



Women's Advisory Council

Corrective Services NSW

Report

2012 – 2014

Dear Commissioner

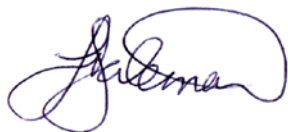
I am pleased to present this report of the CSNSW Women's Advisory Council (WAC) which sets out the work undertaken between December 2012 and December 2014. During that period the Council focused on initiatives to prevent incarceration of women, to improve their mental and physical health and capacity to acquire skills that enable them to return successfully to the community.

The WAC (as it is affectionately called) continues to be an important forum to raise and advocate issues arising for women in contact with the criminal justice system. The membership of the WAC comprises individuals from across the human service and justice sectors and it is this broad engagement that has shaped the focus of activities initiated by the WAC over recent years.

The attached report demonstrates the progress made across the WAC's strategic directions which are to reduce incarceration; increase the health & well-being of women offenders; improve post-release options and to change community attitudes to women offenders. Initiatives such as the introduction of training for staff in trauma-informed practice, introduction of the victims' services counselling for women in prison and actions arising from the roundtable held to further the research commissioned by the WAC on Aboriginal women and diversion options have been particularly successful outcomes stemming from the WAC's activities.

The members of the WAC are highly knowledgeable and skilled people and I would like to thank you for supporting the ongoing opportunity the WAC affords to gather this expertise to improve the situation for women who find themselves involved in the criminal justice system.

I would like to acknowledge here the leadership of Luke Grant in advocating for the continuation of the WAC and also the tireless work of Deirdre Hyslop who has supported the WAC both administratively and with her in-depth knowledge of the criminal justice system.



Jenna Bateman
Chair

CEO
Mental Health Coordinating Council

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Background

Establishment of a Women's Council for Corrective Services NSW was a recommendation of the 1985 Report of the NSW Women in Prison Task Force, *Women in Prison*. The purpose of the Council was to coordinate and monitor implementation of the *Task Force Recommendations*. These included the establishment of a Women's Services Unit within Corrective Services to oversee the implementation process and a Mothers and Children's residential program at Emu Plains. The Transitional Centre at Parramatta was also established.

Successive women's advisory committees and networks have focused on raising issues in relation to operations within the custodial setting. The current Women's Advisory Council (the Council) takes a broader view, providing an opportunity for information sharing among government agencies and community organisations with interests in issues relating to women in contact with the criminal justice system. The Council is a link between Corrective Services NSW and other government and non-government agencies with a mandate to develop and administer policies and services to women in general and women with specific needs.

Membership

There were major changes to membership during 2012-2014. The Council bid fond farewell to Ann Symonds as Chair at the end of 2011. She had made a major contribution to the life and achievements of the Council since its re-establishment in 2008. Jenna Bateman was warmly welcomed to the position, commencing in 2012. Jenna is Chief Executive Officer Mental Health Coordinating Council and has been a member of the Council since 2008.

Other new members were welcomed to the Council following resignations of other members who resigned after serving a four term on the Council. See Appendix A for a list of members. The list includes those who have resigned and new members who joined the Council during 2012-2014.

Membership of the Council comprises women representing key areas of relevance to women in custody and under Corrective Services NSW supervision in the community.

Consultants Group

The Council's Consultants Group was maintained with the purpose of raising issues and providing input to activities of the Council. Membership of the Consultants Group is flexible. Members are invited to join the group from time to time in relation to specific issues and projects. See Appendix B for a list of the Consultants Group members.

Terms of Reference

The Council's Terms of Reference were reviewed in February 2013 and a minor change made in relation to membership. See Appendix C for the Women's Advisory Council Terms of Reference.

Meetings

The Council met on a bi-monthly basis between February 2012 and December 2014. All meetings were held in the Henry Deane Building at 20 Lee Street Sydney 2001, apart from the October 2014 meeting which was held at Lou's Place in Kings Cross.

