

Self-help guide for women prisoners in NSW



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for
women prisoners
in NSW**

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Sisters of Charity Foundation Limited
Level 7, 35 Grafton Street
Bondi Junction NSW 2022

T: 02 9367 1211 E: foundation@rscoffice.com

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All inquiries should be made to:

Women in Prison Advocacy Network (WIPAN)

Postal Address: PO Box 345, Broadway NSW 2007

T: 02 8011 0699 E: info@wipan.net.au

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About WIPAN

The Women In Prison Advocacy Network (WIPAN) is a grassroots organisation run by a group of professional women, including reformed ex-prisoners, committed to enhancing the wellbeing of women in the criminal justice system.

The aim of WIPAN is to assist women in the criminal justice system to receive appropriate information, to be free from all forms of discrimination while in custody and to receive support to maximise their successful return to the community post-release.

This means that we aim to help women in prison get fair access to:

- services and programs
- health, dental and optical care
- Information about rights and responsibilities
- relevant social agencies
- equal protection of the law

How can WIPAN help you?

WIPAN mentors women being released from prison. Mentoring is where we match you with a volunteer woman mentor as you are released. Your mentor will meet you regularly to support your transition back into the community. She will be someone you can talk openly with and someone you can trust. You and your mentor will decide how you want to spend your time together. Your mentor will support you for a minimum of 6 months.

WIPAN aims to address issues that affect women prisoners throughout the criminal justice system. If there is a problem that affects many women, WIPAN will attempt to resolve the issue with the support of relevant agencies.

WIPAN believes that by openly discussing problems that exist for women prisoners we can achieve solutions that work for everyone.

You can contact WIPAN at PO Box 345, Broadway NSW 2007 or call 02 8011 0692.

Welcome to the WIPAN Self-Help Guide

Welcome, this Self-Help Guide has been produced to give you the tools to help yourself whilst in custody.

Entering custody can be a low point in life, filled with uncertainty and unease.

If this is true for you, it is important to stop and think about what you can do to improve your situation - you can accomplish positive goals whilst being in custody.

Whilst in custody, there are Corrective Services programs that you have to do and others that you can choose to do – they are all there to help you. Think about how they can improve your life now and in the future.

At times you may feel powerless to make any positive changes in your life. That's understandable, but it's important to know that you are not powerless. You can achieve many things with a good plan, persistence, and a positive attitude. Remember, the majority of women turn their lives around and stay out of prison and you can be one of those women.

The best thing you can do for yourself is to remain positive, even if things get tough. Set yourself goals, no matter how small, and don't beat yourself up if you don't achieve these goals - simply refocus, renew your goals and keep working towards them, one step at a time. Make sure they are realistic, achievable and that you don't overload yourself with tasks.

When communicating with others in custody, be clear about what it is that you want and then communicate this in an open and positive way. This will increase the likelihood that people will listen to you.

With these tips in mind please read the Self-Help Guide. It will help guide and encourage you to take steps towards improving your situation.

We wish you all the best,

Women In Prison Advocacy Network (WIPAN)

Housing and Property

What you can do about your accommodation

If you are responsible for a rental property, do not wait until you are released to deal with it. Sorting it out now can save you money and may prevent you from losing the property.

You should act quickly to get advice about your options, especially if you are on remand.

Ask your Services and Programs Officer (SAPO) to assist you or contact a Tenants Advice and Advocacy Service (TAAS) by

calling LawAccess NSW on the CADL system, by pressing 2 and then 02# after the prompt. Tell LawAccess you are calling from prison so they will fast track your call.

Comprehensive information can also be found in the 'Questions and Answers About Social Housing for People in Prison or on Community Orders' booklet, produced by Housing NSW. Copies are available in your prison library. The booklet is also available on the legal information portal on inmate computers.

Lee's Story

Lee was in custody on remand. She was very worried about her house and her belongings. She didn't want to lose her house, especially if she wasn't going to be in prison for long.

Lee asked her SAPO to help her contact her housing provider. Lee's housing provider worked with her and helped her keep the property.

If you are in private rental

If you don't pay your rent for more than 14 days the landlord can start the process to evict you. The landlord may demand that you pay unpaid rent and even put you on a list of unsatisfactory tenants, which will make it harder to find a new tenancy when you are released. So it's very important that you act as soon as you are in custody.

If you're not going to be in prison for very long you might want to nominate someone you trust to make sure that your rent is paid and your belongings are looked after.

If you decide it is better to give up your place, and you are the only tenant on your lease, you can end the lease by giving notice to the landlord in writing and remember to return the keys. Make sure you get a receipt. You will also need to arrange for someone to remove your property and store it safely for you.

If you are a joint tenant (that is one or more other people signed the lease with you) you will need the co-operation of your co-tenant to end the

tenancy. You should agree to give notice and return the keys to the landlord. If your co-tenant isn't co-operative you can go to the Consumer, Trader and Tenancy Tribunal. You can get advice about this by calling LawAccess and asking to be put through to TAAS.

Breaking the lease early can cost you

If your co-tenant is prepared to take over the whole lease for a while, you will need to get advice from a TAAS worker about 'assignment' of the lease to protect yourself. (This is when you give your tenancy to someone else). Advice can be obtained by calling LawAccess.

Think about letting your landlord know about your change of address so they know how to contact you.

Social housing

Housing NSW can be flexible to the needs of prisoners. They can reduce your rent for up to three months while you are in custody. You may be able to nominate someone you trust to look after your place for you, or arrange to transfer the lease to another household member.

