant even with staff prioritising legal visits, there was a limit of 50 legal visits that could be arranged on any day. At the time of the inspection, there was a two-week wait for lawyers to speak with their clients in custody at Mid North Coast CC. Staff reported that they tried to work with lawyers and find room for urgent appointments but they were ultimately limited by the number of virtual visits that could be arranged with the current infrastructure.

CSNSW advises that the Audio Visual, Strategy and Business Links team is working with Mid North Coast CC to overcome scheduling difficulties and utilise available infrastructure within the centre. CSNSW expects that the capacity for legal bookings will increase in the near future.⁶⁴ We will monitor the progress of this matter.

64 Information provided by Corrective Services NSW, 5 November 2024.

Lockdowns resulted in the cancellation of legal AVL visits. While at the time of the inspection, the number of lockdowns due to short staffing had slightly reduced, they continued to happen as a result of security incidents. For example, in response to an incident that occurred during the inspection, the pod in Sector 4 where the incident happened was locked down for several consecutive days. That pod accommodated a large number of remand inmates and any AVL legal visits arranged for those inmates would have been cancelled. We understood that when a legal visit was cancelled, staff rescheduled the visit but given the long waiting list, this could significantly delay the opportunity for inmates to speak with their legal representatives.

It is essential that correctional centres ensure that inmates can engage with their ongoing criminal proceedings promptly. The COPP states:

Governors or Manager of Security (MOS) in charge of a correctional centre must ensure inmates have access to, and are not hindered in their attempts to gain access to, legal resources.

This includes their own legal representative, Legal Aid NSW, Aboriginal Legal Service (ALS) providers and other Court officers.⁶⁵

The COPP acknowledges that from time to time, an inmate may be unavailable or delayed in attending a scheduled AVL legal visit due to reasons such as correctional centre emergencies. In such cases, the COPP provides that the centre needs to have a Local Operating Procedure (LOP) that offers instructions on how to minimise such delays.⁶⁶ An LOP was not in place at Mid North Coast CC to support custodial officers to minimise such cancellations, especially when they are the result of unscheduled centre lockdowns.

Recommendation: Corrective Services NSW undertakes a review of the number of AVL suites in different areas of Mid North Coast Correctional Centre and ensures there is appropriate access to virtual legal visits.

2.4.3 Access to legal resources

Inmates on remand and inmates who are appealing their sentences must be provided with access to up-to-date Australian legislation and sentencing information. This is ordinarily provided through the CSNSW Legal Info Portal, a secure internal CSNSW website which is available on networked 'green' computers. Hard copy legal reference books should also be available in the correctional centres' libraries.⁶⁷

Inmates should also have access to computers that are not networked ('blue' or 'red' computers) to view their legal material supplied on a removable storage device by their legal representative. This is the preferred method of supplying inmates with legal material as there are privacy concerns around inmates storing or reading paper documents in their cells. Inmates should also be able to access those computers to prepare legal documentation.⁶⁸

Access to legal resources at Mid North Coast CC was inadequate. Women on remand in Sector 2 had inadequate access to legal resources. While a number of computers were available in Sector 2, they were only used for the completion of numeracy and literacy assessments and were not available to women who needed to prepare for their court proceedings. We also did not see any legal reference books in the library of this sector.

We inquired about the number of legal computers across Mid North Coast CC. The centre only provided the details of 'blue' computers, which confirmed there were none in Sector 2. There

65 Corrective Services NSW, *Custodial Operations Policy and Procedures: 20.8 Inmate access to legal resources* (version 1.2, 4 November 2021) 4.

66 Corrective Services NSW, *Custodial Operations Policy and Procedures: 20.4 AVL for legal and court matters* (version 1.5, 31 July 2023) 15-16.

67 Corrective Services NSW, *Custodial Operations Policy and Procedures: 8.4 Inmate libraries* (version 1.3, 21 August 2023) 7.

68 Corrective Services NSW, *Custodial Operations Policy and Procedures: 20.8 Inmate access to legal resources* (version 1.2, 4 November 2021).

was only one 'blue' computer in Sector 1 which was in B pod. Considering that all pods in Sector 1 accommodated remand inmates, it was unclear how the inmates in other pods could access this computer. Each block of Sector 4 had one 'blue' computer. No 'blue' computers were available in Sector 3.⁶⁹ This sector generally does not hold remand inmates, although on the first day of the inspection, 10.5% of its population were appealing their sentences.⁷⁰ Despite requests, we did not receive any information on 'green' computers.

CSNSW advises that the Corrective Services Academy is in the process of reviewing inmate access to legal resources at the Mid North Coast CC, whilst a LOP will be developed with regards to library operations within the centre.⁷¹

Recommendation: Corrective Services NSW ensures Mid North Coast Correctional Centre improves inmate access to legal resources and computers to view and prepare legal documentation.

2.5 Safety and security

Different types of security measures – physical, procedural, and dynamic⁷² – need to be balanced to ensure that correctional centres are safe and secure. To assess those security measures, in our inspection of Mid North Coast CC, we:

- looked at the infrastructure of the centre
- reviewed incident reports and statistics relating to the use of force, assaults, fights, and discovery of contraband
- reviewed disciplinary breaches
- reviewed selected closed-circuit television (CCTV) footage
- spoke to relevant staff
- observed the interactions between officers and inmates as well as the centre's approach to procedural security.

As mentioned before, the serious incident at Mid North Coast CC in December 2020 had a significant impact on the centre. Despite taking several steps to manage the aftermath (including a change in management, recruitment of new staff, and some infrastructure changes), we felt the centre was still dealing with the residual impacts of that incident. We observed a state of hypervigilance during our interactions with some staff that we believe could affect the way risks were assessed and incidents responded to.

CSNSW advises that work is underway through the Culture and Wellbeing Framework to deploy further wellbeing supports across all correctional centres and expects that such support will provide staff with further strategies to assist in the management of their day to day work.⁷³

The centre management reported ongoing work to emphasise the importance of dynamic security and believed this had improved. While this is positive, we found dynamic security lacking in several

69 Information provided by Mid North Coast Correctional Centre, 11 July 2023.

70 Information provided by Corrective Services NSW, 7 December 2023.

71 Information provided by Corrective Services NSW, 5 November 2024.

72 The United Nations Office on Drugs and Crime in its Handbook on Dynamic Security and Prison Intelligence (December 2015) defines those security measures: Physical security is a fundamental aspect of prison security which includes the architecture of the prison buildings and physical aids to security such as locks, cameras, alarm systems (internal and external), and x-ray machines. Procedural security is a clearly understood set of procedures that describe how and when staff should perform certain security-related tasks, such as CCTV monitoring, searches, and inmate counts and movements. According to this handbook while physical and procedural security arrangements are essential, they are not sufficient in themselves. Security also depends on an alert group of staff who interact with, and know the prisoners, and are aware of what is happening in the prison. This concept is often described as dynamic security and is strengthened by positive staff-prisoner relationships, a sense of wellbeing among prisoners, and their engagement in constructive and purposeful activities.

73 Information provided by Corrective Services NSW, 5 November 2024.

accommodation areas, particularly in Sector 3 and parts of Sector 4 where we rarely saw interactions between officers and inmates. We note these were the accommodation areas which were operating at close to capacity during the inspection and had a large number of inmates who were not engaged in programs, education, or work. In these situations, dynamic security is even more important.

2.5.1 Inmate discipline

Table 3 below provides the most common breaches of correctional centre regulations by inmates at Mid North Coast CC in 2022.

We analysed the data presented in this table as well as the more detailed data obtained for the month of January 2023, in order to better understand the details of the breaches of correctional centre regulations, the adjudication process, and the associated penalties.

In January 2023, Mid North Coast CC recorded 131 misconduct-related incidents and in 128 cases inmates were found to be guilty.⁷⁴ A total of 106 inmates were charged during this period. The top five misconduct-related incidents were: failing to comply with correctional centre routine (39), physical aggression (assault, fighting, or throwing an article) (37), disobeying directions (17), possession of drugs or drug implements (15), and property offences (property damage or stealing) (10).⁷⁵

Table 3: Most common breaches in Mid North Coast CC in 2022⁷⁶

Breaches from January to December 2022	Number
Charges against good order	728
Fighting or assault	192
Property damage	179
Drug charges	127
Abusive behaviour	104

In around 30% of the cases, inmates were charged with two or three offences as a result of one incident. There were instances where this was reasonable. For example, when during a cell search multiple types of contraband were found and the inmate was charged with offences relating to each category of contraband. However, we were concerned by the number of cases in which inmates were charged with 'failing to comply with correctional centre routine' in addition to another offence and in response to one incident. It was often unclear why the charge of 'failing to comply with correctional centre routine' was included.

We note that in its own motion investigation into the administration of the NSW inmate disciplinary system published in August 2024, the NSW Ombudsman found that the offence of 'failing to comply with correctional centre routine' has been regularly misused by correctional centres and described this offence as one of the 'catch-all or fallback offences for a wide range of conduct, added onto or instead of another charge that would have more directly matched the reported conduct'.⁷⁷

The *Crimes (Administration of Sentences) Act 1999* (the CAS Act) provides that when it is alleged that an inmate has committed a correctional centre offence, the governor or a delegated officer can charge the inmate, conduct an inquiry into the allegation and if they are satisfied beyond reasonable doubt that the inmate is guilty, they can impose penalties.⁷⁸ According to the CAS Act, the governor or a delegated officer:

74 In this period, two charges against inmates were dismissed and in one case the inmate was found not guilty.

75 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

76 Information provided by Corrective Services NSW, 3 April 2023.

77 NSW Ombudsman, *Investigation into inmate discipline in NSW Correctional Centres: A special report under section 31 of the Ombudsman Act 1974* (Report, August 2024) 48.

78 *Crimes (Administration of Sentences) Act 1999 s 52 and s 53.*

may impose one (but not more than one) of the following penalties –

- (a) reprimand and caution,
- (b) deprivation, for up to 56 days, of such withdrawable privileges as the governor may determine,
- (c) confinement to a cell for up to 7 days, with or without deprivation of withdrawable privileges,
- (d) cancellation of any right to receive payments under section 7 for up to 14 days, but to the extent only to which those payments are additional to the payments made at the base rate to inmates generally or to inmates of a class to which the inmate belongs.⁷⁹

Section 163 of the *Crimes (Administration of Sentences) Regulation 2014* (CAS Regulation) defines the term ‘withdrawable privileges’ referred to in the CAS Act. Those privileges include the ability to purchase goods (‘buy-ups’), use of telephone (noting that phone access to legal practitioners and exempt bodies cannot be withdrawn), participation in contact visits, keeping of approved personal property (including goods purchased or hired), permission to be absent from a correctional centre under a local leave permit, and use of library facilities.

At Mid North Coast CC, withdrawing access to buy-ups was the most common penalty issued for breaches of correctional centre regulations. In almost 60% of the cases (76 out of 128 incidents), the penalty of ‘off buy-up’ was issued to inmates and this withdrawal of privilege lasted between seven to 56 days. In 11 other cases the penalty of withdrawing access to all amenities (or privileges) was issued. While the centre sometimes excluded some privileges from this penalty, this was never applied to buy-up access (at least in the month of January 2023).

The second most common penalty in January 2023 was confinement to cell which was issued in response to 46 incidents. This was followed by reprimand and caution (14 cases), and loss of contact visits (9 cases).⁸⁰

We also observed the overuse of ‘off buy-up’ penalty in 2022. In that year, loss of buy-up was the most used penalty and was issued 974 times (out of the total of 2,585 penalties). Additionally on 145 further occasions, inmates lost access to all amenities which, as mentioned, included the ability to purchase goods. While withdrawing access to buy-ups is a lawful punishment, we caution against the excessive use of this penalty as it can increase the risk of standover.

Of greater concern, we observed several cases where inmates were issued with multiple penalties for one correctional centre offence. In all cases, those penalties included a period of cell confinement along with a longer period ‘off buy-up’.

When providing the list of penalties that could be imposed in response to offences in custody, the CAS Act states that only one of the listed penalties can be imposed. The CAS Act permits the penalty of ‘confinement to a cell for up to 7 days, with or without deprivation of withdrawable privileges’. However, we believe this only permits the withdrawal of privileges (such as access to buy-ups) during the period of cellular confinement and not beyond that. Therefore, the practice of Mid North Coast CC to confine inmates to cells and withdraw their access to buy-ups for a longer period than the cell confinement, is not compliant with the provisions in the CAS Act and should cease.

This finding is in line with the recently published findings of the NSW Ombudsman. In the report of its own motion investigation into NSW inmate disciplinary system, the NSW Ombudsman highlighted advice from Senior Counsel that

in cases where the withdrawal of privileges is imposed for a greater time than the duration of the cell confinement for the one offence, the inmate in fact receives 2 penalties rather than 1 – deprivation of withdrawable privileges pursuant to section 53(1)(b) and cell confinement pursuant to section 53(1)(c). Senior Counsel advised that imposing 2 penalties for 1 offence in such a way

79 *Crimes (Administration of Sentences) Act 1999* s 53.

80 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

was contrary to the limitation provided for by the CAS Act. Rather, if privileges are to be withdrawn together with confinement, the deprivation of withdrawable privileges must be limited to the same amount of time as the cell confinement, in order to be characterised as part of a single penalty under s 53(1)(c) of the CAS Act.⁸¹

In its submission and in response to our observations about inmate discipline, CSNSW reports that it is in the process of responding to the report by the NSW Ombudsman and is developing a comprehensive remediation plan to improve the current practice in the short term. CSNSW will then undertake substantive systemic reform following internal review of legislation, policy and practice.⁸² We welcome these undertakings and continue to monitor this matter closely.

Mid North Coast CC had a LOP in place in relation to inmate misconduct process. We reviewed that document and found it was mostly consistent with the CAS Act and the COPP. However, we found the information relating to the rank of correctional officers who could charge an inmate to be contradictory.

Since 2018 and following changes to the policy, governors are allowed to delegate all functions in relation to inmate discipline to certain senior officers. According to the COPP, those delegated officers are managers of security and functional managers. The COPP provides that while any officer of any rank can report a correctional centre offence, only governors or their delegated officers, can charge an inmate and deal with those offences.⁸³

We agree with the NSW Ombudsman's finding that this policy change in itself is of concern as it has removed a level of centralised oversight by each governor of the administration of inmate discipline in their centres. This is because prior to this policy change, only governors could make determinations about the guilt and any penalties, based on a recommendation by an officer who conducted the inquiry into the charge. Therefore, an inmate could make representations to the governor if they considered the process of the inquiry into the charge and the recommended finding or penalty to be unreasonable.⁸⁴

Mid North Coast CC's LOP appears to bring the delegation to a lower level which is not in line with the provisions in the COPP. The LOP begins by stating that 'the Governor or their delegated officers (Senior Correctional Officers) may exercise the functions of dealing with correctional centre offences, charging inmates with these offences, and conducting inquiries into alleged offences'.⁸⁵ It then provides another direction, stating that delegated officers meant 'Manager [of] Security, Senior Assistant Superintendent or any officer acting in the position of Principal or any officer acting in the position of Principal being authorised by the Governor under delegation to exercise certain functions regarding correctional centre offences'.⁸⁶ The initial reference to 'Senior Correctional Officers', despite the later clarification, should be removed.

Recommendation: Corrective Services NSW ensures the penalties issued by Mid North Coast Correctional Centre to inmates guilty of correctional centre offences comply with the legislation.

Recommendation: Corrective Services NSW reviews the local operating procedure of Mid North Coast Correctional Centre to ensure it provides clear instructions about dealing with correctional centre offences and is compliant with the policy.

81 NSW Ombudsman, *Investigation into inmate discipline in NSW Correctional Centres: A special report under section 31 of the Ombudsman Act 1974* (Report, August 2024) 30.

82 Information provided by Corrective Services NSW, 5 November 2024.

83 Corrective Services NSW, *Custodial Operations Policy and Procedures: 14.1 Inmate discipline* (version 1.1, 12 March 2020) 5-6.

84 NSW Ombudsman, *Investigation into inmate discipline in NSW Correctional Centres: A special report under section 31 of the Ombudsman Act 1974* (Report, August 2024) 44-45.

85 Information provided by Mid North Coast Correctional Centre, 14 June 2023.

86 Information provided by Mid North Coast Correctional Centre, 14 June 2023. Please note that the *Crimes (Administration of Sentences) Regulation 2014* cls 316 provides the order of ranking of correctional officers, listing manager of security, deputy superintendent, senior assistant superintendent and principal correctional officer in a descending order. All of those ranks are above the rank of senior correctional officer. Functional managers often hold the rank of senior assistant superintendent.

2.5.2 Assaults and fights

From 1 February 2022 to 31 January 2023, there were seven inmate assaults on staff at Mid North Coast CC. These were dispersed across that period with no inmate-on-staff assaults being recorded for seven of those 12 months. May and June 2022 each recorded two assaults on staff.

In the same period, there were 179 inmate-on-inmate assaults. In most months the number of inmate-on-inmate assaults was in double digits. The only exceptions were the months of June and November 2022 as they recorded nine assaults each. The highest number of inmate-on-inmate assaults in one month was 22 assaults which occurred in December 2022.⁸⁷

In preparation for the inspection, we also requested and reviewed reports concerning violent incidents that occurred in the first quarter of 2023. In that period, Mid North Coast CC recorded three assaults on staff, 22 inmate-on-inmate assaults, and 21 incidents of inmates fighting. These incident reports indicated that most inmate-on-inmate assaults and fights occurred in Sector 4. Most of the assaults were not witnessed by staff when they occurred but were identified later due to the victims having visible injuries or inmates disclosing that they had been assaulted.⁸⁸

2.5.3 Response to incidents

Between 1 February 2022 and 31 January 2023, force was used 109 times at Mid North Coast CC, with a high of 17 uses in March 2022.⁸⁹

We reviewed in more detail the incident reports concerning the use of force in the first quarter of 2023 (the quarter preceding our inspection). In that quarter, force was used 17 times, and included the deployment of chemical munitions on two occasions. Most uses of force and both incidents of chemical munition deployment occurred in Sector 4.

Our review of the incident reports in the quarter preceding the inspection showed that, overall, responses to incidents were appropriate and proportionate to risk. When senior staff reviewed the reports on the use of force and identified gaps in practice (such as staff not turning on their body-worn cameras while responding to an incident), local remedial actions were proposed. When there was an obligation to report the use of force incident, they were referred to the Use of Force Committee.

On the afternoon of 2 May 2023, we were on site when a fight broke out between a group of inmates in Sector 4 and resulted in one inmate being seriously assaulted and requiring hospital escort. We viewed the live CCTV footage and were satisfied that the use of chemical munitions was appropriate, given the scale of the incident.

We later requested records, including all CCTV footage, related to that incident. It was positive to see that the acting governor had identified an issue which was subsequently referred to the Use of Force Committee. The issue related to deployment of chemical munition by a correctional officer towards the inmates in the yard adjacent to where the fight happened. Those inmates were watching the incident but did not pose a safety risk to staff and were not engaged in any fights themselves. It was also identified by the acting governor that the reports supplied by other staff did not make a reference to this incident.

2.5.4 Drugs and contraband

Data obtained from CSNSW showed that from 1 February 2022 to 31 January 2023, there were 188 instances of drugs being found, 80% of which related to buprenorphine. There were also 92 instances of drug paraphernalia being found which primarily included syringes and needles. In this period, there were eight lab confirmed positive urinalyses.⁹⁰

87 Information provided by Corrective Services NSW, 6 February 2023.

88 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

89 Information provided by Corrective Services NSW, 6 February 2023.

90 Information provided by Corrective Services NSW, 6 February 2023.

We also reviewed the incident reports concerning findings of contraband in the first quarter of 2023. In total, contraband was found on 90 occasions in that period. In at least seven of those occasions, multiple contraband items were found in one search. Half of the contraband discovered in that period, related to drugs (primarily buprenorphine) or drug paraphernalia (primarily syringes). On 24 occasions, weapons (gaol-made knives in all instances) were found. Further, on nine occasions staff found tattoo equipment and on seven other occasions they confiscated gaol-made alcohol. There were also instances in which mobile device chargers, tools, or sewing needles were found.⁹¹

2.6 Rehabilitation

We observed that some groups of inmates at Mid North Coast CC had better access to rehabilitation services than others. Poor access to inmates was identified as one of the key barriers to delivering those services, especially programs and education. This was attributable to the challenges in moving inmate groups around the centre due to staffing issues and staff shortages, in combination with a complex and mixed inmate population.

Some of the accommodation areas of Mid North Coast CC had a high employment rate. While this is positive, not all inmate cohorts had access to adequate employment opportunities. It is also important that there are balanced opportunities for inmates to work and to participate in programs and education. At the time of the inspection opportunities to work were being prioritised at a cost to participation in programs and education.

2.6.1 Programs

Programs delivered at Mid North Coast CC in the first half of 2023 are listed in Table 4. Programs provided in each sector are analysed further in the chapters focusing on those sectors. Overall, the number of programs at Mid North Coast CC was low. The centre also had two HIPUs in Sectors 2 and 3, which were underutilised.

At the time of the inspection, three OS&P teams operated at the centre, all of them reported to be facing varying degrees of staff shortages. One of the OS&P teams was responsible for the delivery of programs in Sector 1 as well as non-HIPU programs in Sectors 2 and 3. This team was meant to operate with one MOSP, two services and programs team leaders (SAPTL) and eight SAPOs. The Aboriginal mentor was also part of this team. At the time of the inspection, this team had one MOSP, one SAPTL, five SAPOs, and one Aboriginal mentor.

The second team was responsible for the delivery of programs in the HIPUs in Sectors 2 and 3. This team had an official profile of one MOSP, two SAPTLs, and 12 SAPOs. However, at the time of the inspection, it was operating with one MOSP, two SAPTLs, and six SAPOs.

The third OS&P team was primarily responsible for the delivery of programs in Sector 4. The team's staffing profile included one MOSP, one SAPTL, and eight SAPOs. At the time of the inspection, one SAPO was absent. We understood that six of the SAPOs in this team focused on the delivery of programs for sentenced inmates in Sector 4, while the other two focused on the delivery of programs for remand inmates across the centre.

On the first day of the inspection, there were 347 remand inmates at Mid North Coast CC.⁹² Allocating only two SAPOs to such a large and high-needs group is inadequate and can explain the scarcity of programs for remand inmates. Further, the placement of these SAPOs within the Sector 4 OS&P team inevitably meant remand inmates in Sectors 1 and 2 were disadvantaged.

We note that by referring to programs for remand inmates, we do not refer to criminogenic rehabilitation programs as they target sentenced prisoners. Remand inmates can participate in remand programs that focus on issues such as substance use and domestic violence. At the time of the inspection, only remand inmates in Sector 4 could participate in remand programs. This was due

91 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

92 Information provided by Corrective Services NSW, 7 December 2023.

to a number of reasons, including the limited number and reach of the SAPOs who were allocated to this group. Mid North Coast CC should put measures in place to ensure remand inmates from across the centre can participate in remand programs when they are able and eligible to do so.

Table 4: Programs delivered by CSNSW at Mid North Coast CC from January to June 2023⁹³

Program name	Number of programs	Participants	Number of inmates completing programs	Completion rate
HIPU	N/A	52	25	48%
Short Sentence Intensive Program (SSIP)	N/A	95	24	25%
CONNECT (excluding those who participated as part of a HIPU or SSIP)	1	9	9	100%
CONNECT (as part of HIPU)	5	41	34	83%
CONNECT (as part of SSIP)	3	30	22	73%
Rolling CONNECT	0	0	0	N/A
EQUIPS Foundation (all delivered in HIPU or as part of SSIP)	4	45	32	71%
EQUIPS Addiction ⁹⁴	8	76	48	63%
EQUIPS Aggression (all delivered in HIPU or as part of SSIP)	2	16	16	100%
EQUIPS Domestic and Family Violence (all delivered in HIPU or as part of SSIP)	1	7	7	100%
Real Understanding of Self-Help (RUSH) (delivered outside of the HIPU or SSIP)	2	15	9	60%
Aboriginal Cultural Strengthening Program (delivered as part of HIPU)	2	15	13	87%
Aboriginal Cultural Strengthening Program (excluding those who participated as part of a HIPU or SSIP)	2	15	12	80%
Aboriginal Cultural Strengthening Program (delivered as part of the SSIP)	0	0	0	N/A

As mentioned, one of the reasons for the limited availability of programs at Mid North Coast CC was staff shortages within the OS&P teams. This was primarily the result of staff being on workers compensation. High workload, challenges faced during program delivery, and staffing issues within teams were reported to be the main contributing factors to these absences. There were also a few staff who were on secondments for further professional development.