Work Plan Summary

The Council continued to work on projects identified in its established Work Plan. The underlying goal of the Plan is to work towards better outcomes for women in the correctional system and to reduce the number of women in custody.

The Work Plan is structured under the following headings:

- Reducing incarceration
- Increasing health and well-being of women offenders
- Post-release and other services
- Changing community attitudes

Current projects

- Histories of sexual assault and related trauma among women offenders

The research paper, *Women as Offenders, Women as Victims: the role of Corrections in supporting women with histories of sexual abuse*, commissioned from the Institute of Family Studies Australian Centre for the Study of Sexual Assault was printed and disseminated in 2014. The paper has drawn interest from diverse areas and underpins other WAC projects. The aims of the project were to examine the experience of sexual assault-related trauma in childhood, adolescence and adulthood; the possible links to offending and the influence of this on women's capacity to participate in programs that focus on reducing re-offending.

A further aim of the research was to identify specific actions that could be taken to address the impact of trauma and assist women to overcome its effects by accessing suitable programs and services.

The underlying objectives of the project were to support CSNSW's responsibility for managing offenders in a safe and humane manner and to reduce risks of reoffending. Key learning is that identifying and addressing underlying causes of offending among women may impact positively on their capacity to cope and remain in the community, following their release.

- Victims Services Counselling Trial

During 2012-14 the trial of Victims Services Counselling continued at Dillwynia (women) and Wellington (women and men). An in-depth evaluation of the trial has been undertaken and is in final production phase. Preliminary findings indicate very positive impacts on participants. Reduced levels of aggression and distress have been observed by staff.

For one woman the counselling has had a remarkable influence. Telephone contact with her family invariably resulted in violent behavior towards staff and damage to property. After a period of counselling she requested staff to return her to her room as she was otherwise at risk of reverting to her previous aggressive behavior.

An unexpected outcome of the counselling trial has been the numbers of CSNSW staff from the trial sites who have self-referred to the counselling service available to any adult in NSW who has experienced violence.

- Trauma-informed Practice

In December 2014 the Attorney-General and Minister for Justice launched a training package on trauma-informed practice developed by the Mental Health Coordinating Council. Funded by Victims Services, the training is for CSNSW staff who work directly with inmates and people under supervision in the community. High numbers of these populations have experienced trauma in childhood, adolescence and adulthood and continue to display its long-term impacts. The experience of violence and trauma is linked with the abuse of alcohol and other drugs which in turn may lead to offending.

The training provides staff with an understanding of trauma and its impacts and how to manage behavioral characteristics stemming from these experiences. The training is a one-day package complemented by an additional e-learning component on vicarious trauma. Working constantly with people affected by trauma can have long-term negative influences on well-being and attitudes. Learning techniques for recognising and avoiding the impact of vicarious trauma can help maintain a healthy workforce.

- Aboriginal women's access and participation in diversionary programs

The report *Aboriginal Women's Access and Participation in Diversionary Programs*, commissioned by WAC from UNSW researcher Ruth McCausland in School of Social Sciences UNSW and funded by CSNSW, was received in April 2014.

A Round Table was convened by the Council in December 2014, attended by the Attorney General and Minister for Justice. The focus was on key findings of the McCausland report that showed Aboriginal women were less likely to be referred to or complete a pre-sentencing program; that they were under-represented in conferencing such as Forum Sentencing; that they were more likely to be imprisoned than non-Aboriginal women across a range of offences: 28 times the rate of non-Aboriginal women for convictions of possess and/or use illicit drugs; six times the rate of non-Aboriginal women convicted of exceeding prescribed content of alcohol or other substance limit and nearly four times rate of non-Aboriginal women for driving while licence disqualified or suspended.

There is an acknowledged scarcity of community-based sentencing options available in regional NSW. This has an impact on Aboriginal women who may otherwise be able to remain in their communities while serving a sentence. Broader sentencing options and support, particularly in regional areas, would reduce the number of Aboriginal women in custody, particularly those on remand or serving short sentences.