If you want to nominate someone else to look after the property for you (that person is known as your 'agent'), then you need to fill in a Request for Appointment of Agent form from Housing NSW (ask your SAPO or Wing Officer for the form). If the person isn't going to be living in your place, then you should write that on the form and advise that they will be acting on your behalf collecting mail, and being a contact point for you.

If you want your friend or family member to live in the property while you are not there, then you need to ask permission from Housing NSW. If Housing NSW gives approval then your family member or friend will be charged rent as an additional household member while they live there.

If you have to give up your social housing accommodation you may be eligible for tenancy reinstatement. This means that if you are eligible you can get a new tenancy.

It is very important to remember that to be eligible for tenancy reinstatement you must have made an application to your housing provider within 6 months of vacating your last property. Other criteria include not being in custody longer

that 3 years and being eligible for social housing and priority transfer.

If you are not eligible for tenancy reinstatement Housing NSW can put you on the housing list for when you are released. Housing NSW can also provide your T number if you have lost it.

Before you take any action get advice by talking to a tenancy worker from a TAAS office. They can help you to work out which option will suit you best.

All communication with Housing NSW should be done carefully in writing. Housing NSW can also be contacted on the CADL system by pressing 2 and then 16# after the prompt. Press 2 when the recorded message starts.

Applying for Social Housing

You can apply for social housing assistance while you are in prison using the Application for Housing Assistance form. If your application is approved you will be put onto the waiting list. Don't wait until just before you are released. You will need to provide identification documents.

You may be allocated a public housing or community housing property. Tell Housing NSW if you are Aboriginal as you may be eligible for an Aboriginal Housing property. Your SAPO or Wing Officer should be able to provide this form and any assistance.

What you can do about your belongings

Whether you are in social or private housing, if you don't make arrangements for your belongings to be collected from your place, they can be removed. Valuable items can be put into storage by the landlord or Housing NSW, but you will have to pay for the removal and storage costs before you can get them back and they may be sold after a short period of time. Things that are of no commercial value may be thrown out. This can include personal items that may have great personal value to you.

The best thing to do is to make arrangements for someone you trust to collect and store your belongings. Don't forget about your identification documents and personal papers, you will need them if you are dealing with Centrelink, Housing NSW, etc.

If you have abandoned a Housing NSW property it will be inspected and any foodstuffs or rubbish disposed of. They will make a detailed list of all other goods left in the home and the condition of these goods. Housing NSW will inform the former tenant either in writing, by phone or in person that they will store these goods for 14 days.

If the goods are not collected within 14 days Housing NSW will dispose of or sell the goods. Personal documents (birth certificate, licence, photographs, formal records or financial documents) will be stored for 90 days. If they are not collected within 90 days they will be returned to relevant authorities or destroyed.

If you are unable to make arrangements with friends or family to collect your goods then ask your SAPO to put you in touch with the Prisoners Aid Association who may be able to assist with the collection, transfer and storage of your property. If you seek help from Prisoners Aid make sure you find out how long they can store your belongings.

Children

The legal system and care and protection of children

What can I do if I have worries about my children?

Being separated from your children or being worried about whether your children are OK can be very stressful while you're in prison. You may have been separated from your children without time to make proper care arrangements, or the arrangements may

break down. Even if your arrangements are satisfactory, separation from children is emotionally distressing. If you have difficulties with visits from your children or would like more access, you should contact SHINE for Kids to arrange additional visits outside normal visiting times. SHINE can be contacted on 97143000 or through your SAPO.

Kylie's Story

When Kylie went to prison her two kids had nowhere to go. Their father wasn't around and there was no-one else in her family to care for the children. Community Services (formerly DoCS) placed the kids in foster care. Kylie was worried sick about them.

Kylie asked her SAPO to help her to contact SHINE for Kids. SHINE for Kids helped Kylie organise visits with her kids whilst she was in prison. (See page 34 for SHINE for Kids contact details)

If you are worried about care arrangements for your children, you will need to talk to a lawyer. Decisions about where the children should live come under Family Law. You can talk to a lawyer by asking your Wing Officer, Area Manager or SAPO to put your name down in the 'Legal Aid book' or by contacting your own lawyer.

You can also contact the Women's Legal Education Advice Program (LEAP) for assistance. LEAP visits women's prisons regularly and can help with family legal matters. You can contact LEAP by asking your SAPO for assistance.

NSW Community Services (Formerly Docs)

It is the responsibility of NSW Family and Community Services (NSW FaCS) to look after children and make sure they are safe. If you are in prison and there is no-one else to look after your children NSW FaCS can make arrangements for your child or children to be looked after. NSW FaCS can make arrangements for the care of children in two ways:

- reaching agreement with the parents about how the children will be cared for (called a temporary care arrangement); or
- applying to the Children's Court for a care order.

What is a temporary care arrangement?

Sometimes NSW Family and Community Services (NSW FaCS) and parents agree to make temporary care arrangements without going to court. The arrangements might say that the children will live with a family member, friend or foster carer approved by NSW FaCS. Temporary care arrangements can last up to six months.

Your permission as the parent of the child or children is needed for a temporary care arrangement. You must get legal advice before signing a temporary care arrangement.

You can get help with this from a Legal Aid Lawyer, your own lawyer or LEAP. Ask your SAPO to help you contact the legal service you need.

