



Mr Peter Severin  
Commissioner  
Corrective Services New South Wales  
GPO Box 31  
SYDNEY NSW 2001

Dear Mr Severin

**Re: Consultation on the proposed Crimes (Administration of Sentences) Regulation 2014**

Thank you for the opportunity to comment on the proposed *Crimes (Administration of Sentences) Regulation 2014* and on the Regulatory Impact Statement for the *Crimes (Administration of Sentences) Regulation 2014*.

Justice Health and Forensic Mental Health Network would like to submit the attached feedback for the consideration of the NSW Department of Justice.

Should you require any further information please do not hesitate to contact Mr Paul Grimmond, Acting Executive Director Clinical Operations Custodial Health (02) 9700 3019.

Yours sincerely

Dr Karin Lines  
**A/Chief Executive**  
31 July 2014

# JH&FMHN Feedback to the Department of Justice

## DRAFT Crimes (Administration of Sentences) Regulation 2014

31 July 2014



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33	<b>54. Personal cleanliness</b> An inmate must obey directions given by or with the authority of the general manager, either generally or individually, in regards to washing, showering, bathing, shaving and hair cutting.	Some patients with mental illness and/or cognitive impairment may require supervision with showering or require encouragement to bathe. This information should be listed on the Health Problem Notification Form, where applicable.	
19	<b>9. Dealing with surrendered property on reception</b>	Suggest that medications and medical devices be referenced in this section.	Add to this statement that any medication or medical equipment should be given the JH&FMHN staff for advice or destruction
49	<b>111. Certain articles prohibited</b> An inmate must not send from a correctional centre: a) any threatening, offensive, indecent, obscene or abusive written or pictorial matter, or b) any offensive, indecent or obscene article.	Custodial patients have been found previously to have sent from the correctional centre medical devices issued for the purpose of monitoring or treating a health issue, or medication issued to the patient for the patients personal use e.g. Nicotine Replacement Therapy patches and lozenges	Add: (c) any medication or medical device issued for the inmate's own personal use by JH&FMHN
64	<b>164. Prohibited punishment</b> 2) For the purposes of subclause (1) (b) (i), the following are not solitary confinement: d) keeping an inmate alone in a cell, if a nursing officer considers that it is desirable in the interest of the inmate's health to do so.	In the interest of keeping the language and titles consistent, need to refer to nurse, doctors, dentist as registered health practitioner rather than referring to them individually in certain clauses.	Change references to JH&FMHN staff such as "nursing officer" to "registered health practitioner"
60, 61	<b>151. Possession of drug implements</b> (2) An inmate does not contravene this clause if the implement has been in the possession of the inmate for the purposes of: a) taking a drug lawfully supplied by a registered medical practitioner, registered dentist or registered nurse	In the interest of keeping the language and titles consistent, need to refer to nurse, doctors, dentist as registered health practitioner rather than referring to them individually in certain clauses.	Change references to JH&FMHN staff such as registered medical practitioner, registered dentist or registered nurse to "registered health practitioner"
65	<b>166. Complaints and inquiries</b> (2) An Official Visitor must deal with a complaint or inquiry by: (b) advising (i) a correctional officer, departmental officer, medical officer or nursing officer,	The Official Visitors are encouraged to meet with the Nursing Unit Manager each time they visit a correctional centre, or in the absence of a NUM, to the Nurse In Charge.	Change reference to medical officer and nursing officer to the "Nursing Unit Manager of JH&FMHN representative on duty"
68	<b>173. Pre-release interviews</b>	JH&FMHN staff do not always receive notice of pending discharges	Add that the authorised officer must:

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	When an inmate is about to be released from a correctional centre, an authorised officer must:	and consequently are not always able provide discharge medication, links to health services in the local Health Districts or follow-up appointments with community health providers.	(d) inform the Nursing Unit Manager or local JH&FMHN representative of the release date at least two weeks prior if possible
72	<b>186. Mandatory conditions for intensive correction orders</b>	In section (g) and (r) there is reference made to medical practitioners. It needs to be made clear that in these instances, this does not include JH&FMHN health practitioners	Add this clarifying statement as a preface or footnote
104 ,105, 106	<b>Division 4. Evidence</b>	There are multiple references to medical practitioner and registered nurses on pages 105 and 106 in relation to blood alcohol levels and providing certification. This document needs to be very clear that JH&FMHN clinicians are not involved with providing CSNSW with certification. This service must be undertaken at an external health facility.	Add this statement as a preface or footnote
95	<b>249. Insulting or abusive language</b>	If this refers to JH&FMHN “medical officers and nursing officers”, it needs to be expanded to include all JH&FMHN employees working in custodial environments.	Amend references in points 1, 2 and 3 from “medical officer” or “nursing officer” to “JH&FMHN employee”.
112	<b>Part 18. Justice Health and Forensic Mental Health Network</b>	There are several references to prescribed health officer. In the interest of keeping the language and titles consistent, need to refer to JH&FMHN staff as “ <i>registered health practitioner</i> ”. In 284, 285, 286, 287, 288, 289, 290, 291	Change all references to JH&FMHN staff to “registered health practitioner”
113	<b>288. Medical Records</b>	In respect of clause 288 of the proposed Regulation, the term ‘medical records’ is no longer used by health services. NSW Ministry of Health Policy PD2012_069 now calls such records ‘Health Records’ and the proposed Regulation should use that term instead of ‘medical records.’ The <i>Health Records and Information Privacy Act 2002</i> refers to the information contained in such records as ‘health information.’	Change all reference of “Medical Records” to “Health Records”.
121	<b>Part 22 General Provisions</b> <b>315. Correctional centre records</b>	This clause refers only to medical officers and nursing officers but there are other delegations of staff working in the correctional centres such as clerks, Aboriginal Health Workers, dentists and other allied health staff, for example.	Change reference to a more generic term such as JH&FMHN staff

# JH&FMHN Feedback to the Department of Justice

## Regulatory Impact Statement

*Crimes (Administration of Sentences) Regulation 2014*

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11	4.2 Option 2: Make Commissioner's Instructions	The RIS states it would not be appropriate to replace the current Regulation with Commissioner's Instructions because the Commissioner of CSNSW does not have the authority to issue instructions or directions to JH&FMHN staff of the type that are currently contained in Part 9.3 of the 2008 Regulation and are in Part 18 of the proposed Regulation	JH&FMHN agree with this proposal as the Regulation places obligations and duties on JH&FMHN to carry out its functions which cannot be overridden by CSNSW.
15	In respect of the <b>Costs</b> , specifically in regards to the cost of telephone calls	Clause 120(2)(e) of the proposed Regulation provides that an inmate is not required to pay for the cost of any telephone call whose cost is met by the receiver. The JH&FMHN Mental Health Helpline is an important element of strategy to prevent suicides in correctional centres. The Helpline is a 1800 number that is free for the inmate to call and the cost of the call is paid by JH&FMHN.	<ul style="list-style-type: none"> <li>• Calls to the Mental Health Helpline and other JH&amp;FMHN numbers, such as the Dental Hotline, should all fall within the calls permitted under clause 120(2)(e), which is identical to clause 111(2)(e) of the current Regulation.</li> <li>• In respect of the maximum number of calls that an inmate is permitted to make under clause 119(2) of the proposed Regulation, it would improve the accessibility of health services to inmates if the maximum number of calls under clause 119(2) specifically excluded calls to telephone numbers provided by JH&amp;FMHN to facilitate access to health services provided by the Network.</li> </ul>