



Commissioner's Instruction

No: 2025 / 01

For the information of all CSNSW staff

Subject: Mail from the Department of the Commonwealth National Indigenous Australian Agency (NIAA) to be treated as mail from an exempt body.

PREAMBLE

This Instruction is issued in accordance with the provisions of section 2358 of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Government Sector Employment Act 2013*.

INSTRUCTION

The Territories Stolen Generations Redress Scheme (the Scheme) is a financial and wellbeing package for Stolen Generations survivors who were removed as children from their families or communities in the territories administered by the Commonwealth in the past. The Commonwealth National Indigenous Australian Agency (NIAA) are the administrators of this scheme and will be liaising by mail with applicants held within CSNSW facilities. Mail from the NIAA will display this letterhead:

Any mail to or from the Commonwealth National Indigenous Australian Agency (NIAA) is to be treated as mail to or from an exempt body as per COPP sections **8.1 Inmate mail** (subsection 1.8 *Privileged Correspondence*) and **3.5 HS, EHS, EHRR, NSI, AA and Cat 5** (sub- section 23. .10 *Mai*).



Australian Government
National Indigenous
Australians Agency



NIAA

Gary McCahon PSM
Commissioner
22 April 2025

Contact Officer:
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Commissioner's Instruction

No: 2025 / 02

For the information of all CSNSW staff

Subject: Changes to placement and transfer processes – Remand Bed Placement cessation and placement process refinement

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. In the case of persons employed at managed correctional centres, this Instruction constitutes a direction given under section 241(2) of the *Crimes (Administration of Sentences) Act 1999* [CAS Act].

Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Government Sector Employment Act 2013*.

INSTRUCTION

On 16 June 2025, the practice of allocating unsentenced inmates to the category of 'remand bed placement' (RBP/WRBP) will cease. Sentence Management will make individual placement decisions for all people on remand following the requirements of clause 20 of the *Crimes (Administration of Sentences) Regulation 2014* (CAS Reg). Policy and process will align with legislation.

To the extent that there is any inconsistency between this Instruction and any existing CSNSW Policy including the Custodial Operations Policy and Procedures (COPP), this Instruction will prevail. Updated policies and procedures will be disseminated to support staff through this transition.

Changes of placement and the power to transfer

1. A clause 20 placement determination must be made before a section 23 order is issued, if the section 23 order is for the purposes of moving the inmate to another correctional centre in accordance with their placement.
2. A placement decision must be made for **all** inmates and take into account mandatory consideration.
3. Only staff with clause 20 placement delegation (under the *Instrument of Delegation*) may make or vary a decision regarding an inmate's ongoing goal of placement. Following this Instruction, only the Commissioner, Deputy Commissioners, and Sentence Management staff will be delegated the placement function.
4. A section 23 order to transfer an inmate for the purpose of giving effect to a placement decision can only be authorised by staff with clause 20 placement delegation.

Changes in circumstances that impact placement

An inmate may have a change of circumstances that may their current placement, such as: a treatment or program offer, medical requirements, change in classification, inmate request, or an association issue.

1. Governors or centre staff who identify a change of circumstance relevant to an inmate's ongoing placement should contact the Manager/Deputy Manager of Classification and Placement for to their region.
2. The Manager/Deputy Manager will independently determine whether or not a review of placement is necessary.
3. The CAS Reg does not allow correctional centre staff including Governors to *direct* a change to an inmate's placement.
4. If there are concerns regarding an inmate's ongoing placement or proposed transfer to the centre that are *not* agreed to be a change in circumstances requiring a placement review, a Governor or their delegate may raise concerns through submitting a clause 21 Unsuitability Report (below).

Governors' Unsuitability Report – Clause 21 Form

Where a Governor (or staff delegated under clause 21 of the CAS Reg) considers that an inmate placed at their centre, or proposed to be transferred there, is *unsuitable* for placement at that centre (and an ordinary review of placement is not appropriate), the following process **must** be followed:

1. A clause 21 Form must be prepared by the Governor/delegate outlining the reasons why the inmate should not be placed at the centre.
2. All clause 21 Forms must be sent to Sentence Management via [REDACTED], who will direct the report to the appropriate delegated decision-maker:
 - a. If placement at **HRMCC** is recommended: to the Deputy Commissioner of Security and Custody or Commissioner. If **classification** is to be reconsidered (in addition to placement), a separate process is followed.
 - b. For **serious offenders** or inmates with **designations**: to a Deputy Commissioner or Commissioner, however:
 - i. The Serious Offenders Review Council (SORC) must be consulted with the opportunity to make submissions to the Commissioner unless there are urgent reasons that this *cannot* occur (cl 23(3)).
 - ii. Where the Deputy Commissioners or Commissioner considers there are urgent reasons for *not* consulting SORC, they make a decision then notify SORC (which may recommend reconsideration).
 - c. For **all other inmates**: to the Director, Sentence Management.
3. After considering the Governor's report and any submission by SORC, the delegate will make a decision regarding whether the inmate's placement or proposed placement is unsuitable.
4. If the inmate's current or proposed placement is determined to be *unsuitable*, the package is sent to the Director Sentence Management for a new placement to be determined by a clause 20 placement delegate.

Urgent concerns regarding transport/transfer

There may be issues that require urgent reconsideration of transport or otherwise impact the *timing* of an inmate's transfer to another centre, such as: immediate safety or medical concerns, scheduled court appearances, medical appointments, scheduled visits, or program engagement.

Transport for **court attendance** (section 77 of the CAS Act, including tribunals/authorities such as the Mental Health Review Tribunal) cannot be cancelled by correctional centre staff. Any urgent concerns must be raised immediately with the correct Regional Manager, Sentence Management.

For all other transfers, the following process must be followed:

1. Staff without placement delegation (including correctional centre staff) cannot request or cancel the transfer of an inmate or group of inmates who are being transferred to their centre of placement.
2. Any staff member with immediate concerns affecting transport should communicate this to the Inmate Transfers Unit by completing a request to delay transport form. This form must be sent to:
 - [REDACTED]
 - [REDACTED]
3. The Inmate Transfers Unit does not have delegation to cancel a transfer of this kind or make placement decisions. If accepted, the transfer will be rescheduled within 7 days unless a new placement decision is made.

Alerts – Not to be Placed, Non-Associations, and Staff Associations

Alerts will not determine placement decisions. The information in alerts may be considered (if verifiable) when making a placement determination but will be balanced against any other relevant considerations under clause 20.

Governors' Assessment and Review Advice (GARAs)

GARAs do not affect placement decisions. A GARA provides advice relevant to the receiving centre Governor's decision whether to revoke or confirm a segregation or protection direction.

There is no change to the process whereby Governors must complete a GARA in relation to any inmate who is to be transferred while subject to a segregation or protection order. The GARA must be sent to the Governor of the receiving correctional centre and any interim/transit centres en route.

However, a placement/transfer decision will have effect regardless of whether a GARA has been completed. If a Governor has concerns about placement, the processes above apply.

[REDACTED]

Gary McCahon PSM
Commissioner
22 May 2025

Contact Officer: [REDACTED]



Commissioner's Instruction

No: 03 / 2025

For the information of all CSNSW staff

Subject: Removal of goal made weapons from correctional centres.

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. In the case of persons employed at managed correctional centres, this Instruction constitutes a direction given under section 241(2) of the *Crimes (Administration of Sentences) Act 1999*.

Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Government Sector Employment Act 2013*.

INSTRUCTION

The Manager of Security (MOS), Functional Manager (FM) or delegated officer must continually evaluate all security measures and procedures at their correctional centre to minimise the opportunity for the manufacture, trafficking and secreting of weapons.

Effective immediately, all goal made weapons that have been located are to be immediately secured and removed from any area where an inmate could potentially have access to. Correctional Centre managers are to identify a secure location outside of the main inmate accommodation/access zones where the weapon is either then secured as evidence or disposed of in a secured sharps container or bin.

Gary McCahon PSM
Commissioner
3 September 2025

Contact Officer:

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Commissioner's Instruction

No: 04 / 2025

For the information of all CSNSW staff

Subject: Use of airlocks in correctional centres.

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. In the case of persons employed at managed correctional centres, this Instruction constitutes a direction given under section 241(2) of the *Crimes (Administration of Sentences) Act 1999*.

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INSTRUCTION

Airlocks serve as crucial security component, controlling access to and from different security level areas, minimising the potential for escape and/or entry to unauthorised areas of a correctional centre. They ensure that access to a secured zone is controlled and therefore contribute to the overall safety and security of staff and the facility.

Effective immediately, where available and installed, airlocks **must be** used as intended.

When accessing inmate areas, air lock doors must always be used where available. If not available, local management will need to risk assess entryways into these areas in order to mitigate the risk of inmates accessing officers' workstations and potentially compromising security and safety of the correctional centre.

Gary McCahon PSM
Commissioner
3 September 2025

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