Parents have the right to end a temporary care arrangement at any time. If NSWFaCS doesn't agree, they have to apply to the Children's Court for a care order. At this stage you will need a lawyer.

What is a care order?

There are different types of care orders:

Interim Care Orders

An interim care order is an order made by the Children's Court about who will be responsible for the children until the court makes its final decision. The person the court says is responsible for the children will decide where they will live and other important things like health care and education.

In practical terms, an interim care order can put the children under the care of the Director-General of Community Services. If this happens NSWFaCS staff will make the decisions about the children on behalf of the Director-General. NSWFaCS may decide to place the children with a relative or friend, or in temporary foster care for the period of the interim order.

Final Care Orders

At the end of the court case, the Magistrate of the Children's Court will make a decision about what should happen to the children in the long term. The Magistrate may order that the children stay in the care of the Director-General or be returned to you if your circumstances allow it.

Care Order / Plans

Before final care orders are made, NSWFaCS presents the court with a care plan that covers long-term arrangements for the children. To assist in the formulation of this care plan an order may be made to the court for an assessment to be done of you, your children, and any person who is seeking to take on the care of the children. This assessment usually includes medical, physical and psychological assessments.

Your wishes and those of the children will also be taken into account and recorded in the care plans.

What can I do if I don't agree with NSW Community Services?

At any stage of the court proceedings you can argue against any applications or allegations made by NSWFaCS.

Talk to your lawyer about this.

Once the final order is made by the court, it is hard to change it. However, if you are unhappy with the final order, you can appeal to the District Court.

If after a time there has been a big change in your situation you may ask the Children's Court to change or cancel the final care order, but you need the court's permission to re-open the case.

Aboriginal and Torres Strait Islander children

The law says that Aboriginal and Torres Strait Islander children should be placed with Aboriginal family members where possible. The Children's Court keeps this in mind when making decisions.

Contact – seeing your children while you are in prison

At some prisons, women with children can apply for approval to have special all-day visits. You will need to apply to the General Manager for approval.

If you had children under six years of age living with you before you came into prison, you can apply to go to the Mothers and Children's Program at Jacaranda Cottages (at Emu Plains Correctional Centre) and Parramatta Transitional Centre. The children can live with you full time or part-time so they can also be with their father, family members or approved carers in the community. If you have children up to the age of twelve you can apply for the occasional residence program. If this is what you want, speak to your SAPO or the Coordinator of the Mothers and Children's Program who visit prisons regularly.

SHINE for Kids can help in arranging transport for children to visit prisons and video visits. You can contact SHINE on 9714 3000 or through your SAPO.

What can I do if I would like more contact with my children?

If the Children's Court has made a care order about your children, then the court will also say what contact you can have with your children.

If you would like to change the care arrangements talk to Legal Aid, your own lawyer or LEAP.

If your child is staying with a family member and NSWFaCS haven't been involved, this is a family law matter. If you cannot persuade the family member to bring the children in more often to visit with you, then the best thing to do is to talk to Legal Aid, your own lawyer or LEAP.

The importance of having a good relationship with Community Services (NSWFaCS)

Separation from your children can be a very stressful and upsetting time for you, your family and your children.

It is possible that you might feel anger and frustration towards NSWFaCS workers, a foster parent or other organisations involved.

However, it is in your best interest and your child's best interest to maintain a good working relationship with NSWFaCS.

Make sure you maintain positive communication and avoid displaying angry or aggressive behaviour. Remember that major decisions about contact with your children are in the hands of NSWFaCS.

NSWFaCS workers are likely to supervise visits and make affidavits about you and your children, which the court will refer to when making decisions about placement and contact with your children. For these reasons it's important to remain calm and behave responsibly. It is also healthy to model positive and polite behaviour for your children.

Talk to a lawyer

Don't delay. If you are worried about what is happening to your children, or you are having trouble seeing them while you are in prison, you need to talk to a lawyer quickly. If NSWFaCS is asking for a care order, each party (you, your child and NSWFaCS) will have their own lawyer.

Every prison keeps Legal Service appointments in a 'Legal Aid book'. To get an appointment, ask your SAPO, Area Manager or Wing Officer to put your name in this book. Tell them you want to speak to a lawyer about a care and protection problem. Legal Aid, the Aboriginal Legal Service, the Prisoners Legal Service and LEAP provide legal service to prisoners.

You can also call these services by using the CADL system (see p.34). To contact LEAP ask your SAPO for assistance.

If you need urgent advice call LawAccess NSW by pressing 2 on the CADL system and 02# after the prompt. Tell LawAccess you want advice about a 'care and protection' problem and tell them you are calling from prison so they can fast track your call.

Health care

Health services in prison

Justice Health is responsible for providing your health care and arranging for dental treatment, optician appointments and specialist services while you are in custody. This is a comprehensive service that includes treatment for conditions and health problems that pre-date coming into prison. This is particularly the case in respect of chronic health problems, including dental care. You can request

to see a Justice Health nurse at any time by filling in a form and placing it in the mailbox provided, putting your name on the clinic list or asking a nurse on rounds. The nurse can assess and treat many health problems, as well as give you your medication. They can help with pharmacy, optometry, x-ray, physio, mental health, dental care, drug & alcohol issues, Aboriginal health and women's sexual health care.

Sue's Story

Sue is serving an 18 month prison sentence. She had really bad teeth and couldn't eat properly. This problem affected her health and made her feel ashamed.

Sue contacted the nurse and made a dental appointment. Since seeing the dentist Sue no longer has a problem with her teeth.