In one or two cases when a SAPO was on extended leave, correctional officers temporarily backfilled their role. While this provided the teams with added resources for tasks such as completing case plans, it did not address the gaps that existed in program delivery as custodial staff are not able to facilitate programs.

⁹³ Information provided by Corrective Services NSW, 15 September 2023 and 9 October 2023.

⁹⁴ The majority of EQUIPS Addiction programs were delivered as part of the SSIP and the HIPU. One EQUIPS Addiction program was offered outside of HIPU and SSIP, with 12 participants and 83% completion rate.

Ensuring that each OS&P team has a full staffing profile will certainly address some of the issues related to the delivery of programs and the provision of services. However, we do not believe that increased resourcing can address all of the issues we observed in relation to the functioning of OS&P teams at Mid North Coast CC.

We believe that in addition to ensuring that OS&P teams are adequately resourced, the performance and structure of those teams need to be further reviewed to ensure an appropriate level of support is in place so these teams can function optimally.

Recommendation: Corrective Services NSW reviews all offender services and programs teams at Mid North Coast Correctional Centre to ensure they are adequately resourced, their resources are adequately distributed, and they have appropriate support and training to perform their roles.

2.6.2 Employment

The business units operating at Mid North Coast CC were:

- Furniture (divided into furniture-East and furniture-West which were both in Sector 1 and a furniture workshop in Sector 4)
- Upholstery
- Food Services
- Laundry
- Buy-ups
- Textiles
- Horticulture

Inmates could also work in internal service industries, such as internal and external grounds maintenance, hygiene, and recycling.

We observed a high employment rate amongst the inmates in Sector 1 and the mainstream inmates in Sector 4. Many of the employment opportunities were meaningful and provided inmates with employable skills.

Staff shortages negatively affected the operation of some industries. As mentioned earlier, there was a high number of vacancies within the overseer portfolio. Further, when centre-wide staff shortages resulted in re-deployment of staff who were initially assigned to the industries, those areas had to cease operation for the day which could result in inmate workers being locked in their cells.

Mid North Coast CC provided the number of days that each business unit was closed in the period from 1 January to 31 May 2023. The total number of working days in this period was 103 days (considering that almost all industries worked between Monday to Friday⁹⁵ and taking into account the CSI's shutdown period over the new year break which ended on 9 January). Industries with the highest number of non-operating days were furniture-West which was non-operational for 74 days, furniture-East which was non-operational for 67 days, textiles which was closed for 38 days, and upholstery workshop which did not operate for 37 days.⁹⁶

Mid North Coast CC advised that the furniture units in Sector 1 were closed for five weeks to re-tool for new customer requirements and to install a dust extraction system. While this explains some of the non-operational days, it appears that staffing shortages were still the main contributing factor to the long periods of closure. We mentioned that some of the industries provided inmates with valuable skills. Frequent closures of business units will reduce the capacity of those industries to do so.

95 Food services unit in Sector 4 operates all week, including on the weekends.

96 Information provided by Mid North Coast Correctional Centre, 14 June 2023.

Of greater concern was how Mid North Coast CC managed inmates who refused to work and those who were dismissed from work. At the time of the inspection, a punitive local policy with staged sanctions was being applied to sentenced inmates who refused to work or were dismissed from work. According to that policy, when inmates refused to work, they were charged with refusing to comply with a lawful direction and moved from their accommodation pod to E pod in Sector 1. Inmates who were dismissed from work due to misconduct were charged with relevant misconduct and also moved from their accommodation pod to E pod in Sector 1. They were then managed according to a staged 'management contract'.

Initially inmates were placed on stage 1 sanctions which would last for 21 days. Inmates subject to those sanctions did not receive any wage payments, were locked in cells from Monday to Friday with only three hours out of cell (between 8am to 11.30am) each day, and lost access to buy-ups for 21 days. On day 14, inmates were offered work, not necessarily at their previous work location or at their previous employment level. If they did not accept that offer, they were placed on stage 2 sanctions which were more punitive and lasted for 28 days.

Inmates subject to stage 2 sanctions would be locked in cell for the entire week (including weekends) with only three hours out of cell each day. They continued to receive no wage payment and no access to buy-ups. Additionally, they were limited to one contact visit in that 28-day period and lost their access to selected electrical items (including TV and radio). They were also barred from accepting money from outside sources. At the end of this period, they were offered work, again not necessarily at their previous work location or employment level. Those inmates who had gone through both stage 1 and stage 2 sanctions in a six-month period became subject to a classification and placement review, likely resulting in transfer to another centre.

This local policy was disproportionate and likely unlawful. We were troubled to hear that inmates who refused to work or were dismissed from work were faced with triple punishments in the first stage and with more in the second stage.

We were also concerned by the relocation of inmates subject to these sanctions to E pod in Sector 1, an accommodation unit that was also housing unemployed remand inmates and new reception inmates. This relocation effectively turned the E pod into a punishment unit and placed little value on the needs and status of remand inmates in that area.

We brought our concerns to the attention of the centre management at the end of the inspection and recommended that Mid North Coast CC cease applying this local policy. We were advised that this occurred.

Mid North Coast CC should continue to ensure that inmates who refuse to work or are dismissed from work are managed lawfully and in line with the policy and legislation. We also caution the centre against using overly punitive approaches to respond to refusals to work as our observations have shown these approaches are rarely effective.

2.6.3 Education

The CSI education teams across correctional centres usually have an education service coordinator (ESC) who is tasked with coordinating the delivery of education services, and assessment and planning officers (APO) who assess the education needs of inmates.

The CSI education team at Mid North Coast CC reported ongoing staffing shortages. The full staffing profile for this team was one ESC and three APOs. Reportedly, the team only gained the full complement of staff in December 2022, having had to operate without it for three years. We understood that shortly after gaining the full staffing profile, the team again lost an APO and at the time of the inspection was operating with one experienced ESC and two relatively new APOs. Expressions of interest had been invited to fill the third APO position.

In July 2017 and as part of the 'Better Prisons' reforms, CSNSW implemented a new service delivery model for the provision of education and vocational training to inmates. As part of this model, external education providers such as BSI Learning and TAFE NSW were tasked with delivering most

of the education services, replacing the majority of CSNSW-employed teachers. External providers delivered education services such as Foundation Skills Programs (which consist of Digital Literacy and Language, Literacy and Numeracy (LLN)) and vocational training courses. A small number of teachers remained to continue working in the few ILCs across the state. CSNSW maintained the responsibility for assessing and planning for inmates' educational needs through the CSI education teams.⁹⁷

In 2018, we undertook a thematic inspection focusing on the delivery of programs, employment, and education in NSW correctional centres. We inspected eight metropolitan and regional correctional centres over a six-month period. Those inspections identified a number of issues with the implementation of the new education model. They included:

- insufficient trainers to deliver courses (this issue was much more prominent in regional areas)
- concerns that approved vocational training courses were too closely related to the industries of a correctional centre, at the possible expense of more general vocational training that would assist inmates secure post-release employment
- issues with the operation of ILCs, including difficulty in recruiting and retaining students
- scarce distance education opportunities.⁹⁸

As a result, after the completion of the 2018 thematic inspections, we recommended that CSNSW evaluate the implementation of education and training reforms.⁹⁹ This recommendation has not been implemented.

The 2023 inspection of Mid North Coast CC was part of a series of inspections that focused on three large regional correctional centres (Wellington CC, South Coast CC, and Mid North Coast CC), that had similar age, function, and build. All these centres had an ILC. South Coast CC and Mid North Coast CC were inspected in 2018 as part of the thematic inspection mentioned above. This provided a unique opportunity for us to re-examine the issues identified in 2018 and look at the implementation of the education and training reforms across all three centres.

The issues identified in the 2018 thematic report remained largely unaddressed across the three centres we inspected.¹⁰⁰ This highlights a critical need for CSNSW to review the implementation of education and training reforms across NSW correctional centres.

At the time of the inspection, Mid North Coast CC had only one BSI Learning trainer who was available three days a week. The limited availability of trainers hampered the delivery of courses to inmates.

Most educational opportunities provided in Mid North Coast CC were training courses directly linked to inmates' employment. This limited the reach of educational programs to those inmates who were already working.

The capacity of the ILC at Mid North Coast CC was 40 students. At the time of the inspection, 17 inmates were participating in the ILC. This was higher than the participation rate at Wellington CC and lower than the participation rate at South Coast CC. Mid North Coast CC had changed the eligibility criteria to allow remand inmates to participate in the ILC. This likely increased the number of students at the learning centre. As the ILC was located in Sector 1 and therefore only available to the inmates in that accommodation area, this facility is further analysed in section 3.2.3 (Sector 1 education).

97 Corrective Services NSW, *Better Prisons: Overview* (April 2017); Inspector of Custodial Services, *Programs, Employment and Education Inspection* (Report, 2020) 11.

98 Inspector of Custodial Services, *Programs, Employment and Education Inspection* (Report, 2020) 72-81.

99 Inspector of Custodial Services, *Programs, Employment and Education Inspection* (Report, 2020) 14.

100 In relation to some of the issues like the availability of trainers, South Coast CC was performing better, most likely because of its closer proximity to Sydney. However, inmates at this centre had a varying degree of access to trainers depending on the cohort they were part of.

Similar to all the centres we recently inspected, Mid North Coast CC provided very few opportunities for inmates to undertake distance education. Between 1 July 2022 and 30 June 2023, only two inmates at this centre engaged in distance education, both doing the Tertiary Preparation Program.¹⁰¹

CSNSW maintains that there are many obstacles to inmate participation in distance education, including security risks and access to technology. Further, to commence distance education, inmates need to have a Core Skills Assessment (CSA) score of 4 and above, have the capacity to self-fund a distance education course, select a course that is appropriate to the learning environment of the centre and the nature of their offences, and are able to learn and study independently.¹⁰² While we accept that these factors can limit the number of inmates participating in distance education, we note that the reduction of education staff as a result of the education and training reforms has also significantly contributed to what we see as a de-prioritisation of distance education across correctional centres.

Currently, CSI is responsible for both education and the industries that provide work for inmates. The APOs report to the ESC and the ESC reports to the CSI Operations Manager. The ILC teachers also directly report to the CSI Operations Manager. In the three centres we inspected in this series of inspections, this reporting arrangement was identified as problematic. We observed and heard reports about the prioritisation of employment over education. Given that the operation of industries can assist with reducing the cost of running a correctional centre while provision of education only incurs costs, it is inevitable that less value will be placed on the more costly activity when they are both overseen by one entity.

We believe that the current reporting and oversight mechanism is not conducive to the effective delivery of education services at correctional centres. The education teams, including the ILC teachers, should not report to CSI and should report separately to a position that is only focused on education.

Table 5: Education and training offered at Mid North Coast CC from January to June 2023¹⁰³

Program type	Enrolment
Foundational Skills Program (various levels, inclusive of LLN and Digital Literacy)	112
Vocational training program (VTP) ¹⁰⁴ – Agriculture	14
VTP-Chemical Handling	38
VTP-Cleaning Operations	24
VTP-Clothing and Production	16
VTP-Construction	41
Workplace training (WPT) ¹⁰⁵ -First Aid	10
WPT-Food safety	13
WPT – Forklift	7
VTP-Logistics	42
VTP-Sport and Recreation	17
VTP-Warehouse Operations	55
WPT -White Card	20

101 Information provided by Corrective Services NSW, 21 December 2023.

102 Information provided by Corrective Services NSW, 21 December 2023.

103 Information provided by Corrective Services NSW, 21 December 2023.

104 CSNSW defines Vocational Training Program (VTP) as programs that aim to develop skills and allow inmates to attain recognised trade qualifications.

105 CSNSW defines Workplace Training or Licences (WPT) as associated programs which include the use of a functional licence.

Recommendation: Corrective Services NSW reviews the implementation of the 2017 education and training reforms and considers separating education from Corrective Services Industries.

2.6.4 Case planning and management

At the time of the inspection, the case management unit (CMU) of Mid North Coast CC had two senior case management officers and 10 case management officers. This was close to the approved staffing profile of the team, with only one case management officer absent on a secondment.

Across correctional centres in NSW, the CMUs are responsible for providing case management to all inmates serving custodial sentences of three months or more. Case management consists of assessment, case planning and support. Staff have 28 days to complete an assessment and case plans need to be developed and approved within 42 days of sentencing. Case plans include a range of interventions, such as programs, work, and education, which target each inmate's identified needs and causes of their offending. Case plans are not prepared for inmates on remand.

The Mid North Coast CC's CMU reported they often worked with sentenced inmates who were transferred to that centre with poor quality or incomplete case plans. They saw inconsistencies in the way case planning was undertaken across NSW correctional centres.

Based on the information provided by CSNSW, of 753 inmates held at Mid North Coast CC on 31 January 2023, 410 were not eligible for a case plan as they were either on remand or serving sentences of less than three months. Of the remaining 343 eligible inmates, 194 (or 56%) had a current case plan. The rest (44%) did not have a case plan although it is likely that some of them were still within the 42-day window.¹⁰⁶

The CMU had a good working relationship with Community Corrections. This was in part due to a great local initiative of convening monthly meetings between the CMU, Community Corrections, JH&FMHN, and SAPOs to discuss strategies for working with complex inmates who were approaching release.

In the report published after our inspection of Wellington CC, we recommended that the case management key performance indicators (KPIs) measure outcome and quality of work rather than solely the output and the amount of work that was done. We mentioned that one of the two case management KPIs introduced as part of the performance monitoring and reporting regime, appeared to be designed as an outcome-focused performance indicator; however, it was still under development.¹⁰⁷ In March 2024, CSNSW advised that it is transitioning to KPIs that measure the quality of work rather than merely focusing on the quantity of work completed. CSNSW reported that new KPIs would be introduced in 2024.¹⁰⁸ The issue of the quality of KPIs is also applicable to Mid North Coast CC.

2.6.5 'Honour houses'

An 'honour house' is an accommodation area located outside the secure perimeter of a correctional centre which provides less restrictive placement for approved minimum security inmates who are approaching the end of their sentences.

The main role of an 'honour house' is to provide greater opportunities for independence to prepare inmates for release into the community. Inmates placed in an 'honour house' often have access to self-catering and may access pre-release leave and work release. They are also subject to less intensive supervision during the day.

The 'honour houses' that are designed and managed well can play an invaluable role in increasing rehabilitation opportunities prior to the release and supporting a more successful transition to living in the community, ultimately reducing recidivism.

¹⁰⁶ Information provided by Corrective Services NSW, 6 February 2023.

¹⁰⁷ Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022* (Report, 2024) 28.

¹⁰⁸ Information provided by Corrective Services NSW, 8 March 2024.

Mid North Coast CC is the main reception and remand centre for Northern NSW. Ideally, an inmate from this region should be able to remain at this centre, from their remand in custody to their release. Ideally this would also include spending a period prior to their release in an 'honour house'. This is particularly important for ensuring Aboriginal inmates from the region remain on Country while incarcerated. It was, therefore, disappointing to see that Mid North Coast CC was not using the tools available to it to achieve this objective.

The centre had two buildings outside its external perimeter which were built as 'honour houses' but were not being used for this purpose. The building outside Sector 3 (male minimum security area) was being used as a staff change room and locker room, and the building outside Sector 2 (women's accommodation area) had been converted into a short term staff accommodation but was not in use at the time of our inspection.

We heard that these accommodation areas were repurposed several years ago. However, when we sought further information, Mid North Coast CC management were unable to provide a clear timeline as to when the function of these units changed or why this occurred. The centre confirmed that at one point these buildings were used for minimum security male inmates who were engaged in work release or community projects and then changed function to be used as a centre for community offender support program. It was also confirmed that currently the buildings were used for staff accommodation.

Recommendation: Corrective Services NSW re-establishes the 'honour houses' at Mid North Coast Correctional Centre to assist in the preparation of inmates for release into the community.

Former 'honour house' outside Sector 2



Former 'honour house' outside Sector 3



Former 'honour house' repurposed as a staff change room



2.7 Classification and placement

The case management reform in 2017 led to the separation of case management, and inmate classification and placement responsibilities.

The reform resulted in the creation of the CMUs (which were assigned all case management responsibilities), and the replacement of the classification and case management coordinator role with two new roles: senior classification and placement officer (SCAPO) and classification and placement officer (CAPO). The classification and placement team (CPT) meetings also replaced case management team meetings.¹⁰⁹

Across correctional centres in NSW, there are three types of classification assessment that the CPT is responsible for:

- initial classification and placement assessment
- review of classification and placement assessment
- change of placement assessment.¹¹⁰

To undertake most of those assessments, the CPT requires a quorum of two which comprises of the functional manager case management who convenes and chairs the CPT meetings, and the S/CAPO who has equal voting rights as the functional manager. The functional manager is responsible for all classification and placement duties and has the oversight of the CMU, therefore acting as a link between case management and classification and placement.¹¹¹

The only type of classification assessment that can be done without the CPT's quorum of two is the initial classification and placement assessment of an unsentenced inmate. The SCAPO can complete that assessment and submit their recommendation to the manager or deputy manager (classification and placement)¹¹² for ratification.¹¹³

The CPT at Mid North Coast CC had one functional manager case management, one SCAPO, and two CAPOs. However, the post of functional manager case management was often vacant. This meant the CPT could not convene a meeting as it did not have the required quorum of two. As a result, the team could not regularly complete classification and placement reviews and change of placement assessments. This had a particularly negative impact on inmates who required a change of placement assessment as it delayed their transfer out of Mid North Coast CC.

During the inspection of Sectors 1 and 4, we noticed several signs on some of the cell doors advising that the inmates in those cells should remain locked in and not let out of their cells along with other inmates during the morning let-go. We were informed that the inmates in those locked cells were minimum security SMAP inmates who were awaiting a transfer out of Mid North Coast CC as the centre did not have a suitable housing location for this cohort of inmates. Our observations are consistent with those made by official visitors to Mid North Coast CC who have frequently reported this after visits.

We understood that if a minimum security inmate in Sector 3 required protection, they needed to be transferred to another correctional centre. While awaiting this transfer, the inmate would be moved to A pod in Sector 1 where they remained locked in their cell until their transfer out of Mid North Coast CC. We also understood that if a SMAP inmate in Sector 4 progressed to a minimum security rating, they needed to be transferred to another correctional centre because Mid North Coast CC did not accommodate minimum security SMAP inmates. An inmate in this situation would also be locked in their cell in Sector 4 pending transfer.

¹⁰⁹ Corrective Services NSW, *Policy for Inmate Classification and Placement* (version 2.1, 29 October 2021) 5.

¹¹⁰ Corrective Services NSW, *Policy for Inmate Classification and Placement* (version 2.1, 29 October 2021) 13.

¹¹¹ Corrective Services NSW, *Policy for Inmate Classification and Placement* (version 2.1, 29 October 2021) 15–18.

¹¹² Manager and deputy manager (classification and placement) are members of inmate classification and placement branch. They have delegated powers to exercise the functions of the Commissioner pursuant to clauses 12, 13, 14, 20 and 24 of the CAS Regulation.

¹¹³ Corrective Services NSW, *Initial Classification and Placement* (version 2.3, 30 June 2022) 10.

A change of placement assessment needs to be completed by the CPT before a request for transfer out of a correctional centre can proceed. The CPT at Mid North Coast CC was unable to complete those assessments promptly, further delaying a transfer process that is already slow as it is contingent on the availability of beds in a suitable correctional centre and transport.

To have an estimate of the scale of this issue, we asked for a list of inmates with a C2 security classification who were placed in Sectors 1 and 4. On 5 May 2023, six inmates with a C2 security classification were in various pods of Sector 1 and two inmates with a C2 security classification were in Sector 4.

A review of these inmates' documents showed none were placed on a section 78A order.¹¹⁴ This circumvented an important safeguard in circumstances where people are held in solitary confinement. An order made under section 78A permits an inmate's separation for 14 days. This is approved by the governor of a correctional centre and any extensions beyond 14 days must be approved by the general manager of statewide operations.¹¹⁵ Inmates subject to section 78A orders are discussed and reviewed in weekly segregation review meetings. When inmates are separated without an appropriate legal order, they are being separated unlawfully and are being held without the required checks and reviews.

Recommendation: Corrective Services NSW ensures the classification and placement team meets regularly to complete classification assessments.

Recommendation: Corrective Services NSW ensures special housing inmates at Mid North Coast Correctional Centre are placed on a section 78A order and their placement is reviewed via weekly segregation review meetings.

2.7.1 Placement of people at risk of self-harm or suicide

Management of people in custody who are at risk of self-harm or suicide is shared by CSNSW and JH&FMHN. Staff from both entities convene a risk intervention team (RIT) to assess risk and formulate a management plan. According to the data provided by CSNSW, on 3 February 2023, Mid North Coast CC held 58 mandatory notification-RIT inmates. In the 12 months between February 2022 and January 2023, there were 59 recorded acts of self-harm at this centre.¹¹⁶

The RIT management plan may require inmates to be moved to an observation cell or they may remain in their own cell with further safeguards in place such as being housed with another (selected) inmate and/or being monitored more frequently.

At Mid North Coast CC, Sector 1 had four observation camera cells set aside for inmates on a RIT management plan (RIT cells). Those cells were all in this sector's MPU (G pod). Sectors 2 and 4 each had two RIT cells in their MPUs. Inmates on a RIT could also be placed in the main health centre which had four observation/assessment camera cells. However, due to the concerns about the presence of hanging points in those cells, a correctional officer was rostered to monitor the inmates who were placed there.

If all the RIT cells were full and an inmate's RIT management plan required placement in an observation cell, they could be placed in a camera cell in an accommodation pod. We did not believe the number of RIT cells at Mid North Coast CC was adequate and corresponded with the number of inmates and their needs.

A few months before the inspection, an inmate who was held in a RIT cell in G pod took his own life. As a result, prior to the inspection, Mid North Coast CC started remedial work on RIT cells to remove any hanging points, progressively taking those cells offline. At the time of the inspection, the RIT cells in Sector 2 MPU were offline but the cells in all other MPUs were once again operational. It

114 Section 78A of the CAS Act allows for an inmate or a group of inmates to be held separately from other inmates in the correctional centre for the purposes of the care, control or management of the inmate or group of inmates. Section 3.1 of the COPP outlines a number of specific grounds for this separation, including 'status of at-risk from others-but only pending re-classification or re-location'; a ground that is applicable to the issue discussed here.

115 Corrective Services NSW, *Custodial Operations Policy and Procedures: 3.1 Separation of inmates* (version 1.5, 13 November 2023) 4.

116 Information provided by Corrective Services NSW, 6 February 2023.

was reported that after the completion of work on Sector 2 MPU, the observation cells in the health centre were going to be offline for refurbishment.

We inspected the MPUs in Sectors 1 and 4. While the RIT observation cells in Sector 4 were appropriate and safe, there were still hanging points in the cells in Sector 1 MPU. Following the inspection, we also inquired about the conditions of the observation cells in the health centre and understood that while some remedial work was done in those cells, the prior arrangement of rostering a correctional officer to monitor the inmates placed in those cells continued. This is of concern as it indicates to us that hanging points remain an issue in these cells.

Overall, the placement of people on a RIT management plan in MPUs alongside inmates who are separated from the general population for other reasons, is of concern to us. At a minimum, health centres in correctional centres should have the capacity to safely accommodate those inmates on a RIT management plan who present with serious and recurring risk of self-harm. As explained, the health centres of Mid North Coast CC did not have this capacity and Mid North Coast CC is urged to address this issue.

Recommendation: Corrective Services NSW increases the number of safe observation camera cells at Mid North Coast Correctional Centre's health centre and prioritises the placement of inmates at risk of self-harm in those cells.

It was positive to see that Mid North Coast CC had a full-time RIT coordinator role which was filled by senior correctional officers who had training in managing inmates at risk. However, this post was not filled if there were staffing shortages and when it was removed, the RIT reviews were delayed which meant some inmates remained on a RIT management plan for longer than necessary.

During the inspection, our team observed a RIT review meeting and found the process to be working well. The members of the RIT, which included the RIT coordinator, a SAPO, and a JH&FMHN nurse, understood and managed the process well and communicated effectively.

