

Tasmania Prison Service

Director's Standing Order

DSO – 2.12 Aboriginal and Torres Strait Islander Prisoners

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1. Statement of Purpose

To ensure that prisoners who identify as Aboriginal and/or Torres Strait Islander people are managed and provided with services in a manner sensitive to their cultural needs.

This Standing Order outlines the protocols for the management of, and service delivery for, prisoners who identify as Aboriginal and Torres Strait Islander people.

The Tasmania Prison Service (TPS) acknowledges and respects the Tasmanian Aboriginal community as the traditional owners and continuing custodians of Tasmania, including the land on which the TPS operates.

The TPS recognises that Aboriginal and Torres Strait Islander persons are over represented in the criminal justice and corrections systems and will actively work in partnership with the Tasmanian Aboriginal and Torres Strait Islanders community as appropriate, to improve justice outcomes for Aboriginal and Torres Strait Islander prisoners.

2. Desired Outcome

The TPS provides an environment which fosters the development, or maintenance, of cultural and community links for Aboriginal and Torres Strait Islander prisoners.

3. Scope

This Standing Order applies to prisoners, detainees and other persons in the custody of the TPS. All sections of this Director's Standing Order relate to watch-house detainees, with the exception of sections 13 to 15.

4. References (including Legislation, Policy, Forms and Other Documents)

[Aboriginal Lands Act 1995](#), section 3A

[Anti-Discrimination Act 1998](#), sections 3, 16(a), 40 and 42

[Corrections Act 1997](#), sections 4(c), 6(3) and 42(1)(f)

[Circular Head Aboriginal Corporation \(CHAC\) and TPS Memorandum of Understanding](#)

[Director's Standing Order 2.02 \(Reception and Induction\)](#)

[Director's Standing Order 2.04 \(Classification and Placement\)](#)

[Director's Standing Order 2.05 \(Accommodation Placement\)](#)

[Director's Standing Order 2.06 \(Assessment\)](#)

[Director's Standing Order 2.07 \(Sentence Planning\)](#)

[Director's Standing Order 2.08 \(Case Management\)](#)

[Director's Standing Order 3.08 \(Section 42 Leave Program\)](#)

[Director's Standing Order 4.05 \(Professional Visits\)](#)

[Director's Standing Order 4.07 \(Food Services\)](#)

[Director's Standing Order 4.14 \(Prisoner/Detainee Property\)](#)

[Eligibility for Aboriginal and Torres Strait Islander specific programs and services delivered by the Tasmanian Government \(Office of Aboriginal Affairs, Department of Premier and Cabinet\)](#)

[State Service Act 2000](#), sections 7(1)(c) and 9(3)

[Standard Guidelines for Corrections in Australia 2012](#)

TPS Learning and Development Policy

[Form 1AG – Tier 2 Assessment](#)

[Form 6AS – Access to TPS Indigenous Services](#)

[Form 6AT – Access to TPS Indigenous Services Follow-up](#)

[Form 1J – Tier 1 Assessment](#)

[Form 6AH – Request for Section 42 Leave](#)

[Form 6K – Request Form](#)

[Form 1AM – Section 42 Leave Program Pre-Assessment](#)

[Form 1S – Section 42 Leave Permit](#)

[Form 6AO – Tasmanian Aboriginal Community Legal Service \(TACLS\) Client Referral Form](#)

5. Definitions and Abbreviations

Aboriginal and Torres Strait Islander people –

- For the purposes of a) recording a prisoner as an Aboriginal or Torres Strait Islander person or b) accessing the Tasmania Prison Service Indigenous Officer, the only requirement is that a prisoner self-identifies as an Aboriginal or Torres Strait Islander person.
- For the purposes of a prisoner, who self-identifies as an Aboriginal or Torres Strait Islander person, accessing other Australian, Tasmanian Government or non-government services certain eligibility criterion may apply (i.e. as per the Department of Premier and Cabinet policy on [Eligibility for Aboriginal and Torres Strait Islander specific programs and services delivered by the Tasmanian Government](#)).