Justice Health will explain your treatment to you, involve you in your care and explain other treatment options. If the nurse is unable to resolve your health problem then you can request that they refer you to another health professional such as a doctor, psychiatrist or dentist.

To arrange a dental appointment ask the nurse to put you on the dental waiting list or call the Oral Health Hotline on the Controlled Auto Dial List (CADL) system, by pressing 2 and then 04# after the prompt.

This is a free call. If this phone line is busy just keep trying. An appointment with a dentist will be arranged but you may have to wait depending on the seriousness of your problem.

Other useful phone numbers on the free CADL system are the Hep C Helpline, the Mental Health line, Quitline and the CNSP hotline. These phone lines provide specific information and assistance if you have concerns relating to Hepatitis C, your own or other's mental health, you want assistance to give up smoking or another addictive drug or if you have a chronic health problem. The codes for these numbers are listed on page 34.

You can also ask Justice Health staff for a copy of the Patient Information Booklet.

What other options do I have to resolve my healthcare or dental needs?

If you feel that your health problems are not getting better or you are worried that your condition is serious and you are

having to wait too long to see a doctor (or dentist or optician), the first thing to do is to ask to speak to the nurse in charge of the health centre at your prison.

If they are unable to fix the problem or to make the appropriate appointment for you quickly enough, you can write a letter (sample letter on pages 13 and 14) explaining your situation to:

Chief Executive Officer
Justice Health
PO Box 150
Matraville NSW 2036

If the problem is serious, and you feel that Justice Health is not doing enough to address your problem, you can call the Health Care Complaints Commission (HCCC) on the CADL system, by pressing 2 and then 05# after the prompts. Alternatively you can call the Ombudsman on the CADL system by pressing 2 and then 08# after the prompt. However the Ombudsman will usually not get involved if the issue is about the quality of care, or the actual medical treatment you have received.

You can also write to the Ombudsman if you are concerned about your privacy. Write using your own words or use the sample letter included at the end of this chapter. If you cannot write it yourself for any reason ask the HCCC Inquiry Officer (see above) to help write a letter that you can sign.

The address is:

NSW Ombudsman
Level 24, 580 George Street,
Sydney NSW 2000

Sample letter to Chief Executive Officer requesting Medical or Dental Care

Chief Executive
Justice Health
PO Box 150
Matrville NSW 2036

[Write your address here]
[Date]

Dear Sir/Madam

I am writing to explain my concerns about my health care (or eye care or dental care) situation at [write the name of your prison here].

I am writing this for the following reasons; [Write here about the type of medical or dental service you are requesting and the details of why you are requesting it.]

[Write here about what steps you have taken so far to get the medical or dental service and who you have spoken to so far to get the issue sorted out]

[Write here about what you would like to happen now.]

Thank you for your help with this request.

Yours sincerely,

[Sign]

[Print your name and MIN]

Enclosures:

[List any documents that you want to attach.]

Sample letter to the Ombudsman about Medical or Dental Care

NSW Ombudsman
Level 24, 580 George Street,
Sydney NSW 2000

[Write your address here]
[Date]

Dear Sir/Madam

I am writing about my concerns about a delay in receiving health care (or eye or dental care) treatment at [write the name of your prison here].

[Write here about the service you need. eg. Medical service or dental/optical appointment].

[Write here about why you need the appointment and details of what has caused you difficulty so far. eg A long delay]

[Write here about what you have done to try to get the appointment or medical service. Who have you spoken to or explained this to?]

[Write here about the time it has taken for responses and when you first contacted the service.]

[Write here about what you would like to happen now.]

Thank you for your help with this problem.

Yours sincerely,

[Sign]

[Print your name and MIN]

Enclosures:

[List any documents that you want to attach.]

Fines

Don't ignore fines because they don't go away. It could end up costing you more!

The State Debt Recovery Office (SDRO) is the government office that collects outstanding fines of all kinds, including fines for driving offences, parking fines, fare evasion and court fines.

If you receive a fine and you don't pay it, the SDRO sends out a first penalty notice. If you don't pay the fine the SDRO will send a reminder.

If you ignore that, extra penalties are added. If you don't pay the fine, the penalties increase. This can lead to the suspension of your driver's licence, cancellation of your car registration, and in some cases your property may be taken. Don't wait until you are released to deal with any unpaid fines.

Kerry's Story

When Kerry went to court, she was sentenced to 12-months' imprisonment and got an expensive fine. Kerry wasn't going to worry about paying her fine until she got out of prison.

But then Kerry found out that if she didn't pay her fine then it would attract further costs and that her driver's licence could be suspended.

Kerry called SDRO on the CADL system by pressing 2, then pressing 14# after the prompt. SDRO explained how Kerry could have her fine suspended until she was released from prison or paid off at an affordable rate whilst she was still in prison.

This is what you can do right now.

If you tell the SDRO that you are in prison they will put the fine on hold and stop action until three months after you are released. You need to fill out an Inmate Request for Information form. This form is on the legal information portal on all inmate computers.

This was the requirement until very recently, as the SDRO has made an agreement with Corrective Services to be informed when people come into custody. This means that SDRO will automatically put a hold on your fines while you are in prison and for three months after you are released, unless you request them otherwise.

If you have serious medical, financial or other hardship problems, have a disability, or were homeless or mentally unwell at the time that you got the fines, you can apply to the SDRO for the fine to be written off or reduced. You can apply once you have received an enforcement order for the fine. You usually have to get medical reports and other information to support your application. You need to write a letter, fill in a Statement of Financial Circumstances form (ask your SAPO to get one from the SDRO) and send with your letter.