A more detailed analysis of the infrastructure and management regime of the MPUs in Sectors 1, 2, and 4 will be provided in the sections relating to those sectors.

2.7.2 Observation camera cells

Camera cells are cells that are equipped with a CCTV and are suitable for inmates who need to be monitored, including inmates who are under the influence of alcohol or other drugs, inmates who show symptoms of substance withdrawal, or those who are at risk of self-harm or suicide (if such placement is in line with their RIT management plan).¹¹⁷ As mentioned in the previous section, there are often a number of camera cells that are set aside for inmates on a RIT management plan.

At the time of the inspection, Mid North Coast CC had a total of 38 observation camera cells where inmates could be placed overnight. They were distributed as below:

- three camera cells in E pod, Sector 1
- ten camera cells in MPU (G pod), Sector 1
- four camera cells in the MPU in Sector 2
- two camera cells in V2 wing in Sector 4
- eight camera cells in V3 wing in Sector 4
- one camera cell in V4 wing in Sector 4
- six camera cells in the MPU in Sector 4
- four camera cells in the main health centre.

¹¹⁷ Corrective Services NSW, *Custodial Operations Policy and Procedures: 5.2 Inmate accommodation* (version 1.5, 18 August 2023) 11.

During the day, staff assigned to the MPUs in Sectors 1, 2, and 4 could monitor the observation camera cells in their sectors.¹¹⁸ However, they also needed to perform other tasks that related to the day-to-day operation of the accommodation areas. Those tasks included movement of inmates, checking inmates (noting that inmates in those areas were placed in individual cells and primarily remained in their cells; however not all the cells had cameras), responding to incidents, answering calls, and distributing food.

Staff in a central monitor room were also responsible for observing the camera cells in addition to other monitoring responsibilities. After 4pm, the responsibility for monitoring observation cells fell entirely on the staff in the central monitor room as the officers assigned to the accommodation areas left for the day.

We were concerned that there were no dedicated staff to monitor such a large number of camera cells where inmates at risk of self-harm are often placed. The most recent death in custody at Mid North Coast CC concerned an inmate who was on a RIT management plan and was accommodated in an observation camera cell in G pod. This highlights the particular vulnerability of the inmates placed in those cells and the need for their constant and careful monitoring.

Given the number of observation cells in Mid North Coast CC and their dispersion across the centre, there is significant merit in the creation of a dedicated monitor room post for the observation of camera cells, especially when most of those cells are in use. This can help ensure the safety of inmates who are placed in those cells.

Recommendation: Corrective Services NSW creates a dedicated post for monitoring inmates placed in camera cells at Mid North Coast Correctional Centre.

2.8 Contact with family and friends

Inmates in NSW correctional centres can maintain contact with family and friends by telephone, mail, in-person visits, or virtual visits.

2.8.1 In-person visits

At the time of the inspection, most of the COVID-19-related restrictions on in-person social visits had been removed. There was no vaccination requirement for inmates or visitors, and visitors were no longer required to undertake a rapid antigen test before visiting inmates (although governors could still direct visitors to do so in the event of a COVID-19 outbreak). Consumption of food and drink, and use of children's play areas during visits were once again permitted but remained at the discretion of local management. At the time of the inspection, all inmates and all visitors aged five years and over needed to wear a face mask.¹¹⁹

A number of limitations still applied to in-person visits at that time which continue to remain current at the time of writing this report. They included limiting the in-person social visits to one hour in duration (noting that the governor of a centre has the discretion to grant extended visits) and limiting the maximum number of visitors per inmate to six, including children of any age. The maximum number of adult visitors remained limited to four people.¹²⁰

At Mid North Coast CC, in-person social visits were only conducted on Sundays over two one-hour sessions. Inmates in Sectors 1, 2, and 3 could receive visitors in the morning session, which commenced at 9.30am. Inmates in Sector 4 received visits in the afternoon session, commencing at 1pm. Mid North Coast CC required the visitors to arrive at the centre one hour prior to their visit. Late

118 Mid North Coast CC's staffing model shows often three staff (two correctional officers and one senior correctional officer) were assigned to the MPU in Sector 4 and to G pod in Sector 1. However, on normal operating days no extra staff was assigned to the MPU in Sector 2.

119 On 3 September 2023, the requirement for the visitors to wear face masks was removed.

120 Based on the Commissioner's Instruction issued on 3 September 2023 (Commissioner's Instruction 2023/14). For a timeline of restrictions on in-person social visits in adult correctional centres, see: Inspector of Custodial Services, *Review of the Response to COVID-19 in NSW Custody* (Report, 2023) 28-29.

arrivals were advised that they could be denied entry and their visits could be cancelled.¹²¹

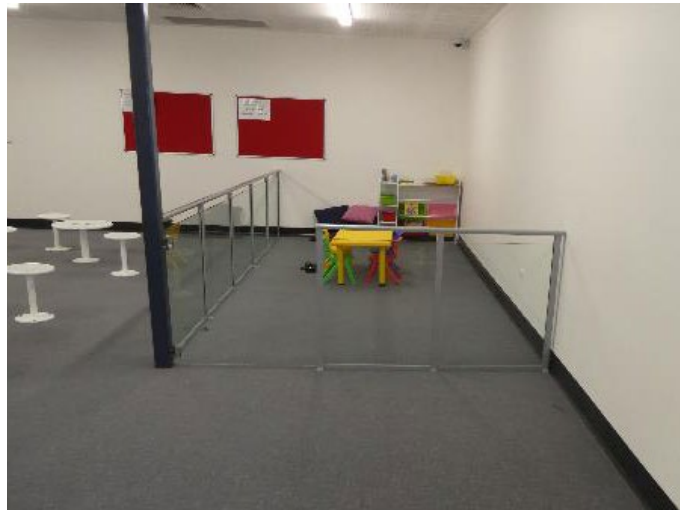
We observed in-person social visits during the inspection. At that time, Mid North Coast CC had reintroduced the requirement for rapid antigen testing as it had recently managed a small COVID-19 outbreak in Sector 2. All visitors had to undertake a rapid antigen test and if negative, they could proceed to the gatehouse screening area where they were registered by the correctional officers on duty. They then waited until they were called to go through security screening which started approximately 15 minutes prior to the session start time. The staff informed us that the visitor body scanner was inoperative on that day. All visitors were searched by the security operations group who had a drug detection dog, and then went through a metal detector.

The centre had four visits rooms with fixed stools, tables, and glass floor-to-ceiling windows. This meant inmates of all security ratings and their visitors were placed in similar visits areas even though in many correctional centres, the visits area allocated to minimum security inmates has a more relaxed environment and chairs and tables can be moved. Only one of the rooms had a play area for children, which was very small and basic.

Mid North Coast CC's visits room



Small play area at one of the visits rooms



The visits rooms were not assigned to a specific sector. Instead, room allocation was determined on the day of the visit, based on a variety of factors (such as the number of visitors who arrived and any intelligence). All four rooms were used in the afternoon session when inmates in Sector 4 received their visitors to separate the range of inmate cohorts.

There were four interview rooms near the visits area where inmates who were on a segregation order or had an Extreme High Security designation could receive their visitors. Mid North Coast CC also has 11 non-contact visit booths.

The most significant issue concerning in-person visits was the inadequate number of available places. As mentioned, in-person social visits only took place on one day of the week, across two sessions. In total, on each Sunday, 50 inmates could receive visitors in person. This is grossly inadequate for a correctional centre that can hold up to 1,002 inmates and has a large number of remand inmates who are entitled to access visits (in-person and/or virtual) at least twice per week.¹²²

Many visitors who spoke to us reported difficulties in booking in-person visits. At that time, the booking for in-person visits opened at midnight on Sundays. We routinely heard from visitors that the only way to secure a spot was to book as soon as the online booking line opened. Several visitors, including an elderly couple, reported that they set their alarms for midnight to be able to secure an in-person visit. The limited availability of places for in-person visits and the difficulty to secure a booking were consistently raised by inmates throughout our inspection.

121 Corrective Services NSW, 'Mid North Coast Correctional Centre (Kempsey)' (Web Page, 21 September 2023) < <https://correctiveservices.dcj.nsw.gov.au/correctional-centres/find-a-correctional-centre/mid-north-coast-correctional-centre-kempsey.html> >.

122 *Crimes (Administration of Sentences) Regulation 2014* cl 76(1).

Mid North Coast CC was still arranging the in-person visits based on the COVID-19 social distancing model which significantly limited the number of people in each visits room. It was unclear to us why this was the case as the Commissioner's Instruction that was in place at the time of the inspection only 'encouraged' families 'to maintain personal space from other families' and did not restrict the number of people that could be placed in a visits room.¹²³

While some of the rooms were quite large, the total number of inmates that could receive visitors in one session was around 20 to 30, noting that in most sessions all four rooms were being used. The data provided by Mid North Coast CC and presented in table 6, shows visits rooms without restrictions and consideration of social distancing could allow up to 104 inmates to receive visitors in each session. This is around four times more than the number that was allowed at the time of the inspection. It is paramount that correctional centres return the visits to pre-pandemic conditions as much as possible.

Table 6: Capacity of visits rooms without restrictions¹²⁴

Visits area	Maximum number of inmates	Maximum number of visitors
Visits 1 room	30	81
Visits 2 room	37	100
Visits 3 room	22	65
Visits 4 room	15	38

We observed the staff facilitating the visits to be professional and courteous. The visitors reported that they were usually treated well. It was positive to see that staff ensured all visitors and inmates received the full hour of the in-person visit, even when the processing of visitors took longer or when inmates were brought into the visits area late. Staff reported that they only start the hour when an inmate and their visitors sit down. This was confirmed by the visitors with whom we spoke and is a very good practice.

We were also pleased to see that staff tried to create a more positive visits environment. We observed that inmates could hold their babies, visiting parents could bring in prams, and monitoring of children's behaviours and movements was not overly restrictive. Supervising custodial officers provided visiting children with Shine for Kids colouring packs.

We also observed an incident involving potential introduction of contraband by a visitor. While that visitor was removed and their visit terminated, staff managed the incident professionally and avoided disruption to other visits.

It was, however, disappointing to see the vending machines in the visit areas switched off, preventing inmates and their visitors from accessing food and drink. As mentioned, the Commissioner's Instruction in place at the time of the inspection had removed the prohibition on the consumption of food and drink, allowing local management to determine if food or drink was permitted.¹²⁵ The decision to limit visitor and inmate access to vending machines did not appear to have been informed by a specific COVID-19 risk assessment. Instead, officers indicated it was 'just easier' not to allow the consumption of food or drink. There also appeared to be confusion arising as to the current Commissioner's Instruction in force. Centre management had very recently responded to IDC concerns about access to vending machines with advice that the Commissioner's Instruction directed this. We note the changes in this instruction took effect in October 2022.

We understood that previously a public bus service was available for travel between South Kempsey and Mid North Coast CC. However, reportedly it ceased operation in the early stages of COVID-19 pandemic. While local taxis were available, there had been no public transport to the centre for a long time. We noted, however, that a bus timetable was remained in a prominent location near the visits area. This was brought to the attention of staff.

¹²³ Commissioner's Instruction 2023/12.

¹²⁴ Information provided by Mid North Coast Correctional Centre, 14 June 2023.

¹²⁵ Commissioner's Instruction 2022/40.

It was positive to see that inmates were able to wear to visits their prison issued clothing rather than overalls. However, some local rules were in place that restricted inmates' clothing during the visits. Inmates had to wear long track pants as there was a perception that shorts made it easier to conceal contraband. Inmates were also not allowed to wear hats or watches to the visits.

After the completion of the visits, all inmates were searched by body scanners. This process was completed promptly and professionally. In one case, when the officers observed an anomaly in the x-ray images, they sought a second opinion and reviewed previous x-ray images taken from the same inmate. This was to ascertain whether what they spotted in the image existed prior to the visit or if it was a sign of potential secretion of contraband during the visit. We found this to be a good practice. We were also advised that officers had access to the x-ray images of inmates from the time they were in other correctional centres. This was helpful as it provided further background information when an inmate was new to Mid North Coast CC.

Recommendation: Corrective Services NSW increases the number of in-person visits available at Mid North Coast Correctional Centre as a matter of priority and ensures the centre complies with the Commissioner's Instructions at all times.

2.8.2 Virtual visits

In response to the COVID-19 pandemic, for much of 2020 and 2021, in-person social visits to inmates in NSW correctional centres were either stopped entirely or were significantly restricted. Consequently, CSNSW increased the availability of virtual visits via AVL or tablets.

Inmates of all classifications at Mid North Coast CC could have virtual social visits on Saturdays. The first visit started at 9am and the last visit ended at 3pm. As virtual visits are limited to 30 minutes, Mid North Coast CC could organise those visits across 11 sessions, allowing for a staff lunch break from 11.30 to 12pm.

We understood that there had been significant connectivity issues with the visits tablets. As a result, custodial officers had to frequently offer inmates and their families phone calls instead of video visits. This had led to frustration and created conflict. Consequently, Mid North Coast CC moved to facilitate the virtual visits via AVL facilities, rather than via tablets.

While this might have been the only available option (at least in the short term), using AVL facilities limited the number of available places for virtual visits. At the time of the inspection, 161 places were available for virtual visits every week. Even though this number was much higher than the number of places available for in-person visits, the demand for virtual visits was also much higher.

The AVL suites at Mid North Coast CC were unequally distributed among the sectors. This affected the number of virtual visits available to the inmates in different sectors. Sector 4 had nine AVL suites. Those suites were being used exclusively for Sector 4 inmates throughout Saturdays. On the other hand, inmates in Sectors 1, 2, and 3 shared five AVL suites all located in Sector 1. Inmates in Sector 1 had access to the first seven sessions from 9am. Inmates in Sector 3 had access to the next three sessions from 1pm, and inmates in Sector 2 had access to the final afternoon session at 2.30pm. Table 7 shows the distribution of those virtual visits places (and the significant disparity) amongst the different sectors.

There was no indication that the number of places allocated to each sector changed based on any fluctuations in the number of inmates in each sector or based on demand. Mid North Coast CC needs to increase the number of virtual visits available to inmates in Sectors 1, 2, and 3.

We also learnt that virtual visits only lasted 25 minutes even though the CAS Regulation provides that visits should continue for at least 30 minutes.¹²⁶ While reducing the duration of virtual visits by five minutes might have been perceived by some staff as a minor issue, our conversations with many inmates showed this caused great frustration especially when securing those visits was difficult in the first place and considering it was unlikely any inmates could have more than one visit per week.

126 *Crimes (Administration of Sentences) Regulation 2014* cl 75(4).

Mid North Coast CC should arrange the virtual visits so inmates and their families can receive the full 30 minutes.

Table 7: Virtual visits distribution¹²⁷

Accommodation area		Number of allocated places for virtual visits	Full capacity of the Accommodation area	Ratio
Sector 1	Pods A, B, C, D, E, F	30	388 inmates	One video visit available for every 11 inmates
	MPU (G pod)	5		
Sector 2		5	54 inmates	One video visit available for every 11 inmates
Sector 3		15	110 inmates	One video visit available for every seven inmates
Sector 4	V1	24	450 inmates	One video visit available for every four inmates
	V2	24		
	V3	24		
	V4	24		
	MPU	10		

Recommendation: Corrective Services NSW increases the number of video visits available to inmates in Sectors 1, 2, and 3 of Mid North Coast Correctional Centre and ensures virtual social visits comply with the requirements of the Crimes (Administration of Sentences) Regulation 2014.

2.8.3 Inmate tablets and phone calls

In October 2020, CSNSW introduced in-cell tablets for inmates in Dillwynia and John Morony CCs. A year later, this technology was rolled out to several other correctional centres, including Mid North Coast CC.

This allowed inmates at Mid North Coast CC to make phone calls from tablets from the time they were locked into their cells in the afternoon until 10pm. It also allowed inmates to visit some pre-approved ‘whitelisted’ government agency websites such as Legal Aid, and access free content such as limited free games as well as paid entertainment content. Similar to what we heard from inmates at other correctional centres, inmates at Mid North Coast CC reported that access to tablets generally enhanced their ability to stay in touch with their families.

However, we understood that Mid North Coast CC had been facing connectivity issues for several months that hindered the effective use of the tablets. Reportedly, poor connectivity caused phone calls to drop out repeatedly and interrupted access to entertainment content. Mid North Coast CC management were waiting for the CSNSW contractor to visit the centre and address the issues and at the time of the inspection reportedly were working on mapping the cells with connectivity issues. The delay in resolving this issue was of concern.

It was positive to see that inmates were advised to submit a request for reimbursement when the connectivity issues led to the termination of phone calls. It was unclear to us, however, whether inmates could also receive reimbursement when their access to paid entertainment content was disrupted and how easy the reimbursement process was to navigate.

127 Information provided by Mid North Coast Correctional Centre, 14 June 2023.

Recommendation: Corrective Services NSW resolves connectivity issues at Mid North Coast Correctional Centre.

The high and often prohibitive cost of phone calls at correctional centres has been an issue of significant concern to us. This is a state-wide issue and not unique to any particular centre. It was identified as an issue in Mid North Coast CC as well.

CSNSW meets the cost of all phone calls to the numbers listed on the Common Auto Dial List (CADL). It also covers the cost of all legal telephone calls for unsentenced inmates or sentenced inmates who face further charges. Unsented inmates can make three personal local phone calls per week free of charge. Sentenced inmates can make one free personal local call every week.¹²⁸ This is the case when inmates use the tablets to make those phone calls. Inmates need to cover the cost of all other phone calls.

According to the information provided by CSNSW, the cost of a 10-minute call to a local fixed line is \$0.25. It costs \$1.80 to call a national fixed line and a 10-minute call to a mobile phone costs \$2.60 (ten times more expensive than calling a local fixed line). CSNSW reported that this cost was the same when inmates used 'wall phones' in the communal areas and that it would ensure call rates were negotiated when the contract for providing telephone services was reviewed at the end of 2023.¹²⁹ We understand that there has been no change to these rates and they remain current at the time of writing in 2024.

To reduce the cost of phone calls, some inmates and their families used third party call management services, which limited call costs to that of a local call, regardless of the call destination. The third party call management services included services known as 'engine' numbers and voice over internet protocol (VOIP) services such as Skype.¹³⁰ Initially, correctional centres allowed the use of VOIP services, following the instructions at that time in the COPP. However, many centres, including Mid North Coast CC, prohibited the use of 'engine' numbers.

On 17 May 2023, the Deputy Commissioner, Security and Custody issued a memorandum advising that from 13 June 2023, all third party call management services (including both VOIP and 'engine' numbers) would be deactivated from the Offender Telephone System. According to the memorandum, security considerations were the key reason for the deactivation of these services as they were 'often used to bypass safeguards against inmates contacting people that they have not been authorised to contact'. However, the memorandum acknowledged that in many cases inmates used those services legitimately, to reduce the cost of phone calls.¹³¹ The COPP was also updated to reflect this change.

As mentioned in the report published after our inspection of John Morony CC, we question whether the deactivation of all third party call management services was a proportionate response, given the vast majority of inmates used these services legitimately and for the purpose of remaining in contact with approved call recipients. The more proportionate response, in our opinion, is for CSNSW to consider the individual cases where an inmate used these services inappropriately and bar the inmate concerned from accessing such services.¹³² We also note that this change was implemented without offering any other alternative measures that can reduce the cost of phone calls and while the cost of phone calls remains high.

We believe the current cost of phone calls ignores the reality of life in Australia and the impact of CSNSW's policies. Policies like Remand Bed Placement allow for the transfer of remand inmates anywhere in the state, often away from their families. Mid North Coast CC is a remand centre and often holds a significant number of inmates who are not from the local area, including many Aboriginal inmates who are held off Country. They consequently must pay more to remain in contact with their families, a cost that many find prohibitive. Further, without the support of families, inmates

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

129 Information provided by Corrective Services NSW, 23 August 2023.

130 For detailed explanation of how VOIP and 'engine' (or engine) numbers operate, their differences, and how they reduce the cost of phone calls, see: Inspector of Custodial Services, *Inspection of John Morony Correctional Centre 2023* (Report, 2024) 44-45.

131 Deputy Commissioner's Memorandum-Security and Custody 2023/18.

132 Inspector of Custodial Services, *Inspection of John Morony Correctional Centre 2023* (Report, 2024) 45.

have access to limited funds. The weekly wage for an inmate in full-time employment within a correctional centre ranges from \$18.36 to \$72.42 depending on the nature of the work and the inmate's skill and performance.¹³³ Unemployed inmates are paid an unemployment wage of \$15.81 per week.

The current cost of phone calls also does not consider the fact that people in Australia have increasingly shifted away from using landlines and most use mobile phones. This means more inmates need to pay a higher price to speak with their families as they need to call mobile numbers. It also ignores the needs of inmates whose immediate family members live outside of Australia.

We note that custodial oversight bodies in other jurisdictions have also raised this issue and put forward recommendations to address it. In its review of Alexander Maconochie Centre in 2022, the ACT Inspector of Correctional Services highlighted the prohibitive cost of phone calls and the disparity between what inmates are charged and community standards (where it is even possible to make free phone calls to mobile phones from Telstra phone boxes). The ACT Inspector recommended that if the ACT Corrective Services could not negotiate a cheaper phone call rate with the phone service provider, 'the cost of calls is subsidised to a level broadly commensurate with the cost of landline calls in the community'.¹³⁴

The ACT Government agreed with the recommendation and in its response reported on the progress that the centre was making towards the delivery of phone services, including inmate telephone services, via VOIP. This was not through third party call management services. It was reported that once this was achieved, the ACT Corrective Services

will have far greater flexibility in setting call rates as it will no longer be tied to a cost per phone-call charged by the external supplier. Call rates will be determined as part of the new system configuration and negotiated as part of the tender evaluation process. ACTCS [ACT Corrective Services] expects that standard local call and mobile call rates will be significantly cheaper than the current system. ACTCS will review the size and duration of the subsidy if alternate solutions to the cost of calls cannot be identified and implemented.¹³⁵

Recommendation: Corrective Services NSW reviews the cost of inmate phone calls and/or seeks alternative measures to reduce this cost.

2.9 Prisoner advocacy and complaints

2.9.1 Complaint mechanisms

Inmates at Mid North Coast CC had access to the Corrective Services Support Line (CSSL), a free telephone support service for inmates in all correctional centres in NSW. Inmates could also access a number of external agencies via the free telephone call system, including the NSW Ombudsman, the Health Care Complaints Commission, the Independent Commission Against Corruption (ICAC), the Law Enforcement Conduct Commission (LECC), Legal Aid NSW, and Aboriginal Legal Service.

Mid North Coast CC has official visitors who visit the centre on a regular basis to assist with the resolution of complaints at a local level. Official visitors are independent monitors who regularly attend correctional centres to take inquiries and complaints from inmates and monitor the conditions of prisons and treatment of inmates. In 2022-2023 year, three official visitors were appointed to Mid North Coast CC. The Official Visitor Program is managed by the ICS.

Prior to the inspection and to understand the main issues of concern for inmates at Mid North Coast CC, we asked the NSW Ombudsman for complaint data related to this centre. We also reviewed the reports from the official visitors. Daily routine of the centre, medical issues, and issues related to

¹³³ Corrective Services Industries, *Inmate Incentive Allowance Framework* (5 February 2024) 11.

¹³⁴ ACT Inspector of Correctional Services, *Healthy Prison Review of the Alexander Maconochie Centre 2022* (Report, 2022) 199-200.

¹³⁵ ACT Government, *Report of a Review of a Correctional Centre by the ACT Inspector of Correctional Services-Healthy Prison Review of the Alexander Maconochie Centre 2022: Government Response* (June 2023) 21.

visits were the main issues of concern raised with the NSW Ombudsman. This was in line with the main complaints received by the official visitors which related to frequent lockdowns affecting daily routines, significant wait time to access some medical services, and issues with accessing virtual visits. Inmates also frequently raised the issue of high cost of phone calls with the official visitors.

2.9.2 Inmate Development Committee

Each correctional centre is required to establish a staff-inmate forum at which inmates can draw attention to issues of concern before they become the source of complaints. Inmate Development Committees (IDCs) provide such forums. They allow inmates to raise with the centre management, via nominated inmate representatives, issues of concern regarding services, programs, and activities.¹³⁶

Mid North Coast CC aimed to have separate monthly IDCs for each sector even though the documents provided to us prior to the inspection showed those meetings were infrequently held for some sectors (for example, Sector 4 did not have an IDC in February or in March 2023).

