

# Inmate Classification and Placement Corrective Services NSW

## Section 6 Orders

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# Section 6 Orders

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# 1 Overview

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The policy and procedures within this document must be utilised in conjunction with the [OVERARCHING POLICY - Policy for Inmate Classification and Placement](#).

All staff must be familiar with the overarching policy prior to utilising this document.

The overarching policy and the instructions and procedures within this document apply to all staff involved in the inmate classification and placement processes within NSW correctional centres.

The Governor of a correctional centre, at the direction of the Commissioner, may make an Order directing any inmate to carry out work, as the Governor considers suitable, in accordance with section 6 of the [Crimes \(Administration of Sentences\) \(CAS\) Act 1999](#).

## 2 Related documents

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The policy and procedures within this document are to be implemented in conjunction with the relevant sections of the Custodial Operations Policy and Procedures (COPP) and other related policy and procedures, including:

- [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates](#)
- [Inmate Classification and Placement - Progression to C3/Cat 1, and ELP](#)
- [Management of Public Correctional Centres Service Specifications](#)
- [COPP – Section 19.2 Movement orders and permits](#)
- [Assistant Commissioner’s Memorandum Custodial Corrections No 2013/15](#)
- [Commissioner’s Instruction - 2013/05 Approving Initial Section 26 \(1-5\) Local Leave Permits Inmate Classification and Placement – Progression to C3/Cat1 and External Leave Programs \(ELP\)](#)
- [AC Custodial Corrections Memoranda No 2015/04 - Assessment of inmates prior to issuing of Section 6\(2\) order on / Off Correctional Centre Complex or Property](#)

## 3 Procedures for Section 6 Orders

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A Section 6 (1) Order operates inside a correctional centre; a Section 6 (2) Order operates outside a correctional centre and may even operate outside a correctional complex/property.

When an inmate is required to access services inside the correctional centre during the period covered by a Section 6 (2) Order, the Order issued is to stipulate this to enable access to occur.

For the purpose of this document, the term ‘complex’ includes areas available for inmate activity on Corrective Services NSW (CSNSW) property connected to the correctional centre, e.g. The Meadows, Mannus Correctional Centre.

### 3.1 Section 6 (1) Orders

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[Section 6 \(1\)](#) allows the Governor to make an Order directing any convicted inmate in the correctional centre to carry out such work as the Governor considers suitable.

The Governor may exercise this authority in respect of all maintenance work inside the correctional centre

### 3.1.1 Example of Section 6 (1) Orders

An Order that directs an inmate to paint a wall located inside a correctional centre.

## 3.2 Section 6 (2) Orders

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[Section 6 \(2\)](#) allows the Governor to direct a convicted inmate, or such classes or groups of convicted inmates as the Commissioner may from time to time determine, to carry out community service work or any work for CSNSW or a public or local authority.

The Governor may exercise this authority to direct certain categories of inmates to carry out 'community service work', as defined, or any work for CSNSW or a public or local authority, outside the correctional centre.

"Community service work" is defined as any service or activity approved by the Minister and includes participation in personal development, education or other program in accordance with section 3 of the [CAS Act](#).

### 3.2.1 Examples of Section 6 (2) Orders

The following are examples; however, this list is not exhaustive:

- an Order that directs an inmate to mow grass outside a correctional centre but within a correctional complex/property;
- an Order that directs an inmate to participate in a one-day self-improvement course run in premises owned by a local community-based organisation;
- an Order that directs an inmate to assist a local council to clean up a church cemetery.

## 3.3 Eligibility criteria – Section 6 (2) Orders

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There are two types of Section 6 (2) Orders utilised by CSNSW:

- Section 6 (2) Order – On Complex
- Section 6 (2) Order – Off Complex

### 3.3.1 Section 6 (2) Order - On complex

C1 male inmates and Cat 3 female inmates are eligible to work, or participate in programs, only within the grounds of a correctional complex/property – i.e. between the boundary of the correctional centre and the boundary of the correctional complex/property. Such an inmate, when under a Section 6 (2) Order, must be directly supervised by a correctional officer or some other person authorised by the Commissioner, whereby the inmate is never to be left unsupervised for any reason.

### 3.3.2 Section 6 (2) Order – Off complex

C2 male inmates and Cat 2 female inmates are eligible to work, or participate in programs, outside a correctional centre. Such an inmate, when under a Section 6 (2) Order, need not be in the direct company of a correctional officer or some other person authorised by the Commissioner, but must still be supervised.

C3 male inmates and Cat 1 female inmates are eligible to work, or participate in programs, outside a correctional centre. Such an inmate, when under a Section 6 (2) Order, need not be directly supervised but must still be supervised.

## 4 Section 26 (1) Local Leave Permits

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In accordance with Section 26 (1) of the [CAS Act](#), the Commissioner or their delegate may issue a permit (a local leave permit) allowing an inmate to be absent from a correctional centre on such conditions and for such period as may be specified in the permit and for such purposes as the Commissioner considers appropriate.

Section 26 (2) of the [CAS Act](#) provides purposes for which a local leave permit may be issued.

### 4.1 Relationship between Section 6 (2) Orders and Section 26 (1) Local Leave Permits

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A [Section 6 \(2\)](#) Order enables an inmate to carry out work or participate in a program outside a correctional centre.

A [Section 26 \(1\)](#) local leave permit enables an inmate to be absent from a correctional centre.

It is acknowledged that, in a legal sense, there is an overlap between a Section 6 (2) Order and a Section 26 (1) local leave permit issued to enable an inmate to work or participate in a program. If, for example, the Commissioner or their delegate wanted a particular inmate to carry out gardening work in Muswellbrook township, the Commissioner or delegate may issue a Section 6 (2) Order, or a Section 26 (1) local leave permit.