A sample letter that you can use is included at the end of this chapter.

If you apply to have your fines written off and the SDRO says no, you can appeal to the Hardship Review Board to review the decision.

If you can't afford to pay your fines and you are not eligible for the fines to be written off or reduced, you can apply to pay your fines by instalments by completing a 'Time to pay application'. You may decide to do this while in prison or after your release.

If you want to discuss your options, or get a copy of the application form, you can phone SDRO by pressing 2 on the CADL system and then 14# after the prompt.

Once you have left prison: Work and Development Orders

If your situation does not make you eligible to have your fines written off while you are in prison, there may be another option when you are released. The SDRO provides a way for people to deal with fines, through Work and Development Orders. Work and Development Orders allow certain people who have unpaid fines to satisfy their

debt through unpaid work or through courses or treatment programs.

A Work and Development Order can include:

- unpaid work for an approved organisation
- medical or mental health treatment
- educational, vocational or life skills courses
- financial or other counselling
- drug or alcohol treatment
- a mentoring program (if you are under 25)

Not everyone is able to repay their fines in this way. In order to be eligible for the scheme you must:

- have a mental illness, an intellectual disability or a cognitive impairment, or
- be homeless, or
- be experiencing acute economic hardship

If you fit into one of these categories you can apply to the SDRO to do a Work and Development Order.

Your application must be supported by an organisation that is approved by the SDRO or by a qualified health professional (such as a doctor or a psychologist). When you leave prison, contact the SDRO on 1300 478 879 to find out if the program is available to you. Also ask for an application form and where your closest approved organisation is located. The SDRO can assist you to complete and lodge the application.

Talk to a lawyer

Every prison keeps Legal Service appointments in a 'Legal Aid book'. To get an appointment, ask your Wing Officer, Area Manager or SAPO to put your name in this book.

You can also make an appointment with the Aboriginal Legal Service, LEAP or the Prisoners Legal Service who offer legal services to women in prison.

For telephone advice you can call LawAccess NSW, Legal Aid NSW or Aboriginal Legal Service by dialing 2 on the CADL system and following the prompts. See page 34 for the CADL codes for these services. Don't forget to mention that you are calling from prison so they can fast track your call.

Sample letter to apply to the SDRO for your fine to be written off

The Director
State Debt Recovery Office
PO Box A2571
Sydney South NSW 1235

[Write your address here]

[Date]

Dear Sir/Madam,

I am writing to request that the State Debt Recovery Office write-off or reduce my enforcement order [write your enforcement number here] because I have serious problems that mean I will not be able to pay off [most or all of] the enforcement order either now or in the future.

I am currently an inmate in [write the name of your prison here].

I will not be able to pay [all or some of] the enforcement order for the following reasons. [Write here in as much detail as you can about the nature of the problems that you have: financial, medical or personal, or a combination].

Even when I am released I will not be in a position to pay the enforcement order because [explain why your situation will not improve]. I will not be in a position to do community service because [write here why you can't do community service, perhaps because you will be seeking work in order to get your life back on track, or perhaps because of ill health].

I do not have any possessions that can be sold to pay for the enforcement order.

I am enclosing a completed Statement of Financial Circumstances / medical letter from qualified practitioner / support letter from other qualified person which explains my situation.

Thank you for your consideration of this matter.

Yours sincerely,

[Sign]

[Print your full name and MIN]

Date of birth: [Write your date of birth]

Driver's Licence number: [Write your licence number if you have one]

Enclosures:

Statement of Financial Circumstances form, OR

Letter from doctor, psychologist or other health care worker explaining your medical condition, OR

Support letter from community welfare group, or SAPO, explaining other reasons

[List any other documents that you want to attach]

Compensation

Victims' Compensation and Restitution

The Victims Compensation scheme was set up by the NSW Government to help people who have been victims of a violent crime.

As a prisoner this may affect you in two ways:

- If you have been the victim of an act of violence in NSW you might be able to get compensation and / or reimbursement of medical expenses.
- If you have been an offender you may be required to pay money to a victim. This is called restitution.

Rhonda's Story

Rhonda was sexually abused by her father when she was little. Rhonda found out that she might be able to get victim's compensation even though the abuse happened a long time ago.

Rhonda's SAPO helped her complete an 'Application for Compensation and/or Expenses' form. Rhonda will be advised by Victims Services if she is eligible for a compensation claim.

Claiming victims compensation

The Victims Support and Rehabilitation Act allows 'primary', 'secondary' and 'family' victims of an act of violence to claim compensation.

The offender does not have to have been convicted of the crime for the victim to claim or receive victims compensation.

A primary victim is a person who is injured or dies as a result of violence by another person during a crime.

A primary victim can claim compensation if they have experienced any of the following injuries:

- actual physical bodily harm
- psychological or psychiatric harm
- harm caused from domestic violence
- harm caused by sexual assault

A secondary victim of an act of violence can claim compensation for any injury they suffer, including psychological or psychiatric injury, as a result of:

- witnessing an act of violence
- becoming aware, as the parents or guardians of a child (under 18), that the child has been injured or died.

A family victim (a member of the immediate family of a homicide victim) can also claim compensation and does not have to suffer harm to be eligible for compensation.

If you are claiming compensation as a primary or secondary victim there is a compensation level that must be reached before compensation will be paid.