The Round Table was facilitated by Sally Trevena A/Chair. Researcher Ruth McCausland gave a summary of the findings and recommendations of the report, five of which constituted the Round Table's agenda. See Appendix D

Invisibility of Aboriginal women has become evident during the research. Statistical reports and evaluations rarely disaggregate for gender *and* Aboriginality. Gaining a more detailed picture of the circumstances of Aboriginal women is essential to identifying and

understanding trends. Data provide the basis for specific planning of options and how they could be tailored to meet Aboriginal women' needs.

At the Round Table Trial Advocate Western Region Aboriginal Legal Service, Felicity Graham, tabled a paper supporting recommendations of the McCausland report. She presented a range of actions for implementing them:

- legislative reform to amend NSW sentencing legislation including reference to the need for courts to give particular attention to background circumstances of Aboriginal offenders, prior to passing sentence
- processes for magistrates to receive information on individuals that is currently not provided or requested
- community profiling of Aboriginal communities funded by government
- Aboriginal involvement in CSNSW's Pre-Sentence Reports (PSRs)
- introduction of a new type of good behavior bond as additional alternative to custody
- establishment of Drug Courts in regional, particularly, western NSW
- investment in residential rehabilitation centres in regional/remote areas, particularly for Aboriginal women.

- Use of 'Exceptional circumstances' at sentencing

The Council has been actively advocating for the use of 'Exceptional circumstances' at sentencing and the implementation of Fernando principles set out by Justice James Wood in the Fernando Principles (1992) 76 Aust. Criminal Reports R v. Fernando at pages 62 & 63 and described by Stephen Norrish QC in his *Justice for Aboriginal People in the Justice System: A Paper for the National Aboriginal and Torres Strait Islander Legal Summit 2010*.

The Fernando Principles were strengthened by the Bugmy High Court ruling of October 2013. Under Bugmy, sentencers of Aboriginal people are to consider the individual's socio-economic background and experience as well as the impact of community-wide intergenerational disadvantage. Other jurisdictions such as Northern Territory and Canada (Ontario) apply similar principles at the sentencing of Aboriginal and First Nation people.

- Research on *Comparative Profiling of Female Inmates in New South Wales by Indigenous Status - Statistical Report*, requested by the Council from CSNSW Corrections Research, Evaluation and Statistics (CRES), was received in August 2014. The report presents statistics on all women by Indigenous status who entered NSW custody in the calendar year 2011. This was a total of 1664 women, sentenced and remanded. The data were extracted from the CSNSW Offender Integrated Management System (OIMS) and administrative records held by Corrective Services.

Aboriginal women were found to be overrepresented in the NSW female custodial population and to have higher needs/risks compared to their non-Aboriginal counterparts. They were found to be at greater risk of recidivism, as assessed by The Level of Service Inventory-Revised (LSI-R); to have higher levels of prior contact with CSNSW and of recidivism; to have lower levels of formal education; to have higher levels of intellectual disability; and to be more likely not to have been living with their children prior to incarceration.

The data starkly reveal the level of disadvantage experienced by Aboriginal women. They are the basis from which tailored intervention strategies for reducing recidivism can and must be developed.

Potential projects

- Miranda Project

In October 2012 the Council developed a proposal titled 'The Miranda Project', to commence discussion of the concept for NSW and to seek funding for two project workers to explore the UK models; their feasibility in the Australian context and interest among possible partners to roll out across NSW. The Miranda Project is looking to establish one-stop shops for women which are holistic, non-judgmental services and accessible by any women in the community. For women within the criminal justice system, the centres will provide additional supports that may include programs.

NSW Women's Health Services are interested in piloting an equivalent project in two locations, Waminda in Nowra and Penrith Women's Health Centre. Lou's Place, an independent drop-in centre in Kings Cross, is a potential third site. The concept has broad support and details of how it will work in practice are in development.

