ACT Government
Justice and Community Safety

Open Access release outcome decision – Partial access granted

Document Category: Ministerial Briefs

Title of document: Minister for Corrections – Quarter 2 2021 briefs

Description of the information: Question Time Briefs provided to the Minister for Corrections between 1 April and 30 June 2021.

The original record of this document contained information the release of which would be contrary to the public interest. This information has been redacted from this publicly available version of the document for the reasons outlined below.

Grounds for decision to withhold disclosure

It was decided certain information contained in the document would not be disclosed as, on balance its release would be contrary to the public interest test set out in section 17 of the FOI Act.

I have included below the relevant factors considered in making this decision.

2.1 Factors favouring disclosure in the public interest

(a) Disclosure of the information could reasonably be expected to do any of the following:

(i) promote open discussion of public affairs and enhance the government's accountability;

(ii) contribute to positive and informed debate on important issues or matters of public interest;

(iv) ensure effective oversight of expenditure of public funds;

(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

I consider that the release of the ministerial briefs may be expected to help inform ongoing discussions and debate on matters of continued public importance. The disclosure of this information additionally helps in promoting government accountability and transparency.

2.2 Factors favouring non-disclosure in the public interest

(a) Disclosure of the information could reasonably be expected to do any of the following:

(ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

On balance, I consider the ministerial briefs to be in the public interest to release, with minor redactions. This includes redactions to the personal information of an individual where disclosure could reasonably be expected to prejudice their right to privacy.

Review rights

My decision to release or withhold open access information is a reviewable decision as identified in Schedule 3 of the FOI Act. You can seek an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the Justice and Community Safety Directorate website, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision, you may write to the ACT Ombudsman at:

ACT Ombudsman
Attention: ACT Strategy and FOI Section
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

Further assistance

If you have any queries regarding this Open Access release, please contact JACSFOI@act.gov.au or phone (02) 6207 2167.

Authorised by

L. Callow

Lauren Callow
Information Officer
7 July 2026

ACT Government
Justice and Community Safety

OPEN ACCESS Q2 2021 SCHEDULE
PORTFOLIO: MINISTER FOR CORRECTIONS

No.	Folio	Description	Date	Status	Reason for non-release or deferral
Question Time Briefs - Sitting Days 20-23 April 2021					
1	1-2	Question Time Briefs Index - 20-23 April 2021	April		
2	3-5	Half Yearly Statement of Performance	April		
3	6-8	Performance Audit Report: Court Transport Unit Vehicle - Romeo 5	April		
4	9-10	Alleged Incident Involving Strip Search of a Female Indigenous Detainee	April		
5	11-13	Allegations of Systemic Racism at the AMC	April		
6	14	Blueprint for Change	April		
7	15	ACTCS Commissioner Position	April		
8	16-17	Female Detainees at the AMC	April		
9	18-20	Aboriginal and Torres Strait Islander Incarceration Rates	April		
10	21-23	Recent Judgment on AMC Disciplinary Process	April	Partial	Sch 2, s2.2(a)(ii)
11	24-27	10 November Incident	April		
12	28-32	AMC Operations	April		
13	33-34	Detainee Numbers and Accommodation Pressures	April		
14	35-36	Implementation of Healthy Prisons Report Recommendations	April		
15	37-39	Court Transport Unit Report Progress	April		
16	40-42	AMC Health Services	April		
17	43-47	Inspector of Correctional Services	April		
18	48-49	Justice Housing Program	April		
19	50-52	Report on Government Services Release	April		
20	53-56	Covid-19 at the AMC	April		
21	57-58	Reintegration Centre	April		
22	59-60	Alexander Maconochie Centre Transfers	April		
23	61-63	ACT Corrective Services Key Data	April		
24	64-66	Staff Support and Wellbeing	April		
Question Time Briefs - Sitting Days 11-13 May 2021					
25	67-68	Question Time Briefs Index - 11-13 May 2021	May		
26	69-71	Half Yearly Statement of Performance	May		
27	72-73	Performance Audit Report: Court Transport Unit Vehicle - Romeo 5	May		
28	74-75	Alleged Incident Involving Strip Search of a Female Indigenous Detainee	May		
29	76-78	Allegations of Systemic Racism at the AMC	May		
30	79	Blueprint for Change	May		
31	80	ACTCS Commissioner Position	May		
32	81-82	Female Detainees at the AMC	May		
33	83-85	Aboriginal and Torres Strait Islander Incarceration Rates	May		
34	86-88	Recent Judgment on AMC Disciplinary Process	May	Partial	Sch 2, s2.2(a)(ii)
35	89-92	10 November Incident	May		
36	93-97	AMC Operations	May		
37	98-99	Detainee Numbers and Accommodation Pressures	May		
38	100-101	Implementation of Healthy Prisons Report Recommendations	May		
39	102-104	Court Transport Unit Report Progress	May		

No.	Folio	Description	Date	Status	Reason for non-release or deferral
40	105-107	AMC Health Services	May		
41	108-112	Inspector of Correctional Services	May		
42	113-114	Justice Housing Program	May		
43	115-117	Report on Government Services Release	May		
44	118-121	Covid-19 at the AMC	May		
45	122-123	Reintegration Centre	May		
46	124-125	Alexander Maconochie Centre Transfers	May		
47	126-128	ACT Corrective Services Key Data	May		
48	129-131	Staff Support and Wellbeing	May		
Question Time Briefs - Sitting Days 2-3 June 2021					
49	132-133	Question Time Briefs Index - 2-3 June 2021	June		
50	134-135	12 May 2021 Incident	June		
51	136-138	Half Yearly Statement of Performance	June		
52	139-140	Performance Audit Report: Court Transport Unit Vehicle - Romeo 5	June		
53	141-142	Alleged Incident Involving Strip Search of a Female Indigenous Detainee	June		
54	143-145	Allegations of Systemic Racism at the AMC	June		
55	146	Blueprint for Change	June		
56	147	ACTCS Commissioner Position	June		
57	148-149	Female Detainees at the AMC	June		
58	150-152	Aboriginal and Torres Strait Islander Incarceration Rates	June		
59	153-154	Recent Judgment on AMC Disciplinary Process	June	Partial	Sch 2, s2.2(a)(ii)
60	155-158	10 November Incident	June		
61	159-162	AMC Operations	June		
62	163-164	Detainee Numbers and Accommodation Pressures	June		
63	165-166	Implementation of Healthy Prisons Report Recommendations	June		
64	167-169	Court Transport Unit Report Progress	June		
65	170-172	AMC Health Services	June		
66	173-177	Inspector of Correctional Services	June		
67	178-180	Justice Housing Program	June		
68	181-183	Report on Government Services Release	June		
69	184-187	Covid-19 at the AMC	June		
70	188-189	Reintegration Centre	June		
71	190-191	Alexander Maconochie Centre Transfers	June		
72	192-194	ACT Corrective Services Key Data	June		
Question Time Briefs - Sitting Days 22-24 June 2021					
73	195-196	Question Time Briefs Index - 22-24 June 2021	June		
74	197-198	12 May 2021 Incident	June		
75	199-200	Vaccinations at AMC	June		
76	201-203	Half Yearly Statement of Performance	June		
77	204-206	Allegations of Systemic Racism at the AMC	June		
78	207	Blueprint for Change	June		
79	208	ACTCS Commissioner Position	June		
80	209-210	Female Detainees at the AMC	June		
81	211-213	Aboriginal and Torres Strait Islander Incarceration Rates	June		
82	214-215	Recent Judgment on AMC Disciplinary Process	June	Partial	Sch 2, s2.2(a)(ii)
83	216-219	AMC Operations	June		
84	220-221	Detainee Numbers and Accommodation Pressures	June		
85	222-223	Implementation of Healthy Prisons Report Recommendations	June		
86	224-226	Court Transport Unit Report Progress	June		
87	227-229	AMC Health Services	June		
88	230-232	Justice Housing Program	June		
89	233-234	Reintegration Centre	June		

No.	Folio	Description	Date	Status	Reason for non-release or deferral
90	235	Alexander Maconochie Centre Transfers	June		
91	236-238	ACT Corrective Services Key Data	June		

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Justice and Community Safety

MINISTER MICK GENTLEMAN MLA
MINISTER FOR CORRECTIONS
QUESTION TIME BRIEFS PACK
20-23 APRIL 2021

Question Time Briefs	
1.	Half Yearly Statement of Performance
2.	Audit report CTU– Romeo 5
3.	Alleged incident involving strip search of a female Indigenous detainee
4.	Allegations of systemic racism at the AMC
5.	Blueprint for Change
6.	ACTCS Commissioner position
7.	Female Detainees at the AMC
8.	ATSI Incarceration Rates
9.	Recent judgement on AMC discipline processes
10.	10 November Incident (inc ICS Report into the incident)
11.	AMC Operations
12.	Detainee Numbers and Accommodation Pressures
13.	Implementation of Healthy Prisons Report Recommendations
14.	Court Transport Unit Report Progress
15.	AMC Health Services

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Justice and Community Safety

16.	Inspector
17.	Justice Housing
18.	ROGS Release
19.	COVID-19 at the AMC
20.	Reintegration Centre
21.	AMC Transfers
22.	ACTCS Key Data
23.	ACTCS Staff Support and Wellbeing Initiatives

ACT Government

QUESTION TIME BRIEF

JACS2021/47-001-051

Portfolio/s: Police and Emergency Services
Corrections

Half Yearly Statement of Performance

Accountability Indicators

Output 4.1: Emergency Services

Table 23: Accountability Indicators Output 4.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
Prevention and Preparedness				
a. Desktop audit of ACT Government Directorate Bushfire Operational Plans activities [a]	n/a	n/a	n/a	
b. Field assessment of Access Management Upgrades and Hazard Reduction burns conducted in accordance with Bushfire Operational Plans of ACT Government Directorates [1]	100%	100%	n/a	
c. Percentage of ESA staff who have completed accredited training in AIIMS [b]	70%	70%	76%	9
Response and Recovery				
d. Structure Fire incidents responded to within target [c]	90%	90%	93%	3
e. Road Rescue incidents responded to within target [d]	90%	90%	93%	3
f. Ambulance priority 1 - Incident Response Time 50th percentile (minutes) [e]	8	8	8.75	9
g. Ambulance priority 1 - Incident Response Time 90th percentile (minutes) [e]	15	15	14.26	(5)
h. Percentage of Patient Transport Service 'fixed booking' attended by booked time [2];	65%	65%	75%	15
i. Total cost per head of population [f]	$394.86	$390.06	$391.39	(1)
Total Cost ($'000)	173,994	88,135	84,364	(4)
Controlled Recurrent Payments ($'000)	146,193	72,354	72,354	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators:

a. This indicator is discontinued in 2020-21 as it is not reflective of the actual performance of the Rural Fire Services (RFS) but rather performing audits of ACT Government directorates' commitments under the Bushfire Operational Plans.

b. AIIMS – Australasian Inter-Service Incident Management System. This accountability indicator captures training provided to Emergency Services Agency (ESA) staff only on the AIIMS system.

Cleared as complete and accurate:	12/04/2021	
Cleared for public release by:	Chief Operating Officer	Ext: 78420
Contact Officer name:	Dragana Cvetkovski	Ext: 54389
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-051	

QUESTION TIME BRIEF

c. Target refers to the response to structure fires within 10 minutes.
d. Target refers to the response to road rescues within 13 minutes.
e. Priority 1 records that are incomplete due to operator or system errors, or where incidents are outside the ACT, or where the priority rating has been changed, are excluded.
f. The 2020-21 original target is based on an estimated population of 440,643 estimated according to the most recent population projections for the Australian Capital Territory (ACT) by ACT Treasury (ACT Population Projects 2018-2058: Table 1 - Summary, 2017-2058).

Note(s):

1. ACT Rural Fire Service (RFS) have not been notified of any access management upgrades or hazard reduction burns completed in accordance with an approved Bushfire Operational Plans in the first half of 2020-21 financial year. Therefore, no field assessments have been conducted and the result of this indicator is Not Applicable.
2. The higher than target outcome is a result of improved booking procedures, with a focus on avoiding conflicts in booking time.

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TRIM Ref:	JACS2021/47-001-051	

ACT Government

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Accountability Indicator

Output 2.1: Corrective Services

Table 21: Accountability Indicators Output 2.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
a. Completion rates of Community Corrections Orders:				
- The proportion of Community Corrections supervision orders successfully completed within the counting period	68%	68%	73%	7
- The proportion of Community Corrections reparation orders successfully completed within the counting period [1]	60%	60%	38%	(37)
b. Average cost per detainee per day for all detainees [a]	$354	$354	$359	1
c. Average cost per day for community based offenders [2]	$39	$39	$44	13
Total Cost ($'000) [3]	92,831	49,928	45,164	(10)
Controlled Recurrent Payments ($'000)	84,377	44,312	44,312	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators:

a. The 2020-21 target for this indicator was revised up from $310 to $354. The increase to this target reflects the projected population for 2020-21; the actual results for the first two quarters and the projected result for the last two quarters of 2020-21.

Note(s):

1. Reduced successful completion of Community Services Work orders (reparation orders) during this period reflects an increase of offenders who have not completed their community service hours within the court ordered period.
2. The average daily cost per offender has increased due to a decrease in offender numbers in the same period from 1278 in 2019-20 to 1073 in 2020-21.
3. There have been delays in the full implementation of the Justice Housing Program and general repairs and maintenance orders.

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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-051	

QUESTION TIME BRIEF

JACS2021/47-001-058

Portfolio/s: Corrections

ISSUE: PERFORMANCE AUDIT REPORT: COURT TRANSPORT UNIT VEHICLE – ROMEO 5

Talking points:

- I thank the Auditor-General for his report. The Government will consider the recommendations made and I will provide a formal response in the coming months.
- While a formal response will be provided to the Report in due course, the Government and ACT Corrective Services (ACTCS) take the findings of this report and these recommendations very seriously.

Performance Audit Report

- In May 2020, the ACT Auditor-General was advised by the ACT Inspector of Correctional Services (the Inspector) of a procurement process that allegedly resulted in the purchase of a detainee transport vehicle (Romeo 5) that was not fit for purpose.
- The ACT Audit Office undertook preliminary research into the matter, and in June 2020 commenced a performance audit in relation to the procurement of Romeo 5.
- In November 2020, the Inspector completed his report, *ACT Corrective Services Court Transport Unit 2020* (the CTU Report). Amongst other things, the report considered the CTU's management of its fleet vehicles for detainees.
- On 26 March 2021, the Performance Audit Report (the Report) was completed and made 23 findings and 2 recommendations.
- The Report found that:
    - ACTCS did not implement effective processes for the procurement of the Romeo 5 vehicle.
    - Management and staff did not adequately consider and apply legislative, policy and procedural requirements or adequately consider the procurement risk environment.

Cleared as complete and accurate:	15/04/2021	
Cleared for public release by:	Choose an item.	Ext:
Contact Officer name:	Deb Clayton-Baker	Ext: 71339
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-058	

QUESTION TIME BRIEF

Key Information

- Romeo 5 is a specialised vehicle that was procured for the purpose of detainee transport to and from the Alexander Maconochie Centre (AMC).
- Romeo 5 was delivered to ACTCS in June 2018, and was first used to transport detainees in November 2018. The Romeo 5 vehicle was intended to transport up to eight (8) detainees and two (2) Custodial Officers (COs) at a time.
- WorkSafe ACT identified that the vehicle did not comply with weight requirements when loaded with detainees to its full capacity. In November 2019, WorkSafe ACT issued a prohibition notice on the vehicle. In response, ACTCS instructed its staff that the vehicle was only to be used to carry a maximum of four (4) detainees and two (2) COs at a time. In practice, this is often reduced to three (3) detainees.
- The objective of the performance audit was to provide an independent opinion to the Legislative Assembly on the effectiveness of ACTCS' procurement process for the Romeo 5 vehicle.
- The scope of the audit included consideration of the activities of ACTCS in procuring the vehicle, including:
    - its initial identification of business and operational needs to commence the procurement; and
    - its conduct of the procurement process, including:
        - its approach to the market;
        - consideration and evaluation of potential suppliers; and
        - selection of the solution.

Background Information

- In discussing the management and use of the Romeo 5 vehicle the CTU Report stated:
    - In effect, an eight-passenger vehicle became a very big and expensive four-passenger vehicle. There have also been issues with the height and manoeuvrability of Romeo 5 which have frustrated CTU officers.
- The CTU Report included the following finding:
    - The Mitsubishi Fuso detainee transport vehicle ("Romeo 5") has never been "fit for purpose" and there are serious questions around the vehicle procurement process.
- The CTU Report made the following recommendation:
    - That the Justice and Community Safety Directorate conduct a review of the process(es) by which ACT Corrective Services makes decisions about the

acquisition of Court Transport Unit vehicles, with particular attention to the principles of sound corporate governance.

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Contact Officer name:	Deb Clayton-Baker	Ext: 71339
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-058	

QUESTION TIME BRIEF

JACS2021/47-001-047

Portfolio/s: Corrections

Alleged incident involving strip search of a female Indigenous detainee

Talking points:

- I am aware that in January 2021, a female Aboriginal and Torres Strait Islander detainee made allegations regarding the circumstances surrounding a strip search conducted at the Alexander Maconochie Centre.
- Let me be very clear, the ACT Government takes these allegations very seriously. As you may be aware, the ACT Human Rights Commission (HRC) is investigating the detainee's allegations. The matter has also been referred to the Inspector of Correctional Services for investigation.
- The Inspector of Correctional Services has informed that he will be completing a public joint report with the Health Services Commissioner.
- ACT Corrective Services is committed to assisting all investigative bodies during the investigative process.
- I will await the outcome of the respective investigations underway before commenting further.

Key Information

- On 11 January 2021, an Indigenous Liasion Officer (ILO) attended the SCC accommodation unit to advise the detainee that her Detainee Leave Application had been denied due to the difficulty of arranging with short notice, the distance and staffing concerns.
- The detainee became agitated and threatened self-harm, and was subsequently deemed "At Risk". The detainee was assessed by Forensic Mental Health Services and was relocated to the Crisis Support Unit (CSU).
- A Custodial Officer observed the detainee with her hands in her crotch area and was of the belief that the detainee may be attempting to secrete an item that could be used to self-harm or harm others.
- Prior to the planned Use of Force occurring, the Operations Area Manager contacted Justice Health Services to provide notification and to confirm that the Use of Force could safely proceed, taking into account the health status of the detainee.

Cleared as complete and accurate:	09/04/2021	
Cleared for public release by:	Deputy Director-General	Ext: 53507
Contact Officer name:	Karen Doran	Ext: 53507
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-007	

QUESTION TIME BRIEF

- Four female officers wearing Personal Protective Equipment (PPE) conducted a Use of Force to enable a strip search in line with the *Corrections Management Act 2007*.
- At one stage the detainee stated she could not breathe and a 'Code Pink' was called in order to have medical staff attend the area to provide medical assistance if required.
- Handcuffs were ultimately applied and the detainee became compliant. The detainee was moved to the bathroom where a compliant strip search was conducted by two (2) female officers with no other person present.
- The detainee was assessed by health staff and transported to The Canberra Hospital for further assessment, however was not admitted and returned to the AMC on 12 January 2021.
- During the incident, staff involved received various scratches, minor lacerations and bruising, with one staff member being bitten. The alleged assault on the custodial officer has been referred to the Australian Federal Police (AFP) for investiation. On 12 January 2021, welfare checks were conducted on staff involved in the incident.
- The allegations made by the detainee relating to the manner in which the strip search took place have been reviewed by ACT Corrective Services and cannot be substantiated.

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QUESTION TIME BRIEF

JACS2021/47-001-049

Portfolio: Corrections

ISSUE: Allegations of systemic racism at the AMC

Talking points:

- ACT Corrective Services (ACTCS) takes any allegations of racism at the Alexander Maconochie Centre (AMC) seriously and is committed to investigating all allegations as they arise.
- We acknowledge the fact that systemic racism exists across the community as a fundamental inequality of systems and processes, and as a result of an environment in which racism was not called out or addressed.
- ACTCS is absolutely committed to supporting Aboriginal and Torres Strait Islander people in custody. ACTCS staff undertake a range of training and programs to better equip them in supporting Aboriginal and Torres Strait Islander detainees. In addition, ACTCS and Aboriginal and Torres Strait Islander-led organisations have implemented programs helping people at risk of involvement with the criminal justice system, and assisting ex-detainees reintegration into the community; last year, the government introduced parole time credit, a drug and alcohol court, and Indigenous sentencing courts headed by elders.
- ACTCS takes a proactive approach to recruit Aboriginal and Torres Strait Islander custodial officers. As at 11 March 2021, ACTCS had 281 custodial officers with 20 identifying as being from Aboriginal and Torres Strait Islander background.
- Recent allegations made by a female Aboriginal and Torres Strait Islander detainee relating to the manner in which she was strip searched while at the AMC are being investigated by the Human Rights Commission and the Inspector of Correctional Services.

Key Information

- In 2020, ACTCS settled a complaint that alleged one incident of racism in 2018. Since then, there have been no further substantiated allegations of racism at the AMC. There is no evidence to support that there is systemic racism at the AMC.

Custodial Recruit Training program

- ACT Corrections Officers participate in the Custodial Recruit Training program, and a Certificate III Correctional Practice and Certificate IV Correctional Practice are also offered,

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TRIM Ref:	2020/000088-041	

which include the following components relating to Aboriginal and Torres Strait Islander cultural awareness and understanding.

- **Custodial Recruit Training**
    - Aboriginal and Torres Strait Islander Cultural Awareness
    - Indigenous Liaison Officer and Royal Commission into Aboriginal Death in Custody session
    - Diversity
    - Respect Equity Diversity (RED) Training.

- **Certificate III Correctional Practice**
    - Work effectively with diversity
    - Protect the safety and welfare of Aboriginal and Torres Strait Islander offenders
    - Protect the safety and welfare of vulnerable offenders.

- **Certificate IV Correctional Practice**
    - Work effectively with culturally diverse offenders and colleagues.

Initiatives

- The Aboriginal and Torres Strait Islander Services Committee (the Committee) was established to oversee the delivery of initiatives in ACTCS arising from the Justice and Community Safety Directorate Reconciliation Action Plan. It has membership from across ACTCS and is chaired by the Commissioner, ACTCS. The Committee is a relatively new initiative focused on enhancing services for detainees, overseeing commitments such as the Reconciliation Action Plan and ACT Aboriginal and Torres Strait Islander Agreement 2019-2028, and also the work of the Indigenous Staff Network.
- The Cultural Engagement Officer works with staff across ACTCS Community Operations to ensure culturally appropriate engagement with Aboriginal and Torres Strait Islander clients and stakeholders.
- In the Healthy Prison Review, the Inspector of Correctional Services commended the commitment and dedication of the ACTCS Indigenous Services Team. This team plays a key role in maintaining the wellbeing of Aboriginal and Torres Strait Islander cohort of detainees through cultural support, welfare requests and the coordination of specific programs.
- Aboriginal and Torres Strait Islander detainees are allocated an Indigenous Liaison Officer within five business days of admission.
- A holistic Aboriginal and Torres Strait Islander model of care and health service was introduced into the AMC. Winnunga Nimmityjah Aboriginal Health and Community Service (Winnunga) delivers this service to assist in maintaining and improving the overall health and wellbeing of Aboriginal and Torres Strait Islander detainees, by providing a culturally safe service within the AMC, which is an Australian first.

Oversight

Cleared as complete and accurate:	13/04/2021	
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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	2020/000088-041	

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- The ACT has four entities that provide independent oversight in relation to correctional centres: the Inspector of Correctional Services, ACT Human Rights Commission, ACT Ombudsman and Corrections Official Visitors. Together, ACTCS and these entities continuously improve the experiences of the Aboriginal and Torres Strait Islander detainee population.
- It is a legislative requirement that an Aboriginal or Torres Strait Islander person be appointed as an Official Visitor for the purposes of the *Corrections Management Act 2007*.
- ACTCS is committed to ensuring that detainees can make requests or complaints to staff and external complaint bodies about all aspects of their custody. In accordance with the *Corrections Management (Detainee Requests and Complaints) Policy 2019* detainees are informed about the ways to make a complaint and are not prevented from doing so.
- Detainees can make complaints directly to the oversight agencies, independent from the ACTCS complaints process. Complaints can be referred to and from the oversight agencies, which allows for greater accountability and transparency.