Prior to the inspection, we reviewed the minutes of the IDCs that were held from December 2022 to April 2023. During the inspection, we met with the IDC delegates of all sectors and observed the IDC meetings of all four sectors.

The meeting minutes were completed by inmate clerks and the minutes that were provided to us were clear and detailed. They listed the names and roles of attendees, outstanding issues from previous meetings and their progress, as well as new issues and announcements from staff. However, some of the minutes were missing. For example, despite the reports that Sector 4 had an IDC in December 2022, the minutes of this meeting were not supplied. It is important that Mid North Coast CC ensures the minutes of IDC meetings are drafted and provided promptly so there is a documented record of the discussions and commitments.

We understood that in Sectors 1 and 4, each pod was represented by one IDC delegate. Sector 2 had two delegates and Sector 3 had at least three delegates. We found the number of delegates to be appropriate and proportional to the number of inmates in each accommodation area. However, except for Sector 2, no other sector had an Aboriginal delegate. Given the high number of Aboriginal inmates in all accommodation areas in Mid North Coast CC, this lack of representation is of concern and should be addressed.

Senior management of different areas (such as accommodation, education, OS&P, health, and CSI) attended the meetings. A Manager of Security was regularly in attendance and was often the most senior staff member present at the IDC meetings as the governor rarely attended these forums. At times this delayed the resolution of a number of issues that required input or advice from the governor. The IDC would need to wait until a subsequent meeting to receive notice of the outcome. These delays could be avoided if the governor was in attendance and could provide a response directly. We note that all of the IDCs took place on the same day and in close succession.

There was a lack of structure in the IDC meetings we observed. While the outstanding action items were presented, the meetings started with no agenda and inmates were not asked to provide a list of issues prior to the meetings. While some staff explained in detail the reasons behind a delay or the steps that needed to be taken for an issue to be resolved, we observed that some of the genuine issues raised by the delegates were either dismissed or minimised. For example, when a delegate raised the issue of frequent lockdowns, he was told 'welcome to Kempsey' and was reminded that things had improved since last year. We acknowledge that the repetition of some of the issues raised could be frustrating for the management. However, they reflect the significant adverse impact of those issues on the daily lives of inmates and they need to be acknowledged and responded to accordingly.

Maintaining a genuine conversation with the delegates and keeping them updated of any progress on longstanding and systemic issues can help maintain a respectful and trusting relationship between the management and inmates and ensure the IDC is achieving its purpose.

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

We were also concerned about the large number of outstanding action items. While some issues can take much longer to resolve as they are dependent on infrastructure changes or central decisions, there were local issues that were carried over every month without reports of any progress. This was identified by the inmates as an issue in and of itself in the March 2023 IDC meeting. Sector 2 delegates indicated they would not raise any new action items until older action items had been addressed by centre management.

Recommendation: Corrective Services NSW ensures the governor of Mid North Coast Correctional Centre attends the Inmate Development Committees and all sectors have an Aboriginal delegate.

2.10 Reception and release

Mid North Coast CC receives inmates into initial custody and inmates transferred from other correctional centres, including many remand inmates who are transferred across the state by CSNSW under the Remand Bed Placement policy.

Mid North Coast CC is also a transit centre, accommodating inmates being transferred from correctional centres in metropolitan Sydney and the Hunter Valley region to correctional centres in Northern NSW.

In the calendar year 2023, Mid North Coast CC received 701 new inmate receptions and 2,260 inmates who were transferred from other correctional centres (an average of 58 and 188 inmates per month, respectively). During the same period, 1,148 inmates were released from the centre, an average of 96 releases per month.¹³⁷

2.10.1 Induction and reception

Induction

CSNSW's guidelines highlight the importance of the induction for new reception inmates, stating that it can help inmates adapt to being in custody by providing information about the overall correctional system and the specific correctional centre they reside at. According to CSNSW, induction should occur within 96 hours of an inmate entering the correctional centre and being screened.¹³⁸

Inmates who are not newly incarcerated but have been transferred from one correctional centre to another, should attend an orientation meeting. This meeting does not cover all the information that is included in the induction meeting (for example, the information about the overall correctional system) and is not time-sensitive. Instead, it focuses on the local information about a specific correctional centre. Both induction and orientation sessions are delivered by the OS&P staff.¹³⁹

We were unable to directly observe an induction session during inspection. However, we reviewed the induction booklets that Mid North Coast CC had provided us prior to the inspection.

The induction booklet for women was a 2020 edition and the induction booklet for men was last updated in February 2021. The booklets provided comprehensive information about various aspects of life in custody. It was positive to see they contained information on how to seek help when feeling unsafe or threatened (advising that inmates should speak with an officer so their accommodation arrangement could be reviewed or press the cell emergency alarm in the event of an emergency).

However, some of the key information in the booklets was outdated. This included the let-go and lock-in time for women in Sector 2, and the schedule of in-person visits and associated booking process. The only reference to the inmate tablets was in the men's induction booklet which advised that inmates could get request forms via tablets. There was no mention of other tablet functions, such as making phone calls. Further, remand inmates were advised that they could participate in

¹³⁷ Corrective Services NSW, *Custodial Movements Report* (December 2023) 1-14.

¹³⁸ Corrective Services NSW, 'Reception, Screening, Induction & Orientation' (Web Page, undated, internal).

¹³⁹ Corrective Services NSW, 'Reception, Screening, Induction & Orientation' (Web Page, undated, internal).

remand programs. As we have highlighted, these programs were limited in scope and availability.

In May 2024 we received updated induction booklets for men and women, and confirmation they were in circulation. These booklets were February 2022 editions and contained up to date information on lock-in and let-go time, visits days, and visits processes.¹⁴⁰ However, they still provided limited information on inmate tablets and the information on remand programs remained unchanged. We welcome advice from Mid North Coast CC that further updates are forthcoming. Induction booklets must be regularly updated to reflect the current state of correctional centres. This is important as inmates should be able to rely on the local induction handbook for accurate and current information.

We returned to Mid North Coast CC in January 2024 to observe the induction and reception processes. Mid North Coast CC reported that it delivered induction sessions in both group and individual formats. The group format was used for mainstream male inmates. When the number of new reception inmates was low or when there were safety concerns (for example for SMAP inmates), an individual induction was delivered. Female inmates also often received an individual induction.

On the day of our visit, we observed two individual induction sessions for new reception inmates. Both inmates had been previously incarcerated and were generally familiar with custodial settings, so their induction sessions were short. However, the sessions were appropriate and delivered the essential information. We spoke to both inmates after their induction sessions, and both reported that they felt they had sufficient knowledge of the centre's processes and procedures.

In the sessions we observed, inmates were asked about their welfare and immediate needs, were provided with material on how to make a complaint in custody, and received an 'induction pack'. Staff explained to the inmates what the material and the brochures in the packs were. The 'induction packs' included:

- 'New Reception Information for Remand Inmates' brochure
- 'Improved Case Management Model' brochure
- 'High Intensity Program' brochure
- 'The Work Development Order' brochure
- Inmate diary
- 'Positive Lifestyle' brochure
- Health Survival Tips assessment form
- 'Health Survival Tips' booklet
- 'Planning your Release NEXUS' book and brochure.

The 'induction packs' did not contain an induction booklet. Mid North Coast CC advised that to ensure prompt access to the required information by inmates, those booklets were provided during the screening interviews,¹⁴¹ which are required to occur earlier than the induction session (within 36 hours of inmates being received into custody).

We did not observe a group induction session. However, it was reported that those sessions were held twice a week and took approximately two hours. Those sessions were reportedly attended by the CMU, education team, CSI, Aboriginal mentor, and the chaplain who would each provide a short presentation about their roles and the support available. The 'Doing Your Time' and the Health Survival video presentations were screened and then inmates were required to complete the Health Survival Tips assessment form. Local information about access to buy-ups, phone calls, and head counts would be provided during those sessions and both immediate and overall welfare matters

140 Information provided by Mid North Coast Correctional Centre, 1 and 3 May 2024.

141 Information provided by Mid North Coast Correctional Centre, 1 May 2024.

explored (for example, matters like sufficient clothing, whether the inmate had a chance to make a phone call, or issues like state debt). Inmates would also receive an 'induction pack' during those sessions.

Based on this information, the induction sessions appear to be well-designed and comprehensive and can assist the new receptions to adapt to the life in custody at Mid North Coast CC.

We also understood that inmates who were transferred from another correctional centre to Mid North Coast CC attended those sessions as an orientation session but were not required to watch the DVDs or complete the Health Survival Tips assessment form. They were also given the induction booklets so they could have access to the local information about the centre.

Reception process

During the January 2024 visit to Mid North Coast CC, we observed the reception process and inspected the reception area.

The reception area was well-designed and clean. Staff working in this area had experience in the reception posts and appeared confident in performing the tasks. This increased the efficiency of the reception process, which was important as the area was busy, and the centre was coordinating high inmate movements.

Three inmates were employed in the reception area and worked in the room where inmate clothing, linen supplies and property were stored. Inmate files were kept secure and couldn't be seen by inmate workers. The workers also had no contact with inmates' valuables bags which were handled only by a senior officer.

We observed the arrival of two inmate transport trucks in the afternoon. For some of the inmates, Mid North Coast CC was the final destination while others were transiting through to Kariong CC. After being unloaded, inmates were placed in holding cells and provided with food and water. The process was efficient, and officers interacted with inmates respectfully. After a short wait, inmates who were being transferred to Kariong CC were loaded into another transport vehicle for their onward journey.

Remaining inmates were processed shortly after being placed in holding cells. An admissions custodial officer conducted initial screening interviews with each inmate while they were in the holding cells. It was unclear to us why the available (and nearby) interview rooms were not used for this purpose, considering they offer privacy and dignity appropriate for initial screening interviews. After the completion of health screenings by JH&FMHN staff, inmates were given clothing, linen, cutlery, and hygiene packs, as well as their dinner and following day's breakfast. They were then escorted out of holding cells.

For inmates who are newly admitted to custody and as part of the reception process, an Intake Screening Questionnaire (ISQ) is administered by a SAPO within 36 hours of reception. According to CSNSW, the administration of this questionnaire should take about 35 to 40 minutes.¹⁴² The main aim of this interview is to identify an inmate's immediate risks and needs. Information obtained in this interview is communicated to relevant staff for the purpose of intervention and case management.

While we did not directly observe an ISQ being administered, our observations during the inspection did not satisfy us that they were being done comprehensively. For example, we sighted records which showed one female inmate's ISQ interview only lasted four minutes. This was of significant concern to us especially as this inmate had a range of needs on arrival into custody at Mid North Coast CC. She had been using illicit drugs before entering the custody, had young children in the community and had been placed on a RIT management immediately.

During her initial classification meeting (which we observed), this inmate reported that she had been detoxing without support from the health team, was not yet linked with any legal services, and had not had any contact with a SAPO for the purpose of welfare support. A screening interview should have identified the complexities of her circumstances and initiated the links to relevant support and services in custody.

142 Corrective Services NSW, *Compendium of Offender Assessments* (5th edition, August 2021) 141.

2.10.2 Searching

The COPP states that inmates may be body scanned as an alternative to a strip search in circumstances where strip searching is otherwise routine. Those circumstances include reception, on arrival from court or from another correctional centre, on departure or arrival from a medical escort, or after a contact visit. The COPP also provides that inmates may be strip searched if a body scan image indicates that they may have concealed contraband.¹⁴³

Mid North Coast CC had operational x-ray body scanners in the reception area and the visits area. The centre reported that 30 custodial officers were trained and licenced to use body scanners, which equates to only 15% of Mid North Coast CC's custodial staff. We observed that x-ray body scanners were not being used when they were available and preferable, for example when inmates were departing for or returning from medical escorts. We do, however, acknowledge that they were being used to search inmates after the completion of contact visits, which was positive.

Staff were generally supportive of using the x-ray body scanners and reported that they found them to be a good tool in detecting contraband. However, some expressed a lack of confidence in interpreting the images and believed the training was not comprehensive enough.

Recommendation: Corrective Services NSW ensures sufficient staff at Mid North Coast Correctional Centre are trained to use the body scanners.

Inmate body scanner in visits area



Inmate body scanner in reception area



2.10.3 Clothing and bedding

During the inspection, there were reports that many inmates did not receive the allocation of clothing prescribed by the COPP.

The COPP provides for a minimum allocation of clothing to be issued at reception and requires this quantity to be the minimum level that is maintained throughout an inmate's sentence.¹⁴⁴

We spoke to inmates who were not given sufficient clothing upon reception at Mid North Coast CC and were wearing worn out or ill-fitting clothing that they had borrowed from other inmates. One

143 Corrective Services NSW, *Custodial Operations Policy and Procedures: 17.5 Body Scanning* (version 1.6, 27 March 2024) 10-11.

144 Corrective Services NSW, *Custodial Operations Policy and Procedures: 1.5 Issuing Correctional Centre Clothing and Linen* (version 1.4, 22 June 2023) 4-6.

woman reported that she was received into custody a few days prior to our inspection and was not provided with sufficient clothing on arrival. She had to borrow clothes and shoes from other women in Sector 2. The track pants and shoes she was wearing were all two or three sizes too big.

We also understood that there was a shortage of underwear and pillows. We inspected clothing and bedding supplies and noted some stocks were very low.

We note that the issue of insufficient supply of clothing has been identified in most of our recent inspections, including in all three regional centres that were the focus of this series of inspections (Wellington CC, South Coast CC, and Mid North Coast CC). We noticed inconsistencies in the way correctional centres managed their clothing stocks, with some centres asking the inmates to surrender their issued clothing prior to their transfer out and some centres not doing so. This resulted in instances where inmates arrived at a receiving centre and were not supplied with enough clothing due to the expectations that they should have arrived with the clothing they were issued at the sending centre.

In June 2023, the COPP was updated and provided that ‘apart from the set of clothing the inmate wears on the day of transfer, all gaol issue clothing and linen remains at the sending centre for re-issue or disposal.’¹⁴⁵ CSNSW needs to monitor the implementation of the updated policy at correctional centres and ensure all centres have the required budget to issue the required clothing so inmates are not disadvantaged.

We believe measures such as centralising the budget for the purchase of inmates clothing and bedding can address issues such as insufficient stock and exhausted clothing budget.

Recommendation: Corrective Services NSW considers centralising the budget for the purchase of inmate clothing.

2.10.4 Release from custody

We observed the release of an inmate from custody during inspection. The process was efficient, and the relevant paperwork had been organised ahead of time. Overall, the officers were professional and made a genuine effort to have a positive interaction with the inmate while they were waiting for his transport to arrive. However, it was disappointing to hear questions like ‘How long are you staying out for?’ posed by a custodial officer followed by conversation around the inmate’s offence. These interactions risk breaching an inmate’s privacy and are unprofessional and inconsistent with rehabilitative correctional objectives.

It was also disappointing to see that the inmate’s belongings were provided to him in a clear plastic bag, and he was discharged through the vehicle sally port. Inmates should not be released through a vehicle entrance.

¹⁴⁵ Corrective Services NSW, *Custodial Operations Policy and Procedures: 1.5 Issuing Correctional Centre Clothing and Linen* (version 1.4, 22 June 2023) 4.

3 Sector 1 (maximum and medium security)

On 1 May 2023, the first day of our inspection, 249 male inmates were held in Sector 1. Of those, 136 people were on remand, six were appealing their sentences and the rest were sentenced. Around 35% of the inmates in this sector were Aboriginal.

Sector 1 held maximum and medium security inmates. At the time of the inspection, around 45% of the inmates in this sector had a medium security classification. They included 54 sentenced inmates and 39 inmates on remand with a medium security classification and 20 inmates who were classified as E2 (a classification assigned to medium security inmates who commit an escape offence), five of whom were unsentenced.¹⁴⁶

As mentioned in section 2.7, Mid North Coast CC could not accommodate minimum security SMAP inmates. Those inmates remained locked in their cells (in Sector 1 or 4) awaiting a transfer out of Mid North Coast CC. On the first day of the inspection, 12 minimum security inmates were held in Sector 1 (four sentenced inmates and three remand inmates with a C1 classification and five sentenced inmates with a C2 classification).¹⁴⁷

Even though less than half of the inmates in Sector 1 were classified as maximum security, we saw no notable difference between the management regimes for maximum and medium rated inmates.

3.1 Custody

3.1.1 Physical environment

Sector 1 holds up to 388 male mainstream inmates across seven accommodation pods (A-G). Each pod had its own yard and common area. At the time of the inspection, D pod was offline for maintenance work.

All pods accommodated a mix of remand and sentenced inmates and inmates were mainly placed in the pods based on their employment status and work location. E pod held unemployed inmates, including new reception inmates, inmates in transit, people on remand who were not working, and sentenced inmates who had refused to work or were dismissed from work.

Table 8: Sector 1 pods¹⁴⁸

Pod	Capacity
A	63
B	66
C	60
D	60
E	66
F	60
G (MPU)	16

The infrastructure of Sector 1 was relatively modern, and the accommodation and common areas were well-maintained. The cells were single or double occupancy. All cells had a shower and a toilet.

¹⁴⁶ Information provided by Corrective Services NSW, 7 December 2023.

¹⁴⁷ Information provided by Corrective Services NSW, 7 December 2023.

¹⁴⁸ Information provided by Mid North Coast Correctional Centre, 21 April 2023. Please note the sum total of the capacity of all the pods is different to the maximum capacity of Sector 1 reported by Mid North Coast CC.

Most pods, except for A and E, had an interview room that was equipped with computers, printers, and phones. These were being used by the staff from OS&P, case management, Community Corrections, and chaplaincy teams.

Pod common area



Pod yard



3.1.2 Time out of cell

Sector 1 had the same structured day on weekdays and weekends. Inmates were let out of their cells at 8.15am and the lock-in procedure commenced at 2.50pm. This provided just over six and a half hours of time out of cell on normal operating days.

Based on the information provided by Mid North Coast CC, in the period from 1 January to 31 March 2023, the entire Sector 1 experienced at least two full-day and four part-day lockdowns. We note, however, that some of the lockdown incidents were not properly reported. On at least six other occasions, while the total number of inmates affected by a full-day lockdown was reported, their accommodation area was unclear and may have been either of Sector 1 or Sector 4. Therefore, it is possible that Sector 1 had a much higher number of lockdowns in this period.

On many occasions, Sector 1 was subject to a variation of routine which only affected some of the pods. Those pods, without an exception, were G and E pods, the pods that accommodated unemployed inmates. In addition to the days when a sector-wide lockdown was in place, G pod was locked down a further 15 times and E pod was locked down seven times (all for full days). Staff shortage was the main reason reported for these lockdowns.

We draw attention to the fact that the highest number of lockdowns affected G pod, where inmates were already in individual cells and remained in cell for much of the day. On several occasions, lockdowns happened on consecutive days. Legislation and the COPP provide that all inmates, except for those confined to cells due to a penalty imposed for a correctional centre offence, must be provided with access to open air for a minimum of two hours per day.¹⁴⁹ When G pod was locked down, inmates did not have such an opportunity. Given the already restrictive nature of custody in G pod, such frequent denial of access to open air is gravely concerning.

During the inspection, we observed the rolling let-go and lock-in procedures in Sector 1 and found them to be efficient.

¹⁴⁹ *Crimes (Administration of Sentences) Regulation 2014* cl 53(1); Corrective Services NSW, *Custodial Operations Policy and Procedures: 6.11 Daily Exercise and Time out of Cell* (version 1.1, 12 March 2020) 4.

3.1.3 Segregation and protective custody

Separation from the general inmate population may be required for a range of reasons, including where an inmate:

- is subject to segregation under section 10 of the CAS Act
- needs to enter protective custody under section 11 of the CAS Act
- is being held separately from other inmates for ‘the purposes of the care, control or management of the inmate ...’ under section 78A of the CAS Act.

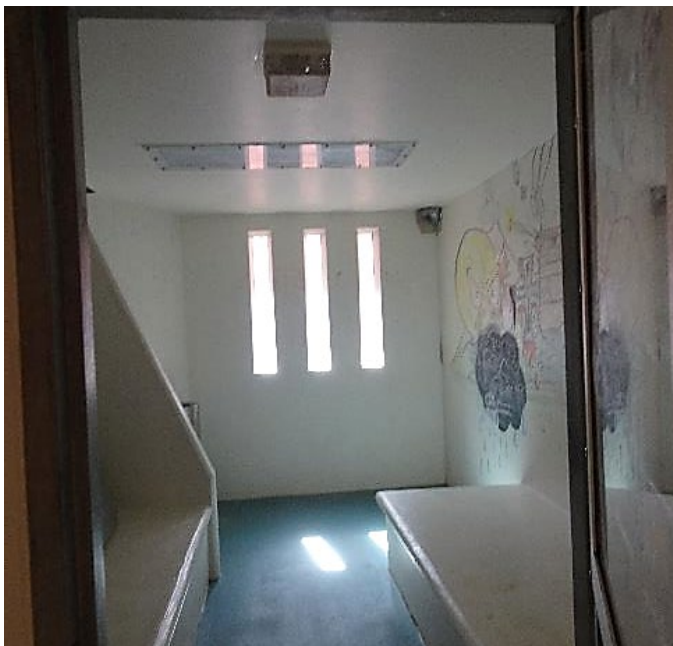
G pod in Sector 1 was commonly referred to as the ‘segregation unit’. However, it was a multipurpose unit that held inmates on segregation orders, inmates who were unable to mix with other inmates and were designated ‘Protection Non-Association’ (PRNA), inmates who were subject to RIT management plans, and inmates who were subject to a section 78A order.

The pod was split into two sides and each side had eight cells. On each side, two cells were allocated to inmates who were on a RIT management plan.

Inmates in G pod were housed in individual cells and were mainly confined to their cells except for when they accessed their allocated day yard. The length of time out of cell was determined by the infrastructure of the pod as some of the cells had their own yards while others shared a yard which restricted the length of time each inmate could access it. Most of the individual or shared yards were accessible from the rear of a cell and most yards were shared between two or three cells. However, we observed that none of the RIT cells had access to a rear yard and instead shared a separate exercise yard.

When we inspected G pod, the names of all the people in the unit and their respective orders were on a board which could be easily viewed and checked by the officers. Often three officers were assigned to this area during the day and the staff we spoke to on the day of the inspection, appeared to have a good understanding of the inmates and their orders.

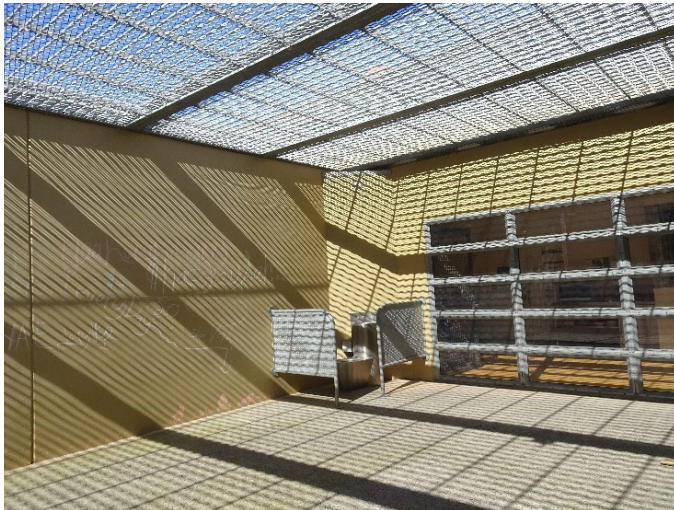
A cell without a rear yard



A cell with access to a rear yard



A day yard in G pod (shared)



We closely inspected the cells that were allocated to inmates on a RIT management plan. As discussed, in late January 2023, an inmate on a RIT management plan who was placed in G pod died in custody. Mid North Coast CC reported that they commenced removing the hanging points in all observation cells, after this incident. At the time of the inspection, G pod was back in operation after undergoing this remedial work. However, we observed that while the hanging point in this incident had been removed, there were still hanging points in the RIT cells. In its current condition G Pod is not an appropriate and safe accommodation for inmates on RIT management plans. We advised the governor of Mid North Coast CC of our view at the end of the inspection.

