

Inspector of
Custodial Services

Inspector of Custodial Services

Inspection Standards

For Aboriginal people in custody in New South Wales

March 2025

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We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Inspector of Custodial Services

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Glossary of terms and acronyms

BAR	United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) 2010
BPDCWC	Government Architect NSW, Better Placed Draft Connecting With Country Framework 2020
CCSSPAC	Canadian Correctional Service Strategic Plan for Aboriginal Corrections 2006-07 to 2010-11
C(DC)A	<i>Children (Detention Centres) Act 1987</i>
C(DC)R	<i>Children (Detention Centres) Regulation 2010</i>
CTG	Close The Gap 2020
CTGIP	Close The Gap Commonwealth Implementation Plan 2021
DGJJFANZ	Department of Human Services Victoria, Design Guidelines Juvenile Justice Facilities in Australia and New Zealand (1996)
GP	Guiding Principles for Corrections in Australia 2018
ICSAIS	Inspector of Custodial Services NSW Inspection Standards for Adult Custodial Services in NSW 2020.
MHCLWIF	Mental Health Commission of NSW Living Well in Focus Strategic Plan 2020-2024
NDIS	National Disability Insurance Scheme
NHAHP	NSW Health Aboriginal Health Plan 2013-2023
NSW Coroner S.A. Simpson 2006	Report by the NSW State Coroner into deaths in custody/police operations 2006
RCIADIC	Recommendations from the Royal Commission into Aboriginal Deaths in Custody 1991
UNCRC	United Nations, Convention on the Rights of the Child (2 September 1990)
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples 2007

Introduction

Dispossession, colonisation, and the cumulative acts of government policy have left a distinct and enduring legacy of economic, health, social, cultural, and political disadvantage for Aboriginal people. A lack of social support and economic opportunities, particularly in rural and regional areas where many Aboriginal people live, can further add to this disadvantage.

Even though Aboriginal people comprise 3.4% of the NSW population¹, the Aboriginal prison population in NSW is now at a record high, with 4,103 Aboriginal adults in prison in September 2024. Aboriginal people comprise a record 32% of the prison population in NSW. Moreover, Aboriginal women make up over a third of female inmates (34%) in custody in NSW.² The increase is primarily due to more Aboriginal people being on remand. Almost half of Aboriginal adults in custody are on remand (45.4%).³

The overrepresentation of Aboriginal and Torres Strait Islander people in custody is a matter of long-standing and justified concern. There are many layers of disadvantage that contribute to this disproportionate representation. The Australian Law Reform Commission's *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* report (2017) listed some of these layers of disadvantage as: lack of employment opportunities and educational attainment; poor mental health, physical disability, cognitive disability and substance abuse; harmful use of alcohol; homelessness, inadequate housing and overcrowding; family violence; and intergenerational trauma.⁴ Over 30 years ago the 1991 *Royal Commission into Aboriginal Deaths in Custody* (RCIADIC) final report similarly listed the following factors as contributing to the disproportionate representation of Aboriginal and Torres Strait Islander people in prison: the economic position of Aboriginal and Torres Strait Islander people; poor health; poor housing; access or non-access to an economic base including land and employment, poor rates of education; the part played by alcohol and other drugs – and its effects (vol. 1, 1.3.6).⁵

Aboriginal people are over-represented (32%) in the correctional system in NSW. However, some NSW correctional centres have Aboriginal populations much higher than 32%. The population of some correctional centres is predominantly Aboriginal people, while others contain a smaller percentage of Aboriginal people. In some custodial facilities in regional NSW, such as Tamworth and Broken Hill Correctional Centres, the Aboriginal population exceeds 70%⁶. Despite the number of correctional centres located throughout NSW many Aboriginal people in custody are held off Country.⁷

These standards are intended to apply to the management of all Aboriginal people in custody regardless of whether they are the majority population in a correctional centre or represent a minority. Where Aboriginal people are the dominant population there is a greater imperative to tailor

¹ Australian Bureau of Statistics, *New South Wales: Aboriginal and Torres Strait Islander population summary* (Web Page) (1 July 2022), <<https://www.abs.gov.au/articles/new-south-wales-aboriginal-and-torres-strait-islander-population-summary>>

² NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: NSW Custody Statistics September 2024* (Report, November 2024) 26.

³ NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update September 2024* (November 2024) 20.

⁴ Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 42.

⁵ *Royal Commission into Aboriginal Deaths in Custody: National Report* (Final Report, 1991 vol1, 1.3.6).

⁶ Corrective Services NSW, *Aboriginal Offenders Statistical Report*.