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TRIM Ref:	2020/000088-041	

QUESTION TIME BRIEF

JACS2021/47-001-044

Portfolio/s: Corrections

ISSUE: BLUEPRINT FOR CHANGE

Talking points:

- Supporting the staff of the Alexander Maconochie Centre (AMC) and Court Transport Unit (CTU) is a key priority for the ACT Government, the Acting Commissioner and for me personally. As we continue work to implement a broad corrections reform agenda, we need to do so in a way that is supportive of and engages our staff.
- A new Oversight Committee has been established to develop a 'Blueprint for Change' (Blueprint) for the operations of the AMC and the CTU. The Blueprint will guide the implementation of enhancements to staff training, engagement and capability in a way that promotes improved culture. The Blueprint will be developed in the context of a broader corrections reform agenda.
- The Oversight Committee brings together representatives of ACTCS, the AMC, the Community and Public Sector Union (CPSU), Official Visitors, Aboriginal and Torres Strait Islander peoples, the Human Rights Commission and the Justice and Community Safety Directorate, and is independently chaired by Ms Christine Nixon.
- The first meeting of the Oversight Committee was held on 24 March 2021, which enabled a collective review of the terms of reference and general introduction of members and their interests and contribution to the Committee. I will receive regular progress updates through Ms Nixon as Chair.
- The second meeting of the Oversight Committee is scheduled for Monday 19 April 2021.
- I look forward to updating the community as the work of the Oversight Committee progresses to address areas of concern, including rates of overtime, and ensuring staff recruitment and training meets the needs of the AMC and CTU.

Cleared as complete and accurate:	09/04/2021	
Cleared for public release by:	Deputy Director-General	Ext: 53507
Contact Officer name:	Emily Harper	Ext: 70104
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-044	

QUESTION TIME BRIEF

JACS2021/47-001-053

Portfolio/s: Corrections

ISSUE: ACTCS COMMISSIONER POSITION

Talking points:

- Former ACT Corrective Services (ACTCS) Commissioner, Mr Jon Peach, has accepted an opportunity to take on the new role of Executive Group Manager, Security and Emergency Management within the Justice and Community Safety Directorate.
- Mr Peach finished with ACTCS on 19 March 2021.
- I thank Jon for his dedication and professionalism while ACTCS Commissioner and wish him all the best in his new role.
- Emergency Services Agency (ESA) Deputy Commissioner, Mr Ray Johnson, will act as ACTCS Commissioner while a permanent recruitment process is undertaken. Mr Johnson started in this role on 6 April 2021. He brings with him extensive experience in policing, justice and emergency management, having previously occupied the position of ACT Chief Police Officer.
- Mr Johnson's work reviewing the 2019-20 bushfire season and leading the ESA's People and Culture teams mean he is well placed to continue reforms underway in ACTCS. I look forward to working with Mr Johnson in this important role.
- Mr Johnson's role at the ESA will be backfilled over this period.

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ACT Government

QUESTION TIME BRIEF

JACS2021/47-001-045

Portfolio/s: Corrections

ISSUE: Female detainees at the AMC

Talking points:

- As at 12 April 2021, the Alexander Maconochie Centre (AMC) had 26 women in custody (6.7 per cent of the current total detainee population), of which:
    - 10 (38 per cent) women were on remand and 16 (62 per cent) were sentenced and
    - 10 women were of Aboriginal and Torres Strait Islander heritage, of which, 3 were on remand and 7 were under sentence.
- In the last 12 months, the average daily proportion of female detainees ranged between 6 per cent and 8.5 per cent of the total AMC population.
    - Of the women in custody in the last 12 months, the proportion of remanded women varied between 42.4 per cent (12 in August 2020) and 67.9 per cent (22 in March 2020).
- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. As a consequence, any changes in the detainee population have significant impacts on custodial demographic proportions and on cohort management.
- The consequence of the small female detainee numbers is that the population is highly influenced by rates of custody on remand. This has significant impacts and influences on the management of all detainee cohorts.

Key Information/Background

<u>Incarceration Rates</u>

- On 18 October 2018, female detainee numbers in the ACT reached a high of 51 detainees (10.3 per cent of the total AMC population), of which, 30 women were in custody on remand and 21 sentenced. That pressure had been observed for seven days consecutively, as the available beds for women in custody were extended to 57 beds.

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- The average daily number of detained females in the last three years were:
    - 2019/20 financial year, 32 (7.3 per cent of the total detainee population), of which 55 per cent were on remand;
    - 2018/19 financial year, 40 (8.2 per cent of the total detainee population), of which 56 per cent were on remand and
    - 2017/18 financial year, 38 (8.1 per cent of the total detainee population), of which 52 per cent were on remand.

Daily Support

- Female Sentence Management Officers are available to women for daily support, ongoing issues, referrals, and welfare concerns. ACT Corrective Services (ACTCS) also provides an on-site coordinator for women's and children's services for female detainees.

Accommodation pressures

- The ACT Government is considering various options with respect to the future accommodation of women detainees at the AMC. Deliberations are taking into account the findings outlined in the Inspector of Correctional Services Healthy Prison Review Report, matters raised by female detainees through their delegate meetings, and questions from AMC oversight agency meetings, in addition to operational matters.

Women's Reference Group

- The Women's Reference Group (the Group) comprising representatives from ACTCS, oversight agencies, and various community organisations involved in the criminal justice system was established to identify opportunities to positively support women within the AMC through enhanced engagement with the community sector. It is not intended as a governance group but as an opportunity to identify and explore options for the short term to improve the lives of women offenders.
- The most recent meeting took place in October 2020.

Women's Programs

- ACTCS recognises the complex higher needs of women offenders with higher levels of complex trauma, family and sexual violence and disadvantaged backgrounds.
- Women detainees can access a wide range of programs, including programs focused on their criminogenic behaviours. The women's area is also serviced by diverse community organisations delivering and providing health and wellbeing activities to women.

QUESTION TIME BRIEF

JACS2021/47-001-046

Portfolio/s: Corrections

ISSUE: Aboriginal and Torres Strait Islander incarceration rates

Talking points:

- As at 12 April 2021, the Alexander Maconochie Centre (AMC) had 103 detainees of Aboriginal and Torres Strait Islander heritage (26.5 per cent of the total AMC detainee population), of which:
    - 93 were men and 10 were women.
    - Aboriginal and Torres Strait Islander men accounted for 25.6 per cent (93) of the total 363 AMC male detainees.
    - Aboriginal and Torres Strait Islander women accounted for 38.5 per cent (10) of the total 26 AMC female detainees.
    - 57 out of 103 Aboriginal and Torres Strait Islander detainees (55.3 per cent) were sentenced.
- Aboriginal and Torres Strait Islander residents constituted 1.9 per cent of the total ACT population (ABS, Census 2016) in 2019/20 but accounted for 24.1 per cent of the total detainee population.
- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. Any changes in the detainee population will have significant impacts on custodial demographic proportions.
- In line with the ACT government directions, ACTCS is committed to helping address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.
- In 2021, ACT Corrective Services (ACTCS) will develop an *Aboriginal and Torres Strait Islander Framework* that provides best practice principles to assist staff in operational roles in working with Aboriginal and Torres Strait Islander peoples throughout the justice system, and mechanisms to improve social outcomes both during and after incarceration.
- ACTCS will continue to engage with the Aboriginal and Torres Strait Islander community to continually improve outcomes for Indigenous detainees.

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QUESTION TIME BRIEF

Key Information/Background

Incarceration Rates

- Aboriginal and Torres Strait Islander people continue to be over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion, and systemic societal racism.
- The ACT has experienced a steady increase in the average daily number of Aboriginal and Torres Strait Islander detainees from 2014/15. The daily average Aboriginal and Torres Strait Islander detainees by financial year were:
    - 2019/20 – 107 detainees (24.1 per cent of the total AMC detainee pop);
    - 2018/19 – 110 detainees (22.7 per cent of the total AMC detainee pop);
    - 2017/18 – 103 detainees (21.7 per cent of the total AMC detainee pop);
    - 2016/17 – 92 detainees (20.6 per cent of the total AMC detainee pop);
    - 2015/16 – 92 detainees (22.9 per cent of the total AMC detainee pop); and
    - 2014/15 – 68 detainees (19.8 per cent of the total AMC detainee pop).
- On 12 January 2019, Aboriginal and Torres Strait Islander detainee numbers in the ACT reached a high of 126 (accounting for 26.3 per cent of the total 480 AMC detainees); 111 male and 15 female detainees.

Recidivism

- In 2019/20, the rates of Aboriginal and Torres Strait Islander ex-detainees returning to corrective services were:
    - 72.5 per cent for Aboriginal and Torres Strait Islander **male** ex-detainees (compared to 62.1 per cent for all male detainees); and
    - 79.4 per cent for **female** ex-detainees (compared to 70.1 per cent for all female detainees).
- In 2019/20, the rates of Aboriginal and Torres Strait Islander ex-detainees returning to prison were:
    - 51.0 per cent for **male** ex-detainees (compared to 39.4 per cent for all male detainees); and
    - 38.2 per cent for **female** ex-detainees (compared to 24.7 per cent for all female detainees).
- Given the ACT is a small jurisdiction having only one prison and the relatively small numbers of offenders in the ACT, slight fluctuations in the number returning to corrective services can significantly affect the rate from year to year. Further, given the size of this population, any variations to the risk profile of offenders released each year may significantly affect the rate of recidivism for that cohort.

ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 Justice Action Plan

- The ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 Justice Action Plan (the Agreement) has been in operation since 2019. The Agreement has four core focus areas including children and young people, cultural integrity, inclusive community and community

leadership accompanied by six significant focus areas (justice housing, health and wellbeing, economic participating, life-long learning and connecting with the community).

- ACTCS employ Aboriginal and Torres Strait Islander Sentence Management Officers in identified and non-identified positions, allowing for culturally appropriate sentence management practices.
- Aboriginal and Torres Strait Islander detainees can access programs and services specifically targeted towards Aboriginal and Torres Strait Islander people through the Indigenous Services Unit, in addition to programs, services, and education available to the general AMC population.

ACT Government

QUESTION TIME BRIEF

JACS2021/47-001-057

Portfolio/s: Corrections

ISSUE: Recent Judgment on AMC Disciplinary Process

Talking points:

- On 12 August 2019, Sch 2, s2.2(a)(ii), then a detainee at the Alexander Maconochie Centre (AMC) commenced proceedings in the Supreme Court regarding seven separate disciplinary processes applied to him under the *Corrections Management Act 2007* (the CMA).
- Sch 2, s2.2(a)(ii) alleged that when charged with a breach of discipline he was denied the opportunity to address the charge or seek review of the decision made prior to a sanction being imposed, such that when procedures were able to be invoked in relation to the breach or sanction, the penalty had been imposed and any challenge was futile.
- Sch 2, s2.2(a)(ii) sought orders that breaches of the CMA and *Human Rights Act 2004* (the HR Act) had occurred, and orders of incompatibility between the CMA and the HR Act.
- The Supreme Court found that actions taken against Sch 2, s2.2(a)(ii) on the seven occasions did not comply with the CMA.
- The Court found that the denial of procedural fairness amounted to a breach of s 21(1) 'the right to a fair trial' of the HR Act.
- ACTCS has developed a new *Discipline Policy,* forms and associated operating procedures - this new policy will align with the processes set out under the CMA, including in relation to internal inquiries. The policy is currently undergoing consultation.
- A timeline for implementation of this policy is being prioritised. Consultation has been completed with the Human Rights Commission and Inspector of Correctional Services.
- I have asked ACTCS to address the issues as soon as possible, including implementing interim measures to address concerns.

Key Information

- On 4 March 2021, Associate Justice McWilliams made the following orders in relation to the first part of this matter:

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a. On the proper construction of Chapter 10 of the CMA, can action by a corrections officer, the presiding officer or the Director-General be taken to discipline an inmate:

   i. without the detainee first having an opportunity for review, either under the CMA or otherwise: **Yes.**

   ii. immediately upon a disciplinary breach charge being issued under s 159 of the CMA: **No.**

   iii. immediately upon a disciplinary decision being made: **Not necessary to determine.**

b. Was the Defendant's Discipline Policy and Procedure, as implemented with regard to the plaintiff:

   i. conduct which constituted a denial of procedural fairness: **Yes.**

   ii. conduct which was in breach of the CMA (either because the policy itself was invalid or because it was implemented in a manner in breach of the CMA): **Yes.**

   iii. conduct which was in breach of ss 10(1)(b) or 21(1) of the HR Act: **Yes (s 21(1)).**

c. Does the Defendant's "Discipline Form 3" contain a right to appeal, and/or, an avenue of appeal for an accused inmate? **No.**

- The Court found that [redacted] had been denied procedural fairness for all seven disciplinary processes in breach of the CMA.

   a. as conceded during the hearing in relation to s 170 (3) and s 194(1);
   b. as [redacted] did not have an opportunity to address the charge before the disciplinary action was imposed;
   c. as the process set out in the CMA for internal inquiries was not followed.

- The Court found that the denial of procedural fairness amounted to a breach of s 21(1) 'the right to a fair trial' of the HR Act. Her Honour based her finding on five factors:

   a. that the plaintiff was in a position of vulnerability, by virtue of the fact of his incarceration and did not have ready access to lawyers, phone calls or computers to immediately research how processes were applied on him;

   b. where the Legislative Assembly has expressly held out a statutory process as being the standard for compliance with a human right under HR Act, the Court should give effect to that standard. As the statutory process was found to have been breached in a substantive way, that is a matter of significant weight in evaluating whether the human right to a fair trial was contravened;

   c. the potential for a further deprivation of liberty by way of separate confinement within the AMC, and an associated loss of privileges. The further deprivation of liberty of a person already lawfully confined is a serious matter, which leans the evaluative assessment towards a finding that the human right has been contravened;

d. the failure to comply with the CMA occurred at an early stage in the process, with the consequence that no hearing was afforded at all. Accordingly, the entire statutory process miscarried; and

e. the conduct was not isolated or inadvertent. The repeated breach is indicative of the conduct being systemic.

- ACTCS understands that this is the first breach of s 21(1) of the HR Act since commencement.
- This judgement has significant implications for past and current disciplinary processes at the AMC. Current policies - *Corrections Management (Detainee Disciplinary) Policy 2012* and *Corrections Management (Detainee Disciplinary) Procedure 2012* – establish the process which has now been found to breach the CMA.

New Discipline Policy

- Implementation of the new policy will require training for officers involved, as significant changes will be introduced to current processes. It is anticipated that this will include specific training for presiding officers on holding an inquiry and documentation requirements under the CMA.

QUESTION TIME BRIEF

JACS2021/47-001-001

Portfolio/s: Corrections

10 NOVEMBER INCIDENT

Talking points:

- I thank the Inspector of Correctional Services (the Inspector) for his report. The Government is currently considering the recommendations made and I will provide a formal response in the coming months.
- I am pleased that the incident was resolved peacefully without injury to any detainee, member of staff or external partners. It is important that we learn from incidents such as this and address areas identified as requiring improvement, with a view to enhancing the management and response to any future incidents of this nature.
- While a formal response will be provided to the Review in due course, the Government takes these recommendations very seriously.

Critical Incident Review – incident at the Alexander Maconochie Centre on 10 November 2020

- The Inspector tabled his review of a critical incident titled "Riot and serious fires at the Alexander Maconochie Centre on 10 November 2020" in the ACT Legislative Assembly on 31 March 2021.
- The Report makes seven (7) findings and 13 recommendations, which the ACT Government and ACTCS take very seriously.
- The seven (7) findings and 13 recommendations are centred around the following topics:
    - contributing factors (findings 1-3);
    - policy and procedure amendments (recommendations 1-3, 9, 12);
    - emergency arrangements and agreements (findings 4 and 6, recommendations 4-6, 13);
    - personal protective equipment (recommendations 7-8);
    - staff and training (finding 5, recommendation 10); and
    - legislation (finding 7, recommendation 11).

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ACT Government

QUESTION TIME BRIEF

Incident on 10 November 2020

- On 10 November 2020 at approximately 6:50pm, 27 detainees housed in the AU-North accommodation unit at the Alexander Maconochie Centre (AMC) refused to return to their cells for the night lock-in.
- Detainees were able to move between the AU-North unit and adjacent external yard and proceeded to start a fire in the external yard using bedding and furniture from within the unit, as well as wooden doors removed from programs rooms within AU-North.
- In order to ensure their safety, corrections officers withdrew from the unit and secured the remainder of the AMC accounting for all other detainees and staff on duty.
- Several detainees armed themselves with makeshift weapons.
- ACT Fire and Rescue (ACT F&R), ACT Ambulance Service and ACT Policing (ACTP) attended the AMC in response to the incident.
- ACT Corrective Services (ACTCS) officers in full tactical Personal Protective Equipment (PPE), provided an escort for ACT F&R to safely extinguish the fire in the external yard. Detainees proceeded to light another fire to mattresses at the door between the external yard and the common space within the larger accommodation unit.
- Detainees started two additional fires within cells in AU-North, resulting in further smoke contamination and significant property damage.
- At approximately 9:30pm, the detainees informed ACTCS negotiators that they wished to surrender. Planning commenced for a safe surrender and a small response team entered the unit to check that the door to the external yard was secure before escorting ACT F&R to extinguish the two cells fires.
- The disturbance was resolved peacefully and no injuries were sustained by detainees or staff members.
- The detainees involved were temporarily accommodated in cells, including three to a cell, for less than 12 hours following their surrender for appropriate placement assessments to be conducted.
- All 27 detainees were separated and relocated to new accommodation units appropriate to their security classification. Health checks were conducted by Justice Health Services and Winnunga Nimmityjah

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Aboriginal Health and Community Services prior to their relocation, and detainees were issued with a fresh set of clothes.

- The AMC remained in lock-down on 11 November 2020, with minimum entitlements under the *Corrections Management Act 2007* provided to detainees, including medication distribution, court and medical escorts, meals, and one-hour time out of cells per day.
- On 12 November 2020, the lock-down at the AMC ceased.
- ACTCS immediately notified the ACT Insurance Authority (ACTIA) of the damage and have received in-principle support for the claim from ACTIA.
- The ACTCS Director, Facilities Management met with Major Projects Canberra on 12 November 2020 to commence planning for the repairs. Major Project Canberra will manage the repairs, and the unit will remain offline until all work has been completed.
- On 22 November 2020, ACTCS and Major Projects Canberra received a Rough Order Magnitude cost estimate for the repairs from Rider Levett Bucknall. The cost, which excludes GST, ACTCS staffings costs and invasive testing, was estimated to be approximately $4,031,000.
- ACTCS has estimated that the staffing costs may total $1,700,000 based on the assumption that this project could be completed within 12 months with the construction site open six days per week. This figure is based on 10.8 full time equivalent (FTE) ACTCS staff engaged on the project.
- The disturbance has been referred to ACTP for investigation.
- The Inspector of Correctional Services was notified of the incident on 10 November 2020 in accordance with the *Inspector of Correctional Services Act 2017*.

Key Information

- The AMC is a maximum-to-minimum security correctional centre surrounded by a maximum-security perimeter and is designed to accommodate detainees of all levels of security classification.
- The campus style of the AMC presents a risk within the limited amount of maximum-security accommodation available to male detainees and the requirement to house medium security detainees within minimum security cottages.
- In order to appropriately relocate the detainees that were involved in the incident on 10 November 2020, a number of detainees from other accommodation units were

required to be relocated before the perpetrators could be moved from the external yard.

- The following tactical controlled items are available to corrections officers to respond to disturbances:
    - Batons
    - PPE body armour
    - Shields
    - Mechanical restraints.

Background Information

- The disturbance on 10 November 2020, and subsequent fires on 11 and 14 November 2020 have attracted significant media attention.
- On 11 November 2020, there were two fires within two different cells in the Management Unit.
- On 14 November 2020, detainees started a fire in the Sentenced Cottage 2 foyer.
- The mother of a detainee at the AMC contacted the Canberra Times regarding allegations of the conditions following the incident on 10 November 2020. The Canberra Times news article is available at: https://www.canberratimes.com.au/story/7014800/life-inside-jail-since-riot-three-to-a-cell-and-long-hours-in-lockdown/?utm_source=Canberra+Times&utm_campaign=eccbb8c9ad-EMAIL_CAMPAIGN_2020_11_17_03_13&utm_medium=email&utm_term=0_a4b15bbe48-eccbb8c9ad-70377658.
- Establishing an Inspector of Correctional Services was a commitment of the Government in response to Recommendation 8 of the Moss Review. It recognised that effective independent oversight is vitally important to build and maintain public confidence in our correctional system.
- Section 18(1)(c) of the *Inspector of Correctional Services Act 2017* provides that the Inspector '*may review a critical incident on the Inspector's own initiative or as requested by a relevant Minister or relevant Director-General*'.

QUESTION TIME BRIEF

JACS2021/47-001-006

Portfolio/s: Corrections

ISSUE: AMC OPERATIONS

Talking points:

Safety of detainees

- The safety and security of all detainees is a priority for ACT Corrective Services (ACTCS).
- ACTCS is continuously seeking to improve processes to enhance safety, security and good order at the Alexander Maconochie Centre (AMC).
- In 2017-18, a centralised intelligence unit was established across both Community and Custodial Corrections to work with ACTCS staff and ACT Policing (ACTP) to provide assistance with investigations and intercept and mitigate acts prior to their perpetration. The centralised unit also enables ACTCS to utilise proactive and intelligence-led strategies to detect and intercept contraband.
- In 2019, an Australian Federal Police (AFP) police officer was embedded into the Intelligence and Integrity Unit (IIU) to work with ACTCS. In 2020, an additional officer was added allowing for ACTP to support ACTCS on a full-time basis.
- The centralised IIU also identifies and monitors emerging security issues such as Oulaw Motorcycle Gangs and violent extremism.
- ACTCS continues to strengthen the close working relationship with ACTP, and held a joint day of action on 1 December 2019 to target the introduction of contraband to the AMC through social visits.

Safety of staff

- On 8 September 2020, the updated Use of Force and Restraint Policy was notified to align with the new Use of Force training program that was established in 2019. ACTCS is committed to ensuring that force and restraint is only used as a last resort where strictly necessary and with only the minimum amount of force that is reasonable and proporitionate to the circumstances.

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- Since 2018, there has been a strong focus on Use of Force training within ACTCS. Use of Force training is mandatory for all corrections officers and includes an annual refresher training day. The roll out had been delayed due to COVID-19 but recommenced in October 2020.
- The Use of Force training, policy and operating procedure have a strong focus on de-escalation techniques and operates within the situational Use of Force model as a decision making guide to assist staff when responding to a use of force incident.
- ACTCS are in the process of reintroducing the use of chemical agents and training for the Deployment of Chemical Aids commenced on 12 February 2021. This training will also form part of the 10 week Custodial Recruit Training program and the use of chemical aids will be added to the Use of Force refresher training.
- Within correctional facilities, there is an inherent potential for conflict among some detainees. However, ACTCS staff work hard to de-escalate and prevent any serious incidents that may arise at the AMC. There is often pre-existing tension in the relationships between detainees at the AMC, resulting from interactions and associations both in custody and in the community.

Response to serious assaults

- ACTCS continues to refer all serious assault allegations to ACTP for investigation. Since the changes implemented in the wake of the Moss Review, a number of assault cases have progressed to prosecution.
- The *Memorandum of Understanding* (MOU) between ACTCS and ACTP developed in response to recommendations 2 and 3 of the Moss Report is currently under review and consultations between ACTCS and ACTP have commenced.

Contraband

- ACTCS employs a range of physical and static security measures to prevent introduction of contraband into the AMC. This includes physical barriers, CCTV surveillance, intelligence-led interventions, patrols by Corrections Officers and Passive Alert Detector (PAD) dog searches.
- ACTCS utilises a number of measures to search visitors, staff, contractors, and their belongings, when entering the AMC. These include:

- metal detectors;
- x-ray baggage scanner to scan property; and
- physical searches of all vehicles entering and exiting the AMC, including use of mirrors to search under vehicles and random PAD dog searches (except in case of an emergency, e.g. ambulances).

- In the 2019-20 financial year, ACTCS conducted 8,644 searches for contraband, 632 of which located contraband.
- In 2019-20, ACTCS intercepted visitors attempting to introduce contraband into the AMC on 20 occasions.
- Security consists of custodial officers who are tasked to carry out specific duties such as urinalysis, perimeter checks, gate management and K9 management.
- On 8 August 2019, the AMC formally welcomed two new PAD dogs: a two year old New Zealand Huntaway named Doug, and an 18 month old Australian Kelpie named Luka. This has increased the K9 units capacity to intercept illicit substances before they enter the AMC, as well as within the Centre.