This means that the compensation claimed must total at least \$7,500 before you can claim. The Victims Support and Rehabilitation Act has a very detailed list (called a schedule) of compensable injuries and the standard amount of compensation for each type of injury. If you are a primary victim you may be reimbursed for expenses such as medical, dental, ambulance etc even though you don't meet the \$7,500 threshold for compensation.

Compensation includes both compensation for an actual injury and financial losses resulting from that injury, such

as loss of income because the victim can't work while recovering from the injury.

If you have been a primary, secondary or family victim of an act of violence, here is what you can do. It is important to get advice from a lawyer about your options.

Step 1: Complete an application form for victims compensation. If you are a primary or secondary victim you need an 'Application for Compensation and/or Expenses' form. If you are a family member of a homicide victim then you need an 'Application for Compensation by a Family member of a Homicide Victim' form. You can get a copy of these application forms and instructions by writing a letter to Victims Services and asking them to send them to you. Sample letters and the addresses are included at the end of this chapter.

Step 2: Support your application with evidence of the act of violence and medical or psychological evidence to prove that you have been injured.

Step 3: Send your completed application and evidence to Victims Services

Step 4: An Assessor with the Victims Compensation Tribunal (VCT) will decide whether you are eligible to receive compensation. There is no need to attend a hearing.

Step 5: If you are satisfied with the decision of the Assessor then you will get paid the compensation.

Step 6: If you are not satisfied with the Assessor's decision then you can appeal the decision to the VCT. Your appeal must be lodged within three months of receiving the decision.

Here are a few important things to keep in mind

Amount of compensation

The maximum amount of compensation that can be paid as a result of a single act of violence is \$50,000. This includes all claims in relation to that single act.

The lowest amount of compensation is \$7,500, as outlined in the schedule of compensable injuries (see above).

You can also claim expenses such as medical, dental, ambulance etc on the same form.

Counselling is also available to people who have been victims of acts of violence, even if they are not eligible for compensation or reimbursement.

Time limits

You must apply within two years of the date of the crime but the VCT may accept late applications, especially for child abuse, sexual assault and domestic violence cases.

Finding of guilt is not necessary

The offender doesn't have to have been found guilty by a court for you to receive compensation, but you should make a complaint to the police if you haven't already.

Injuries to prisoners

Except in special circumstances you usually can't claim victims compensation for injuries you receive as a sentenced inmate in an adult prison.

Lawyer costs

Lawyer costs are paid for by the VCT.

Behaviour or actions of the victim

An award for compensation may be refused or reduced if the victim delayed reporting to the police, did not assist the police, or in any way contributed to the act of violence.

You are not eligible to receive victims compensation for an act of violence if it happened while you were committing a crime.

Sample letter to request an ‘Application for Compensation and/or Expenses’ form (if you are a ‘primary’ or ‘secondary’ victim)

The Director
Victims Services
Locked Bag 5118,
Parramatta NSW 2124

[Write your address here]

[Date]

Dear Sir/Madam,

I am writing to ask you to send me an ‘Application for Compensation and/or Expenses’ form.

As a prisoner I do not have access to the internet and cannot get the form from the Victims Services website. Can you please send the form to my above address as soon as possible.

Thank you for your help with this matter.

Yours sincerely,

[Sign]

[Print your name and MIN]

Sample letter to request an 'Application for Compensation by a Family Member of a Homicide Victim' form (if you are a 'family' victim)

The Director
Victims Services
Locked Bag 5118,
Parramatta NSW 2124

[Write your address here]

[Date]

Dear Sir/Madam,

Re:

I am writing to ask you to send me an 'Application for Compensation by a Family Member of a Homicide Victim' form.

As a prisoner I do not have access to the internet and cannot get the form from the Victims Services website. Can you please send the form to my above address as soon as possible.

Thank you for your help with this matter.

Yours sincerely,

[Sign]

[Print your name and MIN]

Paying restitution

If you have been convicted in a court of an offence that caused someone injury, and they have been paid victims compensation, you may have to pay restitution money for the victims compensation.

This restitution is not connected to the Victims Compensation Levy that the court may have required you to pay following your conviction (for the offence that led to the award of compensation).

Here is what you can do if you find yourself in this situation.

Step 1: If you received a Provisional Order for Restitution, this means that you have been convicted of a crime and compensation has been paid out to a victim of that crime. The Government will try to recover the amount of compensation from you.

Step 2: Don't ignore the Provisional Order. If you do nothing, the VCT will confirm the Order and you will have to pay the compensation amount once you are released.

Step 3: If you can't afford to pay, then you have the following option. It is important to get advice from a lawyer about your options.

Complete and lodge a Notice of Objection to a Provision Order for Restitution within 28 days of receiving the Provisional order. The VCT will arrange a hearing to decide whether the Order should be confirmed. A hearing often results in a substantial reduction in the amount of the Restitution Order. Send the Notice of Objection form to the address below with an Affidavit of Financial Circumstances form.

The Director
Victims Services
Locked Bag 5118
Parramatta NSW 2124

Enter into an arrangement to pay the Provisional Order for Restitution by offering to pay a smaller amount or agreeing to pay it off over time. You can do this by filling in an 'Application to Pay Amount of Restitution by Arrangements or by Instalments' form and sending it with the completed Affidavit of Financial Circumstances and Notice of Objection to a Provisional Order for Restitution form to the address above.

You can apply for bankruptcy but this can cause other problems, so you must talk it over with a lawyer before making this decision.