⁷ Country is the term often used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity. See <<https://aiatsis.gov.au/explore/welcome-country#toc-what-is-country->>

regimes to Aboriginal people. The aim of these Standards is to improve outcomes for Aboriginal people in custody. They consolidate and build upon the Inspection Standards for Adult Custodial Services and should be read in conjunction with those Standards. As with the Standards for adult custodial services, these Standards will be kept under continuous review. Feedback from stakeholders will also be considered in the further development of these Standards.

The Inspection Standards for Aboriginal People in Custody owe much to the Western Australian Office of the Inspector of Custodial Services Inspection Standards for Aboriginal Prisoners. The Inspection Standards were also largely informed by the Guiding Principles for Corrections Australia 2018⁸; Australian Government Closing the Gap Report 2020 and Commonwealth Implementation Plan 2021⁹; the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) 2010¹⁰; the Canadian Correctional Service Strategic Plan for Aboriginal Corrections 2006-07 to 2010-11¹¹; Recommendations from the Royal Commission into Aboriginal Deaths in Custody 1991¹²; and the United Nations Declaration on the Rights of Indigenous People 2008.¹³

I also wish to acknowledge the assistance of stakeholders in the development of these Standards. In particular, the Aboriginal Legal Service, the Office of the Deputy Secretary Transforming Aboriginal Outcomes, Department of Communities and Justice, the Aboriginal Policy and Strategy Units from Corrective Services NSW, and the Justice Health & Forensic Mental Health Network, Corrective Services NSW staff, Aboriginal Official Visitors, and Aboriginal people in custody.

Fiona Rafter

Inspector of Custodial Services

March 2025

⁸ Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (2018).

⁹ Closing The Gap: In Partnership, *National Agreement on Closing The Gap* (July 2020); Commonwealth Closing the Gap Implementation Plan (2021) <<https://www.niaa.gov.au/sites/default/files/documents/publications/commonwealth-implementation-plan-130821.pdf>>

¹⁰ United Nations Office on Drugs and Crime, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules)*.

¹¹ Government of Canada, Correctional Service Canada, *The strategic plan for Aboriginal corrections* (February 2013) <<https://www.canada.ca/en/correctional-service/corporate/transparency/evaluation-reports/strategic-plan-aboriginal-corrections-2013.html>>

¹² *Royal Commission into Aboriginal Deaths in Custody Final Report* (1991).

¹³ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN Doc A/RES/61/295 (2 October 2007, adopted 13 September 2007).

1 Custody

1.1 Aboriginal people should be able to serve out their sentence within their own Country.¹⁴

- Correctional staff should record on admission an Aboriginal person's Country, as identified by the Aboriginal person.
- Particular consideration should be given to the placement of Aboriginal inmates who retain a strong attachment to their country. Where placement off-Country is unavoidable, there should be compensatory measures such as video telephone calls to family (ICSAIS 13.3).
- A range of custodial options should be available in each region, including maximum, medium, and minimum-security accommodation and pre-release centres.
- Custodial options should be located close to rural and regional communities where many Aboriginal people live.
- Prisoner placement promotes individual rehabilitation and supports wellbeing. Where practicable, prisoners are placed in a location proximate to their family and community with particular consideration given to the needs of Aboriginal and Torres Strait Islander prisoners. (GP 5.1.5)
- In determining the custodial facility in which Aboriginal people are to be placed, consideration should be given to the proximity of family members and connection to Country.
- Where Aboriginal people are held 'off Country'¹⁵ consideration should be given to placement with other Aboriginal people from their Country to draw social support.

Supporting References

GP 5.1.5
RCAIDIC 168
UNDRIP 10

¹⁴ Country is the term often used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity. See <<https://aiatsis.gov.au/explore/welcome-country#toc-what-is-country->>>

¹⁵ While all Aboriginal people in custody should be generally kept within their local area, it is acknowledged that some people may need to be held in highly specialised facilities such as high-security units or mental health units.

1.2 Custodial infrastructure and the layout of the correctional centre should be culturally appropriate for the Aboriginal population.

- The location of new custodial facilities, particularly those with a predominance of Aboriginal people is determined with reference to extensive consultation with representatives from various relevant Aboriginal communities and organisations.
- Custodial and health facilities should be designed with consideration of Aboriginal culture, Country, customs and practice, where practicable.
- In correctional centres where there are large numbers of Aboriginal people, Elders¹⁶, senior members of community, and members of appropriate local community groups should be consulted in centre design and construction to ensure, as far as is possible, a culturally appropriate environment and facilities (ICSAIS 24.2).
- The design and construction of external spaces should be undertaken in full consultation with appropriate Aboriginal groups and inmates. Correctional centre management should ensure ongoing consultation with inmates regarding the use of such places (ICSAIS 24.3).
- Custodial infrastructure should have regard to the diversity of Aboriginal cultures and the resulting need for a range of places and facilities appropriate to the needs of different Aboriginal groups (ICSAIS 24.4).
- Consideration is given to meeting the needs of Aboriginal people with disability, or who are aged or frail, such as the width of doors and bathrooms.
- Particular consideration should be given to the provision of adequate shared living space. However, the assignment to shared accommodation should always be accompanied by a risk assessment and be undertaken in consultation with the assigned inmates.
- Multiple or dormitory accommodation should only be provided for Aboriginal people in custody with appropriate risk and need profiles and who have agreed to such placements.
- Consideration should be given to accommodating Aboriginal people at risk with another Aboriginal person or family as a protective factor.
- The design and construction of Aboriginal fire pits, Yarning Circles and cultural meeting places should be undertaken in full consultation with various relevant Aboriginal groups and Aboriginal people in custody. Ongoing consultation with Aboriginal people should occur regarding the use of such places.
- Particular regard should be paid to the significant impact that being held off Country may have upon Aboriginal people. Consideration should be given to areas being planted with a range of regional plants and vegetation, the use of regionally specific murals, and more pragmatically to the provision of adequate telephone and video conferencing facilities.