Operational Results

- Between 1 January 2021 and 1 March 2021, ACTCS conducted 918 searches of cell accommodation, cottage rooms and other common areas and a total of 92 contraband items were seized as a result. In addition to these searches:
  - 219 searches of staff and contractors. These searches resulted in 8 contraband items being located which were required to be stored outside of the AMC; and
  - 104 targeted searches of detainees. A targeted search is prompted by intelligence information or information provided by staff.
- The number and contraband types discovered during searches of detainees and detainee areas between 1 January 2021 and 1 March 2021 included:
  - Mobile telephones – 2;

- Phone accessories (sim cards, chargers etc.) – 5;
- USBs - 13;
- Syringes (includes other injecting items) – 12;
- Drugs – 17 (6 of which were unauthorised medications); and
- Home made edged weapons – 11.

Key information/Background

Additional Funding

- ACTCS secured an additional $8.8 million over 3.5 years in the 2017-18 Mid-Year Budget to fund improvements in security operations at the AMC, and across ACTCS generally.
- Recommendation 1 of the Moss Review called for improved Closed Circuit Television (CCTV) quality and coverage at the AMC. The AMC has increased its use of CCTV to monitor the movement and behaviour of detainees to ensure safety, security and good order at the AMC. The quality of the images that are captured by the CCTV system has also been improved to better support evidentiary outcomes.
- CCTV is an important evidentiary tool to support successful investigation of assaults in the AMC so that offenders can be held accountable. The improved quality of the images captured by the CCTV cameras has assisted ACT Policing with investigation of assaults and incidents at the AMC.

Contraband

- An updated Contraband (Prohibited Items) Declaration for the AMC was published on 15 October 2019. The declaration incorporates items that utilise new technologies, such as watches with mobile phone, USB or internet capabilities.
- Contraband searches at the AMC include searches of both people and locations. Between 1 January 2021 and 1 March 2021:
  - 1,275 were routine (required by policy or procedure);
  - 119 were targeted; and
  - 1,398 were PAD dog searches.
- Medication has always comprised a high number and proportion of items seized as part of ACTCS contraband search and seizure processes. Medication discovered in the possession of a detainee to whom it was not lawfully prescribed is considered to be contraband.
- The medication classification relates to items that may have been prescribed to detainees and subsequently stockpiled, diverted or simply kept past an expected time of use. Medications can range from drugs that would be available over the counter in the community (such as paracetamol) through to pharmacy or prescription medications.
- Improvised weapons have been seized that were created from a range of products available to detainees, including everyday household items. A reasonable and appropriate balance must be maintained between affording detainees the decency to utilise basic goods such as

regular toothbrushes compared to silicon alternatives, and addressing safety and security risks where items have been misused.

- The AMC perimeter is approximately 1.3 kilometres in length and custodial officers check the grounds every morning to ensure no contraband has been dropped onto the premises overnight.

QUESTION TIME BRIEF

JACS2021/47-001-010

Portfolio: Corrections

ISSUE: DETAINEE NUMBERS AND ACCOMMODATION PRESSURES

Talking points:

Detainee numbers

- As at 13 April 2021, the detainee population at the Alexander Maconochie Centre (AMC) was 388, of which:
  - 363 (93.6 per cent) were male, 132 in custody on remand and 231 sentenced.
  - 25 (6.4 per cent) were female, 8 in custody on remand and 17 sentenced.
- As at 13 April 2021, the AMC had 103 detainees who identified as Aboriginal and/or Torres Strait Islander people of which 92 were male and 11 were female.

Accommodation Pressures

- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. As a consequence, any changes in the detainee population have significant impacts on custodial demographic proportions and difficulties in managing cohort distribution.

- The AMC has experienced accommodation pressures for several years. Servicing multiple cohorts (male and female/mainstream and protection) of prisoners within one prison presents a number of operational challenges this is further compounded currently with one accommodation unit offline following the fire damage in November 2020.
- On 20 June 2018, detainee numbers in the ACT reached a high of 507. On 7 February 2021 they reached a low of 381.
- Detainee numbers have remained relatively stable over the past three months, with the average population at the AMC as follows:
  - 405 in January 2021.
  - 405 in February 2021; and
  - 398 in March 2021.

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QUESTION TIME BRIEF

Key Information

Accommodation Pressures

- The AMC is the only adult correctional facility within the ACT and accommodates multiple cohorts including women, men, mainstream (general population) and protection (where there is specific information to suggest that there is a credible risk to the safety of the detainee).
- The AMC population is significantly influenced by the numbers of detainees on remand. Since 2012, the ACT saw an upward trend in detainee numbers, with the exception of 2019-20. The overall trend in the ACT, including the decline in detainee numbers since 2019-20, has been mirrored at a national level.
- The average daily number of detainees over the last 3 financial years are:
    - 2019/20 financial year was 444, with 39 per cent being on remand.
    - 2018/19 financial year was 484, with 38.8 per cent being on remand; and
    - 2017/18 financial year was 474, with 36.8 per cent being on remand.
- ACTCS continues to consider safe and secure options to best manage the increasing numbers of detainees in the AMC within a human rights context, with the view of *Building Communities, Not Prisons* (BCNP). BCNP is a strategy aimed at reducing reoffending and improving community safety.

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TRIM Ref:	JACS2021/47-001-010	

QUESTION TIME BRIEF

JACS2021/47-001-011

Portfolio/s: Corrections

ISSUE: IMPLEMENTION OF HEALTHY PRISONS REPORT RECOMMENDATIONS

Talking points:

- On 26 November 2019, the ACT Inspector of Correctional Services tabled the first Healthy Prison Review (the Review) of the Alexander Maconochie Centre (AMC) in the ACT Legislative Assembly.
- The Review made 51 findings and 73 recommendations, which cover a broad range of often complex issues.
- The ACT Government has carefully considered all findings and recommendations made in the Review and tabled its Response in the Legislative Assembly on 21 May 2020 outlining that it:
    - Agreed to 61 recommendations;
    - Agreed in principle to seven (7) recommendations;
    - Noted three (3) recommendations; and
    - Not agreed with two (2) recommendations.
- Many findings and recommendations made in the Healthy Prison Review had already been identified by ACT Corrective Services (ACTCS) and a range of actions were already in progress to address the issues raised.
- As at 1 April 2021:
    - 52% (39) of agreed recommendations have been completed, including:
        - a review of the Peer Mentor Program to ensure Aboriginal and Torres Strait Islander detainees are supported appropriately;
        - a review and increase of the detainee self-catering allowance; and
        - notification of the ACTCS *Placement and Shared Cell Policy 2020*.

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- Although there has been an operational impact on actioning the recommendations due to the COVID-19 pandemic, ACTCS remains committed to implementing this important work.

Key Information/Background

- The *Inspector of Correctional Services Act 2017* was passed by the ACT Government in response to the Moss Review, with the purpose to promote the continuous improvement of correctional centres and correctional services.
- The purpose of the Healthy Prison Review was to conduct a whole-of-centre review of the AMC and examine whether the AMC meets the 'healthy prison test'.
- The ACT Inspector of Correctional Services and his team attended the AMC from 1 – 5 July 2019 to conduct the onsite component of the review.
- Recommendation 3, that ACTCS provide male and female peer support workers in the admissions centre to support detainees on their arrival to AMC, was not agreed to as:
    - ACTCS is of the opinion that having peer support workers in the admissions area meet with new detainees would significantly increase the amount of time new detainees spend in the admissions area.
    - There are peer support worker positions for both genders in the induction process, where more time is available for such interaction without the risk of lengthening the admission processes.
- Recommendation 39, that the ACT government fund the creation of a new administration officer position in the Indigenous Services Unit at a level comparable to other such positions in ACTCS, was not agreed to as:
    - There is sufficient administrative capacity at the AMC for the Indigenous Services Unit to access appropriate admin support.
    - Progress on the implementation of agreed recommendations is monitored closely by ACTCS (via monthly internal reports) and by the Inspector of Correctional Services (via quarterly progress reports).
- The 'Healthy Prison Test' was devised by the World Health Organization and is based on four pillars:
    - Safety;
    - Respect and dignity;
    - Purposeful activity; and
    - Rehabilitation and preparation for release.

QUESTION TIME BRIEF

JACS2021/47-001-008

Portfolio/s: Corrections

COURT TRANSPORT UNIT REPORT PROGRESS

Talking points:

- The Inspector of Correctional Services (the Inspector) tabled his second thematic review which examined the ACT Corrective Services (ACTCS) Court Transport Unit (CTU) in the ACT Legislative Assembly on 3 December 2020.
- The Report makes 12 findings and 22 recommendations, which the ACT Government and ACTCS take very seriously.
- It is essential and reassuring that independent oversight identifies and confirms issues that need to be addressed. The system is working as it should to continually improve and assure our Correctional Services.
- Positive comments by the Inspector about the professionalism of the CTU staff are welcomed and highlight that the CTU staff have operated extremely well throughout a period of significant change, most notably during the transition from the old court complex to the new court cells area, which was still being finalised at the time of the review through the rectification of minor works that had been identified.
- On 6 October 2020, a Director of the CTU commenced. This newly created position will provide stable leadership across the CTU and assist in addressing recommendations made in the Report.
- The ACT Government has carefully considered all findings and recommendations made in the Report and tabled its Response in the ACT Legislative Assembly on 11 February 2021 outlining that it:
    - Agreed to 20 recommendations;
    - Agreed in principle to one recommendation; and
    - Noted one recommendation.
- As of 1 April 2021:
    - 57% (12) of agreed recommendations have been completed, including:

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- addition of a protocol to the Memorandum of Understanding with the ACT Courts and Tribunal regarding information needs;
- implementation of the agreed solution for the privacy frosting on court cells; and
- development and delivery of a CTU specific Recruit Training Program.

Key Information

- The 12 findings and 22 recommendations are centred around the following topics:
  - CTU related policies and procedures;
  - operations;
  - security and safety;
  - staff and training;
  - arrangements concerning young detainees;
  - access to detainees by professionals;
  - relationship between CTU and ACT Courts; and
  - relationship between CTU and the Sentence Administration Board.
- Two of the recommendations in the report are addressed to the Community Services Directorate.

Background Information

- Section 18(1)(b) of the *Inspector of Correctional Services Act 2017* (the Act) requires that the Inspector of Correctional Services (the Inspector) 'examine and review correctional services at least once every two years'.
- The Inspector first requested data for this review on 13 January 2020, and various additional requests for information were made up until mid-June 2020.
- On 30 June 2020, the Inspector provided the draft report of the CTU Review to the former Minister for Corrections and Justice Health, the Director-General of the Justice and Community Safety (JACS) Directorate, and the ACTCS Commissioner for fact-checking.
- Section 29(2) of the Act allows the Minister for Corrections and the JACS Director-General to provide comments in relation to the draft report within the six (6) week period.
- On 10 August 2020, the JACS Director-General provided a response to the draft report outlining several issues, mostly related to the lack of evidence presented for findings and claims made in the report. In many instances, anecdotal evidence was

presented as fact and formed the basis for recommendations. It was noted that there is a considerable risk in publishing reviews that rely on anecdote and opinions from a small number of staff and other stakeholders to inform recommendations rather than being evidence-based.

- The previous review of a correctional service, *The Care and Management of Remandees at the Alexander Maconochie Centre 2018*, was tabled in the ACT Legislative Assembly in February 2019.

QUESTION TIME BRIEF

JACS2021/47-001-005

Portfolio: Corrections

ISSUE: AMC HEALTH SERVICES

Talking points:

AMC Health Services

- ACT Corrective Services (ACTCS) works closely with Canberra Health Services to ensure the health and wellbeing of detainees at the Alexander Maconochie Centre (AMC).
- An Arrangement for the Delivery of Health Services to Detainees (the Arrangement) was signed by the Justice and Community Safety Directorate (JACS) and ACT Health on 14 August 2017.
- The Arrangement addressed Recommendation 4 of the Moss Review, and recommendations from the *Independent Review of Mental Health Services at the Alexander Maconochie Centre* (the McGrath Review).
- In April 2018, services related to health care supports for detainees at risk of suicide or self-harm transferred to Canberra Health Services from ACTCS.

Integration of Winnunga health services into AMC

- The ACT Government committed $8.3 million to integrate the Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga) holistic model of care to Aboriginal and Torres Strait Islander detainees at the AMC in line with Recommendation 5 of the Moss Review.
- On 18 January 2019, the first patient's health care was transferred from Justice Health Services to Winnunga.
- Services provided by Winnunga include General Practitioner and nursing through participating in multi-agency clinical services review and management planning. Winnunga also provide social, emotional and wellbeing services, culturally appropriate care planning, counselling, group therapy and discharge planning.
- During the 2019-20 financial report, 41 detainee had their health care transferred from Justive Health Services to Winnunga.

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QUESTION TIME BRIEF

Improved Health Services facilities

- A newly constructed modular building for health services is in place within the secure perimeter of the AMC, and is now occupied. This will allow refurbishment of the existing Hume Health Centre throughout the 2020/21 financial year.
- These improvements were funded as part of a $4.022m capital fund over two years (2017-18 and 2018-19) to provide a temporary accommodation solution for Winnunga and renovation of the existing Hume Health Centre.

Key Information

- Since 2017, Justice Health Services and ACTCS have worked collaboratively with Winnunga to develop and agree to a contemporary and best practice model of Aboriginal and Torres Strait Islander Health Services delivery at the AMC.
- On 22 June 2018, ACTCS, Justice Health and Winnunga signed a contract to enable the delivery of coordinated health care services at the AMC.
- Staff from Winnunga have been present in the AMC since July 2018, developing protocols for the integrated service delivery. A Working Group was established to work through the clinical and operational arrangements for the successful integration of health services at the AMC.
- That work informed an MOU and three schedules between the ACT Government and Winnunga for the delivery of coordinated health care services to Aboriginal and Torres Strait Islander detainees at the AMC. The MOU and schedules were signed on 21 December 2018.
- $4.372m was pledged over three years (2017-18 to 2019-20) for JACS and ACT Health to fund a dedicated General Practitioner, Social and Emotional Wellbeing support staff, additional ACT Health staff and AMC staffing costs to enhance health services at the AMC. The funding was allocated as follows:
  - ACT Health staffing costs of $1.205m over two years in 2018-19 and 2019-20 for:
    - *Winnunga – via contract by ACT Health.*
      - *0.8 General Practitioner (Phase 2)*
      - *2.0 FTE ASO6 Social and Emotional wellbeing staff member*
    - *JHS staff*
      - *0.5 FTE Registered Chronic Disease Nurse*
      - *0.5 FTE ASO3*
- The associated expenses for ACT Health were offset against the Health Funding Envelope.

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- JACS costs of $2.761m over three years in 2017-18 to 2019-20 for:
    - *Staffing costs of $2.548m over three years to deliver more custodial officers to boost detainee escort services, including for detainees accessing health services within the AMC;*
    - *Repairs and maintenance of $0.163m over two years; and*
    - *$0.050m in 2019-20 only for an evaluation to determine ongoing Winnunga service model.*

QUESTION TIME BRIEF

JACS2021/47-001-012

Portfolio/s: Corrections

ISSUE: INSPECTOR OF CORRECTIONAL SERVICES

Talking points:

- Establishing an Inspector of Correctional Services was a commitment of the Government in response to Recommendation 8 of the Moss Review. It recognised that effective independent oversight is vitally important to maintain public confidence in our correctional system.
- The Inspector of Correctional Services (the Inspector) has provided eight (8) Critical Incident Reviews, two (2) thematic review of the conditions of remand detainees, and one (1) healthy prison review to the Speaker of the ACT Legislative Assembly.
- The Inspector is required to give a report on each review to the ACT Legislative Assembly within six (6) months of its completion.

Remand Review

- The Care and Management of Remandees at the Alexander Maconochie Centre (AMC) ('Remand Review') was the Inspector's first thematic review and was tabled in the ACT Legislative Assembly on 20 February 2019.
- The Review made 39 findings.
- The Government Response to the Remand Review was tabled in the ACT Legislative Assembly on 6 June 2019.

Healthy Prison Review

- The Healthy Prison Review was tabled in the Legislative Assembly on 26 November 2019.
- The Government Response to the Healthy Prison Review was tabled in the ACT Legislative Assembly on 21 May 2020.
- ACT Corrective Services (ACTCS) is currently implementing the recommendations as outlined in the Government Response.
- Healthy Prison inspections and reviews are based on the concept of a healthy prison which was first set out by the World Health Organisation, and are accepted internationally as the benchmark for custodial environments. The healthy prison test is based on four pillars:

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- Safety – prisoners, even the most vulnerable, are held safely;
- Respect – prisoners are treated with respect for their human dignity;
- Purposeful activity – prisoners are able and expected, to engage in activity that is likely to benefit them; and
- Rehabilitation – prisoners are prepared for release into the community, and helped to reduce the likelihood of re-offending.

Court Transport Unit Review

- The Court Transport Unit Review was tabled in the Legislative Assembly on 3 December 2020.
- The Government Response was tabled in the Legislative Assembly on 11 February 2021.
- The review made 12 findings and 22 recommendations.

Critical Incidents

- The *Inspector of Correctional Services Act 2017* (the Act) provides that the Inspector 'may review a critical incident on the inspector's own initiative'. All reviews tabled in the ACT Legislative Assembly to date were conducted at the Inspector's own initiative.
- A critical incident is defined in the Act, and includes 'an assault or use of force that results in a person being admitted to hospital'. To date, the majority of critical incident review reports tabled in the ACT Legislative Assembly concern incidents of assaults at the AMC that resulted in the hospitalisation of a detainee. One (1) exception relates to a disturbance at the AMC on 10 November 2020.

Critical incident date	Details	Media interest
27 March 2021	A hostage situation took place involving a detainee taking another detainee hostage. The incident was resolved without physical injuries to anyone. The Inspector is currently reviewing the incident.	Yes This incident was reported on in the media.
11 January 2021	A female Aboriginal and Torres Strait Islander detainee was strip searched in the Crisis Support Unit to ensure her safety, with use of force required to gain compliance beforehand. The Human Rights Commission and the	Yes This incident is subject to significant media interest.

QUESTION TIME BRIEF

	Inspector of Correctional Services are currently reviewing this incident.	
14 November 2020	There was a fire in Sentence Cottage 2 (SC2), which caused significant damage to parts of this accommodation unit. No injuries to detainees or staff were reported.	Yes This incident was subject to media interest on as it occurred soon after the disturbance of 10 November and was reported on in that context.
10 November 2020	There was a disturbance at the AMC with all 27 detainees located in AU North refusing to lock in. Multiple fires were lit and external support was provided by ACT F&R and AFP. Detainees surrendered after several hours, and no injuries occurred to detainees or staff. The final version of the Report was tabled in the ACT Legislative Assembly on 31 March 2021 and contained seven (7) findings and 13 recommendations for the ACT Government to consider.	Yes This incident was subject to significant media interest.
13 January 2020	The critical incident involved the assault of a male detainee by up to two (2) other detainees, resulting in hospital admission. The Report contains ten (10) findings and two (2) recommendations for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 21 May 2020, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 23 July 2020.	Yes This incident was subject to media interest due to next of kin coincidentally being at the hospital and spotting the victim prior to formal hospital admission and therefore prior to next of kin notification.
5 December 2019	The critical incident involved the assault of a male detainee in a cell by another detainee, resulting in hospital admission. The Report contains nine (9) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 21 May 2020, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 23 July 2020.	No
15 April 2019	The critical incident involved the assault of a male detainee by up to two (2) other detainees, resulting in hospital admission. The Report contains five (5) findings. The final version of the Report was tabled in the ACT Legislative Assembly on 30 July 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	No

QUESTION TIME BRIEF

1 January 2019	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains seven (7) findings and three (3) recommendations for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 30 July 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	Yes This incident was the subject of media interest following the Attorney-General's response to the detainee and the tabling of the Inspector's Report. On 28 June 2019, the Chief Minister received a request for a remission of sentence for the assaulted detainee. The request was referred to the Attorney-General, who responded by letter on 31 July 2019, advising that the circumstance did not appear to provide a basis for remission and that it was not appropriate to consider the matter as the detainee was appealing his sentence.
16 December 2018	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains six (6) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 5 June 2019. The ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	No
25 October 2018	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains seven (7) findings. The final version of the Report was tabled in the ACT Legislative Assembly on 12 February 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 14 May 2019.	No
23 May 2018	The critical incident involved an Indigenous detainee who was assaulted by a non-Indigenous detainee at the AMC. The Report contains ten (10) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 27 November 2018, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 19 March 2019.	No

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QUESTION TIME BRIEF

Background Information

- Following the Moss Review and in recognition of the unique make-up of the ACT's correctional system and increasing population pressures, the ACT Government committed to establishing an external and independent Inspectorate of Correctional Services, intended to strengthen and improve existing oversight arrangements.
- In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of Inspector of Correctional Services for the ACT.
- The office of the Inspector of Correctional Services is now fully operational and is committed to ensuring continuous improvement through its systemic and regular reviews of correctional services.

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ACT Government

QUESTION TIME BRIEF

JACS2021/47-001-013

Portfolio/s: Corrections

ISSUE: JUSTICE HOUSING PROGRAM

Talking points:

- As part of the *Building Communities, Not Prisons* program, several initiatives, including the Justice Housing Program (JHP) were funded by the Government through the 2018-19 Budget review and the 2019-20 Budget process.
- This initiative has established a Supported Transitional Justice Housing Program across the ACT to support efforts to reduce reoffending and to reduce numbers at the Alexander Maconochie Centre (AMC).
- The JHP is a collaboration between the Justice and Community Safety Directorate, Community Services Directorate, the social and community housing sector and support agencies, aiming to meet the diverse needs of people in the criminal justice system who are on bail or exiting custody.
- The JHP provides an accommodation option for those who otherwise would be incarcerated in the AMC due to a lack of suitable community based accommodation. An example is those who are remanded in custody instead of receiving bail in the community because they do not have a suitable address, or those applying for parole. This is intended to act as a stepping stone to longer term or permanent accommodation in public housing, community housing or the private rental market.
- The JHP service provider works with residents to source and transition into other long term accommodation. It is important to note that this support relates to a resident's accommodation and does not detract from other services with which an individual may be engaged, such as outreach or counselling services.
- The housing stock for the JHP is sourced from Housing ACT under arrangements ensuring public housing stock availability is not impacted by this initiative.
- ACTCS continues to collaborate with the service providers, community stakeholders, and residents of the program to refine the service model.
- From commencement of the JHP program (May 2020) to the end of December 2020, there were a total of 44 detainees accepted into the

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JHP. This includes 36 men (nine (9) Indigenous) and eight (8) women (four (4) Indigenous). Of these 44 detainees, 21 were housed in JHP properties. This includes 18 men (four (4) Indigenous) and three (3) women (one (1) Indigenous). During this period, 12 occupants have been exited from the program, including planned and unplanned exits.

- At 31 March 2021, all 10 houses, comprising 30 beds, were operational with a total of 24 beds occupied. This includes seven (7) houses for men with a total of 20 residents, two (2) houses for women with a total of three (3) residents, and one (1) transgender/intersex house with one (1) resident.

Key Information/Background

- In the 2019-20 budget, the initiative "Alternatives to jail through the Justice Housing Program (JHP)" received capital funding of $7.2m, $5m of recurrent funding to cover payments to a third party for managing the accommodation program, program brokerage and evaluation for 3 years and other operational costs totalling $6.441m from 2019-20 over a period of 4 years. The premise of this funding is 10 properties provided by Housing ACT.
- Funding of $6.493m over 3 years from 2018-19 was provided for the Bail Accommodation Transition Support Service (BATSS) with commitment of a building by Housing ACT to accommodate eight men, with onsite 24/7 staffing. While the use of the building did not progress, the service is operational from two houses with limited support from CatholicCare support workers in business hours.

<u>COVID-19</u>

- The COVID 19 response within the JHP will:
  - Provide accommodation in houses sourced from Housing ACT, run by CatholicCare. These houses will be contracted for one year with a maximum of nine places (three houses) for women to expand accommodation options available for women leaving custody, to supplement the scarce provision in the housing and homelessness sector.
  - Provide reserved places for Aboriginal and Torres Strait Islander people proportional to, or exceeding, the proportion of Aboriginal people in custody at the AMC. This will be supported by an indigenous CatholicCare support worker, and referrals where requested to a community controlled organisation to support culturally appropriate 'wraparound' services to best meet the needs of the cohort.
  - Provide a bail accommodation transition support service of six beds (two houses) which cater for those who would usually be granted bail by the courts but only on the condition that they have appropriate housing. The bail hostel was funded as part of the mid year cycle in 2018-19, and was contingent upon the use of a specific Weston Creek property. This property did not meet building code and required significant expenditure to satisfy the requirements. As such, ACTCS is working with CatholicCare to achieve the stated aims of the bail hostel initiative from within the housing provision for the JHP.