For administrative reasons however, Section 6 (2) Orders, rather than local leave permits, are used in cases such as the example given above – i.e. where the inmate is going out, usually with other inmates, and is supervised while away from the correctional centre.

Another example would include participation in a mobile camp under a Section 6 (2) Off Order. Local leave permits for work or programs are used in cases where an inmate will not be supervised – e.g. work release.

## 5 Approval process – Section 6 (2) Orders

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The approval process has two distinct phases:

- Approval of the activity, and
- Approval of an inmate's participation in an activity

### 5.1 Approval of activities

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A Governor must approve any new work activity or program activity to be undertaken by inmates outside the correctional centre on complex/property.

## **5.2 Approval of inmate participation – Non-Serious offenders**

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### **5.2.1 Section 6 (2) on a correctional centre complex/property**

The Governor may delegate authority to issue a Section 6 (2) Order to the Manager of Security (MOS)/Functional Manager Security of the correctional centre in which the inmate is accommodated.

Before issuing a Section 6 (2) Order to enable an inmate to participate in a work activity or a program activity outside a correctional centre, but still within the correctional complex/property, a Governor or delegate must be satisfied that the inmate concerned does not pose a security risk. The Governor or delegate must also be satisfied that the inmate's behaviour and attitude justify an approval and that the proposed activity (when a program but excluding approved group cultural programs) is reflected in a requirement of the inmate's case plan.

A Governor or delegate must issue a Section 6 (2) Order in respect of every work activity or program activity to be undertaken outside a correctional centre. If the Order relates to work, the Order must specify the type of work to be undertaken and the area or location where the work is to occur. If the Order relates to a program, the Order must specify the nature of the program and the area or location where the program is to be held. The Order must also specify that it is limited to the correctional complex/property, if that is the case. The Order may indicate more than one work/program activity in which the inmate is approved to participate.

A Governor or delegate must issue a new Order whenever it is proposed that the inmate concerned will undertake a new/different work activity or a new/different program activity.

If the inmate concerned is a C3 male inmate or a Cat1 female inmate, and if the work activity or program activity is to be undertaken within the correctional complex/property, the Order need not be precise as to the type of work or the nature of the program to be undertaken, but may be a general authority to participate.

### **5.2.2 Section 6 (2) off a correctional centre complex/property**

Before issuing a 6 (2) Off Order, the Governor or delegate must be satisfied that the inmate does not pose a security risk, the inmate's behaviour and attitude justifies an approval and the proposed activity (when a program but excluding approved group cultural programs) must be reflected in a requirement of the inmate's case plan.

## **5.3 Approval of inmate participation – Serious Offenders**

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The Serious Offenders Review Council (SORC) provides advice to the Commissioner on how CSNSW should manage serious offenders.

When the SORC considers that a serious offender should be given the opportunity to participate in a work activity or a program activity, on or off the correctional centre complex/property under a Section 6(2) or Section 26 (1) Order, the SORC makes a recommendation to the Commissioner. If the Commissioner concurs with the recommendation, the SORC will advise the Governor in writing of the Commissioner's decision. Once the Governor receives written advice of the Commissioner's decision, a Section 6 (2) or Section 26 (1) Order can be issued.

The Governor must not delegate authority to the MOS to issue a Section 6 (2) Order for this category of inmate.

For further information see:

- [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates.](#)

## **5.4 Approval of inmate participation – Public Interest Inmates**

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When the Governor considers that a public interest inmate should be given the opportunity to participate in a work activity or a program activity under a Section 6 (2) Order to occur outside a correctional centre on or off a correctional complex/property, a Governor may issue a Section 6(2) Order.

For further information see:

- [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates.](#)

## **5.5 Approval of inmate participation – inmates managed by the Mental Health Review Tribunal (MHRT)**

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The MHRT has legislative oversight of the category of inmate known as Forensic Patients (FPs).

When the Governor considers that a MHRT managed inmate should be given the opportunity of an unescorted External Leave Program (ELP), the Governor must refer the inmate to the Commissioner for approval for the inmate's participation in the work activity or program activity.

For further information see:

- [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates](#)
- [Inmate Classification and Placement - MHRT, FPs and CPs](#)

## **6 Supervised community-based work projects**

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The above policy and procedures also apply to supervised community-based work projects.

When approving a supervised community-based work project, the Governor must maintain a record of the number of officers who will be involved in the project and a full list of the names, classifications and sentences of all inmates who will be involved in the project.

The Governor must not approve the use of inmate labour to maintain or enhance property owned by an individual or a trading company. Supervised community-based work projects should only be undertaken for government organisations and community non-profit organisations.

Prior to the commencement of any work at a site, the Governor must ensure that a safety inspection has found the site to meet occupational health and safety requirements.

## **7 Reviewing inmates with a Section 6 (2) Order**

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Each inmate issued a Section 6 (2) Order is to be reviewed at least every six (6) months in relation to continuing suitability for this Order. The Reviews should be chaired by the MOS or Functional Manager Security in centres which operate without a MOS, with input provided by the Classification Placement Team (CPT).

Governors are to provide results of the review to their respective Directors Custodial Operations.

## 8 Abbreviations

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ACRONYM	MEANING
CSNSW	Corrective Services New South Wales
COPP	Custodial Operations Policy and Procedures
CPT	Classification and Placement Team
ELP	External Leave Programs
MHRT	Mental Health Review Tribunal
MOS	Manager of Security
NSW	New South Wales
SORC	Serious Offenders Review Council

## 9 Document history

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VERSION	DATE	REASON FOR AMENDMENT
1.0	25 October 2019	In line with Case Management Review outcomes
1.1	23 October 2020	General formatting update and improvements
2.0	2 February 2021	Full review conducted