The NSW Coroner has highlighted ongoing concerns about the hanging points in custodial environments in NSW and the frequent recommendations made to CSNSW over years for urgent change.¹⁵⁰ In a 2023 report, Deputy State Coroner Grahame recommended that ‘the Commissioner Corrective Services NSW should continue to seek additional funding for the program of cell refurbishment, to progress the removal of obvious ligature points from cells in correctional centres as a matter of urgency’.¹⁵¹

We observed that the MPU in Sector 4 was purpose-built and had safe cells that were appropriate for accommodating inmates who were at risk. Similar infrastructure needs to be built in Sector 1.

Recommendation: Corrective Services NSW removes all hanging points from the cells allocated to inmates on a risk intervention team management plan in Mid North Coast Correctional Centre’s Sector 1 multipurpose unit (G pod) and ensures until such is completed inmates at risk of self-harm are not placed in this area.

Recommendation: Corrective Services NSW builds a new fit-for-purpose multipurpose unit in Sector 1 of Mid North Coast Correctional Centre that can safely accommodate inmates at risk.

3.2 Rehabilitation

There were many employment opportunities available for both sentenced and remand inmates in Sector 1. This was positive although we observed that the significant focus on employment deprioritised programs and education.

3.2.1 Programs

In Sector 1, the main focus was employment and a significant number of inmates in this sector (except for those in E pod) were employed. This left little time for the delivery of programs.

¹⁵⁰ *Inquest into the death of DP* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 16 November 2023) 26.

¹⁵¹ *Inquest into the death of DP* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 16 November 2023) 28.

The OS&P team responsible for the delivery of programs in Sector 1 was also tasked with the delivery of non-HIPU programs in Sectors 2 and 3. However, we did not see much evidence that any programs were being delivered outside of the HIPUs and it appeared that the team was primarily focused on Sector 1.

Reports from Mid North Coast CC concerning non-HIPU programs in 2022 indicated that the OS&P team delivered NEXUS and Health Survival Tips for inmates in Sectors 1, 2, and 3. As previously noted, the Health Survival Tips assessment forms and the DVD are parts of the induction sessions that this team runs. We were unclear if, similar to some other centres, NEXUS was being delivered in this sector as a self-directed program whereby the participants receive an information booklet or if it was being delivered by a SAPO.

Sector 1 offered SSIP for inmates with short sentences who had a higher risk of returning to custody. In 2022, in addition to the SSIP, CONNECT, EQUIPS Addiction, and EQUIPS Aggression were delivered. Reportedly, in that year, staff shortages and issues related to the management of COVID-19 pandemic affected the program delivery. As a result, in 2022, one round of CONNECT and one round of EQUIPS Aggression did not run and EQUIPS Foundation was not delivered at all. Further, within SSIP, one round of CONNECT ended and EQUIPS Addiction was not delivered. Program completion was overall low in 2022.¹⁵² The list of programs delivered in Mid North Coast CC in the first half of 2023 was not broken down by the sector. The overall number of those programs is provided in table 4.

When we inspected Mid North Coast CC, the OS&P team was delivering EQUIPS Foundation in Sector 1 on a weekly basis. This program has 20 sessions and is delivered over 10 weeks. The team reported that they tried to run at least one program at any one time and at times combined inmates who were part of the SSIP cohort and those who were not.

We did not see any evidence that remand programs were being delivered for the inmates in Sector 1. Across Mid North Coast CC, only two SAPOs focused on the programs for remand inmates and they were part of the OS&P team which focused on Sector 4. Most remand programs were delivered from 'X block', the dedicated industries and programs space in Sector 4. We note that Sector 1 also had a dedicated industries and programs space, known as 'J block', and the reason for delivering limited (or no) remand programs to the inmates in this sector was not related to infrastructure or a lack of suitable space.

Mid North Coast CC cited a lack of interest from the remand inmates in Sector 1 as the reason for low numbers of remand programs in this sector. However, we believe that the genuine level of interest was hard to determine, as the remand inmates in Sector 1 were primarily working. Some staff suggested that intensive remand programs could be delivered for inmates in Sector 1 in the 'J block' space to limit the impact on industry operation. Reportedly, this recommendation was put forward but not adopted by the centre management.

3.2.2 Employment

In May 2023, Sector 1 had the capacity to provide 306 jobs for inmates: 87 jobs across the 'service industries' (for example internal grounds maintenance), and 219 jobs across the CSI business units.¹⁵³ According to the inmate employment profile, some of the jobs across the CSI business units available to inmates in Sector 1 were in the recycling unit and laundry. However, this was not the case during the inspection. The recycling unit only employed inmates from Sector 4 and the laundry only employed female inmates. Nevertheless, the number of employment opportunities offered in Sector 1 was high and in the week of the inspection, the sector was employing 196 inmates, 80% of its population at that time.¹⁵⁴

In Sector 1, inmates in each pod were assigned to one or two specific business units. Inmates in A pod either worked in the furniture-East unit or attended the ILC. Inmates in B pod worked in the furniture-

152 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

153 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

154 Information provided by Mid North Coast Correctional Centre, 27 February 2024.

West unit. Inmates in C pod worked in the textile or upholstery units, while inmates in F pod packed groceries (buy-ups) or worked in centre hygiene. All inmates in E pod were unemployed.

All inmates (new reception, transit, remand, and sentenced) were placed in E pod upon reception in Sector 1 and then assessed by the CSI staff for placement in suitable employment. After they were assigned an employment location, the inmates were then moved to the accommodation pod that held the workers of that business unit. Inmates who were not assigned to an employment location remained in E pod alongside the inmates who were dismissed from employment or refused to work. As discussed in section 2.4.1, this arrangement was problematic as it reduced the focus on the varied needs of different cohorts of inmates in E pod, including the remand inmates who remained there.

A significant number of remand inmates in Sector 1 were employed. The percentage of remand workers ranged from 40% of the workers in furniture-East unit to 71% in the textiles unit. While inmates on remand are not required to work, the ICS standards and CSNSW policy encourage availability of work for remandees who express a desire to work.¹⁵⁵ However, it is important that these inmates have a real choice and can decline to work without facing adverse consequences. While we do not suggest that remand inmates at Mid North Coast CC were forced to work, we believe the unfavourable conditions of unemployed remand inmates in E pod did not give remand inmates a real choice when it came to employment. Many remand inmates perceived employment as the only way they could leave E pod and have something to do during the day.

It is also important to note that the engagement of remand inmates in work needs to be properly balanced against their need to have enough time to work with their legal representatives and prepare for their court appearances.

As mentioned earlier, the high number of vacancies within the overseer portfolio meant some industry units had to close frequently. This particularly affected the industries within Sector 1, with furniture, textiles and upholstery units having the highest number of non-operational days in the first half of 2023. Therefore, on many occasions, inmates who were employed in those business areas were not working. This was the case on some of the days during the inspection when the furniture units were closed.

Table 9: Employment profile in Sector 1¹⁵⁶

Industry	Capacity	Description	Number of people employed in May 2023 ¹⁵⁷
Canteen buy-up	45	Inmates filled buy-up orders for five correctional centres: Clarence, St Heliers, Tamworth, Glen Innes and Mid North Coast.	42
Furniture	90	Furniture units was divided into two sections: East and West. Inmates assembled the bed bases that were produced in the Sector 4 furniture workshop.	59
Textile	30	The workshop received pre-cut fabric from Shortland CC and inmate machinists made prison greens.	28

¹⁵⁵ Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 5.2; Corrective Services Industries, *Inmate Incentive Allowance Framework* (5 February 2024) 11.

¹⁵⁶ Information provided by Mid North Coast Correctional Centre, 21 April 2023 and 27 February 2024. The data relates to 1 May 2023. Due to staff shortages, variations to routine, varying business needs and workload, on some days the industries might not operate with all the inmates who were reported to be employed there.

¹⁵⁷ Number of people employed in each industry has been calculated using Inmate Assignment Location Report. There may be some discrepancy in the total number of inmates employed in each employment area, including the number of people who have been listed as attending ILC and SSIP. This is at times due to how inmate wages are 'coded' and the area against which they are getting paid.

Upholstery	45	Inmates made items such as staff clear bags, canvass bags, valuable bags, and shade house covers for CSNSW. The workshop also had an external contract with a furniture manufacturer.	31
Laundry	9	At the time of the inspection, no inmate from Sector 1 was working at the laundry.	0
Internal grounds maintenance/ centre hygiene	32	Inmates undertook maintenance tasks such as lawn mowing and gardening as well as general cleaning of the sector.	12
ILC	40	Payment for inmates attending the ILC	17
SSIP	N/A	Payment for inmates attending SSIP	5
Clerks	3	Inmates worked as administration clerks.	1
Recycling	9	At the time of the inspection, no inmate from Sector 1 was working at the recycling unit.	0

3.2.3 Education

Mid North Coast CC is one of only four correctional centres in NSW that has an ILC. We were impressed with this infrastructure, comprising classrooms, a library, and a Yarning Circle. The ILC was located in Sector 1 with direct access from the A Pod yard where all inmate students were accommodated.

The ILC operated from 8.30am to 11.30am and from 12.30pm to 2pm on all weekdays except for Wednesdays. As Mid North Coast CC was locked in early on Wednesdays, the learning centre operated only from 8.30am to 12.30pm on those days.

ILC classroom



ILC outdoor area¹⁵⁸



¹⁵⁸ Please note that this photo was taken in an earlier liaison visit and not during the inspection. Photo of the classroom was taken during the inspection.

The capacity of the ILC was 40 students but only 17 inmates were studying there during the inspection. This meant that the learning centre was operating at less than half its capacity. Three teachers were working at the ILC but Mid North Coast CC had the capacity to employ an extra teacher if the number of students increased.

Mid North Coast CC had changed the ILC eligibility criteria to allow for the participation of both remand and sentenced inmates. This change had undoubtedly increased the number of inmate students. We note that this change to eligibility criteria was also put forward as a solution to the low student numbers in other correctional centres with an ILC, for example at Wellington CC. While this provides an opportunity for remand inmates to engage in education and is positive, we are not convinced that it is a sustainable solution to address the low number of students in the ILCs.

The ILC is a 6-month program that requires a stable cohort of students. Remand inmates are less likely to remain at a centre for long as they are often transferred across the state due to CSNSW's Remand Bed Placement policy and may not remain incarcerated after their charges are considered by the courts. Further, the mode of delivery in the ILCs does not allow for a rolling intake of students throughout a course. If a student leaves the ILC, that place cannot be filled until the next intake of new students.

Overall, finding suitable inmates to participate at the ILC remained a challenge at Mid North Coast CC. Lack of strategic placement of inmates at the correctional centres and the fact that Mid North Coast CC was trying to accommodate many different inmate cohorts further reduced the number of eligible inmates. Another contributing factor was that the Intervention Pathways in case plans prioritised criminogenic programs over education. This issue was also identified during our inspection of Wellington CC and was analysed in detail in that report.¹⁵⁹

We heard that CSNSW was undertaking a project to increase ILC enrolments. Reportedly the project had recognised the importance of early identification of potential students and their placement at a centre with an ILC. This is in line with CSNSW's report to us in March 2024 that they undertook a project to review the ILC resources and material across the state and to introduce Intervention Pathways.¹⁶⁰

We agree that the early identification of potential students and the introduction of Intervention Pathways are effective measures to tackle the ongoing issues of low student numbers and the lack of suitable inmate students. It is important that measures are put in place as soon as possible so a valuable resource like the ILC is maximised. These learning centres are well designed and remain the only places in the NSW correctional system that still have qualified teachers.

Recommendation: Corrective Services NSW centrally identifies the inmates who are suitable for participation in intensive learning centres and prioritises the placement of those inmates at the correctional centres that have this facility.

3.3 Care and wellbeing

3.3.1 Access to library

Sector 1 inmates had very limited access to the library. We saw a sign on the officer's station advising that each pod could access the library once a fortnight. However, at the Sector 1 IDC meeting we observed, inmates were told that even this access to the library would not be provided.

The low regard across correctional centres for appropriate access to a well-resourced library is of concern. This is not an issue unique to Mid North Coast CC and has been observed in most of our inspections. Conversations with staff often point to a perception that inmates are not interested in reading and using libraries and therefore maintaining access to these facilities is not a priority. We reject this perception and argue that having access to books and an inviting library space can help develop reading habits. Furthermore, access to libraries is particularly important for remand inmates as libraries provide them with access to legal resources and information.

¹⁵⁹ Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022* (Report, 2024) 50.

¹⁶⁰ Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022* (Report, 2024) 50.

4 Sector 2 (women)

On the first day of the inspection, there were 51 women in Sector 2. This included 25 women on remand (49% of the population), 24 sentenced women (47% of the population) and two women who were appealing their sentences. All had a minimum security classification.

Almost half of the inmates in Sector 2 were Aboriginal (24 out of 51). Fifteen of those Aboriginal women were on remand.¹⁶¹

4.1 Custody

4.1.1 Physical environment

Sector 2 of Mid North Coast CC holds a maximum of 54 women. The accommodation in this sector was 'cottage' style. There were three accommodation units, each containing two wings. Each wing had five cells, two bathrooms (two toilets and two showers), a common room, and a storage area. One of the bathrooms in each wing was accessible and had guard rails. Each common room had a fridge, a microwave, and some basic cooking appliances and utensils. Positively, women had access to a meat and egg buy-up which gave them some opportunities for self-catering. Free menstrual products were available in the storage areas.

The accommodation units were clean but aged and had several maintenance issues, including plumbing issues and broken air conditioners. We saw black mould in some of the bathrooms which was reportedly due to broken bathroom fans. There were not enough chairs, table space, or lounge seating for all women in a unit.

We were, however, impressed with Sector 2 grounds. The grounds provided women with access to green space, sun, and fresh air and created a relaxed atmosphere which was appropriate for a minimum security population. Women had access to a walking track, gym equipment, an accessible Yarning Circle, and picnic tables where they could sit and read, paint, or do craft. There was a small vegetable garden directly outside each unit. There was also a hairdressing station and the inmate who worked there was paid for her time.

Common room in an accommodation wing



A vegetable garden outside an accommodation unit



161 Information provided by Corrective Services NSW, 7 December 2023.

Exercise equipment



Sector 2 outdoor area



As mentioned, on the first day of the inspection, there were 51 women in Sector 2. This number increased to 53 while we were on site, meaning the sector was almost full, with only one vacancy. This presented challenges for the staff in terms of managing conflicts amongst inmates as there was very limited capacity to move people between units.

4.1.2 Time out of cell

The purposeful day routine of Sector 2 was similar to Sectors 1 and 4, even though Sector 2 only held minimum security inmates.¹⁶² On normal operating days, women started their day at 8.15am and were locked in their units at 2.50pm. This routine was the same on weekdays and weekends.

We were concerned that female inmates, who all had a minimum security classification, only had access to just over six and a half hours of time out of cell.¹⁶³ This was almost three hours less than the daily average for minimum security custodial settings in NSW, which is already the lowest daily average in Australia.¹⁶⁴ It was also much shorter than the 10 hours of time out of cell for male minimum security inmates in the nearby Sector 3. We heard that previously the length of time out of cell for the inmates in Sectors 2 and 3 was similar. However, when Mid North Coast CC moved to a hybrid roster of eight-hour and 12-hour shifts, the staff in Sector 2 were assigned eight-hour shifts and consequently the length of time out of cell for the inmates in Sector 2 was reduced.

Mid North Coast CC was locked in early at 2pm on Wednesdays which further reduced the already limited time out of cell. The main reason cited for this early lock-in was to reduce the opportunities for standover after the distribution of buy-ups. While this can be an appropriate measure in a setting like Sector 1 or Sector 4, where prisoners are locked into their cells and may only share that cell with one other person, it does not effectively apply to Sector 2. In Sector 2 inmates are locked into a unit with five cells, which are often double occupancy, and are not locked into their cells. It was unclear if this measure had any meaningful impact in reducing the standover opportunities to warrant its ongoing application which resulted in the loss of one hour of time out of cell every week.

Information provided by Mid North Coast CC indicated that in the period from 1 January to 31 March 2023, Sector 2 was locked down once for the whole day and six times for part of the day. The duration of part-day lockdowns was between one and four and a half hours. The full-day lockdown and three of the part-day lockdowns also affected all other accommodation areas of Mid North Coast CC. The part-day lockdowns which only affected this sector were attributed to the need to release staff to carry out unscheduled medical escorts or to respond to incidents.

¹⁶² Mid North Coast CC holds female inmates with a CAT1, CAT2, or CAT3 security classification. According to CSNSW's *Policy for Inmate Classification and Placement*, women in custody with these security classifications are considered minimum security (see: Corrective Services NSW, *Policy for Inmate Classification and Placement* (version 2.1, 29 October 2021)).

¹⁶³ In line with the definition adopted by the Productivity Commission in its reporting on government services, time out of cell is defined as the average number of hours in a 24-hour period that inmates are not confined to their cells or units. Women in Wellington CC were not confined to their cells after lock in, but they were confined to their units.

¹⁶⁴ Productivity Commission, Australian Government, *Report on Government Services 2024* (Report, January 2024) Table 8A.13.

Recommendation: Corrective Services NSW increases time out of cell for inmates in the women's accommodation area (Sector 2) of Mid North Coast Correctional Centre.

4.1.3 Segregation and protective custody

The MPU in Sector 2 had two sides which were separated from each other by a central yard that led to a common area with a kitchenette. On each side of the MPU, there were four cells which could be used for accommodating inmates who were subject to a segregation or section 78A order, as well as the inmates who were placed on a RIT management plan. During the inspection, the camera cells in this MPU were offline for remedial work.

When we visited the MPU on the first day of the inspection, it was empty. We returned a few days later and observed one male and one female inmates in the MPU. They were placed in two cells on opposite sides of the MPU. The male inmate had originally been placed in Sector 4 and then transferred to the health centre following an assault. However, he refused medical treatment and was subsequently transferred to this MPU. He reported that he had been in the MPU for two nights and would be released on bail the next day.

The placement of a male inmate in the women's MPU was likely the result of lack of vacancy in the Sector 4 MPU (and most likely G pod in Sector 1).

Sector 2 MPU central yard



We returned to Mid North Coast CC in August 2023 to attend a NAIDOC celebration in Sector 2. The MPU accommodated seven female inmates on the day we were at Sector 2. Five of those women were subject to a segregation order.

We note that the Sector 2 MPU had one yard and one internal common area. Therefore, when the unit was close to capacity, inmates were less likely to receive the required time out of cell. Inmates reported that their status (segregation or protection) affected the areas they could access while out of cell, and the duration of this access.

4.1.4 Classification and placement

Over the years, we have examined and documented the adverse impacts of the Women's Remand Bed Placement (WRBP) policy.¹⁶⁵ WRBP can be used to override the legislation¹⁶⁶ and transfer women on remand to any correctional centre in NSW with vacant remand beds. It disregards the consideration of proximity to family in a placement determination and is primarily used as a tool to

¹⁶⁵ See for example: Inspector of Custodial Services, *Women on Remand* (Report, 2020) 41-49 and Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022* (Report, 2024) 53-54.

¹⁶⁶ Clause 20 of *Crimes (Administration of Sentences) Regulation 2014* provides for the matters the Commissioner should consider when placing an inmate in a particular correctional centre. They include the inmate's classification, the location of the inmate's family, their health, past behaviour and security concerns and the availability of programs and services.

manage bed availability within the system. As a result, many women who are on remand are moved repeatedly around the state and often held in correctional centres that are far from their families, including their children.

This was the case for many women on remand in Sector 2 of Mid North Coast CC, who reported that they had been transferred multiple times. Several women had families in Sydney and were unsure why they had been transferred to Mid North Coast CC as this centre did not offer the women any remand programs or services. They reported that the transfer disrupted their access to their families who remained in Sydney and were unable to travel to Kempsey for an in-person visit.

We spoke to a woman on remand who was in custody for the first time. She was moved seven times in the space of five months. The transfer to Mid North Coast CC placed her too far from her family (including her children) and she could no longer see them in person. She told us that when she became upset after being moved, she was put on a RIT management plan. We understand that shortly after the inspection, this woman was transferred to Wellington CC, a correctional centre that was even more inaccessible to her family.

An analysis of the last known postcodes of female inmates at Mid North Coast CC showed that almost 60% of women on remand were from outside of Mid North Coast CC's catchment area. This included a significant number who were from Sydney.

Positively, fewer Aboriginal women on remand had been placed far away from their last known postcode. Of the 14 Aboriginal women who were on remand, eight were either from the local area or from an area for which Mid North Coast CC was the closest correctional centre that could hold women. Conversely, this was not the case for sentenced Aboriginal women as only one of the eight sentenced Aboriginal women was from the catchment area.¹⁶⁷

In response to our observations regarding WRBP policy which we provided in the Wellington CC inspection report, CSNSW advised that the use of remand bed placement would be ceased.¹⁶⁸ While no timeframe has been provided yet, we welcome this development and urge the CSNSW to cease the use of WRBP promptly to prevent further harm to women in custody and their families. We believe that any change of placement should require a review that considers a woman's Aboriginality, connection to Country, and ability to maintain contact with their children and family.

4.1.5 Staffing

Sector 2 was managed by a female functional manager and two correctional officers on normal operating days. During busy periods, especially when the MPU was full or had a complex cohort of inmates to manage, the sector could request an additional staff member. It was reported that the management tried to ensure a gender balance within the custodial team in this sector. Whenever we visited Sector 2 during the inspection, there was at least one female correctional officer in Sector 2 and on some days both correctional officers were female. There was, however, no Aboriginal staff assigned to this area.

The substantive functional manager and the acting functional manager who was in the role during the inspection were experienced and had the right skills to work with women in custody. They had a good understanding of the needs of female inmates and the measures required to address those needs. Attention was also given to organising activities and events that focused on women and gave them a sense of community. For example, breast cancer awareness week was acknowledged with a special guest, a BBQ was facilitated for International Women's Day, and a yoga instructor visited the sector weekly.

The staff who were on duty during the inspection appeared to have good rapport with inmates and treated them respectfully and professionally. The management acknowledged the important work of those correctional officers and attributed the relatively calm environment of the sector during that week to their efforts.

¹⁶⁷ Information provided by Corrective Services NSW, 18 July 2023. Please note this data relates to 5 May 2023.

¹⁶⁸ Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022* (Report, 2024) 54. This was later confirmed in a letter provided to the Inspector of Custodial Services in July 2024.

These staff are not permanently rostered in Sector 2 because custodial staff rotate through different posts at Mid North Coast CC. We acknowledge rotations are an important strategy in preventing burnout and assisting in maintaining professional boundaries. However, working with women is a specialised role that requires certain skills, knowledge, and understanding. Not all the staff who were assigned to Sector 2 had those skills. Some staff also lacked cultural sensitivity and it was in this area that we heard racial labels were informally used by some staff in reference to accommodation units holding Aboriginal women. It is important staff with relevant expertise and training in working with women are rotated to the correctional officer posts in Sector 2.

We understood that only 45 custodial staff at Mid North Coast CC had completed the working with women prisoners training modules. The management of Sector 2 was aware of the importance of this training and reported that they supported their staff to complete it.

Some of the women we spoke to were victim-survivors of sexual violence and reported a lack of understanding amongst the staff of the impacts of such experiences on behaviour. They cited several examples when their distress was merely treated as a behavioural or compliance issue and there was no consideration of the impact of the trauma. Given the strong focus of Mid North Coast CC on staff training, this gap should be addressed through training on trauma-informed practice. We note that undertaking such training is not merely important for the custodial officers who are assigned to the women's accommodation area but also for anyone who interacts with this population, including staff employed in the CSI, education and OS&P teams.

We were concerned to hear that the functional manager assigned to Sector 2 had to work across several portfolios. In addition to managing Sector 2, the functional manager was responsible for intake and reception, as well as placement of inmates in health centre cells. This arrangement did not provide adequate time for close management of women in custody. While the number of inmates in Sector 2 may be lower than other sectors, managing women in custody requires gender-specific and gender-responsive engagement. Further, Sector 2 is an accommodation area where the oversight component of the role of the functional manager is of great importance as stronger oversight can help maintain professional boundaries. In our opinion, the various responsibilities assigned to the functional manager did not allow enough time for them to fully execute those aspects of their role.

4.2 Rehabilitation

4.2.1 Programs

In Sector 2, programs are primarily delivered by the HIPU but it was significantly underutilised and was only delivering a small number of programs to women in custody.