QUESTION TIME BRIEF

JACS2021/47-001-016

Portfolio/s: Corrections

ISSUE: REPORT ON GOVERNMENT SERVICES (ROGS) RELEASE

Talking points:

Costs

- The real net operating expenditure per detainee per day has increased from $305.50 in 2018-19 to $420.56 in 2019-20. The total expenditure (including net operating expenditure and capital costs) per detainee per day in the ACT was $559.17 in 2019-20. While this is higher than the national average of $331.39, the Productivity Commission advises that cost indicators are not comparable across jurisdictions.
- The increase in recurrent expenditure per prisoner in the ACT between 2018-19 and 2019-20 is in part due to reduced number of detainees in 2019-20 (i.e. the total daily cost – including fixed operational costs – is distributed across a smaller cohort).

Education

- In 2019-2020 there was a slight increase in the participation of detainees in education and training from 70.8 per cent in 2018-2019 to 71.4 per cent.
- The ACT has been the highest-ranking jurisdiction in terms of education and training participation since the opening of the AMC, except for 2017-18 when South Australia (SA) surpassed the ACT in its performance against this indicator. At 71.4 per cent, the ACT performs well above the national average of 32 per cent.

Employment

- The ACT detainee employment rate remained unchanged, with 80.7 per cent of the eligible detainee population participating in employment. The ACT performed better than the Northern Territory (NT), Queensland (QLD), and Tasmania (TAS) in this area and sits just under the national average of 81.4 per cent.

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- Aboriginal and Torres Strait Islander detainees were employed in 2019-20 at 75.7 per cent, above the national average of 73.7 per cent. This reflects the ACT Government's commitment to support detainees to develop the skills that allow them to obtain employment and successfully return to the community.
- The ACT has made significant progress to increase opportunities for detainees to develop skills for employment after being released, including through a new Horticulture Industry program which will commence in early 2021. Detainee industries at the AMC provide practical experience and skills that can translate into employment outcomes in the community.

Recidivism

- In 2019-20, the ACT had 37.1 per cent of detainees (released in 2017-2018) returning to prison within 2 years of their release, a decrease from 42.4 per cent and lower than the national average of 46 per cent.
- The return of ex-detainees to Corrective Services (either to Prison or to Community Corrections) reduced from 71.3 per cent in 2018-19 to 63.4 per cent in 2019-20. The ACT return rate of ex-detainees to Corrective Services ranked the second highest of all jurisdictions, after the NT and above the national average of 54.9 per cent.
- In 2019-20, 18.3 per cent of offenders returned to Community Corrections within 2 years of their release, an increase from 16.9 per cent in 2018-19 and higher than the national average of 16.1 per cent.
- The return of ex-offenders to Corrective Services (including prisons) rose to 20.8 per cent in 2019-20 from 19.1 per cent in 2018-19. The ACT performed the third best after Victoria (VIC) and Western Australia (WA), and is under than the national average of 25.7 per cent.

Time out of cells

- The time that detainees spent out of cells decreased to 9.1 hours per day on average in 2019-20 from 9.4 hours in 2018-19. The national average was 9.6 hours. The ACT had the fourth lowest time out of cells, followed by QLD, New South Wales (NSW), and TAS.

- The decrease in time out-of-cells was primarily due to the emergency lockdown of the AMC in November 2019 in response to a significant security breach.
- The ACT Government is committed to maximising time out of cells to ensure detainees can engage in purposeful activities including work, programs, education, visits and recreation to support them to successfully reintegrate into the community.

Key Information

- The ACT recorded zero escapes, deaths in custody, or serious assaults on correctional officers in 2018-19 and continued this trend in 2019-2020.
- There were fewer detainees imprisoned in the ACT in 2019-20, with a decrease of 8.3 per cent. The ACT continues to have fewer women and Aboriginal and Torres Strait Islander peoples in custody, falling below the national average again in 2019-20.
- The ACT was at 101.1 per cent design capacity utilisation at the AMC in 2019-2020, compared to 110.3 per cent in 2018-2019. This is a direct result of the decrease in the detainee population. This indicator is unable to be compared to the national average, which cannot be calculated due to three jurisdictions not reporting on this indicator.
- The prisoner on prisoner assault rate has increased from 9.09 per 100 prisoners (44 serious assaults) in 2010—2019 to 13.07 per 100 prisoners in 2019-20.
- The prisoner on prisoner serious assault rate decreased from 3.31 per 100 prisoners (10 serious assaults) in 2018-19 to 1.8 per 100 prisoners (8 serious assaults) in 2018-19.
- The percentage of Community Corrections orders that were completed without breach has decreased in 2019-20. The ACT had a Community Corrections order completion rate of 68.1 per cent, decreasing from 69.2 per cent in 2018-19 and below the national average of 71.4 per cent.
- Of all orders in 2019-20, the supervision order completion rate decreased to 68.5 per cent, while the completion rate of community service work orders decreased to 61.4 per cent. Both completion rates were lower than the national average of 72 per cent and 68.8 per cent respectively.
- Whilst breaches of orders have risen, the data shows that more community orders were successfully completed in 2019-20 with an increase of 391 orders.

QUESTION TIME BRIEF

JACS2021/47-001-009

Portfolio/s: Corrections

ISSUE: COVID-19 at the AMC

Talking points:

- There are currently no confirmed cases of coronavirus within the Alexander Maconochie Centre (AMC). As at 31 March 2021, 183 detainees had been tested since the commencement of the pandemic and all returned a negative result.
- As at 31 March 2021, two (2) detainees were in isolation at the AMC.
- Detainees are placed in isolation if they:
    - Have identified on admission as having travelled to a hotspot area within the last 14 days;
    - Have been in contact with someone who has tested positive for COVID-19 within the last 14 days;
    - Have shared a cell with a detainee who has been tested for COVID-19; or
    - Are unwell and are exhibiting flu-like symptoms.
- This situation will continue to be monitored in line with public health advice from ACT Health.

<u>Visits</u>

- During the pandemic, ACTCS has put in various arrangements to maintain social contact between detainees, their families and friends in a COVID-safe manner. Measures implemented include the introduction of video visits.
- AMC conducted 2,338 visits between 1 January to 31 March 2021. 51% (1,177) of these visits were conducted via video and 49% (1,161) were conducted in person.
- Interim COVID-safe visiting restrictions remain in place at the AMC. . Each detainee is permitted two (2) adult visitors and two (2) child visitors per visit. Social visits are also limited to immediate family and partners only.

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Cleared for public release by:	Deputy Director-General	Ext: 53507
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Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-009	

- As a high risk facility, the decision to continue restrictions is a difficult one but will protect the health of our most vulnerable detainees and others in the centre.
- ACTCS recognises the need to continually review the need for visits restrictions and assess current risks and community expectations. Updates on visits restrictions will be made available on the ACTCS website.

Key Information

Face-to-face social visits resumption

- On 9 September 2020, limited face-to-face social visits resumed at the AMC. Staff, visitors and detainees were informed about the resumption of visits on 2 September 2020.
- Due to physical distancing requirements, social visit sessions are limited to seven (7) in person visits per session.
- All persons wishing to enter the AMC are required to undergo a touchless thermometer check, in addition to answering a number of screening questions.
- The changes implemented by ACTCS to resume social visits are consistent with the practices in other jurisdictions:
    - Social distancing principles are abided by and screening methods for COVID-19 are utilised in all jurisdictions
    - Similar restrictions on the number of visitors are in place in all jurisdictions
    - Western Australia, Queensland, South Australia and NSW have continued video visits

Activity packs for detainees

- The Programs and Interventions team prepared a range of self-paced program booklets and activity packs for detainees during the pandemic. These packs provide detainees with ways to use their time meaningfully, including learning new strategies and for enjoyment. Self-paced booklets and card making kits are also being offered to detainees who are waiting for court appearances by telephone.
- As at 1 April 2021, 927 certificates of completion have been issued for self-paced programs. This includes 854 certificates issued to male detainees and 73 certificates to female detainees.
- A seventh self-paced booklet was finalised in late March 2021 focusing on healthy relationships.

Personal Protective Equipment

- The use of Personal Protective Equipment (PPE) at the AMC is in accordance with the Public Health Guidelines that are currently in place.

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- PPE is not required for general work activities but is required for those working in close contact with people who have been placed on isolation and/or those who have been confirmed to have COVID-19. Correctional officers and other staff will be issued with appropriate PPE equipment where they are required to engage directly with detainees who have been placed on isolation.
- Masks will be issued to any detainees infected to prevent the spread of the disease where they are in contact with others.
- Appropriate signage is on display at 2 Constitution Avenue advising offenders who are unwell or experiencing flu-like symptoms to remain away and make telephone contact, as well as general hygiene advice.

Video visits

- Between 2–16 July 2020, ACTCS sent out a survey to families and friends who were visiting detainees by video. The survey was sent to approximately 300 visitors and 115 responses were received.
- The survey identified that the majority (93 percent) of respondents were satisfied with the video visits and would like to see them offered as a permanent visit option in addition to face-to-face visits.
- Video visits have continued and detainees may have up to one (1) video visit and one (1) in person visit per week. Visits are up to one (1) hour in duration.

Background

Visits

- All social visits to the AMC were suspended from close of business on Sunday 22 March 2020 to ensure the health and safety of all detainees and visitors.
- Since Wednesday 25 March 2020, detainees have been provided with an additional $20 phone credit to assist with contact to their family and friends, and with effect from Friday 27 March 2020, ACTCS commenced the use of video visits using the video communication program 'Zoom'.
- Visitors are asked to arrive at least 30 minutes prior to their visit time to complete the requirements of entry.
- Visits must be booked 72 hours prior to the intended visit. Visitors must call AMC Executive Support and leave a message to arrange a visit.
- Detainees do have the option to apply to the General Manager AMC in exceptional circumstances for other visits arrangements.
- Unfortunately, due to cleaning requirements, the following services and facilities are not available during visits:
    - toilet facilities
    - barista
    - the BBQ and outdoor play equipment.

- Professional visits are able to occur in person and via video at the choice of the professional agency and the availability of the video equipment.

Activities

- The activity packs offer a range of craft and brain teasers, including find a picture, find a word, sudoku and origami. Craft packs are also available, including making cards with scrapbooking paper and colouring/drawing ideas and lesson pages. Packs continue to be available to all detainees.
- Hepatitis ACT have donated a selection of card making, colouring in sheets, drawing paper, hepatitis information booklets and packs of cards for distribution to detainees.
- The self paced booklets may be submitted to the Programs Unit for review and, if completed, a certificate will be awarded. It is envisaged these programs will be used beyond the COVID-19 pandemic.

QUESTION TIME BRIEF

JACS2021/47-001-015

Portfolio/s: Corrections

ISSUE: REINTEGRATION CENTRE

Talking points:

- A tender associated with the construction of the proposed Reintegration Centre has not yet been let.
- The ACT Government is considering a range of options related to accommodation priorities at the Alexander Maconochie Centre (AMC), in the light of the current detainee numbers and profiles, and in order to achieve optimal outcomes that most effectively balance the needs of the different cohorts of detainees – both currently and into the future.
- The proposal for ad Reintegration Centre is one element of the accommodation options for the AMC and is part of these considerations.
- As part of the *Building Communities, Not Prisons* initiative, the ACT Government committed to improving rehabilitation options for detainees at the AMC.
- Options include the development of a proposed Reintegration Centre; provision of enhanced rehabilitation programs including trauma and relationship counselling, alcohol, tobacco and other drug rehabilitation, and jobs skills training in partnership with non-government and government organisations.; and industries in order to provide detainees with work opportunities and skills training to enhance employment prospects on release.
- The overall intentis to reduce the time a person may be detained in custody through increasing the capacity of detainees to gain parole and, once released, to successfully reintegrate into the community with increased skills and strategies to address the causes of their criminogenic behaviours.

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QUESTION TIME BRIEF

Key Information/Background

- Since the opening of the AMC in 2009, detainee numbers have consistently exceeded forecast numbers.
- In 2017, the ACT Government agreed that a feasibility study be undertaken to identify, prioritise and program the delivery of future correctional requirements in a staged and cost-effective manner.
- Capital funding of $35 million (over three years) was allocated in the 2019-20 Budget to construct the 80-bed minimum security Reintegration Centre located outside the secure perimeter of the AMC. The 20-bed Transitional Release Centre is included within the Reintegration Centre for a total of 80 beds.
- In December 2019, the then Minister for Corrections and Justice Health reported to the Legislative Assembly on the early progress on the Reintegration Centre project.
- The Reintegration Centre project involves design and planning approvals to provide accommodation buildings for new beds and associated support, administration and stores.
- The design, procurement and construction of the facility is being managed by Major Projects Canberra.
- As part of early design work, a geotechnical investigation was commissioned to assess the subsurface soil and groundwater conditions across the site.
- The investigation identified a number of areas of concern which had different classifications for rectification before building works would be able to commence.
- A separate budget bid of $5.6 million to support the works being undertaken was submitted and approved as part of the 2020-21 budget process as this was not included in the original project budget.
- Key milestones achieved to date include:
    - In May 2019, Perumal Pedavoli Pty Ltd was appointed to provide Design Consultancy Services for the Reintegration Centre.
    - 30 per cent Preliminary Sketch Plan documents were submitted in June 2019.
    - 80 per cent Preliminary Sketch Plan documents were issued for review in mid-December 2019.
    - The Development Application (DA) was submitted in May 2020.
    - 100 per cent Preliminary Sketch Plan was completed in September 2020.
    - The Government Procurement Board endorsed the proposal in November 2020.
- The DA was approved in November 2020.
- A project to commence development of the Operating Model for the Reintegration Centre has commenced. The focus for the next six months is the development of a detailed operating model which is being progressed in consultation with current and released detainees, staff and community stakeholders.

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QUESTION TIME BRIEF

JACS2021/47-001-007

Portfolio/s: Corrections

ALEXANDER MACONOCHIE CENTRE TRANSFERS

Talking points:

- On 24 November 2020, five (5) male detainees were transferred from the Alexander Maconochie Centre (AMC) to NSW correctional centres.
- An additional four (4) male detainees were transferred in early December 2020 (two on 3 December 2020, and two on 11 December 2020).
- Of the nine detainees transferred, eight were involved in the disturbance which occurred at the AMC on 10 November 2020, where 27 detainees housed in the AU-North accommodation unit refused to return to their cells for the night lock-in and caused significant damage to the unit, including by lighting fires.
- One detainee that was transferred was involved in various other incidents, and was believed to be involved in a fire incident that caused significant damage to parts of the Sentenced Cottage 2 (SC2) accomodation unit.
- The impact of the disturbance and fire incident in SC2 placed increased pressure on the management of complex cohorts of detainees by ACTCS due to the temporary loss of these accommodation units as a result of damage.
- The decision to transfer these detainees to NSW was made to ensure the ongoing safety, security and good order of the AMC in consideration of the reduced capacity due to the temporary loss of the accommodation units.
- The transfer of these detainees will not affect their ACT court orders and sentences.

Key Information

- The AMC manages multiple complex cohorts across minimum to maximum level security classifications and this requires individual detainee group placements to be considered for each relocation, which has been made increasingly difficult in the current circumstances.

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QUESTION TIME BRIEF

- ACTCS will continue to consider appropriate risk assessments when considering the placement of detainees and the options available to ACTCS.
- Four of the detainees transferred in November/December 2020 identify as Aboriginal.

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QUESTION TIME BRIEF

JACS2021/47-001-002

Portfolio/s: Corrections

ISSUE: ACT CORRECTIVE SERVICES KEY DATA (as at 1 April 2021)

Court Transport Unit (CTU)

Staffing

Total FTE	% Female	% Male
28	28.57	71.43

- This number includes one officer who has been on long term unpaid leave for approximately two years.

Vehicles

- Total number of vehicles –five (5) vehicles.

Custodial officers

Staffing

Total FTE	% Female	% Male
224.69	27.03	72.97

- The total FTE number includes a number of Officers who are on long term leave.
- The total FTE numbers also include 22 new Correctional Officer Trainees who are due to be appointed as CO1's on 21 May 2021, pending successful completion of the Custodial Recruit Training.
- There are generally 71 weekday posts at the AMC (Monday and Tuesday are slightly less as there are no visits), with 82 officers rostered on each day. This includes an additional 11 officers to account for unexpected and other leave.

Vehicles

- Total number of vehicles – eight (8) vehicles.
    - One (1) vehicle is currently in the process of transferring the equipment to the replacement vehicle. When completed, the vehicle will be returned to SG Fleet.

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ACT Government

QUESTION TIME BRIEF

Custodial operations – All staff (inclusive of administrative and corrections officers)

Staffing

Total FTE	% Female	% Male	% Indigenous
289.69 – includes 2 on temporary contracts	30.98	69.02	5.87

- 37 of the staff members are administrative or GSO staff, including two on temporary contracts.

Community Operations

Staffing

Total FTE	% Female	% Male	% Indigenous
52.48	67.61	32.39	3.81

Vehicles

- Total number of vehicles – five (5) vehicles
    - Three (3) vehicles are located at 2 Consitution Avenue
    - Community Corrections and Release Planning has an additional two (2) vehicles based at the Transitional Release Centre adjacent to the AMC.

Offender Reintegration

Staffing

Total FTE	% Female	% Male	% Indigenous
50.16 – includes 2 on temporary contracts	70.10	29.90	5.98

QUESTION TIME BRIEF

Corporate Services

Staffing

Total FTE	% Female	% Male	% Indigenous
51.64 – includes 9 on temporary contracts	49.65	50.35	0

Vehicles

- Total number of vehicles – four (4) vehicles
    - Two (2) vehicles are located at 2 Consitution Avenue
    - Corporate Services also has an additional two (2) vehicles based at the AMC utilised by the Maintenance and Stores teams.

Operational Support

Staffing

Total FTE	% Female	% Male	% Indigenous
32.6 – includes 5 on temporary contracts	69.33	30.67	3.07

Office of the Commissioner and Executive

Staffing

Total FTE	% Female	% Male	% Indigenous
15.6 – includes 6 on temporary contracts	80.77	19.23	0

QUESTION TIME BRIEF

JACS2021/47-001-042

Portfolio/s: Corrections

ISSUE: STAFF SUPPORT AND WELLBEING

Talking points:

- The safety, mental health and wellbeing of all ACT Corrective Services (ACTCS) staff, including Correctional Officers, is a priority for ACTCS.
- ACTCS recognise that the work Correctional Officers do daily can have a significant impact on their wellbeing (and the wellbeing of their families) and are committed to protecting and promoting their physical and psychological wellbeing.
- Since mid 2020, ACTCS has introduced the following initiatives:
    - the Mentally Healthier Workplaces Pledge
    - launch of a new Peer Support Program
- ACTCS is currently developing a Wellness Framework to align with the ACT Government's *Healthy Minds – Thriving Workplaces Strategy* and the development of the ACTCS Mentally Healthier Workplaces action plan.
- The ACTCS Healthier Work action plan is expected to be provided to ACT WorkSafe in April 2021 for implementation.
- Is is anticipated that the ACTCS Wellness Framework will be released for consultation in April 2021, supported by the establishment of a Working Group.
- The issue of staff wellbeing will also be considered by the Oversight Committee tasked with developing a Blueprint for Change, alongside a range of other staffing matters.

Key Information/Background

<u>Mentally Healthier Workplaces pledge</u>

- Over coming months, a Healthier Workplaces action plan will be developed to guide clear actions aimed at building a positive, healthy, and safe environment. The action plan and ACTCS' delivery against it will be routinely reported so that all staff are able to see what has been committed to and what has been delivered.

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- This work is underpinned and supported by WorkSafe ACT whose focus is on ensuring all workers in the ACT have healthy, safe, and productive workplaces. Healthier Work is an initiative that builds the capacity of workplaces to develop and implement programs, policies, and practices that lead to healthy environments and sustained healthy lifestyle changes for employees.
- ACTCS are committed to workplace health and wellbeing and took the Mentally Healthier Workplaces Pledge during the National Corrections Day celebrations on 13 January 2021.
- ACTCS will work with WorkSafe ACT and relevant stakeholders to develop an action plan that will ensure ACTCS are a place of work that:
    - Prevents harm
    - Promotes a positive culture
    - Protects staff wellbeing
    - Provides support for staff with mental illness.

ACTCS Peer Support Program

- ACTCS Peer Support Officers are staff members who have volunteered to undertake peer support training to assist their colleagues in coping with employment-related or personal difficulties.
- ACTCS Peer Support Officers are accessible to all staff and aid the operations of ACTCS by:
    - contacting staff after an incident where there is a perceived potential of being a highly stressful or emotional experience for those involved
    - providing supportive and neutral assistance for staff regarding employment or personal issues
    - providing encouragement and facilitation of referrals to an Employee Assistance Program provider
    - providing promotional material relating to health and wellbeing.
- The ACTCS *Staff Peer Support Policy* was notified in July 2020 and Peer Support Officers completed relevant training in September 2020.
- A Request For Quotation is being developed to ensure ACTCS provide adequate Counsellor Supervision and support to Peer Support Officers. This is expected to be in place in May 2021.

The Employee Assistance Program (EAP)

- The ACT Government EAP offers free, professional, and confidential services to support staff and immediate family members through both personal and work-related issues.
- All ACTCS personnel are frequently reminded of the availability of EAP as well as other support services available, such as Lifeline and Beyond Blue.
- As well as the Employee Assistance Program, Mental Health Guru is an online mental health program available to all ACTCS employees. The interactive program can assist in better understanding mental health and how to get support for mental health conditions.

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QUESTION TIME BRIEF

Health and wellbeing reimbursement

- Recognising the benefits of maintaining a healthy and productive workforce, the Justice and Community Safety Directorate provides a reimbursement of up to $100 per annum to all permanent and fixed term employees who undertake, in their own time, health and wellbeing activities as described in the relevant Enterprise Agreements.
- These activities include, but are not limited to:
    - Sports team uniforms or clothing specifically associated with health and wellbeing
    - Runners/footwear
    - Clothing – gym, swimming and cycling gear
    - Fitness equipment – exercise bikes, soccer balls, yoga mats etc.
    - Bone density testing
    - Stress management courses
    - Quit smoking and weight loss programs.

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ACT Government
Justice and Community Safety

MINISTER MICK GENTLEMAN MLA
MINISTER FOR CORRECTIONS
QUESTION TIME BRIEFS PACK
11-13 MAY 2021

Question Time Briefs	
1.	Half Yearly Statement of Performance
2.	Audit report CTU– Romeo 5
3.	Alleged incident involving strip search of a female Indigenous detainee
4.	Allegations of systemic racism at the AMC
5.	Corrections Blueprint for Change
6.	ACTCS Commissioner position
7.	Female Detainees at the AMC
8.	ATSI Incarceration Rates
9.	Recent judgement on AMC discipline processes
10.	10 November Incident (inc ICS Report into the incident)
11.	AMC Operations
12.	Detainee Numbers and Accommodation Pressures
13.	Implementation of Healthy Prisons Report Recommendations
14.	Court Transport Unit Report Progress
15.	AMC Health Services

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Justice and Community Safety

16.	Inspector
17.	Justice Housing
18.	ROGS Release
19.	COVID-19 at the AMC
20.	Reintegration Centre
21.	AMC Transfers
22.	ACTCS Key Data
23.	ACTCS Staff Support and Wellbeing Initiatives

QUESTION TIME BRIEF

JACS2021/47-001-051

Portfolio/s: Police and Emergency Services
Corrections

Half Yearly Statement of Performance

Accountability Indicators

Output 4.1: Emergency Services

Table 23: Accountability Indicators Output 4.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
Prevention and Preparedness				
a. Desktop audit of ACT Government Directorate Bushfire Operational Plans activities [a]	n/a	n/a	n/a	
b. Field assessment of Access Management Upgrades and Hazard Reduction burns conducted in accordance with Bushfire Operational Plans of ACT Government Directorates [1]	100%	100%	n/a	
c. Percentage of ESA staff who have completed accredited training in AIIMS [b]	70%	70%	76%	9
Response and Recovery				
d. Structure Fire incidents responded to within target [c]	90%	90%	93%	3
e. Road Rescue incidents responded to within target [d]	90%	90%	93%	3
f. Ambulance priority 1 - Incident Response Time 50th percentile (minutes) [e]	8	8	8.75	9
g. Ambulance priority 1 - Incident Response Time 90th percentile (minutes) [e]	15	15	14.26	(5)
h. Percentage of Patient Transport Service 'fixed booking' attended by booked time[2];	65%	65%	75%	15
i. Total cost per head of population [f]	$394.86	$390.06	$391.39	(1)
Total Cost ($'000)	173,994	88,135	84,364	(4)
Controlled Recurrent Payments ($'000)	146,193	72,354	72,354	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators:

a. This indicator is discontinued in 2020-21 as it is not reflective of the actual performance of the Rural Fire Services (RFS) but rather performing audits of ACT Government directorates' commitments under the Bushfire Operational Plans.

b. AIIMS – Australasian Inter-Service Incident Management System. This accountability indicator captures training provided to Emergency Services Agency (ESA) staff only on the AIIMS system.

c. Target refers to the response to structure fires within 10 minutes.