Here are a few important things to keep in mind

The VCT will only start restitution proceedings against an offender if a victim of the offence has been awarded victims compensation. It is only then that the offender will become aware that the victim has applied for and received compensation.

Restitution proceedings are a separate action to the victims compensation process between the VCT and the victim. You can lodge an appeal against an Order for Restitution made by the VCT with the Supreme Court within one month of the decision of the VCT.

If you get compensation for injuries you suffered it will be reduced by the amount of any orders for restitution made against you.

To get help

Every prison keeps Legal Service appointments in a 'Legal Aid book'. To get an appointment ask your Wing Officer, Area Manager or SAPO to put your name in this book. You can also request to speak to a LEAP lawyer, who regularly visits Silverwater Women's, Dillwynia and Emu Plains correctional centres. Tell them you want to speak to a lawyer about a victims' compensation matter.

You can also write to:

Prisoners Legal Service
PO Box 695,
Parramatta NSW 2124

If you want to get advice urgently you should call LawAccess. You can reach Law Access by pressing 2 on the CADL system, then pressing 02# after the prompt. When you ring you will talk to a Customer Service Officer. They can put you through to Legal Aid NSW, Aboriginal Legal Service, the Victims Support Line and the Aboriginal Victims Support Line. You can also contact the Aboriginal Legal Service direct by dialing 2 on the CADL, and then 12# after the prompts.

Complaints

How to follow Corrective Services complaints procedures

No-one expects prison to be easy. For the most part, it is up to you to make your prison experience a positive learning experience by your own attitude and behaviour, and by making the most of the program and work opportunities that prison provides.

However, sometimes things happen to you that seem unfair, or that cause you distress.

If something happens to you that you believe needs to be reported or fixed then you can follow a simple process outlined by Corrective Services. It is normal to have concerns about speaking up in prison but Corrective Services NSW has processes for emergencies and complaints which give you a range of opportunities to communicate any concerns.

Cheryl's Story

Cheryl was pregnant and on remand. On her court day she was transported in the back of a prison truck even though pregnant women are meant to be transported in a car. Cheryl was worried about the baby and wanted to do something about it.

Cheryl contacted a senior officer in her centre to discuss her concerns. The officer noted the incident in her case file and said he would bring it up at the next Management Meeting. Cheryl also reported the incident to the Official Visitor, so it would be included in their Report to the Commissioner.

Anything that you report must be dealt with in a fair, timely and effective manner.

First things first: Emergencies

If you or another person have been physically harmed, you will be taken to see medical staff immediately. If you are locked in your cell or wing when an injury happens, use the emergency cell button in your cell or wing to seek help from the wing officer. All incidents are recorded.

If you are being bullied or fear for your safety, go immediately to the Manager of Security or any other staff member and get their help.

If you feel that you are at risk of harming yourself you need to speak to the senior officer on duty or wing officer immediately. If you do not feel comfortable sharing personal information with them, then request to speak to a Justice Health nurse, counsellor (if available), doctor or psychologist urgently.

If there is an outside emergency that is related to a family member, request to speak to the General Manager urgently.

If you require more help you can call the Corrective Services Support Line (CSSL) on the CADL system by pressing 2 and then pressing 01 # after the prompt. This service has been set up by Corrective Services NSW to identify and resolve inmates' problems. The line operates Monday to Friday, 9.00am to 3.30pm.

In an urgent situation or emergency involving any of the following - threat/act of violence, security or safety issue, threat of self-harm/suicide, personal hygiene concerns, urgent personal problem/crisis or immediate health issues - you can telephone the CSSL directly and you do not have to go through the preferred internal process mentioned above.

You can also call the NSW Ombudsman. The NSW Ombudsman can refer any allegations of assault for investigation to a special unit of the Police, which deals with prisons.

What can I do if I am unhappy about something that has happened to me or a decision that has been made about me?

First, put in a 'bluey' (Inmate Request Form) and ask to see the General Manager or Manager of Security to tell them what happened.

If you are not happy with the result you can call the Corrective Services Support Line (CSSL) by pressing 2 on the CADL system and then 01# after the prompt. The CSSL will contact the staff at your centre for a response and action. Unless it is an emergency they will do that by e-mail. The prison staff have to let the CSSL know what they have done about the problem and they should also tell you. If you don't hear back, you can telephone the CSSL to find out what action has been taken.

If you still aren't happy, or are not comfortable talking to Corrective Services, you can ask to see an Official Visitor. Official Visitors are appointed by the Minister to be independent of Corrective Services. They will try to fix your problem by speaking with senior prison staff.

You can also write to the Minister or the Commissioner for Corrective Services.

Your letter must be delivered unopened.

The address is:

The Minister for Corrective Services
GPO Box 31,
Sydney NSW 2001

A sample letter you can use is included at the end of this chapter.

The NSW Ombudsman deals with complaints about NSW government departments and agencies. This includes Corrective Services, the Police, Community Services and other government departments and agencies. It is a criminal offence to victimise or punish someone for writing to the Ombudsman.

If you believe you have been victimised or punished for making a complaint to the Ombudsman, tell the Ombudsman's office. The Ombudsman's office takes such allegations very seriously.

You can write, telephone or see the officer from the Ombudsman's office when they visit your centre (which may not be very often).

You can write a letter saying what happened in your own words. Put your letter in a sealed envelope and Corrective Services will pay for postage. Your letter is confidential and cannot be opened by Corrective Services staff.