We understood that the HIPU in Sector 2 had been experiencing frequent cancellations, due to staffing shortages and lockdowns. This was the case during our inspection when EQUIPS Addiction sessions were cancelled due to a centre-wide lockdown which was imposed following an incident in Sector 4.

As explained in section 2.6.1, one OS&P team was responsible for the delivery of programs in the HIPUs in Sectors 2 and 3. At the time of the inspection, this team had only six SAPOs out of the total of 12 allocated SAPO positions, which was affecting program delivery. We heard accounts that the Sector 3 HIPU was prioritised over Sector 2 because it was larger and accommodated more inmates. A review of the HIPU schedule showed that in the week of the inspection, only four sessions out of the scheduled 25 were allocated to Sector 2, even though the population of Sector 3 was only double the size of Sector 2.

The frequent cancellations of the HIPU caused frustration in Sector 2. It was delaying program completion for existing participants and delaying commencement for women who had been transferred to Mid North Coast CC to access the HIPU.

Despite having a large remand cohort in Sector 2, Mid North Coast CC offered no programs for this group. A considerable number of women on remand reported that they were incarcerated due to

drug-related charges or that they had drug dependency before they entered custody. More than half of the women on remand in Sector 2 had indicated their interest in participating in the Remand Addiction Intervention program. Considering the number of women who are on remand in Mid North Coast CC, remand programs need to be delivered in Sector 2.

We expected that some programs would be delivered outside of the HIPU but found no evidence that such programs were being delivered in Sector 2.

4.2.2 Employment

Sector 2 had the capacity to provide 56 jobs for women in custody: 21 jobs across the 'service industries' and 35 jobs across the CSI business units.¹⁶⁹ This meant the sector had the potential to employ every inmate held there. Most of the 'service industries' positions were for HIPU participants, who are paid and classified as employed. Within the CSI business units, up to 20 women could be employed in the laundry and up to 15 women in the 'nursery' (ground maintenance).

On the first day of the inspection, 37 of the 51 women in custody were employed. They primarily worked in the laundry, which on that day employed 25 women. Four women were employed in ground maintenance.

The rest were employed as a library clerk, Aboriginal delegate, hairdresser, and cleaners. The data showed that only two women were getting paid as HIPU participants. However, this does not necessarily mean that the HIPU in Sector 2 had two participants, as often the inmates who attend the HIPU engage in other employment and are paid and reported against their other employment (even when they attend the HIPU for half a day). This is in line with the CSI policy on inmate wages and is in place to avoid disadvantaging inmate workers who attend the HIPU, as the payments for participation in HIPU are generally lower than some of the industry wages.

At the time of the inspection, Mid North Coast CC did not have a work release program. This reduced the opportunities for successful transition from custody to living in the community. The centre also provided no opportunities for inmates to participate in community projects. This issue also affected minimum security male inmates and is explored further in section 5.2.2.

4.2.3 Education

Providing appropriate educational opportunities for women in custody is an important rehabilitative strategy which can support successful reintegration into the community. As highlighted by the United Nations Office on Drugs and Crime (UNODC), women in custody are more likely to have had interrupted or limited access to education. Therefore, delivering education to female prisoners is 'an important means of helping women gain self-confidence and independence' and urges prison authorities to 'ensure that suitable education is provided to female prisoners as a matter of priority'.¹⁷⁰ Education and vocational training can assist women to gain employment after release and break the cycle of violence and disadvantage.

The educational opportunities available to female inmates at Mid North Coast CC were scarce. The dedicated classroom in Sector 2 was being used as a storage area. We understood that very few courses (including vocational training courses) had been provided to female inmates over the past two years. While male inmates could complete workplace credentials such as the general construction induction course, these were not accessible to female inmates. Further, as the ILC was in Sector 1, it was not available to women in custody in Sector 2.

Recommendation: Corrective Services NSW ensures Mid North Coast Correctional Centre increases the number of educational opportunities and programs available to women in custody (including programs for women on remand).

¹⁶⁹ Information provided by Mid North Coast Correctional Centre, 21 April 2023.

¹⁷⁰ United Nations Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 51.

4.3 Care and wellbeing

Women in custody have complex needs and are amongst the most vulnerable groups of people in prisons. Research from CSNSW has highlighted that compared to male inmates, women prisoners are more likely to have extensive histories of victimisation, experience socio-economic disadvantage such as housing insecurity and unemployment, and experience family dysfunction. They often use alcohol and other drugs as a maladaptive coping mechanism. The research has also showed that the complexity of needs is more pronounced among Aboriginal women, a group that is overrepresented in the prison system.¹⁷¹

Therefore, it is important to provide comprehensive support to female inmates at different stages of their incarceration. This includes at the reception stage when they may need support to detox, or to make arrangements for the care of their dependent children. Throughout their prison sentence, women in custody need further support to address their criminogenic needs and prepare for their return to the community. The OS&P team is largely tasked with delivering this support.

As explained in the previous section, women in Sector 2 had limited access to both criminogenic and remand programs. There was also little to no evidence of the delivery of any wellbeing programs. Those programs include Out of Dark, Mothering at a Distance, and Aboriginal Cultural Strengthening.¹⁷² There were also significant gaps in the level of welfare support provided to women.

Several women reported they were yet to have any contact with a SAPO for the purpose of welfare support. This group included an older Aboriginal woman who had an imminent court hearing and was unsure how she could contact her legal representative.

We observed that women with a history of drug dependency, especially those who were on remand, were particularly disadvantaged. As mentioned, there was no Remand Addiction Intervention program available to these women. Further, at the time of the inspection, local JH&FMHN staff had misinterpreted the eligibility criteria for Opioid Agonist Treatment (OAT), which affected the level of support remand inmates received while detoxing (this issue will be further explored in section 7.1.3). We also did not see any evidence of supported peer groups (for example, Alcoholics Anonymous or Narcotics Anonymous) for sentenced or unsentenced women.

Several women with a history of drug dependency who were on remand or had short sentences spoke about the challenges that they had been facing in securing a placement at drug rehabilitation services in the community. They reported that in the absence of a support network in the community who could assist in making such inquiries, this task had largely been left to the prisoners.

The CSNSW's *Compendium of Inmate Support Services* provides that as part of 'fundamental support' services, SAPOs should 'facilitate contact between the inmate and the residential rehabilitation service [...and] provide a brief report indicating the inmate's eligibility for residential rehabilitation, if required, to support application'.¹⁷³ However, this support was not routinely provided and the women needed to contact various rehabilitation services themselves. This required repeated phone calls which were difficult to make from the prison due to the limitation on the length of phone calls and their prohibitive costs.

These observations further support the recommendation we made in section 2.6.1 in relation to the review of the OS&P teams to ensure they are adequately resourced and have appropriate support and training to perform their roles.

171 Jude Lobo and Mark Howard, 'Women in prison: An examination of the support needs of women in custody with children' (Research Brief No 4, Corrections Research Evaluation and Statistics, March 2021) 1-2.

172 As mentioned earlier in this report, based on the data provided by Mid North Coast CC, Aboriginal Cultural Strengthening program was not delivered in Sector 2 in 2022. It is unclear from the data provided for the year 2023 if this program was delivered in this year in Sector 2.

173 Corrective Services NSW, *CSNSW Compendium of Inmate Support Services* (2023) 29.

4.3.1 Access to purposeful activities

As mentioned, some activities and events were organised for women in Sector 2. They had good access to the outdoor area and to craft materials for knitting. However, the range of structured activities needs to be expanded, especially for women on remand who were not provided with access to programs or education.

Sector 2 library



When we visited Mid North Coast CC in 2018, Sector 2 had a dedicated library. In the current inspection, we saw that this space had been turned into an office and instead a small corner of a large multipurpose room was being used to store books. While the new space appeared to be accessible and at times had an inmate librarian, it was small and did not provide enough shelf space for all the books. As a result, the books were double-stacked, which made it hard for inmates to see what was available.

It was disappointing to see that despite having a reasonable number of books and an inmate librarian, the lack of an appropriate space had hampered the proper functioning of a library in Sector 2. Further, there were no legal books and resources in the library which was problematic for women on remand.

4.3.2 Other wellbeing support

As women continue to remain a minority within the NSW correctional system, often held in small sections of correctional centres with their needs and concerns receiving less attention, the role of those who provide additional support to this group, becomes more prominent. The importance of these roles needs to be acknowledged by the prison management and all efforts should be made to maintain them.

Our conversations with women in Sector 2 highlighted the value of support they used to receive from the chaplain and for many women with children, the support they used to receive from a Department of Communities and Justice caseworker who assisted them in reconnecting with their children. It was regrettable that at the time of the inspection, both roles were vacant and reportedly had been so for a number of months.

Based on our review of the IDC meeting minutes, this issue had been raised consistently by the inmate delegates at all IDC meetings since December 2022 but remained unresolved. When we observed the Sector 2 IDC during the inspection, we heard that a new chaplain was recently sent to Mid North Coast CC and while they reportedly visited Sector 2, they were yet to provide a service.

The Department of Communities and Justice caseworker used to visit Mid North Coast CC and work

with inmates whose children were subject to a care or protection order. The aim of the program was to improve access for a parent in custody to information concerning their children in care. However, this support had been unavailable in the months leading up to the inspection. This was primarily due to the unavailability of the caseworker who used to visit the centre and the inability to find a replacement. Women were encouraged to continue completing the referral forms to be forwarded to the Department of Communities and Justice and the sector management was working with Shine for Kids to deliver the Belonging to Family¹⁷⁴ courses in the intervening period.

174 According to the 'Shine for Kids' website, Belonging to Family program focuses on strengthening the connections between a parent in prison, their children, their children's carer, and the extended family. This program, however, is specifically designed for Aboriginal and Torres Strait Islander parents with 6 to 12 months to serve on their sentence. (See: Shine for Kids, 'Programs: Belonging to Family' (Web Page, undated), <<https://shineforkids.org.au/programs/belonging-to-family/>>).

5 Sector 3 (minimum security)

On the first day of the inspection (1 May 2023), Sector 3 of Mid North Coast CC held 104 male inmates. Most inmates were sentenced (91 people), two inmates were on remand, and 11 inmates were appealing their sentences. Almost half of the inmates in this sector were Aboriginal (50 people). All inmates in Sector 3 had a security classification of C1 or C2.¹⁷⁵

5.1 Custody

5.1.1 Physical environment

Sector 3 holds up to 110 mainstream male inmates with a minimum security classification. The style of the accommodation was similar to Sector 2. There were five separate accommodation units, each with a capacity of 22 people across two wings. Most units had two single occupancy cells, four double occupancy cells, and four triple occupancy cells. Inmates in each unit shared a kitchen and a common room that had a TV, two fridges, a microwave, and some basic cooking appliances and utensils. They had access to a meat and egg buy-up which gave them some opportunities for self-catering. Each wing had a bathroom with two showers.

The accommodation units in Sector 3 were aged and there were multiple outstanding maintenance issues. They included plumbing issues, broken windows, and broken appliances. At the time of the inspection, at least one of the showers was offline and reportedly had been so for a month. We observed peeling paint in multiple places and black mould as well as large areas of missing tiles in the bathrooms. Some of the fridges had no internal shelving, forcing inmates to create temporary shelving from pieces of cardboard or timber. Limited cleaning supplies were available to inmates.

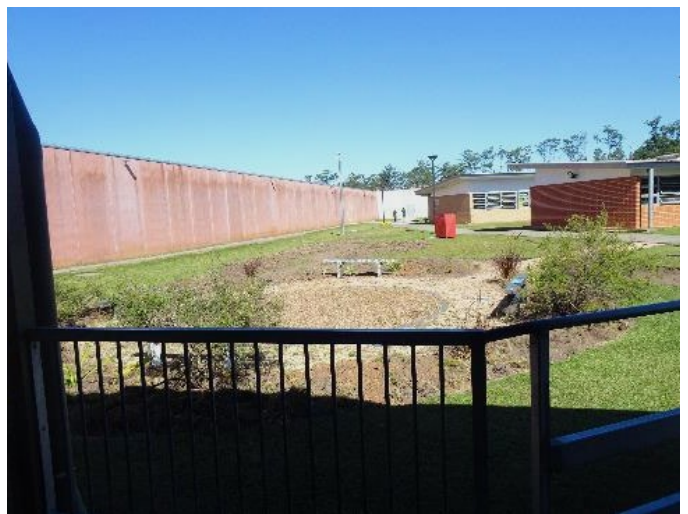
Recent reports from official visitors appointed to Mid North Coast CC who visit this centre regularly, show that these issues remain unaddressed and some have worsened since the completion of our inspection. Lack of progress on these issues is of concern as they were discussed in detail with centre management at the end of our inspection. CSNSW should address these issues.

The grounds of Sector 3 were in a reasonable condition, and we observed several vegetable gardens which allowed inmates to grow fresh produce. However, the outdoor area had limited seating and gym equipment and there was no shade. There were limited weighted items available for exercise and many inmates were using makeshift weights.

Outdoor seating and exercise equipment



View of Sector 3 grounds from the HIPU building



175 Information provided by Corrective Services NSW, 7 December 2023.

Peeling paint in Sector 3 accommodation



Shower in an accommodation unit



Makeshift weights



At the time of the inspection the population of Sector 3 was close to its maximum capacity and most triple occupancy cells were full. Those cells looked cramped and inmates complained of lack of privacy. Many also found it challenging to use the shared amenities such as the showers when the accommodation units were full and saw this as a cause of conflict.

Considering the number of minimum security correctional centres across the state and the lack of opportunities available at Mid North Coast CC for this group, it was unclear why Sector 3 had such a large population. Regrettably, recent reports from the official visitors to Mid North Coast CC indicate that this issue also remains unresolved.

A triple occupancy cell



Recommendation: Corrective Services NSW addresses the maintenance issues at minimum security area of Mid North Coast Correctional Centre and reduces the number of inmates placed in this accommodation area.

5.1.2 Time out of cell

On normal operating days, inmates started their day at 7am and were locked in their units at 5pm. This provided 10 hours of time out of cell for inmates in Sector 3. This routine was the same on weekdays and weekends.

Sector 3 experienced multiple lockdowns. Based on the information provided by Mid North Coast CC, in the period of 1 January to 31 March 2023, Sector 3 was locked down once for the full day and 10 times for part of the day. The duration of part-day lockdowns was between one to five hours.

5.1.3 Staffing

In multi-classification centres, staff may work across several accommodation areas that have different security designations. A successful transition between these areas requires an agile mindset and proper understanding of the differences between the regimes in each accommodation area.

It was identified that some staff found it challenging to adapt to the routine of Sector 3 after working in maximum security areas and struggled with appropriate management of minimum security inmates.

We observed that custodial staff in Sector 3 mostly remained in the officer's station and rarely engaged with inmates. In minimum security environments, physical security measures are reduced to enable greater autonomy but the need for functioning dynamic security practice becomes more important. We observed signs on the officer station that indicated a strict limited time for making inquiries. While we acknowledge that staff have competing work obligations, supervising staff in Sector 3 need to have a greater presence with, and availability to, inmates.

5.2 Rehabilitation

Sector 3 was not achieving its main objective in terms of the rehabilitation of inmates and reducing recidivism as the inmates in this accommodation area had very limited opportunities to participate in programs, educational courses, or employment.

It became clear to us that stronger collaboration was needed amongst OS&P, CSI, and the education teams to provide adequate rehabilitation opportunities for the inmates in this sector.

While inmates who attended the HIPU were able to work, there was less inclination to offer them a role as they were only available part-time. There was also a belief that HIPU participation was prioritised over education. However, the HIPU often faced cancellation, leaving the inmates with access to nothing. This lack of collaboration resulted in a situation where a highly populated accommodation area had a significant number of inmates who were idle and not engaged in any activities to purposefully spend their time and ultimately work towards rehabilitation.

It is important that minimum security inmates are provided with opportunities that aid their reintegration into the community, including external leave, work release, and engagement in community projects. None of these opportunities were available to inmates in Sector 3.

The combination of all these gaps as well as the overcrowding in the sector had created a disincentive for some inmates at Mid North Coast CC to work towards progression to a minimum security classification.

5.2.1 Programs

The HIPU building in Sector 3 was well-designed and had several rooms for program delivery and for interviews. We saw various artwork displayed on the walls and a section of the wall was dedicated to inspirational poems and poems by inmates. We were advised that one room in the building could be used by the education team when they ran courses. There were also a few 'green' computers that could be used by the trainers to deliver literacy and numeracy courses.

At the time of the inspection, most programs offered to inmates in Sector 3 were being delivered through the HIPU. Despite this, the HIPU was operating under capacity. We understood that the HIPU had capacity for 60 inmates. However, inmate employment records showed that in the week of the inspection, only 29 inmates were being paid as HIPU participants. While inmates who both work and attend the HIPU could have been reported against their employment area in those documents, given the reluctance of the industries to employ HIPU participants and the overall scarcity of employment in Sector 3, it is unlikely that the number of HIPU participants was more than half of the HIPU's capacity.

We explained in section 4.2.1 that compared to Sector 2, the HIPU in Sector 3 had far more programs, with 21 two-hour sessions scheduled for the week of the inspection. Those programs included CONNECT, EQUIPS Foundation, EQUIPS Domestic and Family Violence, NEXUS, and Aboriginal Cultural Strengthening.

However, not all of those programs were eventually delivered as the scheduled sessions were frequently cancelled. This was primarily attributed to staff shortages, although at times centre lockdowns could also result in class cancellation. On Thursday 4 May 2023, when we inspected the HIPU in Sector 3, only one out of the six scheduled sessions was delivered and the rest were cancelled due to staff shortages. We note that the HIPU programs in Sector 3 were being facilitated by the same team who was responsible for program delivery in Sector 2 and had significant staffing deficiency.

It was taking inmates much longer to complete the programs and this delayed the commencement date for the next cohort of participants. Many of those who were waiting to commence participating in the HIPU reported that they had been transferred to Mid North Coast CC months ago and primarily for this purpose.

Some of the programs delivered in the HIPU explore difficult topics and participants should be provided with appropriate support afterwards. In some centres like Wellington CC, we observed that minimum security inmates who participated in those programs, were able to attend music and art programs that were implemented in the HIPU. Those programs provided the inmates with a respite and offered an appropriate way for them to express how they felt after the program. Our conversations with inmates in Sector 3 suggested that this support was largely unavailable in Mid North Coast CC. A few inmates who participated in the HIPU programs mentioned that the content 'opened up a lot of issues from childhood' and they did not feel supported afterwards. The frequent interruption to program delivery was undoubtedly a barrier to providing such support.

HIPU in Sector 3



5.2.2 Employment

The information provided by Mid North Coast CC prior to our inspection indicated that Sector 3 could provide 79 jobs across the 'service industries' and 31 jobs across the CSI business units.¹⁷⁶ This appeared to be a reasonable number of employment opportunities for an accommodation area with a maximum capacity of 110 inmates. However, the situation on the ground was different.

At the time of the inspection, only 32 out of 104 inmates in Sector 3 were employed.¹⁷⁷ Inmates were concerned about the lack of opportunities to learn a new skill and to earn some money which could assist them with the cost of personal telephone calls and purchase of items through the buy-up system. Staff were primarily concerned about the adverse impacts of idleness on the safety and security of the sector.

HIPU positions comprised 60 of the 79 jobs across the 'services industries'. As explained in the previous section, the number of HIPU participants in Sector 3 was half of the number set aside for this purpose. Mid North Coast CC's inmate employment profile also reported the availability of 15 roles in the external grounds maintenance, a handful of positions as cleaners, and one role as an Aboriginal delegate.

At the time of the inspection, Sector 3 did not have an Aboriginal delegate. Ten inmates were working as admin clerks and cleaners, and another eight were working on internal grounds maintenance. These numbers were higher than the original allocation in the inmate employment profile.

The documents provided by Mid North Coast CC showed that in the week of the inspection, five inmates were working on external grounds maintenance. However, we found out that no inmates worked in that area and no overseers were assigned to this post. Instead, inmates who were listed as working on external grounds maintenance were occasionally provided with minor work such as painting a mural or working on the cultural space in Sector 3. We spoke to one inmate who reported being on the external grounds maintenance team and recalled being outside of the centre for this purpose only three times in the past eight months.

In the CSI business unit, 30 roles were allocated to the external kitchen and one role to the laundry. Given that female inmates worked in the laundry, the purpose of this role was unclear to us. Our review of the employment data for the week of the inspection did not show any minimum security inmate working in the laundry.

The external kitchen was a production kitchen that produced cook/freeze meals and collaborated with other production kitchens across the state. We understood that despite the nominal allocation of 30 roles to this business area, the maximum number of inmates it could employ was 15 as it only had one overseer. In the week of the inspection, eight inmates were listed as working in the external kitchen, which was reportedly the usual number of inmate employees in this business area. It was also reported that on some days the number of workers in the external kitchen could be as low as four people.

The external kitchen provided a good working environment which made its underutilisation more unfortunate. We observed a very good rapport between the staff and the inmates who worked there and a mutually respectful environment. The staff encouraged good work ethics and reported that they tried to identify the inmates who had the potential to work well in the supervisory roles and promoted them.

¹⁷⁶ Information provided by Mid North Coast Correctional Centre, 21 April 2023.

¹⁷⁷ This number does not include HIPU participants as these inmates are paid for attending the programs in the HIPU but are not employed in an industry.

After the inspection of Sector 3, it was clear that staff shortages and difficulties and delays in obtaining a section 6(2) order were the main barriers to providing adequate employment to inmates. A section 6(2) order allows an inmate to work outside the secure perimeter of a correctional centre.¹⁷⁸ At Mid North Coast CC, this order was required to work in the external kitchen and the external grounds maintenance, the two main employment providers in Sector 3 which were both struggling to employ a reasonable number of inmates.

When we visited Mid North Coast CC, only 12 inmates across the centre had a section 6(2) order. It was reported that the requests to obtain this order were not progressed promptly and such delay directly affected the work of industries that relied on workers with a section 6(2) order.

We acknowledge it is important that centre management is satisfied that inmates who are granted permission to work outside the secure perimeter of a correctional centre do not pose a security risk. This requires a period of investigation and risk assessment. However, this should be done as promptly as possible. There should also be a clear set of guidelines that can provide a likely timeframe for the determination of these requests. These guidelines can help staff manage inmate expectations and better plan for the operation of the dependent industries. Mid North Coast CC did not appear to have such guidelines and we could not locate a relevant LOP.

It was also disappointing to see that minimum security inmates had no opportunity to participate in the work release program or in external community projects. For inmates who have served lengthier sentences, these programs are particularly important as they can assist with reintegration into the community and increase the prospect of securing employment post-release. We believe the difficulties and delays in obtaining section 6(2) orders were a contributing factor to this issue.

Recommendation: Corrective Services NSW identifies and establishes work release opportunities at Mid North Coast Correctional Centre and re-introduces community projects.

5.2.3 Education

The challenges that inmates in Sector 3 faced in relation to access to educational opportunities were similar to the challenges that inmates in Sector 2 faced.

Minimum security inmates did not have access to the ILC, and therefore needed to rely on BSI for courses that targeted reading and writing skills. However, as mentioned, at the time of the inspection, Mid North Coast CC had only one BSI Learning trainer who attended the centre three days a week.

The limited availability of employment options in Sector 3 also limited the opportunities to undertake vocational education related to employment.

Recommendation: Corrective Services NSW ensures Mid North Coast Correctional Centre provides appropriate opportunities for minimum security inmates to access programs, education, and work.

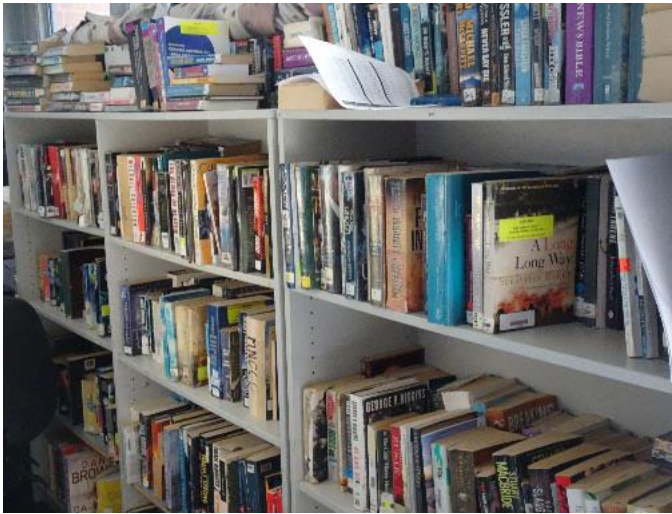
¹⁷⁸ Section 6 of the CAS Act permits the governor of a correctional centre to direct a convicted inmate to carry out community service work, or any work for CSNSW or a public or local authority: within the inmate's correctional centre, within the inmate's correctional complex but outside the correctional centre, or outside the inmate's correctional complex. An order that operates outside a correctional centre or the grounds of a correctional complex is known as a section 6(2) order.