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d. Target refers to the response to road rescues within 13 minutes.
e. Priority 1 records that are incomplete due to operator or system errors, or where incidents are outside the ACT, or where the priority rating has been changed, are excluded.
f. The 2020-21 original target is based on an estimated population of 440,643 estimated according to the most recent population projections for the Australian Capital Territory (ACT) by ACT Treasury (ACT Population Projects 2018-2058: Table 1 - Summary, 2017-2058).

Note(s):

1. ACT Rural Fire Service (RFS) have not been notified of any access management upgrades or hazard reduction burns completed in accordance with an approved Bushfire Operational Plans in the first half of 2020-21 financial year. Therefore, no field assessments have been conducted and the result of this indicator is Not Applicable.
2. The higher than target outcome is a result of improved booking procedures, with a focus on avoiding conflicts in booking time.

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Accountability Indicator

Output 2.1: Corrective Services

Table 21: Accountability Indicators Output 2.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
a. Completion rates of Community Corrections Orders:				
- The proportion of Community Corrections supervision orders successfully completed within the counting period	68%	68%	73%	7
- The proportion of Community Corrections reparation orders successfully completed within the counting period [1]	60%	60%	38%	(37)
b. Average cost per detainee per day for all detainees [a]	$354	$354	$359	1
c. Average cost per day for community based offenders [2]	$39	$39	$44	13
Total Cost ($'000) [3]	92,831	49,928	45,164	(10)
Controlled Recurrent Payments ($'000)	84,377	44,312	44,312	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators:

a. The 2020-21 target for this indicator was revised up from $310 to $354. The increase to this target reflects the projected population for 2020-21; the actual results for the first two quarters and the projected result for the last two quarters of 2020-21.

Note(s):

1. Reduced successful completion of Community Services Work orders (reparation orders) during this period reflects an increase of offenders who have not completed their community service hours within the court ordered period.
2. The average daily cost per offender has increased due to a decrease in offender numbers in the same period from 1278 in 2019-20 to 1073 in 2020-21.
3. There have been delays in the full implementation of the Justice Housing Program and general repairs and maintenance orders.

QUESTION TIME BRIEF

JACS2021/47-001-058

Portfolio/s: Corrections

ISSUE: PERFORMANCE AUDIT REPORT: COURT TRANSPORT UNIT VEHICLE – ROMEO 5

Talking points:

- I thank the Auditor-General for his report. The Government will consider the recommendations made and I will provide a formal response in the coming months.
- While a formal response will be provided to the Report in due course, the Government and ACT Corrective Services (ACTCS) take the findings of this report and these recommendations very seriously.

Performance Audit Report

- In May 2020, the ACT Auditor-General was advised by the ACT Inspector of Correctional Services (the Inspector) of a procurement process that allegedly resulted in the purchase of a detainee transport vehicle (Romeo 5) that was not fit for purpose.
- The ACT Audit Office undertook preliminary research into the matter, and in June 2020 commenced a performance audit in relation to the procurement of Romeo 5.
- In November 2020, the Inspector completed his report, *ACT Corrective Services Court Transport Unit 2020* (the CTU Report). Amongst other things, the report considered the CTU's management of its fleet vehicles for detainees.
- On 26 March 2021, the Performance Audit Report (the Report) was completed and made 23 findings and 2 recommendations.
- The Report found that:
    - ACTCS did not implement effective processes for the procurement of the Romeo 5 vehicle.
    - Management and staff did not adequately consider and apply legislative, policy and procedural requirements or adequately consider the procurement risk environment.

QUESTION TIME BRIEF

Key Information

- Romeo 5 is a specialised vehicle that was procured for the purpose of detainee transport to and from the Alexander Maconochie Centre (AMC).
- Romeo 5 was delivered to ACTCS in June 2018, and was first used to transport detainees in November 2018. The Romeo 5 vehicle was intended to transport up to eight (8) detainees and two (2) Custodial Officers (COs) at a time.
- WorkSafe ACT identified that the vehicle did not comply with weight requirements when loaded with detainees to its full capacity. In November 2019, WorkSafe ACT issued a prohibition notice on the vehicle. In response, ACTCS instructed its staff that the vehicle was only to be used to carry a maximum of four (4) detainees and two (2) COs at a time. In practice, this is often reduced to three (3) detainees.
- The objective of the performance audit was to provide an independent opinion to the Legislative Assembly on the effectiveness of ACTCS' procurement process for the Romeo 5 vehicle.
- The scope of the audit included consideration of the activities of ACTCS in procuring the vehicle, including:
    - its initial identification of business and operational needs to commence the procurement; and
    - its conduct of the procurement process, including:
        - its approach to the market;
        - consideration and evaluation of potential suppliers; and
        - selection of the solution.

Background Information

- In discussing the management and use of the Romeo 5 vehicle the CTU Report stated:
    - In effect, an eight-passenger vehicle became a very big and expensive four-passenger vehicle. There have also been issues with the height and manoeuvrability of Romeo 5 which have frustrated CTU officers.
- The CTU Report included the following finding:
    - The Mitsubishi Fuso detainee transport vehicle ("Romeo 5") has never been "fit for purpose" and there are serious questions around the vehicle procurement process.
- The CTU Report made the following recommendation:
    - That the Justice and Community Safety Directorate conduct a review of the process(es) by which ACT Corrective Services makes decisions about the acquisition of Court Transport Unit vehicles, with particular attention to the principles of sound corporate governance.

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QUESTION TIME BRIEF

JACS2021/47-001-047

Portfolio/s: Corrections

Alleged incident involving strip search of a female Indigenous detainee

Talking points:

- I am aware that in January 2021, a female Aboriginal and Torres Strait Islander detainee made allegations regarding the circumstances surrounding a strip search conducted at the Alexander Maconochie Centre.
- Let me be very clear, the ACT Government takes these allegations very seriously. As you may be aware, the ACT Human Rights Commission (HRC) is investigating the detainee's allegations. The matter has also been referred to the Inspector of Correctional Services for investigation.
- The Inspector of Correctional Services has informed that he will be completing a public joint report with the Health Services Commissioner.
- ACT Corrective Services is committed to assisting all investigative bodies during the investigative process.
- I will await the outcome of the respective investigations underway before commenting further.

Key Information

- On 11 January 2021, an Indigenous Liasion Officer (ILO) attended the SCC accommodation unit to advise the detainee that her Detainee Leave Application had been denied due to the difficulty of arranging with short notice, the distance and staffing concerns.
- The detainee became agitated and threatened self-harm, and was subsequently deemed "At Risk". The detainee was assessed by Forensic Mental Health Services and was relocated to the Crisis Support Unit (CSU).
- A Custodial Officer observed the detainee with her hands in her crotch area and was of the belief that the detainee may be attempting to secrete an item that could be used to self-harm or harm others.
- Prior to the planned Use of Force occurring, the Operations Area Manager contacted Justice Health Services to provide notification and to confirm that the Use of Force could safely proceed, taking into account the health status of the detainee.

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QUESTION TIME BRIEF

- Four female officers wearing Personal Protective Equipment (PPE) conducted a Use of Force to enable a strip search in line with the *Corrections Management Act 2007*.
- At one stage the detainee stated she could not breathe and a 'Code Pink' was called in order to have medical staff attend the area to provide medical assistance if required.
- Handcuffs were ultimately applied and the detainee became compliant. The detainee was moved to the bathroom where a compliant strip search was conducted by two (2) female officers with no other person present.
- The detainee was assessed by health staff and transported to The Canberra Hospital for further assessment, however was not admitted and returned to the AMC on 12 January 2021.
- During the incident, staff involved received various scratches, minor lacerations and bruising, with one staff member being bitten. The alleged assault on the custodial officer has been referred to the Australian Federal Police (AFP) for investiation. On 12 January 2021, welfare checks were conducted on staff involved in the incident.
- The allegations made by the detainee relating to the manner in which the strip search took place have been reviewed by ACT Corrective Services and cannot be substantiated.

QUESTION TIME BRIEF

JACS2021/47-001-049

Portfolio: Corrections

ISSUE: Allegations of systemic racism at the AMC

Talking points:

- ACT Corrective Services (ACTCS) takes any allegations of racism at the Alexander Maconochie Centre (AMC) seriously and is committed to investigating all allegations as they arise.
- We acknowledge the fact that systemic racism exists across the community as a fundamental inequality of systems and processes, and as a result of an environment in which racism was not called out or addressed.
- ACTCS is absolutely committed to supporting Aboriginal and Torres Strait Islander people in custody. ACTCS staff undertake a range of training and programs to better equip them in supporting Aboriginal and Torres Strait Islander detainees. In addition, ACTCS and Aboriginal and Torres Strait Islander-led organisations have implemented programs helping people at risk of involvement with the criminal justice system, and assisting ex-detainees reintegration into the community; last year, the government introduced parole time credit, a drug and alcohol court, and Indigenous sentencing courts headed by elders.
- ACTCS takes a proactive approach to recruit Aboriginal and Torres Strait Islander custodial officers. As at 11 March 2021, ACTCS had 281 custodial officers with 20 identifying as being from Aboriginal and Torres Strait Islander background.
- Recent allegations made by a female Aboriginal and Torres Strait Islander detainee relating to the manner in which she was strip searched while at the AMC are being investigated by the Human Rights Commission and the Inspector of Correctional Services.

Key Information

- In 2020, ACTCS settled a complaint that alleged one incident of racism in 2018. Since then, there have been no further substantiated allegations of racism at the AMC. There is no evidence to support that there is systemic racism at the AMC.

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QUESTION TIME BRIEF

Custodial Recruit Training program

- ACT Corrections Officers participate in the Custodial Recruit Training program, and a Certificate III Correctional Practice and Certificate IV Correctional Practice are also offered, which include the following components relating to Aboriginal and Torres Strait Islander cultural awareness and understanding.

- **Custodial Recruit Training**
    - Aboriginal and Torres Strait Islander Cultural Awareness
    - Indigenous Liaison Officer and Royal Commission into Aboriginal Death in Custody session
    - Diversity
    - Respect Equity Diversity (RED) Training.

- **Certificate III Correctional Practice**
    - Work effectively with diversity
    - Protect the safety and welfare of Aboriginal and Torres Strait Islander offenders
    - Protect the safety and welfare of vulnerable offenders.

- **Certificate IV Correctional Practice**
    - Work effectively with culturally diverse offenders and colleagues.

Initiatives

- The Aboriginal and Torres Strait Islander Services Committee (the Committee) was established to oversee the delivery of initiatives in ACTCS arising from the Justice and Community Safety Directorate Reconciliation Action Plan. It has membership from across ACTCS and is chaired by the Commissioner, ACTCS. The Committee is a relatively new initiative focused on enhancing services for detainees, overseeing commitments such as the Reconciliation Action Plan and ACT Aboriginal and Torres Strait Islander Agreement 2019-2028, and also the work of the Indigenous Staff Network.

- The Cultural Engagement Officer works with staff across ACTCS Community Operations to ensure culturally appropriate engagement with Aboriginal and Torres Strait Islander clients and stakeholders.

- In the Healthy Prison Review, the Inspector of Correctional Services commended the commitment and dedication of the ACTCS Indigenous Services Team. This team plays a key role in maintaining the wellbeing of Aboriginal and Torres Strait Islander cohort of detainees through cultural support, welfare requests and the coordination of specific programs.

- Aboriginal and Torres Strait Islander detainees are allocated an Indigenous Liaison Officer within five business days of admission.

- A holistic Aboriginal and Torres Strait Islander model of care and health service was introduced into the AMC. Winnunga Nimmityjah Aboriginal Health and Community Service (Winnunga) delivers this service to assist in maintaining and improving the overall health and wellbeing of Aboriginal and Torres Strait Islander detainees, by providing a culturally safe service within the AMC, which is an Australian first.

QUESTION TIME BRIEF

Oversight

- The ACT has four entities that provide independent oversight in relation to correctional centres: the Inspector of Correctional Services, ACT Human Rights Commission, ACT Ombudsman and Corrections Official Visitors. Together, ACTCS and these entities continuously improve the experiences of the Aboriginal and Torres Strait Islander detainee population.
- It is a legislative requirement that an Aboriginal or Torres Strait Islander person be appointed as an Official Visitor for the purposes of the *Corrections Management Act 2007*.
- ACTCS is committed to ensuring that detainees can make requests or complaints to staff and external complaint bodies about all aspects of their custody. In accordance with the *Corrections Management (Detainee Requests and Complaints) Policy 2019* detainees are informed about the ways to make a complaint and are not prevented from doing so.
- Detainees can make complaints directly to the oversight agencies, independent from the ACTCS complaints process. Complaints can be referred to and from the oversight agencies, which allows for greater accountability and transparency.

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QUESTION TIME BRIEF

JACS2021/47-001-044

Portfolio/s: Corrections

ISSUE: BLUEPRINT FOR CHANGE

Talking points:

- Supporting the staff of the Alexander Maconochie Centre (AMC) and Court Transport Unit (CTU) is a key priority for the ACT Government, the Acting Commissioner and for me personally. As we continue work to implement a broad corrections reform agenda, we need to do so in a way that is supportive of and engages our staff.
- A new Oversight Committee has been established to develop a 'Blueprint for Change' (Blueprint) for the operations of the AMC and the CTU. The Blueprint will guide the implementation of enhancements to staff training, engagement and capability in a way that promotes improved culture. The Blueprint will be developed in the context of a broader corrections reform agenda.
- The Oversight Committee brings together representatives of ACTCS, the AMC, the Community and Public Sector Union (CPSU), Official Visitors, Aboriginal and Torres Strait Islander peoples, the Human Rights Commission and the Justice and Community Safety Directorate, and is independently chaired by Ms Christine Nixon.
- Two meetings have been held to date and members have received briefings on current policy and training objectives and activity. The next meeting on 25 May 2021 is expected to further explore staffing matters, including recruitment and rostering.
- I will receive regular progress updates through Ms Nixon as Chair.
- I look forward to updating the community as the work of the Oversight Committee progresses to address areas of concern, including rates of overtime, and ensuring staff recruitment and training meets the needs of the AMC and CTU.

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QUESTION TIME BRIEF

JACS2021/47-001-053

Portfolio/s: Corrections

ISSUE: ACTCS COMMISSIONER POSITION

Talking points:

- Former ACT Corrective Services (ACTCS) Commissioner, Mr Jon Peach, has accepted an opportunity to take on the new role of Executive Group Manager, Security and Emergency Management within the Justice and Community Safety Directorate.
- Mr Peach finished with ACTCS on 19 March 2021.
- I thank Jon for his dedication and professionalism while ACTCS Commissioner and wish him all the best in his new role.
- Emergency Services Agency (ESA) Deputy Commissioner, Mr Ray Johnson, will act as ACTCS Commissioner while a permanent recruitment process is undertaken. Mr Johnson started in this role on 6 April 2021. He brings with him extensive experience in policing, justice and emergency management, having previously occupied the position of ACT Chief Police Officer.
- Mr Johnson's work reviewing the 2019-20 bushfire season and leading the ESA's People and Culture teams mean he is well placed to continue reforms underway in ACTCS. I look forward to working with Mr Johnson in this important role.
- Mr Johnson's role at the ESA will be backfilled over this period.

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QUESTION TIME BRIEF

JACS2021/47-001-045

Portfolio/s: Corrections

ISSUE: Female detainees at the AMC

Talking points:

- As at 12 April 2021, the Alexander Maconochie Centre (AMC) had 26 women in custody (6.7 per cent of the current total detainee population), of which:
    - 10 (38 per cent) women were on remand and 16 (62 per cent) were sentenced and
    - 10 women were of Aboriginal and Torres Strait Islander heritage, of which, 3 were on remand and 7 were under sentence.
- In the last 12 months, the average daily proportion of female detainees ranged between 6 per cent and 8.5 per cent of the total AMC population.
    - Of the women in custody in the last 12 months, the proportion of remanded women varied between 42.4 per cent (12 in August 2020) and 67.9 per cent (22 in March 2020).
- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. As a consequence, any changes in the detainee population have significant impacts on custodial demographic proportions and on cohort management.
- The consequence of the small female detainee numbers is that the population is highly influenced by rates of custody on remand. This has significant impacts and influences on the management of all detainee cohorts.

Key Information/Background

<u>Incarceration Rates</u>

- On 18 October 2018, female detainee numbers in the ACT reached a high of 51 detainees (10.3 per cent of the total AMC population), of which, 30 women were in custody on remand and 21 sentenced. That pressure had been observed for seven days consecutively, as the available beds for women in custody were extended to 57 beds.

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- The average daily number of detained females in the last three years were:
    - 2019/20 financial year, 32 (7.3 per cent of the total detainee population), of which 55 per cent were on remand;
    - 2018/19 financial year, 40 (8.2 per cent of the total detainee population), of which 56 per cent were on remand and
    - 2017/18 financial year, 38 (8.1 per cent of the total detainee population), of which 52 per cent were on remand.

Daily Support

- Female Sentence Management Officers are available to women for daily support, ongoing issues, referrals, and welfare concerns. ACT Corrective Services (ACTCS) also provides an on-site coordinator for women's and children's services for female detainees.

Accommodation pressures

- The ACT Government is considering various options with respect to the future accommodation of women detainees at the AMC. Deliberations are taking into account the findings outlined in the Inspector of Correctional Services Healthy Prison Review Report, matters raised by female detainees through their delegate meetings, and questions from AMC oversight agency meetings, in addition to operational matters.

Women's Reference Group

- The Women's Reference Group (the Group) comprising representatives from ACTCS, oversight agencies, and various community organisations involved in the criminal justice system was established to identify opportunities to positively support women within the AMC through enhanced engagement with the community sector. It is not intended as a governance group but as an opportunity to identify and explore options for the short term to improve the lives of women offenders.
- The most recent meeting took place in October 2020.

Women's Programs

- ACTCS recognises the complex higher needs of women offenders with higher levels of complex trauma, family and sexual violence and disadvantaged backgrounds.
- Women detainees can access a wide range of programs, including programs focused on their criminogenic behaviours. The women's area is also serviced by diverse community organisations delivering and providing health and wellbeing activities to women.

QUESTION TIME BRIEF

JACS2021/47-001-046

Portfolio/s: Corrections

ISSUE: Aboriginal and Torres Strait Islander incarceration rates

Talking points:

- As at 12 April 2021, the Alexander Maconochie Centre (AMC) had 103 detainees of Aboriginal and Torres Strait Islander heritage (26.5 per cent of the total AMC detainee population), of which:
    - 93 were men and 10 were women.
    - Aboriginal and Torres Strait Islander men accounted for 25.6 per cent (93) of the total 363 AMC male detainees.
    - Aboriginal and Torres Strait Islander women accounted for 38.5 per cent (10) of the total 26 AMC female detainees.
    - 57 out of 103 Aboriginal and Torres Strait Islander detainees (55.3 per cent) were sentenced.
- Aboriginal and Torres Strait Islander residents constituted 1.9 per cent of the total ACT population (ABS, Census 2016) in 2019/20 but accounted for 24.1 per cent of the total detainee population.
- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. Any changes in the detainee population will have significant impacts on custodial demographic proportions.
- In line with the ACT government directions, ACTCS is committed to helping address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.
- In 2021, ACT Corrective Services (ACTCS) will develop an *Aboriginal and Torres Strait Islander Framework* that provides best practice principles to assist staff in operational roles in working with Aboriginal and Torres Strait Islander peoples throughout the justice system, and mechanisms to improve social outcomes both during and after incarceration.
- ACTCS will continue to engage with the Aboriginal and Torres Strait Islander community to continually improve outcomes for Indigenous detainees.

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QUESTION TIME BRIEF

Key Information/Background

Incarceration Rates

- Aboriginal and Torres Strait Islander people continue to be over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion, and systemic societal racism.
- The ACT has experienced a steady increase in the average daily number of Aboriginal and Torres Strait Islander detainees from 2014/15. The daily average Aboriginal and Torres Strait Islander detainees by financial year were:
    - 2019/20 – 107 detainees (24.1 per cent of the total AMC detainee pop);
    - 2018/19 – 110 detainees (22.7 per cent of the total AMC detainee pop);
    - 2017/18 – 103 detainees (21.7 per cent of the total AMC detainee pop);
    - 2016/17 – 92 detainees (20.6 per cent of the total AMC detainee pop);
    - 2015/16 – 92 detainees (22.9 per cent of the total AMC detainee pop); and
    - 2014/15 – 68 detainees (19.8 per cent of the total AMC detainee pop).
- On 12 January 2019, Aboriginal and Torres Strait Islander detainee numbers in the ACT reached a high of 126 (accounting for 26.3 per cent of the total 480 AMC detainees); 111 male and 15 female detainees.

Recidivism

- In 2019/20, the rates of Aboriginal and Torres Strait Islander ex-detainees returning to corrective services were:
    - 72.5 per cent for Aboriginal and Torres Strait Islander **male** ex-detainees (compared to 62.1 per cent for all male detainees); and
    - 79.4 per cent for **female** ex-detainees (compared to 70.1 per cent for all female detainees).
- In 2019/20, the rates of Aboriginal and Torres Strait Islander ex-detainees returning to prison were:
    - 51.0 per cent for **male** ex-detainees (compared to 39.4 per cent for all male detainees); and
    - 38.2 per cent for **female** ex-detainees (compared to 24.7 per cent for all female detainees).
- Given the ACT is a small jurisdiction having only one prison and the relatively small numbers of offenders in the ACT, slight fluctuations in the number returning to corrective services can significantly affect the rate from year to year. Further, given the size of this population, any variations to the risk profile of offenders released each year may significantly affect the rate of recidivism for that cohort.

ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 Justice Action Plan

- The ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 Justice Action Plan (the Agreement) has been in operation since 2019. The Agreement has four core focus areas including children and young people, cultural integrity, inclusive community and community

leadership accompanied by six significant focus areas (justice housing, health and wellbeing, economic participating, life-long learning and connecting with the community).

- ACTCS employ Aboriginal and Torres Strait Islander Sentence Management Officers in identified and non-identified positions, allowing for culturally appropriate sentence management practices.
- Aboriginal and Torres Strait Islander detainees can access programs and services specifically targeted towards Aboriginal and Torres Strait Islander people through the Indigenous Services Unit, in addition to programs, services, and education available to the general AMC population.

QUESTION TIME BRIEF

JACS2021/47-001-057

Portfolio/s: Corrections

ISSUE: Recent Judgment on AMC Disciplinary Process

Talking points:

- On 12 August 2019, Sch 2, s2.2(a)(ii), then a detainee at the Alexander Maconochie Centre (AMC) commenced proceedings in the Supreme Court regarding seven separate disciplinary processes applied to him under the *Corrections Management Act 2007* (the CMA).
- Sch 2, s2.2(a)(ii) alleged that when charged with a breach of discipline he was denied the opportunity to address the charge or seek review of the decision made prior to a sanction being imposed, such that when procedures were able to be invoked in relation to the breach or sanction, the penalty had been imposed and any challenge was futile.
- Sch 2, s2.2(a)(ii) sought orders that breaches of the CMA and *Human Rights Act 2004* (the HR Act) had occurred, and orders of incompatibility between the CMA and the HR Act.
- The Supreme Court found that actions taken against Sch 2, s2.2(a)(ii) on the seven occasions did not comply with the CMA.
- The Court found that the denial of procedural fairness amounted to a breach of s 21(1) 'the right to a fair trial' of the HR Act.
- ACTCS has developed a new *Discipline Policy,* forms and associated operating procedures - this new policy will align with the processes set out under the CMA, including in relation to internal inquiries. The policy is currently undergoing consultation.
- A timeline for implementation of this policy is being prioritised. Consultation has been completed with the Human Rights Commission and Inspector of Correctional Services.
- I have asked ACTCS to address the issues as soon as possible, including implementing interim measures to address concerns.