Bush tucker or traditional food – a term describing flora and fauna native to Australia and customarily used as food by Aboriginal and Torres Strait Islander people, of a particular geographic area and language group, at cultural events.

CHAC – means the Circular Head Aboriginal Corporation.

CIS – means the Custodial Information System.

Cultural event – any ceremony or ritual that arises from Aboriginal and Torres Strait Islanders culture and is specifically Aboriginal and Torres Strait Islanders in nature, or recognised as a cultural event by the Commonwealth or a State or Territory Government.

Prisoner – means, unless otherwise stated, prisoner and detainees (as defined in the *Corrections Act 1997*).

TAC – means the Tasmanian Aboriginal Centre.

TACLS – means the Tasmanian Aboriginal Community Legal Service.

Totem – many ATSI people have a totem that defines their cultural identity within their language group. They mainly take the form of species of fauna or flora (e.g. animals, fish, birds or plants). Specific examples of totems are: shark; eagle; eel; snake; emu; tree; lizard; and goanna.

TPS – means the Tasmania Prison Service.

6. Mandatory Policy

- 6.1. The State Service Code of Conduct requires that an employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination.
- 6.2. The State Service Principles require that all employees provide a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves.
- 6.3. Prisoners who identify as Aboriginal and Torres Strait Islander people are managed and provided with services in a manner sensitive to their cultural needs.

7. Responsibilities

7.1. All staff

This Director's Standing Order applies to all TPS staff.

All staff must complete Cultural Awareness training, which incorporates information relating to Aboriginal and Torres Strait Islanders and Tasmanian Aboriginal and Torres Strait Islanders culture, provided by the TPS.

7.2. Correctional Officers (Reception Prison)

Correctional Officers within Reception Prisons are responsible for providing prisoners with the opportunity to self-identify as an Aboriginal and Torres Strait Islander person upon reception into custody.

7.3. Correctional Officers (Case Management)

Correctional Officers assigned case management duties for a self-identifying Aboriginal and Torres Strait Islander prisoner are responsible for providing an overview of the services provided by the Indigenous Officer.

7.4. Indigenous Officer (Planning and Reintegration)

The Indigenous Officer will provide advice and assistance to staff involved in the assessment, classification and placement, sentence management and case management of Aboriginal and Torres Strait Islander prisoners. Advice and assistance, in relation to Aboriginal and Torres Strait Islander prisoner attendance at cultural events, will also be provided to staff facilitating the Section 42 Leave Program.

The Indigenous Officer is also responsible for:

- working with Aboriginal and Torres Strait Islander prisoners to identify their needs and develop and implement appropriate case management plans;
- promoting closer ties between the Aboriginal and Torres Strait Islander community/Aboriginal and Torres Strait Islander organisations and the TPS, to maximise community involvement in the development and delivery of programs for Aboriginal and Torres Strait Islander prisoners;
- coordinating, where appropriate, Aboriginal and Torres Strait Islander culturally specific programs and services;
- assisting the TPS to achieve culturally appropriate practices, policies and procedures;
- assisting the TPS Staff Development and Recruitment team to provide culturally appropriate training.

7.5. Staff Development and Recruitment

The Staff Development and Recruitment team is responsible for providing Cultural Awareness training, incorporating information relating to Aboriginal and Torres Strait Islanders and Tasmanian Aboriginal and Torres Strait Islander culture, to TPS staff. Where appropriate, training should be delivered in consultation with Aboriginal communities and organisations within Tasmania.