¹⁶ Where the term Elder is used in these Standards it also includes senior members and significant community members.

- Consideration should be given to ensuring that custodial facilities incorporate a sense of space, relevant to the experiences of the Aboriginal people to be held there, and that where possible, fencing allows a long view, preferably to the horizon.

Supporting References

ICSAIS 24.2, 24.3, 24.4

RCIADIC 173

UNDRIP 11(1)

NSW Coroner S.A. Simpson 2006

CCSSPAC

1.3 The transport of Aboriginal people off Country should only be undertaken when absolutely necessary and after making provision for the high levels of stress that such journeys may cause.

- Procedures should be established to ensure that Aboriginal people have sufficient notice of transfers to appeal the transfer, or to advise their families so that long journeys to visit an inmate who has been transferred are avoided.
- Prior to being transferred off Country Aboriginal people should be provided with an outline of the available mechanisms at their destination and at any stop-over points, for mitigating the negative aspects of the relocation. These should include details of: officer assisted (free) telephone calls, any video call facilities, the number of other Aboriginal people being held at the destination who come from the same area or Country as the inmate, and any other special arrangements that may alleviate such inmate's concerns.
- Auditable systems should be in place that record the actual length of time Aboriginal people spend in vehicles, including in-vehicle waiting times, departure, in vehicle temperature, and destination points.
- Consideration is given to the health needs of Aboriginal people being transported, particularly those on Opioid Agonist Treatment or at risk of withdrawal.
- On long-haul inmate transport journeys, consideration should be given to the issue of treatments to reduce stress and withdrawal symptoms for Aboriginal people.

Supporting References

RCIADIC 168

UNDRIP 10

1.4 Custodial facilities that regularly relocate Aboriginal people who are on remand or hold people on remand ensure that there are effective service links to courts to prevent any unnecessary imprisonment and ensure that the transportation to and from court (especially when this involves a long-haul journey) is minimised.

- Assistance should be made available at courts and custodial facilities, to assist people to effect bail, and to ensure that people granted bail but unable to immediately secure surety are retained at court or in police custody for a reasonable period before being transferred to a correctional centre, while such arrangements are finalised.
- Custodial facilities where remand or unsentenced Aboriginal people are held should ensure that there is maximum use made of audio visual link technology to minimise the need for Aboriginal people to appear in court in person, particularly if this results in the long-haul transport of Aboriginal people.
- Custodial facilities should facilitate access to legal visits via audio visual link in order for legal representatives to consult and take instructions from their clients in custody.

Supporting References
RCIADIC 89, 90, 91

2 Culturally Appropriate Care and Well-Being

2.1 Care is taken to ensure that Aboriginal cultural values are understood.

- All staff must treat all Aboriginal people with decency, and respect Aboriginal culture, preventing and calling out any prejudice and racism observed.
- Custodial and non-custodial staff should participate in training relating to trauma informed practice and cultural safety.
- Elders, regardless of whether they are in custody, family visitors, or part of an official Elders Group, must always be treated with due respect for their status in Aboriginal society. In some cases, this may mean giving them a priority or not being subjected to questioning in front of others.
- Care must be taken to ensure, consistent with ordinary security protocols, the strip searching or urine testing of Aboriginal people is conducted in ways that are consistent with a proper regard for the modesty of the person, and for the status of Elders.
- The joint use (by Aboriginal male and female people from traditional backgrounds) of facilities should be carefully assessed to ensure that traditional avoidance practices are not breached and do not act to deter Aboriginal women from participation.
- Admission and orientation procedures must be respectful of the culture of Aboriginal people.
- Explanation should be given to ensure that Aboriginal people understand correctional rules and orders, and where they may exercise choice, and the full implications of their choices.
- Cultural assumptions about the importance of direct eye contact in conveying honesty or respect should not be applied to Aboriginal people.
- Health checks and procedures with Aboriginal people must also be conducted in ways that are respectful and sensitive to culture and modesty.