Key Information

- On 4 March 2021, Associate Justice McWilliams made the following orders in relation to the first part of this matter:

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a. On the proper construction of Chapter 10 of the CMA, can action by a corrections officer, the presiding officer or the Director-General be taken to discipline an inmate:

   i. without the detainee first having an opportunity for review, either under the CMA or otherwise: **Yes**.

   ii. immediately upon a disciplinary breach charge being issued under s 159 of the CMA: **No**.

   iii. immediately upon a disciplinary decision being made: **Not necessary to determine**.

b. Was the Defendant's Discipline Policy and Procedure, as implemented with regard to the plaintiff:

   i. conduct which constituted a denial of procedural fairness: **Yes**.

   ii. conduct which was in breach of the CMA (either because the policy itself was invalid or because it was implemented in a manner in breach of the CMA): **Yes.**

   iii. conduct which was in breach of ss 10(1)(b) or 21(1) of the HR Act: **Yes (s 21(1)).**

c. Does the Defendant's "Discipline Form 3" contain a right to appeal, and/or, an avenue of appeal for an accused inmate? **No.**

- The Court found that [redacted] had been denied procedural fairness for all seven disciplinary processes in breach of the CMA.

   a. as conceded during the hearing in relation to s 170 (3) and s 194(1);
   b. as [redacted] did not have an opportunity to address the charge before the disciplinary action was imposed;
   c. as the process set out in the CMA for internal inquiries was not followed.

- The Court found that the denial of procedural fairness amounted to a breach of s 21(1) 'the right to a fair trial' of the HR Act. Her Honour based her finding on five factors:

   a. that the plaintiff was in a position of vulnerability, by virtue of the fact of his incarceration and did not have ready access to lawyers, phone calls or computers to immediately research how processes were applied on him;

   b. where the Legislative Assembly has expressly held out a statutory process as being the standard for compliance with a human right under HR Act, the Court should give effect to that standard. As the statutory process was found to have been breached in a substantive way, that is a matter of significant weight in evaluating whether the human right to a fair trial was contravened;

   c. the potential for a further deprivation of liberty by way of separate confinement within the AMC, and an associated loss of privileges. The further deprivation of liberty of a person already lawfully confined is a serious matter, which leans the evaluative assessment towards a finding that the human right has been contravened;

d. the failure to comply with the CMA occurred at an early stage in the process, with the consequence that no hearing was afforded at all. Accordingly, the entire statutory process miscarried; and

e. the conduct was not isolated or inadvertent. The repeated breach is indicative of the conduct being systemic.

- ACTCS understands that this is the first breach of s 21(1) of the HR Act since commencement.
- This judgement has significant implications for past and current disciplinary processes at the AMC. Current policies - *Corrections Management (Detainee Disciplinary) Policy 2012* and *Corrections Management (Detainee Disciplinary) Procedure 2012* – establish the process which has now been found to breach the CMA.

New Discipline Policy

- Implementation of the new policy will require training for officers involved, as significant changes will be introduced to current processes. It is anticipated that this will include specific training for presiding officers on holding an inquiry and documentation requirements under the CMA.

QUESTION TIME BRIEF

JACS2021/47-001-001

Portfolio/s: Corrections

10 NOVEMBER INCIDENT

Talking points:

- I thank the Inspector of Correctional Services (the Inspector) for his report. The Government is currently considering the recommendations made and I will provide a formal response in the coming months.
- I am pleased that the incident was resolved peacefully without injury to any detainee, member of staff or external partners. It is important that we learn from incidents such as this and address areas identified as requiring improvement, with a view to enhancing the management and response to any future incidents of this nature.
- While a formal response will be provided to the Review in due course, the Government takes these recommendations very seriously.

Critical Incident Review – incident at the Alexander Maconochie Centre on 10 November 2020

- The Inspector tabled his review of a critical incident titled "Riot and serious fires at the Alexander Maconochie Centre on 10 November 2020" in the ACT Legislative Assembly on 31 March 2021.
- The Report makes seven (7) findings and 13 recommendations, which the ACT Government and ACTCS take very seriously.
- The seven (7) findings and 13 recommendations are centred around the following topics:
    - contributing factors (findings 1-3);
    - policy and procedure amendments (recommendations 1-3, 9, 12);
    - emergency arrangements and agreements (findings 4 and 6, recommendations 4-6, 13);
    - personal protective equipment (recommendations 7-8);
    - staff and training (finding 5, recommendation 10); and
    - legislation (finding 7, recommendation 11).

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QUESTION TIME BRIEF

Incident on 10 November 2020

- On 10 November 2020 at approximately 6:50pm, 27 detainees housed in the AU-North accommodation unit at the Alexander Maconochie Centre (AMC) refused to return to their cells for the night lock-in.
- Detainees were able to move between the AU-North unit and adjacent external yard and proceeded to start a fire in the external yard using bedding and furniture from within the unit, as well as wooden doors removed from programs rooms within AU-North.
- In order to ensure their safety, corrections officers withdrew from the unit and secured the remainder of the AMC accounting for all other detainees and staff on duty.
- Several detainees armed themselves with makeshift weapons.
- ACT Fire and Rescue (ACT F&R), ACT Ambulance Service and ACT Policing (ACTP) attended the AMC in response to the incident.
- ACT Corrective Services (ACTCS) officers in full tactical Personal Protective Equipment (PPE), provided an escort for ACT F&R to safely extinguish the fire in the external yard. Detainees proceeded to light another fire to mattresses at the door between the external yard and the common space within the larger accommodation unit.
- Detainees started two additional fires within cells in AU-North, resulting in further smoke contamination and significant property damage.
- At approximately 9:30pm, the detainees informed ACTCS negotiators that they wished to surrender. Planning commenced for a safe surrender and a small response team entered the unit to check that the door to the external yard was secure before escorting ACT F&R to extinguish the two cells fires.
- The disturbance was resolved peacefully and no injuries were sustained by detainees or staff members.
- The detainees involved were temporarily accommodated in cells, including three to a cell, for less than 12 hours following their surrender for appropriate placement assessments to be conducted.
- All 27 detainees were separated and relocated to new accommodation units appropriate to their security classification. Health checks were conducted by Justice Health Services and Winnunga Nimmityjah Aboriginal Health and Community Services prior to their relocation, and detainees were issued with a fresh set of clothes.

- The AMC remained in lock-down on 11 November 2020, with minimum entitlements under the *Corrections Management Act 2007* provided to detainees, including medication distribution, court and medical escorts, meals, and one-hour time out of cells per day.
- On 12 November 2020, the lock-down at the AMC ceased.
- ACTCS immediately notified the ACT Insurance Authority (ACTIA) of the damage and have received in-principle support for the claim from ACTIA.
- The ACTCS Director, Facilities Management met with Major Projects Canberra on 12 November 2020 to commence planning for the repairs. Major Project Canberra will manage the repairs, and the unit will remain offline until all work has been completed.
- On 22 November 2020, ACTCS and Major Projects Canberra received a Rough Order Magnitude cost estimate for the repairs from Rider Levett Bucknall. The cost, which excludes GST, ACTCS staffings costs and invasive testing, was estimated to be approximately $4,031,000.
- ACTCS has estimated that the staffing costs may total $1,700,000 based on the assumption that this project could be completed within 12 months with the construction site open six days per week. This figure is based on 10.8 full time equivalent (FTE) ACTCS staff engaged on the project.
- The disturbance has been referred to ACTP for investigation.
- The Inspector of Correctional Services was notified of the incident on 10 November 2020 in accordance with the *Inspector of Correctional Services Act 2017*.

Key Information

- The AMC is a maximum-to-minimum security correctional centre surrounded by a maximum-security perimeter and is designed to accommodate detainees of all levels of security classification.
- The campus style of the AMC presents a risk within the limited amount of maximum-security accommodation available to male detainees and the requirement to house medium security detainees within minimum security cottages.
- In order to appropriately relocate the detainees that were involved in the incident on 10 November 2020, a number of detainees from other accommodation units were required to be relocated before the perpetrators could be moved from the external yard.
- The following tactical controlled items are available to corrections officers to respond to disturbances:

- Batons
- PPE body armour
- Shields
- Mechanical restraints.

Background Information

- The disturbance on 10 November 2020, and subsequent fires on 11 and 14 November 2020 have attracted significant media attention.
- On 11 November 2020, there were two fires within two different cells in the Management Unit.
- On 14 November 2020, detainees started a fire in the Sentenced Cottage 2 foyer.
- The mother of a detainee at the AMC contacted the Canberra Times regarding allegations of the conditions following the incident on 10 November 2020. The Canberra Times news article is available at: https://www.canberratimes.com.au/story/7014800/life-inside-jail-since-riot-three-to-a-cell-and-long-hours-in-lockdown/?utm_source=Canberra+Times&utm_campaign=eccbb8c9ad-EMAIL_CAMPAIGN_2020_11_17_03_13&utm_medium=email&utm_term=0_a4b15bbe48-eccbb8c9ad-70377658.
- Establishing an Inspector of Correctional Services was a commitment of the Government in response to Recommendation 8 of the Moss Review. It recognised that effective independent oversight is vitally important to build and maintain public confidence in our correctional system.
- Section 18(1)(c) of the *Inspector of Correctional Services Act 2017* provides that the Inspector '*may review a critical incident on the Inspector's own initiative or as requested by a relevant Minister or relevant Director-General*'.

QUESTION TIME BRIEF

JACS2021/47-001-006

Portfolio/s: Corrections

ISSUE: AMC OPERATIONS

Talking points:

Safety of detainees

- The safety and security of all detainees is a priority for ACT Corrective Services (ACTCS).
- ACTCS is continuously seeking to improve processes to enhance safety, security and good order at the Alexander Maconochie Centre (AMC).
- In 2017-18, a centralised intelligence unit was established across both Community and Custodial Corrections to work with ACTCS staff and ACT Policing (ACTP) to provide assistance with investigations and intercept and mitigate acts prior to their perpetration. The centralised unit also enables ACTCS to utilise proactive and intelligence-led strategies to detect and intercept contraband.
- In 2019, an Australian Federal Police (AFP) police officer was embedded into the Intelligence and Integrity Unit (IIU) to work with ACTCS. In 2020, an additional officer was added allowing for ACTP to support ACTCS on a full-time basis.
- The centralised IIU also identifies and monitors emerging security issues such as Oulaw Motorcycle Gangs and violent extremism.
- ACTCS continues to strengthen the close working relationship with ACTP, and held a joint day of action on 1 December 2019 to target the introduction of contraband to the AMC through social visits.

Safety of staff

- On 8 September 2020, the updated Use of Force and Restraint Policy was notified to align with the new Use of Force training program that was established in 2019. ACTCS is committed to ensuring that force and restraint is only used as a last resort where strictly necessary and with only the minimum amount of force that is reasonable and proporitionate to the circumstances.

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- Since 2018, there has been a strong focus on Use of Force training within ACTCS. Use of Force training is mandatory for all corrections officers and includes an annual refresher training day. The roll out had been delayed due to COVID-19 but recommenced in October 2020.
- The Use of Force training, policy and operating procedure have a strong focus on de-escalation techniques and operates within the situational Use of Force model as a decision making guide to assist staff when responding to a use of force incident.
- ACTCS are in the process of reintroducing the use of chemical agents and training for the Deployment of Chemical Aids commenced on 12 February 2021. This training will also form part of the 10 week Custodial Recruit Training program and the use of chemical aids will be added to the Use of Force refresher training.
- Within correctional facilities, there is an inherent potential for conflict among some detainees. However, ACTCS staff work hard to de-escalate and prevent any serious incidents that may arise at the AMC. There is often pre-existing tension in the relationships between detainees at the AMC, resulting from interactions and associations both in custody and in the community.

Response to serious assaults

- ACTCS continues to refer all serious assault allegations to ACTP for investigation. Since the changes implemented in the wake of the Moss Review, a number of assault cases have progressed to prosecution.
- The *Memorandum of Understanding* (MOU) between ACTCS and ACTP developed in response to recommendations 2 and 3 of the Moss Report is currently under review and consultations between ACTCS and ACTP have commenced.

Contraband

- ACTCS employs a range of physical and static security measures to prevent introduction of contraband into the AMC. This includes physical barriers, CCTV surveillance, intelligence-led interventions, patrols by Corrections Officers and Passive Alert Detector (PAD) dog searches.
- ACTCS utilises a number of measures to search visitors, staff, contractors, and their belongings, when entering the AMC. These include:

- metal detectors;
- x-ray baggage scanner to scan property; and
- physical searches of all vehicles entering and exiting the AMC, including use of mirrors to search under vehicles and random PAD dog searches (except in case of an emergency, e.g. ambulances).

- In the 2019-20 financial year, ACTCS conducted 8,644 searches for contraband, 632 of which located contraband.
- In 2019-20, ACTCS intercepted visitors attempting to introduce contraband into the AMC on 20 occasions.
- Security consists of custodial officers who are tasked to carry out specific duties such as urinalysis, perimeter checks, gate management and K9 management.
- On 8 August 2019, the AMC formally welcomed two new PAD dogs: a two year old New Zealand Huntaway named Doug, and an 18 month old Australian Kelpie named Luka. This has increased the K9 units capacity to intercept illicit substances before they enter the AMC, as well as within the Centre.

Operational Results

- Between 1 January 2021 and 1 March 2021, ACTCS conducted 918 searches of cell accommodation, cottage rooms and other common areas and a total of 92 contraband items were seized as a result. In addition to these searches:
  - 219 searches of staff and contractors. These searches resulted in 8 contraband items being located which were required to be stored outside of the AMC; and
  - 104 targeted searches of detainees. A targeted search is prompted by intelligence information or information provided by staff.
- The number and contraband types discovered during searches of detainees and detainee areas between 1 January 2021 and 1 March 2021 included:
  - Mobile telephones – 2;
  - Phone accessories (sim cards, chargers etc.) – 5;

- USBs - 13;
- Syringes (includes other injecting items) – 12;
- Drugs – 17 (6 of which were unauthorised medications); and
- Home made edged weapons – 11.

Key information/Background

Additional Funding

- ACTCS secured an additional $8.8 million over 3.5 years in the 2017-18 Mid-Year Budget to fund improvements in security operations at the AMC, and across ACTCS generally.
- Recommendation 1 of the Moss Review called for improved Closed Circuit Television (CCTV) quality and coverage at the AMC. The AMC has increased its use of CCTV to monitor the movement and behaviour of detainees to ensure safety, security and good order at the AMC. The quality of the images that are captured by the CCTV system has also been improved to better support evidentiary outcomes.
- CCTV is an important evidentiary tool to support successful investigation of assaults in the AMC so that offenders can be held accountable. The improved quality of the images captured by the CCTV cameras has assisted ACT Policing with investigation of assaults and incidents at the AMC.

Contraband

- An updated Contraband (Prohibited Items) Declaration for the AMC was published on 15 October 2019. The declaration incorporates items that utilise new technologies, such as watches with mobile phone, USB or internet capabilities.
- Contraband searches at the AMC include searches of both people and locations. Between 1 January 2021 and 1 March 2021:
  - 1,275 were routine (required by policy or procedure);
  - 119 were targeted; and
  - 1,398 were PAD dog searches.
- Medication has always comprised a high number and proportion of items seized as part of ACTCS contraband search and seizure processes. Medication discovered in the possession of a detainee to whom it was not lawfully prescribed is considered to be contraband.
- The medication classification relates to items that may have been prescribed to detainees and subsequently stockpiled, diverted or simply kept past an expected time of use. Medications can range from drugs that would be available over the counter in the community (such as paracetamol) through to pharmacy or prescription medications.
- Improvised weapons have been seized that were created from a range of products available to detainees, including everyday household items. A reasonable and appropriate balance must be maintained between affording detainees the decency to utilise basic goods such as regular toothbrushes compared to silicon alternatives, and addressing safety and security risks where items have been misused.

QUESTION TIME BRIEF

- The AMC perimeter is approximately 1.3 kilometres in length and custodial officers check the grounds every morning to ensure no contraband has been dropped onto the premises overnight.

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QUESTION TIME BRIEF

JACS2021/47-001-010

Portfolio: Corrections

ISSUE: DETAINEE NUMBERS AND ACCOMMODATION PRESSURES

Talking points:

Detainee numbers

- As at 13 April 2021, the detainee population at the Alexander Maconochie Centre (AMC) was 388, of which:
  - 363 (93.6 per cent) were male, 132 in custody on remand and 231 sentenced.
  - 25 (6.4 per cent) were female, 8 in custody on remand and 17 sentenced.
- As at 13 April 2021, the AMC had 103 detainees who identified as Aboriginal and/or Torres Strait Islander people of which 92 were male and 11 were female.

Accommodation Pressures

- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. As a consequence, any changes in the detainee population have significant impacts on custodial demographic proportions and difficulties in managing cohort distribution.

- The AMC has experienced accommodation pressures for several years. Servicing multiple cohorts (male and female/mainstream and protection) of prisoners within one prison presents a number of operational challenges this is further compounded currently with one accommodation unit offline following the fire damage in November 2020.
- On 20 June 2018, detainee numbers in the ACT reached a high of 507. On 7 February 2021 they reached a low of 381.
- Detainee numbers have remained relatively stable over the past three months, with the average population at the AMC as follows:
  - 405 in January 2021;
  - 405 in February 2021; and
  - 398 in March 2021.

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Key Information

Accommodation Pressures

- The AMC is the only adult correctional facility within the ACT and accommodates multiple cohorts including women, men, mainstream (general population) and protection (where there is specific information to suggest that there is a credible risk to the safety of the detainee).
- The AMC population is significantly influenced by the numbers of detainees on remand. Since 2012, the ACT saw an upward trend in detainee numbers, with the exception of 2019-20. The overall trend in the ACT, including the decline in detainee numbers since 2019-20, has been mirrored at a national level.
- The average daily number of detainees over the last 3 financial years are:
    - 2019/20 financial year was 444, with 39 per cent being on remand.
    - 2018/19 financial year was 484, with 38.8 per cent being on remand; and
    - 2017/18 financial year was 474, with 36.8 per cent being on remand.
- ACTCS continues to consider safe and secure options to best manage the increasing numbers of detainees in the AMC within a human rights context, with the view of *Building Communities, Not Prisons* (BCNP). BCNP is a strategy aimed at reducing reoffending and improving community safety.

QUESTION TIME BRIEF

JACS2021/47-001-011

Portfolio/s: Corrections

ISSUE: IMPLEMENTION OF HEALTHY PRISONS REPORT RECOMMENDATIONS

Talking points:

- On 26 November 2019, the ACT Inspector of Correctional Services tabled the first Healthy Prison Review (the Review) of the Alexander Maconochie Centre (AMC) in the ACT Legislative Assembly.
- The Review made 51 findings and 73 recommendations, which cover a broad range of often complex issues.
- The ACT Government has carefully considered all findings and recommendations made in the Review and tabled its Response in the Legislative Assembly on 21 May 2020 outlining that it:
    - Agreed to 61 recommendations;
    - Agreed in principle to seven (7) recommendations;
    - Noted three (3) recommendations; and
    - Not agreed with two (2) recommendations.
- Many findings and recommendations made in the Healthy Prison Review had already been identified by ACT Corrective Services (ACTCS) and a range of actions were already in progress to address the issues raised.
- As at 1 April 2021:
    - 52% (39) of agreed recommendations have been completed, including:
        - a review of the Peer Mentor Program to ensure Aboriginal and Torres Strait Islander detainees are supported appropriately;
        - a review and increase of the detainee self-catering allowance; and
        - notification of the ACTCS *Placement and Shared Cell Policy 2020*.
- Although there has been an operational impact on actioning the recommendations due to the COVID-19 pandemic, ACTCS remains committed to implementing this important work.

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Key Information/Background

- The *Inspector of Correctional Services Act 2017* was passed by the ACT Government in response to the Moss Review, with the purpose to promote the continuous improvement of correctional centres and correctional services.
- The purpose of the Healthy Prison Review was to conduct a whole-of-centre review of the AMC and examine whether the AMC meets the 'healthy prison test'.
- The ACT Inspector of Correctional Services and his team attended the AMC from 1 – 5 July 2019 to conduct the onsite component of the review.
- Recommendation 3, that ACTCS provide male and female peer support workers in the admissions centre to support detainees on their arrival to AMC, was not agreed to as:
    - ACTCS is of the opinion that having peer support workers in the admissions area meet with new detainees would significantly increase the amount of time new detainees spend in the admissions area.
    - There are peer support worker positions for both genders in the induction process, where more time is available for such interaction without the risk of lengthening the admission processes.
- Recommendation 39, that the ACT government fund the creation of a new administration officer position in the Indigenous Services Unit at a level comparable to other such positions in ACTCS, was not agreed to as:
    - There is sufficient administrative capacity at the AMC for the Indigenous Services Unit to access appropriate admin support.
    - Progress on the implementation of agreed recommendations is monitored closely by ACTCS (via monthly internal reports) and by the Inspector of Correctional Services (via quarterly progress reports).
- The 'Healthy Prison Test' was devised by the World Health Organization and is based on four pillars:
    - Safety;
    - Respect and dignity;
    - Purposeful activity; and
    - Rehabilitation and preparation for release.

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QUESTION TIME BRIEF

JACS2021/47-001-008

Portfolio/s: Corrections

COURT TRANSPORT UNIT REPORT PROGRESS

Talking points:

- The Inspector of Correctional Services (the Inspector) tabled his second thematic review which examined the ACT Corrective Services (ACTCS) Court Transport Unit (CTU) in the ACT Legislative Assembly on 3 December 2020.
- The Report makes 12 findings and 22 recommendations, which the ACT Government and ACTCS take very seriously.
- It is essential and reassuring that independent oversight identifies and confirms issues that need to be addressed. The system is working as it should to continually improve and assure our Correctional Services.
- Positive comments by the Inspector about the professionalism of the CTU staff are welcomed and highlight that the CTU staff have operated extremely well throughout a period of significant change, most notably during the transition from the old court complex to the new court cells area, which was still being finalised at the time of the review through the rectification of minor works that had been identified.
- On 6 October 2020, a Director of the CTU commenced. This newly created position will provide stable leadership across the CTU and assist in addressing recommendations made in the Report.
- The ACT Government has carefully considered all findings and recommendations made in the Report and tabled its Response in the ACT Legislative Assembly on 11 February 2021 outlining that it:
    - Agreed to 20 recommendations;
    - Agreed in principle to one recommendation; and
    - Noted one recommendation.
- As of 1 April 2021:
    - 57% (12) of agreed recommendations have been completed, including:

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- addition of a protocol to the Memorandum of Understanding with the ACT Courts and Tribunal regarding information needs;
- implementation of the agreed solution for the privacy frosting on court cells; and
- development and delivery of a CTU specific Recruit Training Program.

Key Information

- The 12 findings and 22 recommendations are centred around the following topics:
  - CTU related policies and procedures;
  - operations;
  - security and safety;
  - staff and training;
  - arrangements concerning young detainees;
  - access to detainees by professionals;
  - relationship between CTU and ACT Courts; and
  - relationship between CTU and the Sentence Administration Board.
- Two of the recommendations in the report are addressed to the Community Services Directorate.

Background Information

- Section 18(1)(b) of the *Inspector of Correctional Services Act 2017* (the Act) requires that the Inspector of Correctional Services (the Inspector) 'examine and review correctional services at least once every two years'.
- The Inspector first requested data for this review on 13 January 2020, and various additional requests for information were made up until mid-June 2020.
- On 30 June 2020, the Inspector provided the draft report of the CTU Review to the former Minister for Corrections and Justice Health, the Director-General of the Justice and Community Safety (JACS) Directorate, and the ACTCS Commissioner for fact-checking.
- Section 29(2) of the Act allows the Minister for Corrections and the JACS Director-General to provide comments in relation to the draft report within the six (6) week period.
- On 10 August 2020, the JACS Director-General provided a response to the draft report outlining several issues, mostly related to the lack of evidence presented for findings and claims made in the report. In many instances, anecdotal evidence was presented as fact and formed the basis for recommendations. It was noted that

there is a considerable risk in publishing reviews that rely on anecdote and opinions from a small number of staff and other stakeholders to inform recommendations rather than being evidence-based.

- The previous review of a correctional service, *The Care and Management of Remandees at the Alexander Maconochie Centre 2018*, was tabled in the ACT Legislative Assembly in February 2019.

QUESTION TIME BRIEF

JACS2021/47-001-005

Portfolio: Corrections

ISSUE: AMC HEALTH SERVICES

Talking points:

AMC Health Services

- ACT Corrective Services (ACTCS) works closely with Canberra Health Services to ensure the health and wellbeing of detainees at the Alexander Maconochie Centre (AMC).
- An Arrangement for the Delivery of Health Services to Detainees (the Arrangement) was signed by the Justice and Community Safety Directorate (JACS) and ACT Health on 14 August 2017.
- The Arrangement addressed Recommendation 4 of the Moss Review, and recommendations from the *Independent Review of Mental Health Services at the Alexander Maconochie Centre* (the McGrath Review).
- In April 2018, services related to health care supports for detainees at risk of suicide or self-harm transferred to Canberra Health Services from ACTCS.