5.3 Care and wellbeing

When we visited Sector 3, we were concerned to see a significant number of inmates in Sector 3 sitting idly or doing laps around the sector with no meaningful activities to occupy their time. A combination of limited rehabilitation services (work, programs, and education) and a lack of scheduled purposeful activities resulted in a sense of frustration and boredom.

The library in Sector 3 was considered a ‘satellite’ library, meaning it did not have its own dedicated space. We inspected the library and noticed many books being stacked on top of each other or double-stacked. Other items, such as inmate buy-up tubs were stored in the same space. Inmates reported that the library was not readily accessible and there was no schedule for using it.

Library in Sector 3



6 Sector 4 (maximum and medium security)

On 1 May 2023, the first day of our inspection, 370 male inmates were held in Sector 4. Of those, 184 people were on remand, 10 were appealing their sentences, and the rest were sentenced. Around 45% of the inmates in this sector were Aboriginal.

Sector 4 held both maximum and medium security inmates, 47% of the Sector 4 inmates had a medium security classification and the rest were classified as maximum security inmates. The cohort of medium security inmates included 78 sentenced inmates, 78 inmates on remand, and 18 inmates who were classified as E2 (a classification assigned to medium security inmates who commit an escape offence), three of whom were unsentenced.¹⁷⁹ We note, however, that there were also two minimum security inmates in this sector.

While more than half (53%) of the population of Sector 4 were SMAP inmates, Mid North Coast CC was not able to accommodate SMAP inmates who had a minimum security classification. As mentioned in section 2.7, those inmates remained locked in cell in either Sector 1 or Sector 4 until they could be transferred to another correctional centre. The two minimum security inmates mentioned above were in this situation. One was unsentenced and had a C1 classification and the other was sentenced and had a C2 classification.¹⁸⁰

6.1 Custody

6.1.1 Physical environment

Sector 4 was the largest accommodation area of Mid North Coast CC, with a capacity of 450 male inmates. It had a surge capacity for an additional 220 inmates.

Sector 4 had four accommodation blocks (V1-V4), each with the capacity of 110 inmates. Each block was split into two sides (A pod and B pod) and each side had its own common area and yard. An officer's station was located in the centre of each block which provided the officers with appropriate visibility across both sides/pods.

Pod common area



Pod yard



Inmates were mainly placed in the pods based on whether they were SMAP or mainstream as well as based on their employment status. All pods accommodated a mix of remand and sentenced inmates. Mainstream inmates were in the pods in V1 and V3 blocks. Inmates in V1 pods were largely employed while inmates in V3 pods were primarily unemployed. The pods in V2 and V4 blocks accommodated SMAP inmates who had a very low employment rate. At the time of the inspection, the pods

179 Information provided by Corrective Services NSW, 7 December 2023.

180 Information provided by Corrective Services NSW, 7 December 2023.

accommodating SMAP inmates were almost at capacity.

Sector 4 was the newest accommodation area of Mid North Coast CC, having been opened at the end of 2019. Therefore, its infrastructure was modern and the accommodation and common areas were well-maintained. The cells were single or double occupancy and all had a shower and a toilet.

6.1.2 Time out of cell

Similar to most accommodation areas, Sector 4 provided inmates with a short structured day. According to Mid North Coast CC’s purposeful day routine, inmates in this sector were to be let out of their cells at 8.15am and the lock-in procedure was to commence at 2.50pm on all days of the week except for Wednesdays, providing around six and a half hours of time out of cell. On Wednesdays, inmates were locked in their cells at 2pm so buy-ups could be distributed while inmates were in their cells. This was a strategy to reduce the risk of standover. As we will explain in this section, it was unfortunate that the long let-go procedure in Sector 4 further reduced the already short time out of cell in this sector.

Sector 4 experienced frequent lockdowns which particularly affected some of the pods. In the period of 1 January to 31 March 2023, the entire Sector 4 experienced at least one full-day and four part-day lockdowns.¹⁸¹ As highlighted before, some of the lockdown incidents were not properly reported, making it difficult to ascertain the exact number of lockdowns in an accommodation area. On at least six other occasions, while the total number of inmates affected by a full-day lockdown was reported, their accommodation area was unclear. Therefore, it is possible that Sector 4 had a much higher number of lockdowns in this period.

On many other occasions, Sector 4 was subject to a variation of routine which only affected some of the pods. The number of times each pod experienced a lockdown has been presented in the table below.

Table 10: Number of lockdowns in each pod in Sector 4 in the period of 1 January to 31 March 2023¹⁸²

Pod	Number of lockdowns
V1A	1
V1B	1
V2A	5
V2B	5
V3A	6
V3B	5
V4A	7
V4B	4
MPU	14

It is clear that the pods with a higher number of unemployed inmates, were locked down more frequently. Of most concern was the high number of lockdowns which affected the MPU, where the inmates already spent the majority of their day in cell. This was similar to the experiences of the Sector 1 inmates who were in G pod (which was the MPU in that sector).

All of the lockdowns that affected the MPU were for the full day. However, other pods experienced both full-day and part-day lockdowns, ranging in duration from two to five and a half hours. The main

¹⁸¹ Information provided by Mid North Coast Correctional Centre, 21 April 2023.

¹⁸² Compiled based on the information provided by Mid North Coast Correctional Centre, 21 April 2023. Please note these numbers are in addition to the number of times when the entire sector was locked down. Also note that on some days, multiple pods might have experienced lockdowns.

reasons reported were staff shortages and incident responses. However, the two lockdowns that occurred in V1 pods were because of the closure of the business units where the inmates worked.

During the inspection, we observed the rolling let-go and lock-in procedures in Sector 4. Despite the advice in the purposeful day routine, the let-go process did not commence at 8.15am. It commenced at 8.30am in V1A pod. We understood this pod was always the first in the process so the inmates could move to their work locations. The let-go process did not end until 9.45am when inmates in V4B pod were released from their cells. We understood that this pod was always the last in the rolling let-go process. The length of the let-go process was of significant concern as it was inefficient and for some inmates reduced the already short time out of cell by one and a half hours. It also negatively impacted the ability of service providers such as the SAPOs and health staff to work with these inmates.

This was in stark contrast to the lock-in process which was efficient and concluded in 35 minutes. The inmates in V1A who were first to be released in the morning were locked in first and inmates in V4B were last to be locked in. There was a heavy presence of custodial officers and members of the immediate action team during both let-go and lock-in process (between 13 to 15 staff).

Recommendation: Corrective Services NSW ensures Mid North Coast Correctional Centre reviews its let-go procedure for Sector 4 to increase the time out of cell for the inmates in this accommodation area.

6.1.3 Segregation and protective custody

Similar to Sector 1, Sector 4 had a large MPU that could accommodate inmates on protective custody orders, segregation orders, separation placement, and those who were on a RIT management plan. This accommodation area had 10 cells allocated to inmates on segregation orders, 10 cells allocated to PRNA inmates or those on separation placement, and two cells allocated to inmates on a RIT management plan. Those cells were located across two sides.

This MPU was opened when Sector 4 became operational at the end of 2019. It was clean, modern, and purpose-built. The cells were safe and fit for purpose. Inmates were housed in individual cells and had their own day yard. This provided them with appropriate daily access to time out of cell.

As we noted, the MPU in Sector 4 experienced frequent lockdowns that prevented inmates from accessing the day yards. However, on normal operating days, segregation inmates had access to their day yards from 10am to 2pm. PRNA inmates had a slightly longer access to their day yards, from 9.30am to 2.30pm. Inmates had access to TVs in their cells and received tablets after the day yard was locked.

6.1.4 Placement and management of inmates in Sector 4

Placement

Sector 4 houses both remand and sentenced male inmates who are mainstream or SMAP with a medium or maximum security classification.

We understood that not long before the inspection, the population of SMAP inmates at Mid North Coast CC increased significantly and as a result, an additional accommodation block in Sector 4 was allocated to this group. This resulted in an even split of accommodation blocks across the SMAP and mainstream inmate cohorts in this sector.

As SMAP inmates cannot mix with the mainstream inmates, movements of Sector 4 inmates and their access to various parts of the centre needed to be carefully planned. We observed adverse impacts on the delivery of services in various areas including health services, psychology, OS&P, and employment, and it was often the SMAP inmates who were disadvantaged, especially in terms of access to rehabilitative services.

We see significant benefits, both for Mid North Coast CC and for the inmates, if the centre only accommodates one of the two groups of SMAP or mainstream inmates in Sector 4.

Further, there was considerable diversity within the SMAP cohort in Sector 4 as it included inmates who had been convicted or remanded into custody for sexual offences, former members of outlaw motorcycle gangs who requested protection, inmates who requested protection status due to owing debts to other inmates, and other protection inmates. Previously, Protection Limited Association (PRLA) designation could provide an alternative placement option for people requiring protection and limit the association of various groups of protection inmates.¹⁸³

The PRLA designation was removed in October 2020 and inmates previously held under this arrangement are now all managed as SMAP inmates (or as PRNA inmates if they cannot associate with any other inmate). One of the main reasons for the removal of the PRLA designation was to overcome the challenges that were associated with having multiple categories of protection inmates who could not mix. However, our observations during recent inspections did not convince us that the removal of this designation was being managed appropriately. It has resulted in many correctional centres managing SMAP inmates without appropriately considering the diversity within this group. The co-location of various groups of protection inmates can (and has) increased risks.

We have discussed this issue in some of our recent reports. In the report following our inspection of Shortland and Cessnock CCs, we recommended that CSNSW review the decision to remove the PRLA designation.¹⁸⁴ We believe this recommendation is also applicable here.

When we inspected Mid North Coast CC, all inmates in the sex offender cohort were placed in one block (and across two pods) in Sector 4. This was positive as it meant this group was not put in contact with other SMAP inmates. The second block accommodated all other SMAP inmates who were not in the sex offender cohort.

The accommodation of SMAP inmates in Sector 4 resulted in the placement of a relatively large number of aged and frail inmates in this area. Sector 4 is not a suitable and safe placement location for this cohort as it is built on a hill and has a steep incline. While there were a few cells in each pod that were single occupancy and large enough for a person in a wheelchair to easily move around, they were not equipped with a handrail and therefore were not fully accessible. Further, those cells did not address the issues related to the steep incline which made the movement to and from the sector difficult. As we will discuss in chapter 7, aged and frail inmates often have more complex health needs which may require more frequent visits to the health centre. The presence of the steep incline made those visits, and the associated access to healthcare, more challenging for this group.

We believe the removal of the PRLA designation has likely contributed to the placement of aged and frail SMAP inmates in Sector 4. This is a cohort who in the past was more likely to be designated as PRLA and was therefore more likely to be placed primarily in one centre together. In that case, there was a greater opportunity to place this group in a centre with suitable infrastructure. With the removal of the PRLA designation, this group became part of a broader SMAP group and more likely to be dispersed around the system and placed in any correctional centre that had the capacity to accommodate SMAP inmates.

Recommendation: Corrective Services NSW reviews the inmate cohort held at Sector 4 of Mid North Coast Correctional Centre with a view to only accommodate either protection or mainstream inmates in this accommodation area.

In reference to the recommendation above, we encourage CSNSW to consider a variety of factors in the review of the inmate cohort in Sector 4, including the suitability of this accommodation area for aged and frail inmates.

Management

We were concerned about the management of inmates in Sector 4, especially the SMAP inmates. We understood that staff used a regression-progression model to manage SMAP inmates, meaning

183 A Protection Limited Association (PRLA) inmate was an inmate who could only associate with other PRLA inmates because association with non-PRLA inmates would threaten their personal safety.

184 Inspector of Custodial Services, *Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023* (Report, 2024) 30.

that the inmates in one pod of each accommodation block were considered to be more problematic than the inmates in the other pod and the movement between the two pods was being used as a behavioural management strategy.

Several staff members described the V4B as the worst accommodation area and commented that the inmates in that pod had 'zero privileges'. We note that inmates in V4B pod did not work, had very limited access to programs and even more limited opportunities for education. They were also the last pod to be let go from their cells, which we observed occurred one and a half hours later than the official let-go time.

While there are undoubtedly some legitimate concerns about the high levels of incidents in some of the accommodation areas and the risks posed by some of the inmates held there, we do not believe a punitive management style can address those concerns. In fact, it may only reinforce problematic behaviours as it provides no incentives for rehabilitation and progress. Further, it can negatively impact the level of engagement of custodial officers with these inmates and the way they respond to incidents, including their efforts in de-escalation.

The level of dynamic security was indeed lower in the pods that were considered to be more problematic, and we observed that staff primarily remained in the officer's station and rarely engaged with inmates. We encourage Mid North Coast CC to identify areas where more support could be needed and allocate resources accordingly.

6.2 Rehabilitation

6.2.1 Programs

Sector 4 of Mid North Coast CC offered programs to SMAP and mainstream inmates; however, fewer programs were available to SMAP inmates.

To minimise contact between SMAP and mainstream inmates, the OS&P team responsible for Sector 4 had to run the programs for these groups on separate days. SMAP inmates participated in the programs on two days a week (Mondays and Fridays), and on the other three days programs were delivered to mainstream inmates. This was another example of service delivery adversely impacted by managing different cohorts of inmates in one accommodation area. The early lock-in on Wednesdays also had a negative impact on program delivery.

All programs ran from 'X block', Sector 4's dedicated industries and programs space. Inmates in each accommodation block could access 'X block' through a central walkway. We inspected 'X block' and found it to be a well-appointed space with multiple rooms. Those rooms were decorated with program-related material.

Mid North Coast CC was receiving an increasing number of SMAP inmates who needed to attend SSIP; therefore, the programs provided for this group were primarily part of the SSIP. Out of 29 people who were reported to be participating in the SSIP, 21 were from the accommodation areas that held SMAP inmates.¹⁸⁵ The target cohort for SSIP is inmates with less than five months to their earliest possible release date at the time of initial classification assessment. This means other SMAP groups in Sector 4 had more restricted access to programs.

¹⁸⁵ The number of SSIP participants is based on the number of inmates who were paid for their participation in the SSIP in the Inmate Assignment Location report. It is possible that the SSIP had a slightly higher number of participants as those who both participate in the SSIP and work in another location are paid and reported in against their other work location. This is in place to avoid disadvantaging inmates who participate in the SSIP as the payment for participation in the SSIP is generally lower than some of the industry wages. However, given the lower number of employment opportunities in Sector 4 especially for SMAP inmates who were the main SSIP participants, we do not believe there will be a significant discrepancy in numbers here.

'X block' in Sector 4



A programs room in 'X block'



In highlighting the limited availability of programs for SMAP inmates, we acknowledge some limiting factors that were outside of Mid North Coast CC's control but were related to the placement of inmates in various correctional centres by CSNSW. For example, Sector 4 accommodated a large number of inmates who had been convicted or remanded into custody for sexual offences. This group is not eligible for some of the criminogenic and wellbeing programs, such as EQUIPS Aggression or Aboriginal Cultural Strengthening program.

There are a number of sex offender programs that primarily need to be delivered by psychologists who are specially trained and experienced in the management and treatment of people who have sexually offended. These programs are offered in few correctional centres across the state. Mid North Coast CC is not amongst those centres and therefore those programs were not available to the sex offender cohort in Sector 4.

As mentioned, the two SAPOs who were focused on the delivery of programs for remand inmates, were part of the OS&P team in Sector 4. While this disadvantaged remand inmates in other sectors, the remand inmates in Sector 4 were able to attend some remand programs.

In the week of the inspection, Sector 4 was delivering EQUIPS Addiction and CONNECT for SMAP inmates. A provisional psychologist was co-facilitating CONNECT alongside a SAPO. CONNECT was also delivered to mainstream inmates on two days a week and the centre reported that they had just completed the delivery of EQUIPS Addiction for mainstream inmates.

When we attended the Sector 4 IDC, the delegates provided positive feedback about a program called Kick Start that had recently been delivered at Sector 4. In this program, six players from Wests Tigers rugby league football team worked with 14 inmates over the course of five weeks. The program invited inmates to take part 'in intensive therapeutic virtual sessions with players, where they learned –and spoke candidly– about mental health, addiction, victim impact and building positive relationships'.¹⁸⁶ We encourage Mid North Coast CC to explore opportunities to continue this program.

6.2.2 Employment

In May 2023, Sector 4 had the capacity to provide 187 jobs for inmates: 97 jobs across the 'service industries' and 110 jobs across the CSI business units.¹⁸⁷ The total number of jobs that Sector 4 could provide was significantly lower than Sector 1 even though Sector 4 had a higher operational capacity. Further, the employment opportunities that this sector could provide were not distributed equally across its accommodation blocks.

¹⁸⁶ Wests Tigers, 'Wests Tigers give inmates a boost', *Wests Tigers* (Web Page, 31 July 2023) <<https://www.weststigers.com.au/news/2023/07/31/wests-tigers-give-inmates-a-boost/>>.

¹⁸⁷ Information provided by Mid North Coast Correctional Centre, 21 April 2023.

According to the inmate employment profile, V1 block had the capacity to provide the highest number of employment opportunities, with 35 jobs across the ‘service industries’ and 75 jobs across CSI business units. This was followed by V2 block that could provide 40 jobs across the ‘service industries’ and 11 jobs across CSI business units. V3 and V4 only had the capacity to provide 11 jobs across the ‘service industries’ and did not offer any employment opportunities related to CSI business units.

V3 block was described to us as an accommodation block with ‘a lot of troublesome inmates who do not work and do not want to work’. V1 block was described as Sector 4’s ‘working’ block and we were advised that the inmates in V1 block who did not want to work were sent to V3. This negative perception about V3 was problematic as 38% of the population of this accommodation area were remand inmates who should not be punished for choosing not to work.

In the week of inspection, the number of employment opportunities for the inmates in V2, V3, and V4 blocks were negligible. That meant almost all SMAP inmates were unemployed. In V2, five inmates were employed (one as an admin clerk and the other four as cleaners). In V3, six inmates were employed (one as a librarian and five as cleaners) and in V4, five inmates were employed as cleaners. V1 block provided 75 employment opportunities: 18 across ‘service industries’ (cleaning, ground maintenance and recycling) and 57 across two CSI business units. Inmates in V1A pod worked in food services and inmates in V1B pod worked in the furniture workshop.

The food services prepared sandwiches and salads for lunch and reheated the already prepared food for the centre. The furniture workshop produced bed bases which were sent to the furniture workshops in Sector 1 for assembly.

Most areas had a balance of remand and sentenced inmates across their employees. At least half of the employees in the furniture workshop and in recycling unit were on remand and 65% of the workers in the food services were remand inmates.

Table 11: Employment profile in Sector 4¹⁸⁸

Industry	Capacity	Number of people employed in May 2023 ¹⁸⁹	Location of inmate workers
Activities	13	0	-
Admin/warehouse	5	1	V2
Internal grounds maintenance/centre hygiene	42	24	V1, V2, V3, V4
External ground maintenance	15	0	-
Recycling	21	8	V1 (A pod)
Facilities maintenance	15	0	-
Food services	30	29	V1 (A pod)
Furniture	45	28	V1 (B pod)

188 Information provided by Mid North Coast Correctional Centre, 21 April 2023 and 27 February 2024. The data relates to 1 May 2023. Due to staff shortages, variations to routine, varying business needs and workload, on some days the industries might not operate with all the inmates who were reported to be employed there.

189 Number of people employed in each industry has been calculated using Inmate Assignment Location Report. There may be some discrepancy in the total number of inmates employed in each employment area. This is at times due to how inmate wages are ‘coded’ and the area against which they are getting paid.

6.2.3 Education

The issues related to educational opportunities in Sector 4 were similar to other sectors. Inmates did not have access to the ILC and the number of BSI Learning trainers was inadequate. There were some vocational training and workplace licences that were available to inmates who were employed.

The mixed cohort of inmates in Sector 4 impacted the delivery of educational courses as well. Those courses were delivered in the 'X block' which was also used for the delivery of programs, including programs for SMAP inmates on two days a week. That restricted the availability of that space and we were advised that educational courses could not be delivered from this space on those days.

Recommendation: Corrective Services NSW ensures Mid North Coast Correctional Centre increases programs, education and work opportunities available to the inmates in Sector 4, especially protection inmates.

6.3 Care and wellbeing

Given the limited rehabilitation services for many inmates in Sector 4, they needed other meaningful activities to occupy their time. Regrettably, these were not available.

Sector 4 did not have scheduled purposeful activities. It did have a large oval located on the opposite end of the sector to the 'X block'. However, it was rarely available to use as the activities post was routinely reassigned or not filled. Some exercise equipment like a basketball hoop and limited gym equipment were available in the yards attached to each pod and each pod's common area had a table tennis table.

7 Health services

7.1 Justice Health and Forensic Mental Health Network services

A multidisciplinary team with nursing staff provided health services to patients¹⁹⁰ at Mid North Coast CC. The team operated from two health centres located in Sectors 1 and 4.

The main health centre was in Sector 1 and operated from 7am to 9.30pm, seven days a week. The health centre in Sector 4 operated from 7am to 8pm, seven days a week. Together, they had eight consulting rooms, two treatment rooms, seven telehealth facilities, and four patient waiting areas. The main health centre also had a dental suite and a radiology suite.¹⁹¹ JH&FMHN advises that the radiology suite is usually used every two to four weeks (based on need) and is for non-urgent matters. Patients who need urgent x-rays are escorted to an external local location.¹⁹²

Treatment room in the main health centre



Treatment room in Sector 4 health centre



We inspected both health centres which were functioning reasonably efficiently despite the challenges highlighted in this chapter.

The main health centre had four camera assessment cells. As mentioned, there were several hanging points in those cells and therefore whenever an inmate on a RIT management plan was placed in those cells, a correctional officer would be tasked with monitoring them. At the time of the inspection, Mid North Coast CC planned to begin the remedial work to remove those hanging points.

The main health centre also had four 'medical cells'. A 'medical cell' is a cell with little to no soft furnishings that is in close proximity to the health centre to allow more ready access to a patient by JH&FMHN staff for clinical care delivery and to conduct observations. Two of the medical cells had two beds and the other two were single occupancy.

We understood that when the MPUs in Sectors 1 and 4 were full (which happened frequently), the patient flow and capacity of health centres were adversely affected, as some patients stayed longer in the medical cells than medically necessary. This mostly concerned patients with a separation or a segregation order awaiting transfer from a medical cell to an MPU. During the inspection, one inmate with a section 78A order and a brain bleed remained in the medical cell despite having been cleared by JH&FMHN. This was because he needed to be placed in the MPU, which was full at that time.

190 Health staff working in correctional centres describe people in custody receiving health services as patients rather than inmates. Consistent with this, the report will also use this terminology in the context of those receiving health services.

191 Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

192 Information provided by Justice Health and Forensic Mental Health Network, 8 October 2024.

The health centre in Sector 4 was well designed and relatively new as it started operations in late 2019 when Mid North Coast CC was expanded. However, we observed a design flaw that posed a significant risk to both patients and staff. As the accommodation areas of Sector 4 were built on a hill, there was a very steep pathway between those areas and the health centre. Nurses were required to push heavy medication trolleys up that pathway. They also needed to be available to respond to medical emergencies in the sector while pushing and carrying heavy equipment, including oxygen cylinders. While there was a motorised buggy available in the centre to access the top of the pathway, we heard that during emergencies the buggy was used by CSNSW staff to access the accommodation areas and was not made available to the health staff.

On 5 May 2023 (the final day of the inspection), Sector 4 had 18 inmates who were between 55 to 64 years of age and nine inmates were over the age of 65.¹⁹³ We understood many of those inmates had complex and chronic medical conditions that required frequent trips to the health centre. Some were utilising wheelchairs and walking frames as mobility aids and for them the steep incline to the health centre was a significant challenge to navigate. There was a more suitably graded ramp nearby but it was reportedly rarely available for use.

These observations and information further support what we highlighted in the previous chapter that Sector 4 of Mid North Coast CC is not a suitable accommodation area for the placement of aged and frail inmates, as well as those prisoners who require mobility aids to walk or move themselves.