Supporting References
RCIADIC 177,182
CCSSPAC
NHAHP

2.2 Culturally appropriate criteria for leave to attend family funerals should be established and implemented for Aboriginal people.

- Correctional centres must give recognition to the kinship structures and family obligations of Aboriginal people which extend beyond the immediate family, and give favourable consideration to requests for permission to attend funeral services and burials and other occasions of family significance. (ICSAIS 113.1)
- Custodial facilities should always seek advice from relevant community members or groups concerning who should be allowed to attend and participate in a funeral.
- There should be a presumption in favour of the approval for a community nominated Aboriginal person attending a funeral, and that nomination should not be disallowed simply on the grounds of security, cost, or that to do so would unreasonably drain the resources of the correctional centre.

Supporting References

ICSAIS 113.1

RCIADIC 171

2.3 Aboriginal people in custody must be allowed to participate in the funeral in culturally appropriate ways.¹⁷

- Staff (including staff employed by privately contracted services) who accompany Aboriginal people to funerals should undergo cultural safety training specific to funerals prior to attending a funeral. Where possible, staff should match the profile of the Aboriginal person attending cultural obligations for funerals (e.g., men's and women's business).
- Cultural safety training should provide an overview of local Aboriginal cultural expectations with regard to staff behaviour, Aboriginal people's behaviour (including any women's or men's business obligations they may be required to perform), and community practice with respect to such things as culturally appropriate grieving, or other local cultural expectations.

Supporting References

RCIADIC 171, 177

UNDRIP 11(1), 12(1)

¹⁷ Customary practices following the death of an Aboriginal person is referred to as Sorry Business.

2.4 In those situations where all the Aboriginal people who wish to attend a funeral are not granted leave to do so, each custodial facility should make provision for appropriate internal meetings or ceremonies to take place.

- Where an Aboriginal person is not able to attend a funeral in person, efforts should be made to facilitate their attendance in other ways e.g., via video link.
- Sorry Business ceremonies should be organised by the custodial facility at an appropriate place in the centre's precinct and may need to incorporate a fire pit and shade. Advice should be sought from the Aboriginal community regarding the appropriate sitting and configuration of such places.
- Sorry Business ceremonies should be allowed to continue for as long as culturally appropriate and provision should therefore be made for resulting disruption to the routine of the custodial facility.

Supporting References
RCIADIC 171
UNDRIP 11(1), 12(1)

2.5 Consideration should be given for leave to attend to Aboriginal lore obligations.

- Aboriginal people who have lore obligations to discharge, and who are assessed as posing minimal risk to the community should be allowed to attend Aboriginal lore obligations.

Supporting References
RCIADIC 171
UNDRIP 11(1), 12(1)

2.6 Aboriginal culture should be encouraged and strengthened through the systematic observance of cultural practices including customs relating to language, food, death, healing, storytelling, rites of passage, individual community traditions and funeral attendance (ICSAS 99.11).

- Programs with a focus on strengthening cultural connectedness with traditions and contact with Elders and Mentors should be provided. Aboriginal people with an appropriate classification should be considered for programs with a community focus.
- Where practicable, recognised Aboriginal Elders or leaders should be permitted to address the emotional and spiritual needs of inmates. (ICSAIS 99.10)
- Custodial facilities should facilitate and encourage NAIDOC Week¹⁸ and corresponding events should be resourced.
- Aboriginal people should have access to traditional food as part of the observance of cultural practices.

Supporting References
ICSAIS 90.3, 99.10, 99.11
UNDRIP 11(1), 12, 31, 34

2.7 Custodial facilities where the population is predominantly Aboriginal should have an active Aboriginal delegate committee of Aboriginal people which broadly reflects the various gender and community groups that comprise the centre's population. All custodial facilities with an Inmate Delegate Committee should have an Aboriginal delegate on the committee.

- Aboriginal delegates should have the ability to meet with all Aboriginal people in custody, subject to the good order of the correctional centre.

¹⁸ NAIDOC week celebrates the history, culture and achievements of Aboriginal and Torres Strait Islander people. NAIDOC week is founded in the strength and brilliance of Aboriginal people and is important to Aboriginal communities.

- Aboriginal delegates should have a significant and clearly defined role in the admission and orientation processes for new inmates.
- Aboriginal delegates should have regular access to senior management.
- Aboriginal delegates should be provided with payment for their work.

Supporting References
RCIADIC 183

2.8 The management of Aboriginal women should reflect an understanding of a women-centred approach to all aspects of imprisonment.