Write to:

The Ombudsman
Level 24, 580 George Street
Sydney NSW 2000

You can also telephone the NSW Ombudsman by pressing 2 on the CADL system 08# after the prompt.

You can also contact Women in Prison Advocacy Network (WIPAN), a community-based organisation committed to supporting women in the criminal justice system.

You can write to them at:

WIPAN
PO Box 345,
Broadway NSW 2007

Here are some general tips about making a complaint

Keep your cool. People are more likely to listen if you don't lose your temper. Make people want to help you by being calm and reasonable. Tell them what you would like to happen to fix the problem, rather than abusing them.

Don't give up. If nothing happens, keep trying.

Keep it simple. When you are writing a letter keep it clear and to the point. Summarise in a couple of sentences exactly what your complaint is but don't tell your life story or go into too much detail. Stick to the main problem.

Keep copies of all letters, notes of telephone calls and face-to-face meetings.

A quick word about discrimination

Discrimination is treating a person, or group of people, worse than you would treat others in the same circumstances and is usually based on a particular personal characteristic, such as being Aboriginal, having a disability, being a woman, being pregnant, being lesbian. It is important to remember that not all unfair treatment is considered to be discrimination under our legal system.

If you think you have been discriminated against, you can make a formal complaint to the Australian Human Rights Commission (AHRC) or the NSW Anti-Discrimination Board (ADB). The best thing to do is to contact LawAccess to get some advice about whether you have a case and where your complaint should go. You can phone LawAccess by pressing 2 on the CADL system and then 02# after the prompt.

Sample letter to the Minister or Commissioner of Corrective Services to address how you have been treated

The Minister for [or The Commissioner of] Corrective Services
GPO Box 31
Sydney NSW 2001.

[Write your address here]

[Date]

Dear Sir,

I am writing about how I have been treated as an inmate at [name of your prison].

[Write here about what happened to you. Include: dates and times; a description of what happened; who was involved; any brief explanations that you think are important.]

[Write here about what you have done already to fix the problem and who have you spoken to about this.]

[Write here about what you would like to happen now.]

Thank you for considering my situation. I would greatly appreciate your help with this problem.

Yours sincerely,

[Sign]

[Print your name and MIN]

Enclosures: [List any documents that you want to attach.]

You may also write to the Minister for Justice, Level 31, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000

Resources available in all prisons

- Women's Handbook
- Patient Information Booklet
- Aboriginal Inmate Handbook
- The Families Handbook:
- Getting Out: Your Guide Surviving on the Outside
- Inmate Legal Information Portal (on all inmate education computers)
- Questions and Answers about Social Housing
- Back on Track DVD series: Legal Aid NSW - (this series covers Looking after your housing; Dealing with fines; Getting control of debt; Understanding the care and protection system for children; Victims compensation and restitution; and Understanding the criminal law process).

CADL System Numbers - Dial 02 for free call & follow the prompts

| | |
|--------------------------------|--|
| 01# CSSL | 10# Quitline |
| 02# LawAccess NSW | 11# Legal Aid NSW |
| 03# Hep C Helpline | 12# Aboriginal Legal Service NSW |
| 04# Oral Health | 13# Commonwealth Ombudsman |
| 05# Healthcare Complaints Line | 14# State Debt Recovery Office |
| 06# Crimestoppers | 15# Child Support Agency |
| 07# ICAC | 16# Housing NSW (press 2 when recorded message starts) |
| 08# Ombudsman | 17# CNSP Hotline |
| 09# Mental Health | |

Important contact numbers

| | |
|--|--------------|
| Women in Prison Advocacy Network | 02 8011 0692 |
| Tenants Advice & Advocacy Service | 1800 251 101 |
| Centrelink | 132 850 |
| Community Restorative Centre (CRC) | 02 9288 8700 |
| The Prisoners Aid Association of NSW | 02 9281 8863 |
| Family Law Court | 1300 352 000 |
| Enough is Enough | 02 6542 4029 |
| SHINE for Kids | 02 9714 3000 |
| We Help Ourselves | 02 8572 7444 |
| Wirringa Baiya Women's Legal Centre (LEAP) | 1800 686 587 |
| Homeless Persons Information | 1800 234 566 |
| Tenants Union of NSW | 02 9698 5975 |
| Guthrie House | 02 9564 5977 |
| Kathleen York House | 02 9660 5818 |
| Lifeline | 13 11 14 |
| Alcohol and Drug Information Service | 02 9361 8000 |
| People with Disability | 1800 422 015 |
| Alcoholics Anonymous | 02 9387 7788 |
| Narcotics Anonymous | 02 9565 1453 |

About this Self Help Guide

Coping with being in custody is challenging. For the most part it is up to you to make your prison experience a positive learning experience by your own attitude and behaviour, and by making the most of the program and work opportunities that prison provides. However being in custody may not be the only problem you have to deal with. If you find yourself asking any of the following questions, then this Self-Help Guide can help you.

- How can I get my health care needs met in prison?
- How can I sort out my previous tenancy when I'm in prison?
- How can I get help to sort out the care of my children whilst I'm in prison?
- How can I sort out my unpaid fines/debts when I am in prison?
- How do I claim compensation for being a victim of violence?
- What do I do if a victim of the crime I committed wants compensation from me?
- How can I make a complaint while I am in prison?

This Self-Help Guide is designed to take you step-by-step through each of these issues. It provides you with the correct information and instructions on how to resolve various problems that may arise whilst in prison.