Recommendation: Justice Health and Forensic Mental Health Network reviews access arrangements for health staff at Sector 4 of Mid North Coast Correctional Centre and considers medication transport options such as a motorised medication trolley.

Mid North Coast CC had a number of satellite clinics that were only being used for administering medications. As we will explain in this chapter, access to inmates was a significant issue of concern at Mid North Coast CC which was exacerbated by the complexities associated with managing multiple cohorts of inmates. Effective use of available satellite clinics can address some of those challenges and enhance access to inmates, consequently increasing the number of health services provided to patients.

Recommendation: Justice Health and Forensic Mental Health Network investigates ways to support the effective and efficient utilisation of satellite clinics in Mid North Coast Correctional Centre.

7.1.1 Staffing and scope of service

The health centres at Mid North Coast CC were funded for a total of 22.5 full-time employees, with 12.3 FTE allocated to the main health centre and 10.2 FTE to the health centre in Sector 4. The teams comprised of nursing and administration staff, with each health centre having a full-time nursing unit manager.

An in-person general practitioner (GP) clinic was being regularly delivered in the main and Sector 4 health centres. This was supplemented with telehealth and phone support after hours. The waiting list data provided by JH&FMHN shows that as at 7 March 2023, all patients in priority 1 and 2 categories (urgent and semi-urgent) were seen by a GP within the recommended wait time for their triage category.¹⁹⁴

While 30 hours of oral health services were normally scheduled to be delivered every month for each health centre, we understood that additional dental clinics were being run to address the backlog of cases caused by restrictions on dental treatment during the COVID-19 pandemic. The waiting list data showed the extent of the impacts of COVID-19-related restrictions on the delivery of oral health services. In the period from 1 February 2022 to 31 January 2023, 96% of patients who needed to be assessed for oral healthcare were seen outside of the recommended waiting time. Almost all

¹⁹³ Information provided by Corrective Services NSW, 18 July 2023.

¹⁹⁴ Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

those patients were in the first two priority categories.¹⁹⁵ In the same period, 63% of patients who needed dental treatment were seen outside of the recommended waiting time. This included all the patients in the first priority category and more than half of the patients in the third and fourth priority categories. There was no patient in the second priority category.¹⁹⁶

As the only dental suite was located in the main health centre, patients from Sector 4 who required oral health services had to access the main health centre. This limited the number of patients who could access the health centre during that time, due to the complexities of the population in Sector 4 and the need to ensure the safety of inmates.

Health centres at Mid North Coast CC also provided a number of allied health services, including optometry (eight hours per month for each health centre), radiography (as required), and physiotherapy (eight hours per month for each health centre, via telehealth).

While most specialist services were delivered via a mix of face-to-face and telehealth services, there were some specialists such as physiotherapist, drug and alcohol doctor, and psychiatrist who were only available via telehealth. The use of telehealth in regional areas is an important strategy to provide access to specialist services. However, some health staff raised concerns about the inequality of services between the face-to-face and telehealth modes of service delivery.

It was positive to see that, shortly before our inspection, an Aboriginal health worker had commenced work at Mid North Coast CC. We understood this followed a long and challenging period of recruitment and JH&FMHN is commended for continuing their efforts until a suitable candidate was selected.

However, the Aboriginal health worker needed to provide services to several correctional centres: Mid North Coast CC (both health centres), Cessnock CC, Hunter CC, and Broken Hill CC. As mentioned in our report *Inspection of Wellington Correctional Centre 2022*, we believe the correctional centres with a large number of Aboriginal inmates need to have a dedicated Aboriginal health worker to ensure they can properly respond to the needs of their population.¹⁹⁷ This includes Mid North Coast CC, as 43% of the population of this centre was Aboriginal at the time of our inspection. It is also important that the current Aboriginal health workforce is provided with appropriate support to feel culturally safe in their workplace as this can improve retention.

We acknowledge the ongoing difficulties that JH&FMHN has faced in recruiting for these positions. However, the current arrangement whereby one full-time position covers four correctional centres spread across a large geographical area is neither sustainable nor effective, especially as most of these centres have a large population of Aboriginal inmates and therefore a significant level of need. We encourage JH&FMHN to investigate alternative and culturally appropriate recruitment strategies to increase the Aboriginal health workforce. We also acknowledge that many Aboriginal candidates may not wish to work in a carceral environment where Aboriginal people are overrepresented. Further engagement with Aboriginal communities can assist in tackling some of the recruitment challenges.

We were not satisfied that the level of healthcare available to women in custody at Mid North Coast CC was in line with their population and health needs. Mid North Coast CC did not have a dedicated women's health nurse as part of its staff and a visiting women's health nurse had only provided 24 hours of service in the six months to March 2023. While this information alone cannot lead to any conclusion, given that we do not know about the medical needs of the women in custody in that period, the waiting list data provided us with a better picture.

As at 7 March 2023, no one was listed as a priority 1 (urgent) case to see a women's health nurse. However, it was troubling to see that the two women who were listed as priority 2 (semi-urgent), had

195 Oral health priority categories for assessment are 3a (need to be seen within one week), 3b (need to be seen within one month), 3c (need to be seen within three months), 4 (need to be seen within six months), 5 (need to be seen within 12 months), and 6 (need to be seen within 24 months). Oral health priority categories for treatment are A (need to be seen within one week), B (need to be seen within three months), C (need to be seen within six months), D (need to be seen within nine months), E (need to be seen within 12 months), and F (need to be seen within 24 months).

196 Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

197 Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022* (Report, 2024) 69-70.

waited between 106 to 159 days to see the nurse, a significantly longer time than the recommended waiting time of three to 14 days.¹⁹⁸ Further, three out of five women whose health concerns were listed as a priority 3 had also been waiting longer than the recommended waiting time of 14 days to three months.¹⁹⁹ We believe this showed a misalignment between the level of healthcare available to women in custody at Mid North Coast CC and their health needs.

JH&FMHN advises that after our inspection, a more regular women's health service was established at Mid North Coast CC. A women's health nurse clinic commenced on 15 April 2024 and initially delivered two clinics per week to reduce the waitlist. Currently one clinic is being delivered once per fortnight. This service is reported to be in addition to the service provided by a women's health nurse practitioner who provides clinics as needed. According to JH&FMHN, as of 19 September 2024, the number of patients on the waitlist of women's health nurse/women's health nurse practitioner was 16 people and they all required non-urgent or follow-up review, with the longest wait time to be 69 days.²⁰⁰ This is a welcome development. We encourage JH&FMHN to continue to ensure that health services available to female patients at Mid North Coast CC are aligned with the health needs of this population.

Recommendation: Justice Health and Forensic Mental Health Network ensures regular access to women's health services at Mid North Coast Correctional Centre.

Health staff reported an effective relationship with the local CSNSW staff and believed they worked collaboratively to ensure patient flow. We heard that most CSNSW staff who worked at the health centres were regularly rostered in these roles. This helped address some of the issues around access to inmates and ensured correctional officers who worked with health staff were familiar with the requirement of the roles. It was also positive to hear that the centre management was receptive to the feedback from local JH&FMHN management.

It was reported, and we observed, that custodial staff were delivering request forms for health services on behalf of patients. JH&FMHN advises that while secure locked boxes for patient self-referral forms are located throughout the centre (including at medication windows, accommodation wings, and industrial areas), some patients may still choose to provide self-referral forms directly to custodial officers for passing on to health staff. JH&FMHN reports that it is exploring other information and communications technology-enabled direct patient self-referral options, including through the inmate tablets.²⁰¹

7.1.2 Access to patients

Access to patients was the most significant challenge to the provision of health services at Mid North Coast CC. Reduced time out of cell, frequent lockdowns, and the need to manage the multitude of inmate cohorts all negatively affected access to patients.

Health staff could only see the patients for a total of four hours per day, from 9.30am to 11.30am and from 12.30pm to 2.30pm, as every day one hour was lost to the lunchtime headcount at 11.30am. Further, every Wednesday the centre was locked in early at 2pm which meant health staff had to finalise all the appointments by 1.30pm.

Patients who used the main health centre were predominantly from Sectors 1, 2, and 3. Those sectors accommodated mainstream inmates whose management did not create the same challenges as Sector 4. However, the main health centre was still impacted by the complexities of inmate cohorts in Sector 4. This was because the only available dental and radiology suites of Mid North Coast CC were located in the main health centre and needed to be used by patients from Sector 4 as well. This limited the number of patients who could be received in the main health centre while some inmates from Sector 4 were receiving care there.

198 In information provided to the ICS on 8 October 2024, JH&FMHN reported that the longer wait time for these two patients was the result of these two cases being re-triaged from a lower priority.

199 Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

200 Information provided by Justice Health and Forensic Mental Health Network, 8 October 2024.

201 Information provided by Justice Health and Forensic Mental Health Network, 8 October 2024.

We believe that a more efficient use of satellite clinics in Sectors 2 and 3 can address some of these issues and allow the patients in those sectors to access healthcare during the period when the use of the main health centre is restricted.

The Sector 4 health centre experienced more challenges. As mentioned in chapter 6, the process of morning let-go in Sector 4 was inefficient and often did not conclude before 10am. This further limited time out of cell and consequently reduced the already short window of time during which the health staff could see the patients. Sector 4 was also locked down more often.

Sector 4 housed mainstream and SMAP inmates; these two groups could not mix. Within the SMAP cohort there were further groups of inmates who could not mix, adding another layer of complexity that needed to be taken into consideration when scheduling patient appointments. Navigating these challenges inevitably restricted the number of patients who could access healthcare in one day.

It was unfortunate that Sector 4 did not have a satellite clinic as health staff could have more easily managed this issue by utilising more than one clinical space.

A management service agreement (MSA) between JH&FMHN and CSNSW outlines the responsibilities of the governor and the nursing unit managers. It also prescribes a health centre's routine, including hours of operation and times of medication administration. The MSAs are agreed by the governor and the nursing unit managers and reviewed at least annually or as required. If issues arise between JH&FMHN and CSNSW regarding operational aspects of health service delivery, the parties should refer to the MSA to find a resolution.

The MSA for the main health centre at Mid North Coast CC provided the timeframe of 8.30am to 2.30pm for the 'primary health nurse clinic' and the timeframe of 8am to 4.30pm for most other health services, including drug and alcohol nurse, mental health nurse, and Aboriginal health worker. The MSA for the health centre in Sector 4 did not provide a timeframe for most services, except for the 'primary health nurse clinic' which was from 9.30am to 2pm.²⁰² None of these timeframes reflected the reality on the ground. While the MSA for Sector 4 was closer to practice (noting that it only provided a timeframe for one service), the 9.30am start rarely eventuated due to the prolonged process of morning let-go.

We believe the current MSAs for Mid North Coast CC need to be reviewed to remove as many barriers to patient access as possible. Combined with the previous recommendations on the review of the SMAP population in Sector 4 and better use of satellite clinics, this measure can address the issues around access to patients.

Recommendation: Corrective Services NSW and Justice Health and Forensic Mental Health Network ensure the Management Service Agreements at Mid North Coast Correctional Centre are reviewed with a view to maximising patient access to health services.

7.1.3 Drug and alcohol health services

During the course of our inspection, inmates repeatedly raised concerns about the lack of access by people on remand to OAT. The OAT program is a treatment service for people with opioid dependence which involves regular provision of long-acting opioid medicine in addition to regular monitoring and psychosocial supportive care.²⁰³ JH&FMHN policy provides that depot buprenorphine is the preferred first line of treatment for managing opioid dependence in the correctional setting in NSW²⁰⁴ and the depot buprenorphine product used in NSW correctional centres is Buvidal.²⁰⁵

Patients who are pregnant, or live with HIV, or have entered custody while on OAT, are considered for priority access to OAT. They are urgently reviewed by a drug and alcohol doctor/nursing practitioner

202 Information provided by Justice Health and Forensic Mental Health Network, 4 August 2023.

203 NSW Ministry of Health, *NSW Clinical Guidelines: Treatment of Opioid Dependence - 2018* (2018) 11.

204 According to the JH&FMHN policy the only exception to this is the case of pregnant women who are generally commenced on methadone unless clinically indicated otherwise.

205 Justice Health and Forensic Mental Health Network, *OAT NO. 1 Assessment and Commencement for Opioid Agonist Treatment (OAT)* (March 2021) 3-4.

and can commence treatment prior to a comprehensive assessment.²⁰⁶

All other patients need to be placed on a waiting list to first see a drug and alcohol nurse who conducts an initial assessment of eligibility to ensure the patient has a current history of opioid use. JH&FMHN advises that while any patient can request assessment for OAT, not all patients will be eligible. For example, OAT is only suitable for those with opioid use disorder and is unsuitable for those with a current history of methamphetamine or other drug use.²⁰⁷

The drug and alcohol nurse then triages the referral to determine the priority level for seeing a drug and alcohol doctor/ nursing practitioner who can confirm a patient's suitability for the treatment. According to JH&FMHN, patients need to be triaged because the demand for OAT in custody exceeds the resourcing limit for the number of patients who can be safely managed on OAT at a given time. Therefore, only the suitability of patients with a 'well-documented medium to severe opioid use disorder' is assessed by the drug and alcohol doctor/nursing practitioners for commencement on Buprenorphine.

Factors considered when determining a patient priority are:

- being medically compromised
- Hepatitis C re-treatment/re-infection risk
- previous confirmed history of OAT
- report of opioid use in Reception Screening Assessment
- a positive opioid urine drug screen, if completed.²⁰⁸

When we inspected Mid North Coast CC, the local health staff were of the belief that remand inmates were not eligible for OAT. As a result, this group were not put on a waiting list to see a drug and alcohol nurse for the initial assessment and triage.

This was contrary to the JH&FMHN policy which did not exclude the entire remand cohort. The only group of patients with opioid use disorder who were ineligible were those who had a court date or an earliest possible release date within the next six weeks as it would usually take around six weeks before a patient would stabilise on Buprenorphine. Patients needed to be stable on the medication prior to release.²⁰⁹ JH&FMHN later confirmed to us that it assesses and provides OAT 'to eligible sentenced and unsentenced (remand) people in custody'.²¹⁰

While we were on site, we encouraged the local health staff to verify their understanding of the policy regarding the eligibility of remand inmates for OAT. They later confirmed that remand inmates were indeed eligible for OAT.

As the population of people on remand in NSW custodial settings continues to rise,²¹¹ JH&FMHN needs to ensure all health staff are clear about the support available to this cohort. This is particularly important as the majority of people entering custody have a history of drug and alcohol use and dependence. Research conducted by JH&FMHN shows that over half (53.5%) of people who entered prison reported using drugs in the previous four weeks to entering custody, and 18.7% reported intravenous drug use – most commonly opioids.²¹²

206 Justice Health and Forensic Mental Health Network, *OAT NO. 1 Assessment and Commencement for Opioid Agonist Treatment (OAT)* (March 2021) 4.

207 Information provided by Justice Health and Forensic Mental Health Network, 8 October 2024.

208 Justice Health and Forensic Mental Health Network, *OAT NO. 1 Assessment and Commencement for Opioid Agonist Treatment (OAT)* (March 2021) 4-5.

209 Justice Health and Forensic Mental Health Network, *OAT NO. 1 Assessment and Commencement for Opioid Agonist Treatment (OAT)* (March 2021) 5.

210 Information provided by Justice Health and Forensic Mental Health Network, 4 August 2023.

211 The latest data from NSW Bureau of Crime Statistics and Research shows that the number of adults on remand in NSW is the highest on record; see: NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update March 2024* (May 2024).

212 Justice Health and Forensic Mental Health Network, *People in NSW Public Prisons: 2020 Health Status and Service Utilisation Report* (November 2022) 13.

As assessments by a drug and alcohol nurse and then a drug and alcohol doctor/nursing practitioner are the pre-requisite for accessing the OAT program, the resourcing in these areas and the availability of these providers directly impact the timeliness of access to the OAT program.

The drug and alcohol nurse provided 38 hours of service per week to patients who accessed the main health centre. Patients in Sector 4 had access to the drug and alcohol nurse for 24 hours per week. All those services were provided in person. Mid North Coast CC also had access to a drug and alcohol doctor/nursing practitioner who provided eight hours of service per week to each health centre via telehealth.²¹³

Data obtained prior to the inspection showed that as at 7 March 2023, 269 people were on the waitlist to see the drug and alcohol nurse. Of these, six patients were waiting longer than the recommended wait time for their category. Five of these were in priority 3 category which has a recommended wait time of 14 to 90 days and those patients were waiting between 101 to 271 days. One patient was in priority 4 category and had waited 538 until the day of reporting. The recommended wait time for priority 4 is three to 12 months. Further, 117 inmates were waiting to see a drug and alcohol doctor/nursing practitioner, and three had waited longer than the recommended wait time.²¹⁴ This data shows that the drug and alcohol resources at Mid North Coast CC were broadly appropriate for the population of the correctional centre at the time of reporting.

Another issue of concern was the support provided to inmates who were experiencing physical withdrawal symptoms. We spoke to several women who reported they had substance dependence prior to coming into custody and had experienced physical withdrawal symptoms after incarceration. JH&FMHN confirmed that patients (including those on remand) who experience physical withdrawal symptoms while awaiting treatment can be assessed by drug and alcohol clinicians and can receive medication to manage these symptoms (where clinically indicated).²¹⁵

JH&FMHN also reported that

all inmates who disclose drug or alcohol use to health staff during their reception screening assessment or at any time in custody are referred to the D&A [drug and alcohol] team for help managing withdrawal symptoms. They can also seek help for withdrawal symptoms through patient self-referral or, if more urgent need, by 'knocking up' for assistance from custodial officers. If patients choose not to disclose their AOD [alcohol and other drug] use, it can be challenging for health staff to identify and manage patients experiencing drug withdrawal symptoms, particularly if they are not in contact with health staff for further care following the initial reception screening.²¹⁶

Recommendation: Justice Health and Forensic Mental Health Network ensures eligible remand inmates at Mid North Coast Correctional Centre can access Opioid Agonist Treatment and that inmates experiencing physical withdrawal symptoms are provided with appropriate support.

7.1.4 Mental health services

At the time of the inspection, each health centre at Mid North Coast CC was receiving 28 hours of mental health service per week.²¹⁷ This service was provided by two mental health nurses, one of whom worked part time.

As at 7 March 2023, there were 223 patients on the waiting list to see a mental health nurse. None of those patients were priority 1 (urgent). Ten patients were priority 2 (semi-urgent) and all had been waiting a period which was within the recommended wait time for their triage category. Of the 86 patients who were classified as priority 3 (non-urgent) and needed to be seen within 14 days to three months, 11 patients were waiting between 101 to 398 days, far longer than the recommended waiting

213 Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

214 Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

215 Information provided by Justice Health and Forensic Mental Health Network, 4 August 2023.

216 Information provided by Justice Health and Forensic Mental Health Network, 8 October 2024.

217 Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

time. Only one patient in priority 4 category (routine) was waiting longer than the recommended time of three months to one year.²¹⁸

Psychiatry services were provided four hours a week via telehealth to the patients in the main health centre and four hours a week through a mix of telehealth and in-person appointments to the patients in the health centre in Sector 4. The waitlist to see a psychiatrist consisted of 76 people, none of whom were classified as a priority 1 or priority 2 patient. Almost all patients had been waiting a period which was within the recommended wait time for their triage category.²¹⁹

7.1.5 Management of COVID-19

At the time of the inspection the requirements around the management of COVID-19 positive patients had been significantly eased.

Mid North Coast CC had successfully contained a small COVID-19 outbreak in Sector 2 shortly before our inspection. As a result of that outbreak, some risk management strategies such as the requirement for rapid antigen testing of visitors and staff had been re-introduced. While the inmates in Sector 2 were no longer infectious, there were nine other inmates in Sector 4 who tested positive to COVID-19 during our inspection. They were being managed reasonably well and generally kept isolated from their peers. However, we heard from health staff that as those inmates were being managed in-situ, at times custodial staff inadvertently allowed them to leave their cells during the morning let-go. The patients were reviewed daily by the nursing staff.

7.2 Psychology services

Psychology services in NSW correctional centres are managed by CSNSW. The psychology team at Mid North Coast CC was allocated one senior psychologist and seven general psychologists. Some of the general psychologists worked part-time and one of those positions was vacant at the time of the inspection.

When we inspected Mid North Coast CC, the psychology services were still being delivered through a 'cluster model' which covered both Mid North Coast CC and Kempsey Community Corrections. It was believed that this model enabled the resources to be allocated across the two areas with more flexibility and according to the level of need. For example, two senior psychologists were based at Mid North Coast CC even though one of those positions was allocated to the Community Corrections, and they shared the management and supervision of the seven generalist psychologists who were working across the two areas.

The 'cluster model' was due to cease under an imminent restructure and the second senior psychologist was due to return to the Community Corrections. While that meant all seven psychologists would be focused on working with inmates at Mid North Coast CC, they were all going to be supervised and managed by the one remaining senior psychologist at Mid North Coast CC.

The team was facing difficulties in attracting and retaining experienced general psychologists. This was mainly due to the systemic issue of significant differences in remuneration between the psychologists who work in private practice and those employed by CSNSW. As a result, at Mid North Coast CC, most of the general psychologists had fewer years of experience and required closer supervision which was more resource-intensive. We also note that there is a difference between the remuneration for psychologists employed by NSW Health and those employed by CSNSW. This also contributes to the difficulties in attracting and retaining psychologists in correctional centres.²²⁰

Both CSNSW staff (custodial and non-custodial) and JH&FMHN staff could make referrals to the psychology team at Mid North Coast CC. Referrals were then triaged and allocated to a service line

218 Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

219 Information provided by Justice Health and Forensic Mental Health Network, 9 March 2023.

220 For example, according to the *Crown Employees (Public Sector-Salaries 2021) Award*, a first year psychologist employed by Corrective Services NSW will receive \$69,681 per annum, while according to the *Health and Community Employees Psychologists (State) Award 2023*, a first year psychologist employed by NSW Health will receive \$74,742 per annum.

according to the service need and then operationally prioritised according to the policy.

Based on the data provided by Mid North Coast CC, most psychological services in the calendar year 2022 (the year before our inspection) related to cases that were assessed as 'psych 2' (high priority).²²¹ 'Psych 2' category concerns duties that require the specialised skills and knowledge of the psychologists and includes several sub-categories.²²² The majority of 'psych 2' referrals related to sub-category of 'sub-acute mental health impairment' (52% of all 'psych 2' referrals and 31% of all referrals to the psychology team). This was followed by referrals that related to the 'psych 2' sub-category of 'sub-acute suicide/deliberate self-harm prevention assessment and intervention' (23% of all 'psych 2' referrals and 14% of all referrals made to the psychology team).²²³

In the months leading to the inspection, the population of SMAP inmates at Mid North Coast CC had increased. The psychology team reported that, as a result, their workload had significantly increased. This was mainly because of the requirement for completing time-sensitive and resource-intensive reports for court-requested sex offender risk assessments (Static-99R²²⁴) and applications and reports for National Disability Insurance Scheme.

This points again to the challenges associated with managing many different inmate cohorts within one correctional centre and the pressure this can apply on all areas that respond to various needs of these diverse cohorts. Completion of Static-99R assessments is a complex task as the psychologists need to consider a myriad of historical and offence-related documents to be able to make a valid assessment. When psychology teams need to complete these reports in addition to responding to the needs of several other inmate cohorts, this will put significant strain on the teams and their efficiency.

If inmates with more complex needs, such as SMAP inmates, are accommodated across fewer centres, resources can be allocated more strategically, and those needs can be better responded to in custodial settings.

221 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

222 Information on operational priorities of Corrective Services NSW psychologists is available in Corrective Services NSW, *Policy on Providing Psychology Services in CSNSW* (version 3.7, 10 November 2020).

223 Information provided by Mid North Coast Correctional Centre, 21 April 2023.

224 Corrective Services NSW predominantly uses the Static-99R reports to assess the risk of sex offender recidivism. The Static-99R report needs to be completed by a trained psychologist through extensive review of historical documentation and scoring static variables across ten items to indicate the risk of recidivism of a sex offender relative to other sex offenders; see: Alexander Bell and Mark Howard, 'Automated assessment of sexual recidivism risk for custody-based sex offenders' (2020) 47 *Research Bulletin of Corrections Research Evaluation and Statistics*, 1-18.

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