8. Cultural Awareness Training for TPS Staff

- 8.1. TPS staff are encouraged to develop an understanding of Aboriginal and Torres Strait Islander culture. This will assist in managing these prisoners in a culturally relevant and responsive manner.
- 8.2. The Staff Development and Recruitment team is responsible for providing Cultural Awareness training, which incorporates information relating to Aboriginal and Torres Strait Islander culture, to all Correctional and State Service corrections employees upon their commencement of employment, as well as at regular intervals thereafter. Any refresher training is to be undertaken in accordance with the TPS Learning and Development Policy. Relevant Managers and Supervisors are responsible for ensuring staff complete the Cultural Awareness training.

9. Identification of Aboriginal and Torres Strait Islander Prisoners

- 9.1. Upon reception into custody, Correctional Officers (Reception Prison) must provide prisoners with the opportunity to self-identify as an Aboriginal and Torres Strait Islander person through the Tier 1 Assessment process.

- 9.2. Following the Tier 1 interview, Correctional Officers must record the prisoners' indigenous status in CIS.

10. Access to Aboriginal and Torres Strait Islander Legal Services

- 10.1. Aboriginal and Torres Strait Islander prisoners must be allowed to obtain culturally relevant legal advice.
- 10.2. As required, referrals should be made to the TACLS using the [Tasmanian Aboriginal Community Legal Service \(TACLS\) Client Referral Form](#).

11. Accommodation Placement

- 11.1. Aboriginal and Torres Strait Islander prisoners may request to be accommodated amongst their peers, provided that the safety, security or good order of the prison is not compromised. Where available, Aboriginal and Torres Strait Islander prisoners may also request 'buddy cells'.
- 11.2. This will enable the opportunity to be accommodated in family, community or language groups, which will provide a supporting environment.

12. Possession of Articles of Cultural Significance

- 12.1. Aboriginal and Torres Strait Islander prisoners may possess articles of a cultural or spiritual nature, subject to recommendation by the Indigenous Officer and approval by the Correctional Supervisor. Approval is to be granted ensuring the safety, security or good order of the prison is not compromised.
- 12.2. Approved items of a cultural or spiritual nature can include:
- A totem - a natural object, plant or animal that is inherited by members of a clan or family as their spiritual emblem;
 - Necklace/wristlet of Aboriginal and Torres Strait Islander beads/shell;
 - Small bark canoes;
 - Woven flax baskets or mats.
- 12.3. Approved Aboriginal and Torres Strait Islander articles of a cultural or spiritual nature are included in prisoner property allowances.

13. Aboriginal and Torres Strait Islander Programs and Services

- 13.1. During a prisoner's induction, Correctional Officers (Case Management) are to provide self-identified Aboriginal and Torres Strait Islander prisoners with an overview of the services provided by the Indigenous Officer. Referral to the TACLS, TAC, CHAC or other Aboriginal and Torres Strait Islander organisation should also occur at this point as required.
- 13.2. The Indigenous Officer must notify all prisoners who identify as an Aboriginal and Torres Strait Islander person of the culturally specific services and programs available, and the requirements relating to eligibility, within seven days of their initial reception into custody.
- 13.3. Opportunities for Aboriginal and Torres Strait Islander prisoners to have contact with the Indigenous Officer, relevant support organisations and counselling services will be arranged upon request.
- 13.4. Prisoners who wish to access Aboriginal and Torres Strait Islander specific programs and services are required to provide evidence of their eligibility. Eligibility requirements may vary depending on the Australian, Tasmanian Government or non-government service receiving the referral; however, requirements are typically aligned with the Department of Premier and Cabinet policy on [Eligibility for Aboriginal and Torres Strait Islander specific programs and services delivered by the Tasmanian Government](#).
- 13.5. Prisoners may seek advice and assistance in establishing their program eligibility from the Indigenous Officer.