Monitoring

- Medicare & PBS access

The issue of prisoner access to Medicare-funded services and the PBS has continued to be the subject of submissions to the Federal Government. Services available through Medicare such as psychological counselling are not provided by Justice Health & Forensic Mental Health. Corrective Services Administrators Council continues to pursue this issue.

- Medicare Locals Project

Shortly before the election of 2013 the Federal Government granted funds to three Medicare Locals, one each in Queensland, Western Australia and NSW. Past Chair of the WAC, Anne Symonds, was instrumental in gaining the Government's support and the twelve-month funding for development of a model or models enabling Medicare Locals to work more closely and effectively with Aboriginal women returning to community from custody. A further aim was for staff to gain skills and knowledge of Aboriginal cultures and closer working relationships with Aboriginal services and communities.

In NSW, the Western Sydney Medicare Local was the selected site. Shortly after its allocation the funding was transferred to Western Sydney Aboriginal Medical Service and the project's goal focused on direct support to Aboriginal women returning to the community. Staff from the Service commenced work in Emu Plains Correctional Centre. Changes of staff impacted on the continuity and outcomes of the project. Documentation about the project and its model was undertaken by University of NSW. The report has yet to be received by the WAC.

- Legal Literacy Program

Development of a Legal Literacy Program for inmates was initiated by the WAC Consultants Group member, Senior Solicitor Vavaa Muwali Public Interest Advocacy Centre (PIAC), following a meeting with Silverwater Women's Correctional Centre Inmate

Development Committee (IDC) in 2011. The IDC had identified widespread difficulty in understanding judges' sentencing remarks and other legal communication such as papers and letters.

Representatives of Wirringa Baiya Aboriginal Women's Legal Service, Women's Legal Services NSW, Hawkesbury Nepean Community Legal Centre and Legal Aid NSW, coordinated by PIAC, worked with CSNSW education staff to develop the course, linked with nationally accredited competencies and related materials.

A successful application was made to the 2012-13 round of the Legal Aid NSW/Community Legal Centre Partnership Program. \$40 000 was shared equally among the legal services. This enabled them to develop the program in collaboration with representatives of CSNSW and its registered training organisation, the Adult Education and Vocational Training Institute (AEVTI). A Memorandum of Understanding was signed by all parties in April 2013, outlining roles and responsibilities of each party. A steering committee was established to consider the content and structure of the course and guide the pilot.

The nationally-accredited course was successfully trialled by the full-time Legal Literacy teacher at Silverwater Women's Correctional Centre and then at Dillwynia. In addition to delivering the program, the Legal Literacy teacher trains and coaches other literacy teachers to deliver the modules.

A final report produced in April 2014 by PIAC for the Legal Aid NSW/Community Legal Centre Partnership Program, outlined the very positive reception of this course, the collaborative process and continued involvement of lawyers.

- Court-ordered Contact with Children in Care and their Mothers in Custody

At the forum on Mental Health and Children of Prisoners held on October 2012 an issue was raised in relation to court-orders that define contact between children in care and their parents, frequently set at four contacts a year. Despite the involvement of courts in determining these rulings, the visits are not taking place. This causes considerable distress among mothers (and fathers) in custody. There is no redress; courts do not enforce the contact.

A working group of members of the Council's Consultants Group, SHINE For Kids and CSNSW staff was formed to determine what action could be taken to facilitate the parent/child visits or contact.

A Protocol Agreement is being developed between CSNSW and Family and Community Services in relation to information exchange, presentation of court papers and other processes related to children's care and placement.

The Association of Children's Welfare Agencies (ACWA) provides training to agencies which recruit and support foster carers. ACWA is interested in collaboration with the working party in relation to training and resources. An information package, called the *Georgina Package*, is being put together with a purpose-developed Fact Sheet on *How to Contact a Parent in Custody*.