- Aboriginal women should be managed in the correctional environment in such ways that they feel that their gender and culture are respected.
- Aboriginal women should be supported in dealing with pressing domestic concerns and to have adequate and appropriate contact with their children.
- Aboriginal women should have access to women specific health services.
- Aboriginal women are more likely to be in custody a long way from their home and to be in need of a range of strategies to mitigate the disadvantages that come from such distance. These disadvantages should be addressed by such means as officer-initiated telephone calls to families, help with contacting dependents, and placement at custodial facilities closer to their homes.

Supporting References
BAR 54, 55
UNDRIP 21(1), 22
CTGIP

2.9 Aboriginal women should have equitable access to programs, facilities and services as male inmates

- Aboriginal women should have access to a full range of education, work and rehabilitative programs.
- A variety of relevant Aboriginal women-specific employment, programs and activities should be available.
- Custodial facilities should ensure that there are appropriate pre-release opportunities for Aboriginal women.
- Aboriginal women should be able to access pre-release centres that prepare them for returning to the community.

Supporting References
ICSAIS 132.3

2.10 Health services are provided to Aboriginal and Torres Strait Islander prisoners that encompass mental and physical health; cultural and spiritual health needs; and recognise how connection to land, ancestry, and family and community affect each individual. (GP 4.1.10)

- Custodial health providers should have comprehensive health services that reflect and cater for the profile and needs of its Aboriginal population.
- All newly received inmates should undergo a health examination within 24 hours. This should be followed up with a comprehensive clinical assessment.
- On subsequent admissions to custodial facilities this health profile should be updated, as required.
- Centres should make use of virtual care services to assist in reducing the need for Aboriginal people to move off Country for specialised care.
- Aboriginal people in custody should be provided with culturally appropriate support for accessing NDIS services where appropriate.

Supporting References
GP 4.1.10
CCSSPAC
NHAHP
NDIS

2.11 The health service should employ Aboriginal health workers.

- Health care must be provided in a culturally appropriate way when working with Aboriginal men and women. This means health status should include attention to physical, spiritual, cultural, emotional and social wellbeing. (ICSAIS 79.4)
- Correctional centres should seek to establish a partnership with a local Aboriginal health service to improve the cultural appropriateness of health services. (ICSAIS 79.5)
- Links with Aboriginal Health services should be strengthened in such a way as to make that service a core component of custodial health services.

- An Aboriginal definition of health¹⁹ should be adopted when working with Aboriginal people. This means health status should include attention to physical, spiritual, cultural, emotional and social well-being.
- As appropriate, the custodial facility should use interpreters, Aboriginal health, Aboriginal delegates, etc. to ensure that Aboriginal people understand and are able to make informed decisions about their own health care.
- All health care workers, managers and professionals should have undergone Aboriginal cultural awareness and safety training. (ICSAIS79.2)
- All prevention activities, screening programs, diagnosis, and treatment to improve the health of Aboriginal people should be evidence based.

Supporting References

ICSAIS 79.1, 79.2, 79.4, 79.5
 GP 4.1.10
 NHAHP
 RCIADIC 152, 154(b)
 UNDRIP 23, 24, 29(3)

2.12 Culturally informed and appropriate mental health services should be made available.

- Aboriginal people with any indications of possible identified mental illness should be reviewed by Aboriginal Mental Health Staff. (ICSAIS 3.3)
- Referrals to Aboriginal Mental Health staff should be arranged for all Aboriginal patients. An adequate and effective psychological counselling service should be available to inmates. (ICSAIS 89.7)
- Where there are no local mental health staff in regional and remote areas consideration should be given to otherwise sourcing the necessary resources by way of fly in and fly out services, telehealth services, and other appropriate means.
- All mental health services should be informed by an awareness of Aboriginal views of health and wellness and the importance of cultural issues on emotional and physical well-being.
- Mental health care to Aboriginal people is responsive to the historical and socio-political context of Aboriginal peoples.

Supporting References

ICSAIS 3.3, 79.4, 89.7, 90.3
 GP4.1.10
 UNDRIP 21(1), 23, 24
 MHCLWIF

¹⁹ The Australian Institute of Health and Wellbeing describes Indigenous health and wellbeing as: 'For Aboriginal and Torres Strait Islander Australians, good health is more than just the absence of disease or illness; it is a holistic concept that includes physical, social, emotional, cultural, spiritual and ecological wellbeing, for both the individual and the community'.

2.13 Food and dietary arrangements should take account of the particular health needs of Aboriginal people.

- Healthy diet promotions and programs need to be implemented on an ongoing basis for Aboriginal people.
- Aboriginal people in custody should have access to healthy diets.

Supporting References
UNDRIP 21(1)

2.14 Aboriginal people from remote communities should be able to access appropriate compensatory arrangements to mitigate the many additional disadvantages that they experience in a correctional centre.