- 13.6. TPS programs that reflect or take into account Aboriginal and Torres Strait Islanders culture should be provided.
- 13.7. Aboriginal and Torres Strait Islander prisoners should be allowed access, where possible, to Elders who are recognised as Elders or leaders of their community to address their emotional and spiritual needs. Visits from Elders must be in accordance with [Director's Standing Order 4.05 \(Professional Visits\)](#).
- 13.8. Spiritual beliefs and needs of Aboriginal and Torres Strait Islander prisoners should be taken into account when managing the welfare of these groups of prisoners during times of individual, family or community crisis.
- 13.9. Consideration may be given to the use of family or identified community members for the support of Aboriginal and Torres Strait Islander prisoners to manage self-harm and other psychological issues or episodes.
- 13.10. Arrangements for visits should take into consideration the different family structures that may exist for Aboriginal and Torres Strait Islander prisoners.

14. Attendance at Cultural Events

- 14.1. Where appropriate and practical, Aboriginal and Torres Strait Islander prisoners should have the opportunity to participate in cultural events or celebrations.
- 14.2. Significant ATSI cultural events include:
 - a) National Aborigines and Islanders Day Observance Committee (NAIDOC) Week;
 - b) National Aboriginal and Torres Strait Islander Children's Day;
 - c) National Sorry Day;
 - d) Putalina Festival (or Oyster Cove Festival);
 - e) Survival Day;
 - f) Sorry Business; and
 - g) Other special events.
- 14.3. These cultural events have a special meaning for Aboriginal and Torres Strait Islander people:
 - a) NAIDOC Week - NAIDOC Week celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. NAIDOC Week occurs every year from the first Sunday of July to the following Sunday. Families, schools and community groups get together to share cultural activities, discuss historical and contemporary issues and highlight the achievements and contributions of Aboriginal and Torres Strait Islander peoples.
 - b) National Aboriginal and Torres Strait Islander Children's Day – National Aboriginal and Torres Strait Islander Children's Day is held on 4 August each year and its national events are coordinated by the Secretariat of National Aboriginal and Island Child Care (SNAICC). Children's Day was first observed in 1988, and there is a focus on Aboriginal and Torres Strait Islander families celebrating the strengths and culture of their children.
 - c) National Sorry Day – National Sorry Day (Journey of Healing) is a significant event for Aboriginal people because it marks the Commonwealth Government's response to the 'Bringing Them Home Report', which arose from the National Enquiry into the Separation of Aboriginal and Torres Strait Islander Children. National Sorry Day is commemorated on 26 May each year.
 - d) Putalina Festival (or Oyster Cove Festival) – This festival is an annual event celebrating the Tasmanian Aboriginal community's reoccupation and reclamation of the site in 1984. The festival has a focus on the artistic talents of the Tasmanian Aboriginal community. The Putalina Festival is celebrated in January.
 - e) Survival Day – Survival Day commemorates over 200 years of colonisation for Aboriginal people. This day of significance is acknowledged on 26 January each year.
 - f) Sorry Business – Sorry Business is a term used by Aboriginal and Torres Strait Islander persons to refer to the passing of a family or community member and the mourning process.

Sorry Business includes attending funerals and taking part in mourning activities with community. This can take an extended period of time, a week or more, and may also involve travelling long distances. Other Special Events.

- 14.4. Attendance at external ATSI cultural events must be in accordance with [Director's Standing Order 3.08 \(Section 42 Leave Program\)](#).
- 14.5. When appropriate, the Indigenous Officer will assist with Section 42 leave permits to enable Aboriginal and Torres Strait Islander prisoners to attend and participate in events of special cultural significance to the Aboriginal Community.
- 14.6. When appropriate, cultural events may also be organised within TPS facilities. Such events would be organised by the Indigenous Officer in conjunction with the Team Leader, Planning and Reintegration.

15. Access to Traditional Foods

- 15.1. The TPS acknowledges the importance of bush tucker and traditional food and is committed to ensuring Aboriginal and Torres Strait Islander prisoners are able to include such food, where practical, as part of any appropriate cultural event prisoners are authorised to participate in.
- 15.2. The Food Services Manager must be notified when bush tucker and traditional food is to be included at cultural events within TPS facilities.

16. Document History and Access

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Approved by:

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