

Community Justice Coalition Questionnaire 2019

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1. Effectiveness of Imprisonment

Party policies: Questions for consideration:

1.1 Will you commit to protecting judicial discretion in sentencing, including through the removal of mandatory minimum sentencing?

q. Yes **q.** No

1.2 Will you commit to increasing investment into diversionary social crime prevention strategies? Examples of such diversionary schemes are the Drug Court, MERIT scheme, Justice reinvestment programs, section 32 and 33 applications under the Mental Health (Forensic Provisions) Act 1990 (NSW) and youth justice conferencing.

q. Yes **q.** No

1.3 Will you commit to ensuring the funding and implementation of key pre-release services for prisoners through proper case management, which includes education, training, housing and mental health services?

q. Yes **q.** No

1.4 Will you commit to the implementation of stronger accountability of private prisons operating in NSW as recommended in the Legislative Council 21 December 2018 Report of Parklea?

q. Yes **q.** No

1.5 Will you commit to the further provision of rehabilitative programs for prisoners, including sexual and violent offenders?

q. Yes **q.** No

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

2. Bail Act & Remand Issues

Party policies: Questions for consideration

2.1 Will you commit to amending the *Bail Act 2013* (NSW) to reintroduce a uniform presumption in favour of bail for all offences?

q Yes **q** No

2.2 Will you commit to restoring section 3 “Purpose of the Act”, which requires there to be a need for “regard to the presumption of innocence and the general right to bail”?

q Yes **q** No

2.3 Will you commit to repealing the ‘show cause’ provision (s16A(1)), which shifts the burden on the accused to show cause why their detention is not justified, in relation to the most serious offences?

q Yes **q** No

2.4 Will you commit to expanding the scope of ‘bail conditions’ (ss 23-30) which were established to remedy the bail concerns under s 17(2) for bail to be granted?

q Yes **q** No

2.5 Would you commit to reforming s18 of the Bail Act 2013 to reduce its restriction on judicial discretion?

Yes No

2.6 Would you reintroduce Section 32 (1) (b) (i) from the Bail Act 1978; “the period that the person may be obliged to spend in custody if bail is refused and the conditions under which the person would be held in custody”, into the Bail Act 2013 (NSW) to ensure consideration of the conditions the person in custody would be under?

Yes No

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

3. Indigenous Issues

Party policies: Questions for consideration

3.1 Will you commit to reducing issues of overrepresentation of Aboriginal people in prison by;

- Introducing legislative reform that requires judicial officers to consider factors of Aboriginal disadvantage in sentencing,
- Increasing funds and resources to Indigenous specific diversion, rehabilitation and treatment programs and,
- Supporting community based programs to strengthen kinship?

Yes No

3.2 Will you commit to funding effective justice reinvestment programs that are culturally sensitive, evidence-based and appropriately evaluated? Examples of such are the Victorian koori courts and community facilitated programs to strengthen kinship.

Yes No

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

4. Women in Prison

Party policies: Questions for consideration

- 4.1 Will you commit to developing a policy platform for women that recognizes their different needs?
 Yes No
- 4.2 Will you commit to implementing policy and services that support Indigenous women throughout the court and prison process, and ensure that the specific social and cultural needs of Aboriginal and Torres Strait Islander women are recognized?
 Yes No
- 4.3 Will you to commit to implementing policies that reduce the recidivism rates of Indigenous and non-Indigenous female offenders by providing diversionary programs based on their specific needs and circumstances?
 Yes No
- 4.4 Will you reduce the need of strip searches, due to their likelihood of causing traumatic experiences of sexual abuse prior to imprisonment to resurface, either implementing them as a last resort or aiming to eliminate them overall?
 Yes No
- 4.5 Will you take steps to reduce over medication of incarcerated women?
 Yes No
- 4.6 Will you commit to funding specialist legal services for women in prison, such as NSW Women's Alliance and Legal Education and Advice in Prison?
 Yes No

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

5. Juveniles in Custody

Party policies: Questions for consideration:

5.1 Will you commit to introducing a wider availability of community based sentencing for young people, and especially in regional and remote areas?
q Yes q No

5.2 Will you commit to ensuring young people who must be placed in detention are held in a detention centre closest to their residence and accessible by their families?
q Yes q No