- For Aboriginal people from regional communities special regard should be given to any difficulty they may have contacting their family. (ICSAIS 4.2)
- Aboriginal people from remote communities should be provided with opportunities to make telephone and audio-visual contact with their families.
- Alternative arrangements need to be in place to the normal telephone access rules, for Aboriginal people from remote communities where there may be fewer telephones or time differences. These alternative arrangements should make allowance for the difficulty and extended time that may be required to get a family member or other approved person to a telephone, when a call is made. In such circumstances, an Aboriginal person may need to call a number of times before contacting the relevant person, they may need extra time to allow for that person to get to the telephone, and they may need to supplement their ability to pay for such calls.
- Custodial facilities should monitor and record the number of (free) telephone calls to ensure that Aboriginal people, particularly those from remote communities are able to maintain contact with their families.
- Custodial facilities should provide free audio visual contact to close family members in regional or remote locations and establish a project to ensure the system is promoted as part of orientation to all eligible Aboriginal people and their families, to resolve other barriers to its use.

Supporting References
ICSAIS 4.2
RCIADIC 170

2.15 Visiting arrangements at custodial facilities should be highly flexible, particularly for visitors that have come from regional and remote communities. Many such visitors are only able to visit infrequently and where practicable, such visitors should be allowed extended and all day visits.

- Custodial facilities should be flexible in facilitating family visits for people from rural and regional areas. Consideration should be given to allowing Aboriginal people from rural and regional areas to receive extended visits, in lieu of frequent short visits.
- Custodial facilities should ensure visiting facilities are culturally appropriate and where necessary, alternative venues should be made available to facilitate simultaneous visits by people observing avoidance.
- The approval arrangements for visitors should take into consideration different family structures, particularly in relation to Aboriginal people. (ICSAIS 108.8)
- Custodial facilities should facilitate approved contact between Aboriginal people and their children in out of home care.
- Where multiple family members (including children and young people) are in custody, custodial providers should facilitate inter-facility visits using technology.

Supporting References

ICSAIS 108.8

RCIADIC 170

3 Rehabilitation and Preparation for Release

3.1 Library resources should reflect the needs of the different segments of the population at the correctional centre. Where relevant, materials appropriate for Aboriginal people, should be available. (ICSAIS 125.3)

Supporting References
ICSAIS 125.3

3.2 Each custodial facilities with Aboriginal people should make available culturally appropriate programs.

- Programs and services provided to Aboriginal people should be established following close consultation with the appropriate community groups and experts. (ICSAIS 117.8)
- Core programs should be made available that address, alcohol and drugs, family violence, violent offending and sex offending of various types.
- Core programs should be developed in consultation with Aboriginal organisations and relevant Aboriginal people, and they should be delivered (wherever possible) by Aboriginal facilitators with appropriate clinical supervision and support.
- A range of other programs and services, including community led programs, should be made available as required to address parenting and relationship skills, abuse, domestic violence, counselling, community leadership, and Aboriginal culture.

Supporting References
ICSAIS 117.8
GP 5.1.6
CTGIP
UNDRIP 23
CCSSPAC

3.3 Vocational skills programs that are relevant to post-release employability of Aboriginal people in either local industries or in their own communities should be established and maintained.

- Opportunities for Aboriginal people to undertake higher level Vocational education and training (VET) qualifications should be made available.

- VET resources and support materials should be customised to suit the learning styles and learning needs of Aboriginal people, where appropriate.

Supporting References

RCIADIC 184

CTG

CTGIP

3.4 Educational opportunities should be culturally appropriate to the needs and beliefs of Aboriginal people.

- Appropriately qualified Aboriginal instructors and educators should be part of the delivery of programs that are predominantly undertaken by Aboriginal people. (ICSAIS 120.2)
- All non-Aboriginal training delivery and assessment staff should be skilled in cross-cultural communication and complete regular cultural safety training. (ICSAIS 120.3)
- Where appropriate, education programs should be customised to suit the learning styles and learning needs of Aboriginal people. (ICSAIS120.4)
- Education resources and support materials should be customised to suit the learning styles and learning needs of Aboriginal people, where appropriate. (ICSAIS 124.5)
- Education should be provided in a language and manner appropriate to the cultural beliefs of Aboriginal people.

Supporting References

ICSAIS 120.2, 120.3, 120.4, 124.5

RCIADIC 184

GP 5.1.6

CTG

CTGIP

3.5 Processes should be in place to maximise the opportunities for Aboriginal people to access post-release employment and suitable accommodation.

- Custodial facilities should ensure that there are strong links on release between Aboriginal people and prospective employers. This should include the preparation of Aboriginal people for interviews with a variety of employers.
- Strong links with regional industries should be forged with such industries being encouraged to view and comment on the training facilities at correctional centres and to interview Aboriginal people prior to release.

3.6 Custodial facilities should provide a range of life skills training courses based upon a training needs analysis of its Aboriginal population.