Influence

- Lack of representation at court and information gaps at court and in custody

In 2012 36.4% of defendants at the Local Court were self-represented. Offenders preparing for court, if not under Community Corrections, need to be guided through preparatory processes. On-line resources are available, however, it has been observed that a proportion of defendants does not seek information via the net or know that it is available. The WAC agreed that these defendants need to be assisted to prepare a letter on: *What I want the court to know about me*. Law Access are working with Police on how to get information to people as early as possible about this preparation. Guidelines are being developed around this issue.

Judicial officers are not receiving information, e.g. about abuse histories, that could be used in sentencing and determining alternative pathways.

The issue was referred to the NSW Legal Assistance Forum (NLAF) which plans to establish a small working party.

Appendix A

Corrective Services NSW Women's Advisory Council Members January 2013- December 2014	
Jenna Bateman Chair	Chief Executive Officer Mental Health Coordinating Council Corinne Henderson represented Jenna during Jenna's 8 months leave in 2014
Janelle Clarke	President Aboriginal Legal Service (NSW/ACT) June 2013
Her Honour Jane Culver	Deputy Chief Magistrate NSW Local Court From Oct 2013
Linda Matthews Feb 2014 Christine Foran	Executive Director Women NSW Family and Community Services
Isabel Hight	Project Director Project Director Corrections Infrastructure Strategy Corrective Services NSW From October 2014
Monique Hitter	Director Civil Law Legal Aid Commission
Nicole Lawless	Manager Violence Prevention Coordination Unit Office for Women's Policy NSW Department of Family and Community Services Until April 2013
Helen L'Orange	Past Child Advocate Mothers & Children's Program Until February 2013
Mahashini Krishna	A/Commissioner Victims Rights Department of Attorney General and Justice From April 2014
Jenny Law	Director Women's and Primary Health Justice Health and Forensic Mental Health From August 2014
Katherine McFarlane	Past Lecturer, Justice Studies / Criminology, Charles Sturt University Past Official Visitor; past Executive Officer NSW Children's Court; past Executive Officer NSW Sentencing Council. To April 2014

**Corrective Services NSW Women's Advisory Council
Members
January 2013- December 2014**

Carmen Parter	Director Aboriginal Health NSW Health Until December 2013
Alison Peters to April 2014 Tracy Howe from July 2014	Director NSW Council of Social Services
Christine Robinson Rachael Martin	Coordinator Aboriginal Women's Legal Service Until February 2013
Sally Trevena	Community Project Officer Canada Bay Council Past Assistant Manager Housing and Homelessness Section NSW/ACT Office Department of Families, Housing, Community Services and Indigenous Affairs Family, Housing, Community Services and Indigenous Affairs
Karen Webb	Detective Superintendent Commander State Surveillance Branch Special Services Group New South Wales Police Force From Oct 2013
Mandy Young	Director Victims Services Department of Attorney General and Justice

Corrective Services NSW Members	
Rosemary Caruana	Assistant Commissioner Community Offender Services Appointed in February 2010
Luke Grant	Assistant Commissioner Offender Services & Programs
Deirdre Hyslop	Executive Officer to the Council Principal Advisor Women Offenders Offender Services and Programs
Marilyn Wright	General Manager John Morony & Oberon Cluster

Appendix B

CSNSW Women's Consultants Group December 2012 – December 2014	
Deborah Banks	Manager Lou's Place Victoria Street Kings Cross
Alison Peters	Director NCOSS Joined the Council in February 2014
Lesley-Anne Davies	Manager Guthrie House
Jenny Law	Director Women's Health Primary Health Justice Health & Forensic Mental Health Joined the Council in August 2014
Carolyn Jones	Supervising Solicitor Women's Legal Services NSW Women's Domestic Violence Advocacy Service
Michelle Knight	Yula Panaal Morisset
Cathy Saunders	Women's Support Worker Community Restorative Centre (CRC) To October 2011
Geraldine Blinko	From October 2011 to July 2012
Dr Mindy Sotiri	From August 2012
Vavaa Mawuli	Principal Solicitor Public Interest Advocacy Centre Until December 2011
Jane Leibowitz	From January – November 2012
Camilla Pandolfini	From November 2012
Dr Juanita Sherwood	Professor Indigenous Education UTS to January 2015 National Centre for Cultural Competence University of Sydney from February 2015

Appendix C

Women's Advisory Council Terms of Reference

Role

The role of the Women's Advisory Council is to provide advice and advocacy on issues relevant to women in the criminal justice system. This has a dual internal and external focus.