Integration of Winnunga health services into AMC

- The ACT Government committed $8.3 million to integrate the Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga) holistic model of care to Aboriginal and Torres Strait Islander detainees at the AMC in line with Recommendation 5 of the Moss Review.
- On 18 January 2019, the first patient's health care was transferred from Justice Health Services to Winnunga.
- Services provided by Winnunga include General Practitioner and nursing through participating in multi-agency clinical services review and management planning. Winnunga also provide social, emotional and wellbeing services, culturally appropriate care planning, counselling, group therapy and discharge planning.
- During the 2019-20 financial report, 41 detainee had their health care transferred from Justive Health Services to Winnunga.

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Improved Health Services facilities

- A newly constructed modular building for health services is in place within the secure perimeter of the AMC, and is now occupied. This will allow refurbishment of the existing Hume Health Centre throughout the 2020/21 financial year.
- These improvements were funded as part of a $4.022m capital fund over two years (2017-18 and 2018-19) to provide a temporary accommodation solution for Winnunga and renovation of the existing Hume Health Centre.

Key Information

- Since 2017, Justice Health Services and ACTCS have worked collaboratively with Winnunga to develop and agree to a contemporary and best practice model of Aboriginal and Torres Strait Islander Health Services delivery at the AMC.
- On 22 June 2018, ACTCS, Justice Health and Winnunga signed a contract to enable the delivery of coordinated health care services at the AMC.
- Staff from Winnunga have been present in the AMC since July 2018, developing protocols for the integrated service delivery. A Working Group was established to work through the clinical and operational arrangements for the successful integration of health services at the AMC.
- That work informed an MOU and three schedules between the ACT Government and Winnunga for the delivery of coordinated health care services to Aboriginal and Torres Strait Islander detainees at the AMC. The MOU and schedules were signed on 21 December 2018.
- $4.372m was pledged over three years (2017-18 to 2019-20) for JACS and ACT Health to fund a dedicated General Practitioner, Social and Emotional Wellbeing support staff, additional ACT Health staff and AMC staffing costs to enhance health services at the AMC. The funding was allocated as follows:
  - ACT Health staffing costs of $1.205m over two years in 2018-19 and 2019-20 for:
    - *Winnunga – via contract by ACT Health.*
      - *0.8 General Practitioner (Phase 2)*
      - *2.0 FTE ASO6 Social and Emotional wellbeing staff member*
    - *JHS staff*
      - *0.5 FTE Registered Chronic Disease Nurse*
      - *0.5 FTE ASO3*
- The associated expenses for ACT Health were offset against the Health Funding Envelope.

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- JACS costs of $2.761m over three years in 2017-18 to 2019-20 for:
    - *Staffing costs of $2.548m over three years to deliver more custodial officers to boost detainee escort services, including for detainees accessing health services within the AMC;*
    - *Repairs and maintenance of $0.163m over two years; and*
    - *$0.050m in 2019-20 only for an evaluation to determine ongoing Winnunga service model.*

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QUESTION TIME BRIEF

JACS2021/47-001-012

Portfolio/s: Corrections

ISSUE: INSPECTOR OF CORRECTIONAL SERVICES

Talking points:

- Establishing an Inspector of Correctional Services was a commitment of the Government in response to Recommendation 8 of the Moss Review. It recognised that effective independent oversight is vitally important to maintain public confidence in our correctional system.
- The Inspector of Correctional Services (the Inspector) has provided eight (8) Critical Incident Reviews, two (2) thematic review of the conditions of remand detainees, and one (1) healthy prison review to the Speaker of the ACT Legislative Assembly.
- The Inspector is required to give a report on each review to the ACT Legislative Assembly within six (6) months of its completion.

Remand Review

- The Care and Management of Remandees at the Alexander Maconochie Centre (AMC) ('Remand Review') was the Inspector's first thematic review and was tabled in the ACT Legislative Assembly on 20 February 2019.
- The Review made 39 findings.
- The Government Response to the Remand Review was tabled in the ACT Legislative Assembly on 6 June 2019.

Healthy Prison Review

- The Healthy Prison Review was tabled in the Legislative Assembly on 26 November 2019.
- The Government Response to the Healthy Prison Review was tabled in the ACT Legislative Assembly on 21 May 2020.
- ACT Corrective Services (ACTCS) is currently implementing the recommendations as outlined in the Government Response.
- Healthy Prison inspections and reviews are based on the concept of a healthy prison which was first set out by the World Health Organisation, and are accepted internationally as the benchmark for custodial environments. The healthy prison test is based on four pillars:

- Safety – prisoners, even the most vulnerable, are held safely;
- Respect – prisoners are treated with respect for their human dignity;
- Purposeful activity – prisoners are able and expected, to engage in activity that is likely to benefit them; and
- Rehabilitation – prisoners are prepared for release into the community, and helped to reduce the likelihood of re-offending.

Court Transport Unit Review

- The Court Transport Unit Review was tabled in the Legislative Assembly on 3 December 2020.
- The Government Response was tabled in the Legislative Assembly on 11 February 2021.
- The review made 12 findings and 22 recommendations.

Critical Incidents

- The *Inspector of Correctional Services Act 2017* (the Act) provides that the Inspector 'may review a critical incident on the inspector's own initiative'. All reviews tabled in the ACT Legislative Assembly to date were conducted at the Inspector's own initiative.
- A critical incident is defined in the Act, and includes 'an assault or use of force that results in a person being admitted to hospital'. To date, the majority of critical incident review reports tabled in the ACT Legislative Assembly concern incidents of assaults at the AMC that resulted in the hospitalisation of a detainee. One (1) exception relates to a disturbance at the AMC on 10 November 2020.

Critical incident date	Details	Media interest
27 March 2021	A hostage situation took place involving a detainee taking another detainee hostage. The incident was resolved without physical injuries to anyone. The Inspector is currently reviewing the incident.	Yes This incident was reported on in the media.
11 January 2021	A female Aboriginal and Torres Strait Islander detainee was strip searched in the Crisis Support Unit to ensure her safety, with use of force required to gain compliance beforehand. The Human Rights Commission and the	Yes This incident is subject to significant media interest.

QUESTION TIME BRIEF

	Inspector of Correctional Services are currently reviewing this incident.	
14 November 2020	There was a fire in Sentence Cottage 2 (SC2), which caused significant damage to parts of this accommodation unit. No injuries to detainees or staff were reported.	Yes This incident was subject to media interest on as it occurred soon after the disturbance of 10 November and was reported on in that context.
10 November 2020	There was a disturbance at the AMC with all 27 detainees located in AU North refusing to lock in. Multiple fires were lit and external support was provided by ACT F&R and AFP. Detainees surrendered after several hours, and no injuries occurred to detainees or staff. The final version of the Report was tabled in the ACT Legislative Assembly on 31 March 2021 and contained seven (7) findings and 13 recommendations for the ACT Government to consider.	Yes This incident was subject to significant media interest.
13 January 2020	The critical incident involved the assault of a male detainee by up to two (2) other detainees, resulting in hospital admission. The Report contains ten (10) findings and two (2) recommendations for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 21 May 2020, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 23 July 2020.	Yes This incident was subject to media interest due to next of kin coincidentally being at the hospital and spotting the victim prior to formal hospital admission and therefore prior to next of kin notification.
5 December 2019	The critical incident involved the assault of a male detainee in a cell by another detainee, resulting in hospital admission. The Report contains nine (9) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 21 May 2020, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 23 July 2020.	No
15 April 2019	The critical incident involved the assault of a male detainee by up to two (2) other detainees, resulting in hospital admission. The Report contains five (5) findings. The final version of the Report was tabled in the ACT Legislative Assembly on 30 July 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	No

QUESTION TIME BRIEF

1 January 2019	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains seven (7) findings and three (3) recommendations for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 30 July 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	Yes This incident was the subject of media interest following the Attorney-General's response to the detainee and the tabling of the Inspector's Report. On 28 June 2019, the Chief Minister received a request for a remission of sentence for the assaulted detainee. The request was referred to the Attorney-General, who responded by letter on 31 July 2019, advising that the circumstance did not appear to provide a basis for remission and that it was not appropriate to consider the matter as the detainee was appealing his sentence.
16 December 2018	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains six (6) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 5 June 2019. The ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	No
25 October 2018	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains seven (7) findings. The final version of the Report was tabled in the ACT Legislative Assembly on 12 February 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 14 May 2019.	No
23 May 2018	The critical incident involved an Indigenous detainee who was assaulted by a non-Indigenous detainee at the AMC. The Report contains ten (10) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 27 November 2018, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 19 March 2019.	No

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- Following the Moss Review and in recognition of the unique make-up of the ACT's correctional system and increasing population pressures, the ACT Government committed to establishing an external and independent Inspectorate of Correctional Services, intended to strengthen and improve existing oversight arrangements.
- In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of Inspector of Correctional Services for the ACT.
- The office of the Inspector of Correctional Services is now fully operational and is committed to ensuring continuous improvement through its systemic and regular reviews of correctional services.

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QUESTION TIME BRIEF

JACS2021/47-001-013

Portfolio/s: Corrections

ISSUE: JUSTICE HOUSING PROGRAM

Talking points:

- As part of the *Building Communities, Not Prisons* program, several initiatives, including the Justice Housing Program (JHP) were funded by the Government through the 2018-19 Budget review and the 2019-20 Budget process.
- This initiative has established a Supported Transitional Justice Housing Program across the ACT to support efforts to reduce reoffending and to reduce numbers at the Alexander Maconochie Centre (AMC).
- The JHP is a collaboration between the Justice and Community Safety Directorate, Community Services Directorate, the social and community housing sector and support agencies, aiming to meet the diverse needs of people in the criminal justice system who are on bail or exiting custody.
- The JHP provides an accommodation option for those who otherwise would be incarcerated in the AMC due to a lack of suitable community based accommodation. An example is those who are remanded in custody instead of receiving bail in the community because they do not have a suitable address, or those applying for parole. This is intended to act as a stepping stone to longer term or permanent accommodation in public housing, community housing or the private rental market.
- The JHP service provider works with residents to source and transition into other long term accommodation. It is important to note that this support relates to a resident's accommodation and does not detract from other services with which an individual may be engaged, such as outreach or counselling services.
- The housing stock for the JHP is sourced from Housing ACT under arrangements ensuring public housing stock availability is not impacted by this initiative.
- ACTCS continues to collaborate with the service providers, community stakeholders, and residents of the program to refine the service model.

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QUESTION TIME BRIEF

- From commencement of the JHP program (May 2020) to the end of December 2020, there were a total of 44 detainees accepted into the JHP. This includes 36 men (nine (9) Indigenous) and eight (8) women (four (4) Indigenous). Of these 44 detainees, 21 were housed in JHP properties. This includes 18 men (four (4) Indigenous) and three (3) women (one (1) Indigenous). During this period, 12 occupants have been exited from the program, including planned and unplanned exits.

- At 31 March 2021, all 10 houses, comprising 30 beds, were operational with a total of 24 beds occupied. This includes seven (7) houses for men with a total of 20 residents, two (2) houses for women with a total of three (3) residents, and one (1) transgender/intersex house with one (1) resident.

Key Information/Background

- In the 2019-20 budget, the initiative "Alternatives to jail through the Justice Housing Program (JHP)" received capital funding of $7.2m, $5m of recurrent funding to cover payments to a third party for managing the accommodation program, program brokerage and evaluation for 3 years and other operational costs totalling $6.441m from 2019-20 over a period of 4 years. The premise of this funding is 10 properties provided by Housing ACT.
- Funding of $6.493m over 3 years from 2018-19 was provided for the Bail Accommodation Transition Support Service (BATSS) with commitment of a building by Housing ACT to accommodate eight men, with onsite 24/7 staffing. While the use of the building did not progress, the service is operational from two houses with limited support from CatholicCare support workers in business hours.

<u>COVID-19</u>

- The COVID 19 response within the JHP will:
  - Provide accommodation in houses sourced from Housing ACT, run by CatholicCare. These houses will be contracted for one year with a maximum of nine places (three houses) for women to expand accommodation options available for women leaving custody, to supplement the scarce provision in the housing and homelessness sector.
  - Provide reserved places for Aboriginal and Torres Strait Islander people proportional to, or exceeding, the proportion of Aboriginal people in custody at the AMC. This will be supported by an indigenous CatholicCare support worker, and referrals where requested to a community controlled organisation to support culturally appropriate 'wraparound' services to best meet the needs of the cohort.
  - Provide a bail accommodation transition support service of six beds (two houses) which cater for those who would usually be granted bail by the courts but only on the condition that they have appropriate housing. The bail hostel was funded as part of the mid year cycle in 2018-19, and was contingent upon the use of a specific Weston Creek property. This property did not meet building code and required significant expenditure to satisfy the requirements. As such, ACTCS is working with CatholicCare to achieve the stated aims of the bail hostel initiative from within the housing provision for the JHP.

QUESTION TIME BRIEF

JACS2021/47-001-016

Portfolio/s: Corrections

ISSUE: REPORT ON GOVERNMENT SERVICES (ROGS) RELEASE

Talking points:

Costs

- The real net operating expenditure per detainee per day has increased from $305.50 in 2018-19 to $420.56 in 2019-20. The total expenditure (including net operating expenditure and capital costs) per detainee per day in the ACT was $559.17 in 2019-20. While this is higher than the national average of $331.39, the Productivity Commission advises that cost indicators are not comparable across jurisdictions.
- The increase in recurrent expenditure per prisoner in the ACT between 2018-19 and 2019-20 is in part due to reduced number of detainees in 2019-20 (i.e. the total daily cost – including fixed operational costs – is distributed across a smaller cohort).

Education

- In 2019-2020 there was a slight increase in the participation of detainees in education and training from 70.8 per cent in 2018-2019 to 71.4 per cent.
- The ACT has been the highest-ranking jurisdiction in terms of education and training participation since the opening of the AMC, except for 2017-18 when South Australia (SA) surpassed the ACT in its performance against this indicator. At 71.4 per cent, the ACT performs well above the national average of 32 per cent.

Employment

- The ACT detainee employment rate remained unchanged, with 80.7 per cent of the eligible detainee population participating in employment. The ACT performed better than the Northern Territory (NT), Queensland (QLD), and Tasmania (TAS) in this area and sits just under the national average of 81.4 per cent.

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- Aboriginal and Torres Strait Islander detainees were employed in 2019-20 at 75.7 per cent, above the national average of 73.7 per cent. This reflects the ACT Government's commitment to support detainees to develop the skills that allow them to obtain employment and successfully return to the community.
- The ACT has made significant progress to increase opportunities for detainees to develop skills for employment after being released, including through a new Horticulture Industry program which will commence in early 2021. Detainee industries at the AMC provide practical experience and skills that can translate into employment outcomes in the community.

Recidivism

- In 2019-20, the ACT had 37.1 per cent of detainees (released in 2017-2018) returning to prison within 2 years of their release, a decrease from 42.4 per cent and lower than the national average of 46 per cent.
- The return of ex-detainees to Corrective Services (either to Prison or to Community Corrections) reduced from 71.3 per cent in 2018-19 to 63.4 per cent in 2019-20. The ACT return rate of ex-detainees to Corrective Services ranked the second highest of all jurisdictions, after the NT and above the national average of 54.9 per cent.
- In 2019-20, 18.3 per cent of offenders returned to Community Corrections within 2 years of their release, an increase from 16.9 per cent in 2018-19 and higher than the national average of 16.1 per cent.
- The return of ex-offenders to Corrective Services (including prisons) rose to 20.8 per cent in 2019-20 from 19.1 per cent in 2018-19. The ACT performed the third best after Victoria (VIC) and Western Australia (WA), and is under than the national average of 25.7 per cent.

Time out of cells

- The time that detainees spent out of cells decreased to 9.1 hours per day on average in 2019-20 from 9.4 hours in 2018-19. The national average was 9.6 hours. The ACT had the fourth lowest time out of cells, followed by QLD, New South Wales (NSW), and TAS.

- The decrease in time out-of-cells was primarily due to the emergency lockdown of the AMC in November 2019 in response to a significant security breach.
- The ACT Government is committed to maximising time out of cells to ensure detainees can engage in purposeful activities including work, programs, education, visits and recreation to support them to successfully reintegrate into the community.

Key Information

- The ACT recorded zero escapes, deaths in custody, or serious assaults on correctional officers in 2018-19 and continued this trend in 2019-2020.
- There were fewer detainees imprisoned in the ACT in 2019-20, with a decrease of 8.3 per cent. The ACT continues to have fewer women and Aboriginal and Torres Strait Islander peoples in custody, falling below the national average again in 2019-20.
- The ACT was at 101.1 per cent design capacity utilisation at the AMC in 2019-2020, compared to 110.3 per cent in 2018-2019. This is a direct result of the decrease in the detainee population. This indicator is unable to be compared to the national average, which cannot be calculated due to three jurisdictions not reporting on this indicator.
- The prisoner on prisoner assault rate has increased from 9.09 per 100 prisoners (44 serious assaults) in 2010—2019 to 13.07 per 100 prisoners in 2019-20.
- The prisoner on prisoner serious assault rate decreased from 3.31 per 100 prisoners (10 serious assaults) in 2018-19 to 1.8 per 100 prisoners (8 serious assaults) in 2018-19.
- The percentage of Community Corrections orders that were completed without breach has decreased in 2019-20. The ACT had a Community Corrections order completion rate of 68.1 per cent, decreasing from 69.2 per cent in 2018-19 and below the national average of 71.4 per cent.
- Of all orders in 2019-20, the supervision order completion rate decreased to 68.5 per cent, while the completion rate of community service work orders decreased to 61.4 per cent. Both completion rates were lower than the national average of 72 per cent and 68.8 per cent respectively.
- Whilst breaches of orders have risen, the data shows that more community orders were successfully completed in 2019-20 with an increase of 391 orders.

QUESTION TIME BRIEF

JACS2021/47-001-009

Portfolio/s: Corrections

ISSUE: COVID-19 at the AMC

Talking points:

- There are currently no confirmed cases of coronavirus within the Alexander Maconochie Centre (AMC). As at 31 March 2021, 183 detainees had been tested since the commencement of the pandemic and all returned a negative result.
- As at 31 March 2021, two (2) detainees were in isolation at the AMC.
- Detainees are placed in isolation if they:
    - Have identified on admission as having travelled to a hotspot area within the last 14 days;
    - Have been in contact with someone who has tested positive for COVID-19 within the last 14 days;
    - Have shared a cell with a detainee who has been tested for COVID-19; or
    - Are unwell and are exhibiting flu-like symptoms.
- This situation will continue to be monitored in line with public health advice from ACT Health.

<u>Visits</u>

- During the pandemic, ACTCS has put in various arrangements to maintain social contact between detainees, their families and friends in a COVID-safe manner. Measures implemented include the introduction of video visits.
- AMC conducted 2,338 visits between 1 January to 31 March 2021. 51% (1,177) of these visits were conducted via video and 49% (1,161) were conducted in person.
- Interim COVID-safe visiting restrictions remain in place at the AMC. . Each detainee is permitted two (2) adult visitors and two (2) child visitors per visit. Social visits are also limited to immediate family and partners only.

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- As a high risk facility, the decision to continue restrictions is a difficult one but will protect the health of our most vulnerable detainees and others in the centre.
- ACTCS recognises the need to continually review the need for visits restrictions and assess current risks and community expectations. Updates on visits restrictions will be made available on the ACTCS website.

Key Information

Face-to-face social visits resumption

- On 9 September 2020, limited face-to-face social visits resumed at the AMC. Staff, visitors and detainees were informed about the resumption of visits on 2 September 2020.
- Due to physical distancing requirements, social visit sessions are limited to seven (7) in person visits per session.
- All persons wishing to enter the AMC are required to undergo a touchless thermometer check, in addition to answering a number of screening questions.
- The changes implemented by ACTCS to resume social visits are consistent with the practices in other jurisdictions:
    - Social distancing principles are abided by and screening methods for COVID-19 are utilised in all jurisdictions
    - Similar restrictions on the number of visitors are in place in all jurisdictions
    - Western Australia, Queensland, South Australia and NSW have continued video visits

Activity packs for detainees

- The Programs and Interventions team prepared a range of self-paced program booklets and activity packs for detainees during the pandemic. These packs provide detainees with ways to use their time meaningfully, including learning new strategies and for enjoyment. Self-paced booklets and card making kits are also being offered to detainees who are waiting for court appearances by telephone.
- As at 1 April 2021, 927 certificates of completion have been issued for self-paced programs. This includes 854 certificates issued to male detainees and 73 certificates to female detainees.
- A seventh self-paced booklet was finalised in late March 2021 focusing on healthy relationships.

Personal Protective Equipment

- The use of Personal Protective Equipment (PPE) at the AMC is in accordance with the Public Health Guidelines that are currently in place.
- PPE is not required for general work activities but is required for those working in close contact with people who have been placed on isolation and/or those who have been

confirmed to have COVID-19. Correctional officers and other staff will be issued with appropriate PPE equipment where they are required to engage directly with detainees who have been placed on isolation.

- Masks will be issued to any detainees infected to prevent the spread of the disease where they are in contact with others.
- Appropriate signage is on display at 2 Constitution Avenue advising offenders who are unwell or experiencing flu-like symptoms to remain away and make telephone contact, as well as general hygiene advice.

Video visits

- Between 2–16 July 2020, ACTCS sent out a survey to families and friends who were visiting detainees by video. The survey was sent to approximately 300 visitors and 115 responses were received.
- The survey identified that the majority (93 percent) of respondents were satisfied with the video visits and would like to see them offered as a permanent visit option in addition to face-to-face visits.
- Video visits have continued and detainees may have up to one (1) video visit and one (1) in person visit per week. Visits are up to one (1) hour in duration.

Background

Visits

- All social visits to the AMC were suspended from close of business on Sunday 22 March 2020 to ensure the health and safety of all detainees and visitors.
- Since Wednesday 25 March 2020, detainees have been provided with an additional $20 phone credit to assist with contact to their family and friends, and with effect from Friday 27 March 2020, ACTCS commenced the use of video visits using the video communication program 'Zoom'.
- Visitors are asked to arrive at least 30 minutes prior to their visit time to complete the requirements of entry.
- Visits must be booked 72 hours prior to the intended visit. Visitors must call AMC Executive Support and leave a message to arrange a visit.
- Detainees do have the option to apply to the General Manager AMC in exceptional circumstances for other visits arrangements.
- Unfortunately, due to cleaning requirements, the following services and facilities are not available during visits:
    - toilet facilities
    - barista
    - the BBQ and outdoor play equipment.
- Professional visits are able to occur in person and via video at the choice of the professional agency and the availability of the video equipment.

Activities

QUESTION TIME BRIEF

- The activity packs offer a range of craft and brain teasers, including find a picture, find a word, sudoku and origami. Craft packs are also available, including making cards with scrapbooking paper and colouring/drawing ideas and lesson pages. Packs continue to be available to all detainees.
- Hepatitis ACT have donated a selection of card making, colouring in sheets, drawing paper, hepatitis information booklets and packs of cards for distribution to detainees.
- The self paced booklets may be submitted to the Programs Unit for review and, if completed, a certificate will be awarded. It is envisaged these programs will be used beyond the COVID-19 pandemic.

QUESTION TIME BRIEF

JACS2021/47-001-015

Portfolio/s: Corrections

ISSUE: REINTEGRATION CENTRE

Talking points:

- A tender associated with the construction of the proposed Reintegration Centre has not yet been let.
- The ACT Government is considering a range of options related to accommodation priorities at the Alexander Maconochie Centre (AMC), in the light of the current detainee numbers and profiles, and in order to achieve optimal outcomes that most effectively balance the needs of the different cohorts of detainees – both currently and into the future.
- The proposal for ad Reintegration Centre is one element of the accommodation options for the AMC and is part of these considerations.
- As part of the *Building Communities, Not Prisons* initiative, the ACT Government committed to improving rehabilitation options for detainees at the AMC.
- Options include the development of a proposed Reintegration Centre; provision of enhanced rehabilitation programs including trauma and relationship counselling, alcohol, tobacco and other drug rehabilitation, and jobs skills training in partnership with non-government and government organisations.; and industries in order to provide detainees with work opportunities and skills training to enhance employment prospects on release.
- The overall intentis to reduce the time a person may be detained in custody through increasing the capacity of detainees to gain parole and, once released, to successfully reintegrate into the community with increased skills and strategies to address the causes of their criminogenic behaviours.
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Key Information/Background

- Since the opening of the AMC in 2009, detainee numbers have consistently exceeded forecast numbers.