- Opportunities should be provided to Aboriginal people who intend to return to more remote communities to acquire skills likely to be of use to that person in that remote setting. (ICSAIS 129.3)
- The Aboriginal community should be consulted to develop a priority set of short life skills training courses.
- Life skills courses should be scheduled to run on a continuous basis according to demand and should be delivered in culturally competent and safe ways.
- Consideration should be given to including courses on such matters as: budgeting and debt management, household maintenance, leadership and civic responsibilities and healthy lifestyles.

Supporting References

ICSAIS 129.3

UNDRIP 21

RCIADIC 184

GP 5.2.4

CTG

CTGIP

3.7 There should be a cultural activities program for Aboriginal people which includes art, dance, and music.

- Aboriginal people should have access to cultural activities that reflect the diversity of Aboriginal cultures, traditions and histories. (ICSAIS 120.1)
- Custodial facilities should maintain a range of appropriate art material and musical instruments to encourage and engage artistic and musical expression.
- Custodial facilities should provide art materials to Aboriginal people.
- The intellectual property of a piece of artwork should belong to the Aboriginal person that created it.

Supporting References

ICSAIS 120.1

UNDRIP 11, 31

CTGIP

3.8 Where practicable, custodial facilities should develop training workshops with appropriate classroom facilities to enable the ongoing provision of practical skills training.

- Aboriginal people should receive Work Health and Safety training.
- Kitchen duties, cleaning, grounds maintenance, laundry work and other routine work around the centre carried out by Aboriginal people should be subject to some level of training and accreditation.

Supporting References
CTG
CTGIP

3.9 External work opportunities should be maximised so that minimum-security Aboriginal people have the opportunity to do reparative work in the Aboriginal community.

- All external work should be associated with employment skills training and accreditation.
- Aboriginal people should be provided with opportunities to undertake work that benefits the local Aboriginal community.

Supporting References
CTG
CTGIP

3.10 Custodial facilities should aim to ensure that Aboriginal inmates spend a part of their sentence in a minimum-security environment.

- All work should be associated with training and wherever possible, formal accreditation of the training should occur.
- In addition to employment training, opportunities should be available for Aboriginal people to continue educational studies and to undertake a range of life skills courses.

Supporting References
CTG
CTGIP

3.11 The regimes at pre-release centres should be focused on people developing skills and knowledge, support structures and linkages appropriate to their safe return to the community. Particular attention should be given to Aboriginal people and providing culturally safe and relevant reintegration and post release services. (ICSAIS132.3)

Supporting References
ICSAIS 132.3

3.12 Release arrangements for Aboriginal people particularly for those from remote communities should include robust processes to ensure that Aboriginal people can safely and promptly return to their homes, regardless of where they were initially arrested and/or tried.

- Corrective services should make special arrangements for the release of Aboriginal people to ensure that they are able to get back to their community.
- In the case of Aboriginal people from remote communities that are not serviced by public transport, individualised arrangements must be made to ensure that the person is not stranded without any means of getting home. (ICSAIS 14.4)
- Where public transport is not available for any part of the journey, the custodial facility has the responsibility for ensuring that the person is not left without any means of returning home.
- Corrective services should make linkages with local Aboriginal community organisations to ensure that Aboriginal people can safely and promptly return to their homes.

Supporting References
ICSAIS 14.4

3.13 Aboriginal and Torres Strait Islander people are provided with culturally relevant reintegration and post release services. (GP 5.2.4)

- Release planning and transitional care services (pre and post release) need to take into consideration the Aboriginal person's sentencing status.
- Release planning and traditional care services (pre and post release) are coordinated from an Aboriginal person-centred approach and must be culturally safe.

- Release planning and transitional care services (pre and post release) need to take into consideration residential rehabilitation program requirements (including bail and parole).

Supporting References

GP 5.2.4

4 Resources and Systems

4.1 Wherever possible, the proportion of Aboriginal staff at a custodial facility should be in proportion to the number of Aboriginal people in custody.

- Criteria for entry to the workforce of a custodial facility with Aboriginal people should be culturally appropriate and recruitment advertising should explicitly encourage Aboriginal people to apply.
- The senior management team, the health services team, and the education team should include Aboriginal people.
- Custodial facilities and custodial health service providers should provide appropriate cultural support for Aboriginal staff, particularly those working in standalone roles for a given site or service, and those working on Country with relatives or community members to help combat isolation, manage cultural load issues, and prevent burnout.

Supporting References
RCIADIC 178
CTGIP

4.2 Custodial facilities should employ at least one Aboriginal Services and Program Officer who is able to communicate effectively with all groups of Aboriginal people.