Objectives

The Women's Advisory Council is appointed to provide:

- an opportunity for sharing of information among government departments and community organisations which have interests in the well-being of women who are serving a custodial sentence or are under community supervision;
- a link between the NSW Department of Corrective Services and other government departments with a mandate to develop and administer policies and services to women in general and women with specific needs;
- a mechanism for drawing attention to significant issues that relate to women in the criminal justice system.

Membership

Members are chosen on the basis of their expertise in key issues that relate to women offenders such as health, social welfare, indigenous and legal issues.

Members of the Women's Advisory Council are appointed by the Commissioner for Corrective Services for a period of two years. Members can be re-appointed.

Members of the Women's Advisory Council (the Council) include:

- representation of relevant community organisations
- a member of Corrective Services NSW staff engaged in the management and/or supervision of women offenders
- representation of health and legal services.

In appointing members to the Council, the Commissioner ensures the interests of Aboriginal women and women from diverse cultural and linguistic backgrounds are taken into consideration.

Members of the Council are bound by a code of conduct and ethics.

The Assistant Commissioner Strategic Policy and Planning is an ex-officio member of the Council. The Principal Advisor Women Offenders is the Council's Executive Officer.

Meetings

The Council meets at least quarterly and is chaired by a member nominated by the Council members. Where possible, members who cannot attend a meeting are asked to give advanced notification of their absence. Members who do not attend three

consecutive meetings are deemed to have resigned from the Council unless reasons for their extended absence are provided.

The Council develops a plan of action to determine its focus for the next twelve months. This plan, including a proposed meeting schedule, is submitted to the Commissioner for consideration.

Council meetings will generally take place at the Henry Deane Building 20 Lee Street Sydney. Meetings may also be held at one of the correctional centres for women or other locations as agreed by the Council.

The Council may decide from time to time to establish sub-committees or working groups in relation to projects undertaken by the Council.

Round Table

Aboriginal Women's Access to Diversionary Programs in NSW

Responding to recommendations from the report

Wednesday 10 December 2014

Rooms 3 - 4 Henry Deane Building

3.00pm- 4.00pm

3.00	Welcome	Sally Trevena A/Chair Women's Advisory Council
3.02	Main findings - an overview Disaggregation of data and evaluation Client data disaggregated by gender <i>and</i> Aboriginality should be collated and reported on for all new programs and existing programs where this is not currently the case. Evaluation of programs	Ruth McCausland Researcher
3.17	Taking an Aboriginal women –centred approach	Dr Juanita Sherwood Professor Indigenous Education UTS
3.24	Provision of Impact Statements Any proposed changes to relevant legislation and policy development should include an Impact Statement specifically considering Aboriginal women	Mandy Young Executive Director Strategic Policy One FACS
3.30	Expansion of Sentencing Options Sentencing options should be expanded as a matter of urgency, particularly in rural/remote locations, with input from Aboriginal communities and an emphasis on healing-focused programs. Applying Bugmy and Fernando Expansion of Drug Court and MERIT Programs The Drug Court and MERIT programs should be expanded across a range of sites to cover alcohol and any drugs not presently covered, with specific attention to overcoming barriers to completion experienced by Aboriginal women	Felicity Graham ALS Trial Advocate Western Region Carolyn Thompson A/Director Criminal Justice Interventions Department of Justice
3.50	Next steps	Luke Grant Assistant Commissioner Strategic Policy and Planning
4.00	Close	