5.3 Will you ensure restrictions on contact with family will be removed, unless imposed by Court?
q Yes q No

5.4 Will you implement the Walama Court, as proposed by the NSW Law Society?
q Yes q No

5.5 Will you consider funding and implementing youth rehabilitation programs for Indigenous juvenile offenders such as the previous Transition 2 Success?
q Yes q No

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

6. Education and Training in Custody

Party policies: Questions for consideration:

6.1 Do you support the right of access to an accredited broad education program, aimed at improving prospects of reintegration, rehabilitation and the development of the full potential of each prisoner?
q Yes q No

- 6.2 Do you support the right to education in correctional facilities regardless of status - prisoners on remand or under punishment?
q Yes q No
- 6.3 Do you support the right for prisoners to have access to a computer in their cell within a secure network environment?
q Yes q No
- 6.4 Do you support the rights of teachers working in correctional facilities to have access to adequately resourced, safe teaching facilities, including appropriate technology?
q Yes q No
- 6.5 Do you support the development of educational programs that are culturally appropriate to prisoners from marginalised groups, including indigenous people, women, LGBTQI+ groups and prisoners with disabilities?
q Yes q No
- 6.6 Do you support the right of all prisoners to have tertiary-qualified, professional teachers capable of providing quality adult education to disadvantaged and complex students?
q Yes q No
- 6.7 Do you support the introduction of specific section in both the TAFE NSW and NSW Board of Studies charter that requires mandatory provision of education and training to inmates in correctional centres, especially Aboriginal inmates?
q Yes q No
- 6.8 Do you support TAFE NSW providing educational and training services to all correctional centres inmates on a cost recovery basis and not on a profit-making basis?
q Yes q No

7. Health of Australian Prisoners

Party policies: Questions for consideration

- 7.1 Will you support people in prison have the same standard of health care as other members of the community?
q Yes q No
- 7.2 Will you support prisoners having access to Medicare?
q Yes q No
- 7.3 Will you support the implementation of a needle and syringe program to reduce the transfer of blood borne viruses?
q Yes q No
- 7.4 Will you provide external interpreter services and employ Indigenous health practitioners to provide services to overcome communication issues?
q Yes q No

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

8. Mental Health

Party policies: Questions for consideration

8.1 Will you commit to review and upgrade the provision of psychiatric and psychological services for people in custodial care, including those in remand?

q Yes **q** No

8.2 Will you support more drug and alcohol rehabilitation centres to address drug dependency and consequential crime?

q Yes **q** No

8.3 Will you commit to improving the transition from prison to the community for those with a mental health disorder including: support networks in the post release period; increased employment opportunities following release; support for access to appropriate and continuing health services; assistance with access to appropriate housing; funding for specific transition programs.

q Yes **q** No

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

9. Culturally and Linguistically Diverse (CALD) Communities

Party policies: Questions for consideration

9.1 Will you commit to providing culturally sensitive programs (e.g. diet/education) in prisons in order to address the diverse needs of the CALD community?
 Yes No

9.2 Will you implement initiatives to incorporate support systems throughout the criminal justice system to support CALD offenders' understanding of the process, rights, and laws?
 Yes No

9.3 Given that CALD ex-offenders face additional challenges when reintegrating into the community, will you pursue CALD initiatives to support their rehabilitation and reintegration (e.g. transcultural psychiatric help)?
 Yes No

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10. Prison Officer Conditions

Party policies: Questions for consideration

10.1 Do you commit to improving the safety of prison officers by reducing the prisoner overpopulation?
 Yes No

10.2 Do you commit to providing further training to prison officers to improve the greater welfare of prisoners and staff alike?
 Yes No

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

11. Governance and Transparency

Party policies: Questions for consideration

11.1 Will you support the independence of the Inspector of Custodial Services?
 Yes No

11.2 Will you commit to expanding the Inspector's functions to include powers to review complaints from prisoners, in line with the power previously held by the Inspector-General?
 Yes No

11.3 Will you commit to enabling the Ombudsman to re-examine the exercise of Departmental discretions on the ground of unfairness?
 Yes No

11.4 Will you commit to legislative reform requiring the Ombudsman to re-examine unfairness in department decisions beyond procedural errors.

[If there is any additional information or comments you would like to provide concerning the above questions, please use the lines provided here.]

12. Privatisation

Party policies: Questions for consideration

12.1 Will you commit to prisons being run by the government?
 Yes No

12.2 Will you commit to prisoner education being run by the government?
 Yes No

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