- Aboriginal Services and Program Officers and Regional Aboriginal Pathways Officers should ideally, have strong pre-existing connections with communities and community organisations in all or part of the correctional centre's catchment area, or at minimum, the capacity to develop and maintain such connections.
- Regional Aboriginal Pathways Officers should be the coordinating point for Aboriginal community organisations and have a key role in ensuring inmate well-being.
- Aboriginal Services and Program Officers and Regional Aboriginal Pathways Officers should have regular access to the senior management team in order to brief them on contemporary issues arising via Aboriginal delegates.

Supporting References
RCIADIC 178

4.3 Culturally specific training requirements appropriate to working at custodial facilities with Aboriginal people should be established.

- All staff working in custodial facilities should undergo cultural competency and safety training on commencement.
- Periodic refresher cultural competency and safety training should be regularly scheduled for staff already working in custodial facilities.
- Cultural competency and safety training should be regularly reviewed and updated as required.

Supporting References
RCIADIC 177

4.4 Custodial facilities should ensure that the regime and procedures are culturally safe for Aboriginal people.

- Custodial facilities should avoid the need for Aboriginal people to make written applications, wherever practicable. Wherever possible written systems should be supplemented with clear verbal processes. Where written forms cannot be supplemented by verbal systems, consideration should be given to providing assistance in ways which avoid shaming the applicant.
- While inmate processes that rely upon written applications and forms should be avoided as far as practicable, appropriate levels of accountability through accurate records should be maintained.
- Departmental processes for making complaints should take account of the inhibitions that Aboriginal people may have about putting matters in writing.
- The regime of the custodial facility should ensure there are opportunities for inmates from the same family or community (including people of different classification and gender) to interact with each other, subject to the security and good order of the centre, and consent of the individuals.
- Correctional centres must also recognise that some Aboriginal people may be more accustomed to using group discussion to resolve disputes and issues of concern. (ICSAIS 49.2)

Supporting References
ICSAIS 49.2, 142.1
RCIADIC 171, 183CTG
CTGIP

4.5 Key performance indicators for each correctional centre should measure and report on outcomes for Aboriginal people in custody.

Supporting References
RCIADIC 260(c)

4.6 Custodial facilities should give a high priority to facilitating Aboriginal community involvement in the centre's operation.

- The Correctional Centre should establish locally based Aboriginal Consultative Committees to promote a positive relationship with the Aboriginal communities relevant to the correctional centre, to achieve better outcomes for Aboriginal people.
- Meaningful community partnerships are developed and maintained with Aboriginal and Torres Strait Islander organisations, Elders, other respected persons, and the broader community to support the successful reconnection and reintegration with their community. (GP 5.4.4)
- Cultural matters concerning Aboriginal people should be addressed by correctional centre management engaging with members of Aboriginal communities and representative bodies (ICSAIS 145.5)
- Aboriginal people should have access to recognised community leaders and Aboriginal cultural practices should be encouraged and strengthened through observance of Aboriginal customs and traditions.
- Senior management at the correctional centre should ensure that they are informed about the family and cultural relationships that exist in the community and recognise that these do not cease to exist because of imprisonment.

Supporting References
ICSAIS 145.5
GP 5.4.4
RCIADIC 171, 187
UNDRIP 3, 4
CTGIP

4.7 Aboriginal Official Visitors should be appointed to every Correctional Centre.

- Aboriginal Official Visitors must operate independently and have a regular presence at the centre.
- Aboriginal Official Visitors should have a professional working relationship with Aboriginal delegates.

Supporting References
RCIADIC 176
CTGIP

4.8 Custodial facilities should have Aboriginal Elders visiting centres regularly.

- Aboriginal Elders should be nominated by their own community.
- The responsibilities and arrangements for Elders should be collaboratively developed as a memorandum of agreement or other suitable contractual arrangement.
- Subject to normal security checks, nominated Elders should be remunerated and receive compensation for all out-of-pocket expenses in discharging their responsibilities.
- An Elders' forum should be regularly convened to establish ongoing communication and contribute to the delivery and implementation of cultural engagement.
- Elders should be consulted about the development and design of cultural places within a correctional centre and other matters of cultural significance.
- Where there are multiple community groups held in one centre, the centre should ensure that the Elders program has representation from all community groups with Aboriginal people at the correctional centre.
- Elders should be invited to participate in the correctional centre's cultural meetings and celebrations including NAIDOC celebrations.

Supporting References
ICSAIS 90.3
GP 5.4.4
RCIADIC 192
CTGIP
CCSSPAC

4.9 Where an Aboriginal person is seriously injured whilst in custody, correctional authorities must immediately notify the family (or other such nominated persons) and, in the event of an Aboriginal person's death, the appropriate Aboriginal Legal Service. (ICSAIS114.1)

- Where there has been a death in custody, Corrective Services must facilitate relevant cultural practices that support all Aboriginal people in contact with and impacted by the death in custody.

Supporting References

ICSAIS 114.1

GP 2.3.14

RCIADIC 19, 20

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