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QUESTION TIME BRIEF

- In 2017, the ACT Government agreed that a feasibility study be undertaken to identify, prioritise and program the delivery of future correctional requirements in a staged and cost-effective manner.
- Capital funding of $35 million (over three years) was allocated in the 2019-20 Budget to construct the 80-bed minimum security Reintegration Centre located outside the secure perimeter of the AMC. The 20-bed Transitional Release Centre is included within the Reintegration Centre for a total of 80 beds.
- In December 2019, the then Minister for Corrections and Justice Health reported to the Legislative Assembly on the early progress on the Reintegration Centre project.
- The Reintegration Centre project involves design and planning approvals to provide accommodation buildings for new beds and associated support, administration and stores.
- The design, procurement and construction of the facility is being managed by Major Projects Canberra.
- As part of early design work, a geotechnical investigation was commissioned to assess the subsurface soil and groundwater conditions across the site.
- The investigation identified a number of areas of concern which had different classifications for rectification before building works would be able to commence.
- A separate budget bid of $5.6 million to support the works being undertaken was submitted and approved as part of the 2020-21 budget process as this was not included in the original project budget.
- Key milestones achieved to date include:
    - In May 2019, Perumal Pedavoli Pty Ltd was appointed to provide Design Consultancy Services for the Reintegration Centre.
    - 30 per cent Preliminary Sketch Plan documents were submitted in June 2019.
    - 80 per cent Preliminary Sketch Plan documents were issued for review in mid-December 2019.
    - The Development Application (DA) was submitted in May 2020.
    - 100 per cent Preliminary Sketch Plan was completed in September 2020.
    - The Government Procurement Board endorsed the proposal in November 2020.
- The DA was approved in November 2020.
- A project to commence development of the Operating Model for the Reintegration Centre has commenced. The focus for the next six months is the development of a detailed operating model which is being progressed in consultation with current and released detainees, staff and community stakeholders.

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QUESTION TIME BRIEF

JACS2021/47-001-007

Portfolio/s: Corrections

ALEXANDER MACONOCHIE CENTRE TRANSFERS

Talking points:

- On 24 November 2020, five (5) male detainees were transferred from the Alexander Maconochie Centre (AMC) to NSW correctional centres.
- An additional four (4) male detainees were transferred in early December 2020 (two on 3 December 2020, and two on 11 December 2020).
- Of the nine detainees transferred, eight were involved in the disturbance which occurred at the AMC on 10 November 2020, where 27 detainees housed in the AU-North accommodation unit refused to return to their cells for the night lock-in and caused significant damage to the unit, including by lighting fires.
- One detainee that was transferred was involved in various other incidents, and was believed to be involved in a fire incident that caused significant damage to parts of the Sentenced Cottage 2 (SC2) accomodation unit.
- The impact of the disturbance and fire incident in SC2 placed increased pressure on the management of complex cohorts of detainees by ACTCS due to the temporary loss of these accommodation units as a result of damage.
- The decision to transfer these detainees to NSW was made to ensure the ongoing safety, security and good order of the AMC in consideration of the reduced capacity due to the temporary loss of the accommodation units.
- The transfer of these detainees will not affect their ACT court orders and sentences.

Key Information

- The AMC manages multiple complex cohorts across minimum to maximum level security classifications and this requires individual detainee group placements to be considered for each relocation, which has been made increasingly difficult in the current circumstances.
- ACTCS will continue to consider appropriate risk assessments when considering the placement of detainees and the options available to ACTCS.

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QUESTION TIME BRIEF

- Four of the detainees transferred in November/December 2020 identify as Aboriginal.

QUESTION TIME BRIEF

JACS2021/47-001-002

Portfolio/s: Corrections

ISSUE: ACT CORRECTIVE SERVICES KEY DATA (as at 1 April 2021)

Court Transport Unit (CTU)

Staffing

Total FTE	% Female	% Male
28	28.57	71.43

- This number includes one officer who has been on long term unpaid leave for approximately two years.

Vehicles

- Total number of vehicles –five (5) vehicles.

Custodial officers

Staffing

Total FTE	% Female	% Male
224.69	27.03	72.97

- The total FTE number includes a number of Officers who are on long term leave.
- The total FTE numbers also include 22 new Correctional Officer Trainees who are due to be appointed as CO1's on 21 May 2021, pending successful completion of the Custodial Recruit Training.
- There are generally 71 weekday posts at the AMC (Monday and Tuesday are slightly less as there are no visits), with 82 officers rostered on each day. This includes an additional 11 officers to account for unexpected and other leave.

Vehicles

- Total number of vehicles – eight (8) vehicles.
    - One (1) vehicle is currently in the process of transferring the equipment to the replacement vehicle. When completed, the vehicle will be returned to SG Fleet.

QUESTION TIME BRIEF

Custodial operations – All staff (inclusive of administrative and corrections officers)

Staffing

Total FTE	% Female	% Male	% Indigenous
289.69 – includes 2 on temporary contracts	30.98	69.02	5.87

- 37 of the staff members are administrative or GSO staff, including two on temporary contracts.

Community Operations

Staffing

Total FTE	% Female	% Male	% Indigenous
52.48	67.61	32.39	3.81

Vehicles

- Total number of vehicles – five (5) vehicles
    - Three (3) vehicles are located at 2 Consitution Avenue
    - Community Corrections and Release Planning has an additional two (2) vehicles based at the Transitional Release Centre adjacent to the AMC.

Offender Reintegration

Staffing

Total FTE	% Female	% Male	% Indigenous
50.16 – includes 2 on temporary contracts	70.10	29.90	5.98

QUESTION TIME BRIEF

Corporate Services

Staffing

Total FTE	% Female	% Male	% Indigenous
51.64 – includes 9 on temporary contracts	49.65	50.35	0

Vehicles

- Total number of vehicles – four (4) vehicles
    - Two (2) vehicles are located at 2 Consitution Avenue
    - Corporate Services also has an additional two (2) vehicles based at the AMC utilised by the Maintenance and Stores teams.

Operational Support

Staffing

Total FTE	% Female	% Male	% Indigenous
32.6 – includes 5 on temporary contracts	69.33	30.67	3.07

Office of the Commissioner and Executive

Staffing

Total FTE	% Female	% Male	% Indigenous
15.6 – includes 6 on temporary contracts	80.77	19.23	0

QUESTION TIME BRIEF

JACS2021/47-001-042

Portfolio/s: Corrections

ISSUE: STAFF SUPPORT AND WELLBEING

Talking points:

- The safety, mental health and wellbeing of all ACT Corrective Services (ACTCS) staff, including Correctional Officers, is a priority for ACTCS.
- ACTCS recognise that the work Correctional Officers do daily can have a significant impact on their wellbeing (and the wellbeing of their families) and are committed to protecting and promoting their physical and psychological wellbeing.
- Since mid 2020, ACTCS has introduced the following initiatives:
    - the Mentally Healthier Workplaces Pledge
    - launch of a new Peer Support Program
- ACTCS is currently developing a Wellness Framework to align with the ACT Government's *Healthy Minds – Thriving Workplaces Strategy* and the development of the ACTCS Mentally Healthier Workplaces action plan.
- The ACTCS Healthier Work action plan is expected to be provided to ACT WorkSafe in April 2021 for implementation.
- Is is anticipated that the ACTCS Wellness Framework will be released for consultation in April 2021, supported by the establishment of a Working Group.
- The issue of staff wellbeing will also be considered by the Oversight Committee tasked with developing a Blueprint for Change, alongside a range of other staffing matters.

Key Information/Background

Mentally Healthier Workplaces pledge

- Over coming months, a Healthier Workplaces action plan will be developed to guide clear actions aimed at building a positive, healthy, and safe environment. The action plan and ACTCS' delivery against it will be routinely reported so that all staff are able to see what has been committed to and what has been delivered.
- This work is underpinned and supported by WorkSafe ACT whose focus is on ensuring all workers in the ACT have healthy, safe, and productive workplaces. Healthier Work is an

initiative that builds the capacity of workplaces to develop and implement programs, policies, and practices that lead to healthy environments and sustained healthy lifestyle changes for employees.

- ACTCS are committed to workplace health and wellbeing and took the Mentally Healthier Workplaces Pledge during the National Corrections Day celebrations on 13 January 2021.
- ACTCS will work with WorkSafe ACT and relevant stakeholders to develop an action plan that will ensure ACTCS are a place of work that:
    - Prevents harm
    - Promotes a positive culture
    - Protects staff wellbeing
    - Provides support for staff with mental illness.

ACTCS Peer Support Program

- ACTCS Peer Support Officers are staff members who have volunteered to undertake peer support training to assist their colleagues in coping with employment-related or personal difficulties.
- ACTCS Peer Support Officers are accessible to all staff and aid the operations of ACTCS by:
    - contacting staff after an incident where there is a perceived potential of being a highly stressful or emotional experience for those involved
    - providing supportive and neutral assistance for staff regarding employment or personal issues
    - providing encouragement and facilitation of referrals to an Employee Assistance Program provider
    - providing promotional material relating to health and wellbeing.
- The ACTCS *Staff Peer Support Policy* was notified in July 2020 and Peer Support Officers completed relevant training in September 2020.
- A Request For Quotation is being developed to ensure ACTCS provide adequate Counsellor Supervision and support to Peer Support Officers. This is expected to be in place in May 2021.

The Employee Assistance Program (EAP)

- The ACT Government EAP offers free, professional, and confidential services to support staff and immediate family members through both personal and work-related issues.
- All ACTCS personnel are frequently reminded of the availability of EAP as well as other support services available, such as Lifeline and Beyond Blue.
- As well as the Employee Assistance Program, Mental Health Guru is an online mental health program available to all ACTCS employees. The interactive program can assist in better understanding mental health and how to get support for mental health conditions.

Health and wellbeing reimbursement

QUESTION TIME BRIEF

- Recognising the benefits of maintaining a healthy and productive workforce, the Justice and Community Safety Directorate provides a reimbursement of up to $100 per annum to all permanent and fixed term employees who undertake, in their own time, health and wellbeing activities as described in the relevant Enterprise Agreements.
- These activities include, but are not limited to:
    - Sports team uniforms or clothing specifically associated with health and wellbeing
    - Runners/footwear
    - Clothing – gym, swimming and cycling gear
    - Fitness equipment – exercise bikes, soccer balls, yoga mats etc.
    - Bone density testing
    - Stress management courses
    - Quit smoking and weight loss programs.

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ACT Government
Justice and Community Safety

MINISTER MICK GENTLEMAN MLA
MINISTER FOR CORRECTIONS
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2-3 JUNE 2021

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2.	Half Yearly Statement of Performance
3.	Audit report CTU– Romeo 5
4.	Alleged incident involving strip search of a female Indigenous detainee
5.	Allegations of systemic racism at the AMC
6.	Corrections Blueprint for Change
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8.	Female Detainees at the AMC
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10.	Recent judgement on AMC discipline processes
11.	10 November Incident (inc ICS Report into the incident)
12.	AMC Operations
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ACT Government
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16.	AMC Health Services
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QUESTION TIME BRIEF

JACS2021/47-001-062

Portfolio/s: Corrections

12 MAY 2021 INCIDENT

Talking points:

Incident on 12 May 2021

- On 12 May 2021, up to 28 detainees housed in the Remand Unit 1 (RU1) accommodation unit at the Alexander Maconochie Centre (AMC) became non-compliant with Custodial Officer (CO) directions and were behaving aggressively.
- It is important to note not all detainees housed in RU1 took part in the incident.
- COs commenced negotiations with the detainees, acted quickly and professionally to resolve the issue.
- In order to help control the situation, Oleoresin Capsicum (OC) spray was used twice during one incident in short succession. Firstly to force two detainees to retreat when they actively prevented COs from putting out a fire, and a short time later to prevent a third detainee from relighting the same fire.
- The matter became resolved when detainees became compliant with directions.
- An undetermined amount of damage has been caused to the building, including the accommodation area, outside yard and outside equipment. ACT Corrective Services (ACTCS) have notified the ACT Insurance Authority (ACTIA) of the damage.
- The detainees houses in RU1 were successfully relocated to the Management Unit and to various accommodation areas through controlled escorts by COs.
- All detainees were medically assessed by Justice Health Services as part of the relocation process. Any detainee that was affected by the Oleoresin Capsicum (OC) spray was also decontaminated.

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TRIM Ref:	JACS2021/47-001-062	

- As per the Use of Force Policy, OC spray is only authorised for use by COs who have received training in advanced use of force techniques and must only be deployed when the General Manager, or Duty Manager in their absence, has approved their use in an incident.
- A full centre lockdown of the AMC was ordered and all detainees within the other accommodation units were safely returned to their cells. The AMC remained in lockdown until 13 May 2021 after lunch time when scheduled visits resumed. The AMC remained in a modified routine until the morning of 14 May 2021 when normal operations resumed.
- ACT Corrective Services is reviewing the incident.
- ACT Fire and Rescue (ACT F&R), ACT Ambulance Services and ACT Policing (ACTP) attended the AMC in response to the incident.
- The Inspector of Correctional Services was notified of the incident in accordance with the *Inspector of Correctional Services Act 2017* and has commenced a review.

Key Information

- The AMC is the only adult correctional facility within the ACT and accommodates multiple cohorts including women, men, mainstream (general population) and protection (where there is specific information to suggest that there is a credible risk to the safety of the detainee).
- The AMC is a maximum-to-minimum security correctional centre surrounded by a maximum-security perimeter and is designed to accommodate detainees of all levels of security classification.

QUESTION TIME BRIEF

JACS2021/47-001-051

Portfolio/s: Police and Emergency Services
Corrections

Half Yearly Statement of Performance

Accountability Indicators

Output 4.1: Emergency Services

Table 23: Accountability Indicators Output 4.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
Prevention and Preparedness				
a. Desktop audit of ACT Government Directorate Bushfire Operational Plans activities [a]	n/a	n/a	n/a	
b. Field assessment of Access Management Upgrades and Hazard Reduction burns conducted in accordance with Bushfire Operational Plans of ACT Government Directorates [1]	100%	100%	n/a	
c. Percentage of ESA staff who have completed accredited training in AIIMS [b]	70%	70%	76%	9
Response and Recovery				
d. Structure Fire incidents responded to within target [c]	90%	90%	93%	3
e. Road Rescue incidents responded to within target [d]	90%	90%	93%	3
f. Ambulance priority 1 - Incident Response Time 50th percentile (minutes) [e]	8	8	8.75	9
g. Ambulance priority 1 - Incident Response Time 90th percentile (minutes) [e]	15	15	14.26	(5)
h. Percentage of Patient Transport Service 'fixed booking' attended by booked time[2];	65%	65%	75%	15
i. Total cost per head of population [f]	$394.86	$390.06	$391.39	(1)
Total Cost ($'000)	173,994	88,135	84,364	(4)
Controlled Recurrent Payments ($'000)	146,193	72,354	72,354	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators:

a. This indicator is discontinued in 2020-21 as it is not reflective of the actual performance of the Rural Fire Services (RFS) but rather performing audits of ACT Government directorates' commitments under the Bushfire Operational Plans.

b. AIIMS – Australasian Inter-Service Incident Management System. This accountability indicator captures training provided to Emergency Services Agency (ESA) staff only on the AIIMS system.

c. Target refers to the response to structure fires within 10 minutes.

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TRIM Ref:	JACS2021/47-001-051	

QUESTION TIME BRIEF

d. Target refers to the response to road rescues within 13 minutes.
e. Priority 1 records that are incomplete due to operator or system errors, or where incidents are outside the ACT, or where the priority rating has been changed, are excluded.
f. The 2020-21 original target is based on an estimated population of 440,643 estimated according to the most recent population projections for the Australian Capital Territory (ACT) by ACT Treasury (ACT Population Projects 2018-2058: Table 1 - Summary, 2017-2058).

Note(s):
1. ACT Rural Fire Service (RFS) have not been notified of any access management upgrades or hazard reduction burns completed in accordance with an approved Bushfire Operational Plans in the first half of 2020-21 financial year. Therefore, no field assessments have been conducted and the result of this indicator is Not Applicable.
2. The higher than target outcome is a result of improved booking procedures, with a focus on avoiding conflicts in booking time.

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TRIM Ref:	JACS2021/47-001-051	

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Accountability Indicator

Output 2.1: Corrective Services

Table 21: Accountability Indicators Output 2.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
a. Completion rates of Community Corrections Orders:				
- The proportion of Community Corrections supervision orders successfully completed within the counting period	68%	68%	73%	7
- The proportion of Community Corrections reparation orders successfully completed within the counting period [1]	60%	60%	38%	(37)
b. Average cost per detainee per day for all detainees [a]	$354	$354	$359	1
c. Average cost per day for community based offenders [2]	$39	$39	$44	13
Total Cost ($'000) [3]	92,831	49,928	45,164	(10)
Controlled Recurrent Payments ($'000)	84,377	44,312	44,312	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators:

a. The 2020-21 target for this indicator was revised up from $310 to $354. The increase to this target reflects the projected population for 2020-21; the actual results for the first two quarters and the projected result for the last two quarters of 2020-21.

Note(s):

1. Reduced successful completion of Community Services Work orders (reparation orders) during this period reflects an increase of offenders who have not completed their community service hours within the court ordered period.
2. The average daily cost per offender has increased due to a decrease in offender numbers in the same period from 1278 in 2019-20 to 1073 in 2020-21.
3. There have been delays in the full implementation of the Justice Housing Program and general repairs and maintenance orders.

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QUESTION TIME BRIEF

JACS2021/47-001-058

Portfolio/s: Corrections

ISSUE: PERFORMANCE AUDIT REPORT: COURT TRANSPORT UNIT VEHICLE – ROMEO 5

Talking points:

- I thank the Auditor-General for his Performance Audit Report regarding the Court Transport Unit (CTU) vehicle Romeo 5 (the Report). The Government will consider the recommendations made and I will provide a formal response in the coming months.
- While a formal response will be provided to the Report in due course, the Government and ACT Corrective Services (ACTCS) take the findings of this report and these recommendations very seriously.

Performance Audit Report

- In May 2020, the ACT Auditor-General was advised by the ACT Inspector of Correctional Services (the Inspector) of a procurement process that allegedly resulted in the purchase of a detainee transport vehicle (Romeo 5) that was not fit for purpose.
- The ACT Audit Office undertook preliminary research into the matter, and in June 2020 commenced a performance audit in relation to the procurement of Romeo 5.
- On 26 March 2021, the Performance Audit Report (the Report) was completed and made 23 findings and 2 recommendations.
- The Report found that:
    - ACTCS did not implement effective processes for the procurement of the Romeo 5 vehicle.
    - Management and staff did not adequately consider and apply legislative, policy and procedural requirements or adequately consider the procurement risk environment.

Key Information

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Cleared for public release by:	Deputy Director-General	Ext: 50567
Contact Officer name:	Deb Clayton-Baker	Ext: 71339
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-058	

QUESTION TIME BRIEF

- Romeo 5 is an ACTCS CTU vehicle obtained in June 2018 with the intention of transporting up to eight detainees and two Correctional Officers (COs) at a time.
- In November 2019, concerns were raised about workplace health and safety in relation to the Romeo 5 vehicle. In response, ACTCS limited the vehicle use to a maximum of four detainees and two COs at a time, as detailed in the *Corrections Management Act (R5 Vehicle – Mandatory Checks) Operating Procedure 2019*.
- The objective of the performance audit was to provide an independent opinion to the Legislative Assembly on the effectiveness of ACTCS' procurement process for the Romeo 5 vehicle.
- The scope of the audit included consideration of the activities of ACTCS in procuring the vehicle, including:
    - its initial identification of business and operational needs to commence the procurement; and
    - its conduct of the procurement process, including:
        - its approach to the market;
        - consideration and evaluation of potential suppliers; and
        - selection of the solution.

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TRIM Ref:	JACS2021/47-001-058	

QUESTION TIME BRIEF

JACS2021/47-001-047

Portfolio/s: Corrections

Alleged incident involving strip search of a female Indigenous detainee

Talking points:

- I am aware that in January 2021, a female Aboriginal and Torres Strait Islander detainee made allegations regarding the circumstances surrounding a strip search conducted at the Alexander Maconochie Centre (AMC).
- Let me be very clear, the ACT Government takes these allegations very seriously. I have referred the matter to the Inspector of Correctional Services for investigation as a critical incident. The Inspector has confirmed that he will be completing a joint investigation with the Health Services Commissioner.
- The ACT Human Rights Commission (HRC) is also aware of the allegations.
- ACT Corrective Services (ACTCS) is committed to assisting all investigative bodies during the investigative process.
- I will await the outcome of the respective investigations underway before commenting further.

Key Information

- On 11 January 2021, an Indigenous Liasion Officer (ILO) attended the SCC accommodation unit to advise the detainee that her Detainee Leave Application had been denied due to the difficulty of arranging with short notice, the distance and staffing concerns.
- The detainee became agitated and threatened self-harm, and was subsequently deemed "At Risk". The detainee was assessed by Forensic Mental Health Services and was relocated to the Crisis Support Unit (CSU).
- A Custodial Officer observed the detainee with her hands in her crotch area and was of the belief that the detainee may be attempting to secrete an item that could be used to self-harm or harm others.
- Prior to the planned Use of Force occurring, the Operations Area Manager contacted Justice Health Services to provide notification and to confirm that the Use of Force could safely proceed, taking into account the health status of the detainee.

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QUESTION TIME BRIEF

- Four female officers wearing Personal Protective Equipment (PPE) conducted a Use of Force to enable a strip search in line with the *Corrections Management Act 2007*.
- At one stage the detainee stated she could not breathe and a 'Code Pink' was called in order to have medical staff attend the area to provide medical assistance if required.
- Handcuffs were ultimately applied and the detainee became compliant. The detainee was moved to the bathroom where a compliant strip search was conducted by two (2) female officers with no other person present.
- The detainee was assessed by health staff and transported to The Canberra Hospital for further assessment, however was not admitted and returned to the AMC on 12 January 2021.
- During the incident, staff involved received various scratches, minor lacerations and bruising, with one staff member being bitten. The alleged assault on the custodial officer has been referred to the Australian Federal Police (AFP) for investiation. On 12 January 2021, welfare checks were conducted on staff involved in the incident.
- The allegations made by the detainee relating to the manner in which the strip search took place have been reviewed by ACTCS and cannot be substantiated.

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QUESTION TIME BRIEF

JACS2021/47-001-049

Portfolio: Corrections

ISSUE: Allegations of systemic racism at the AMC

Talking points:

- ACT Corrective Services (ACTCS) takes any allegations of racism at the Alexander Maconochie Centre (AMC) seriously and is committed to investigating all allegations as they arise.
- We acknowledge the fact that systemic racism exists across the community as a fundamental inequality of systems and processes, and as a result of an environment in which racism was not called out or addressed.
- ACTCS is absolutely committed to supporting Aboriginal and Torres Strait Islander people in custody. ACTCS staff undertake a range of training and programs to better equip them in supporting Aboriginal and Torres Strait Islander detainees. In addition, ACTCS and Aboriginal and Torres Strait Islander-led organisations have implemented programs helping people at risk of involvement with the criminal justice system, and assisting ex-detainees reintegrate into the community; last year, the government introduced parole time credit, a drug and alcohol court, and Indigenous sentencing courts headed by elders.
- ACTCS takes a proactive approach to recruit Aboriginal and Torres Strait Islander custodial officers. As at 11 March 2021, ACTCS had 281 custodial officers with 20 identifying as being from Aboriginal and Torres Strait Islander backgrounds.

Key Information

- In 2020, ACTCS settled a complaint that alleged one incident of racism in 2018. Since then, there have been no further substantiated allegations of racism at the AMC. There is no evidence to support that there is systemic racism at the AMC.

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QUESTION TIME BRIEF

Custodial Recruit Training program

- ACT Corrections Officers participate in the Custodial Recruit Training program, and a Certificate III Correctional Practice and Certificate IV Correctional Practice are also offered, which include the following components relating to Aboriginal and Torres Strait Islander cultural awareness and understanding.

- **Custodial Recruit Training**
    - Aboriginal and Torres Strait Islander Cultural Awareness
    - Indigenous Liaison Officer and Royal Commission into Aboriginal Death in Custody session
    - Diversity
    - Respect Equity Diversity (RED) Training.

- **Certificate III Correctional Practice**
    - Work effectively with diversity
    - Protect the safety and welfare of Aboriginal and Torres Strait Islander offenders
    - Protect the safety and welfare of vulnerable offenders.

- **Certificate IV Correctional Practice**
    - Work effectively with culturally diverse offenders and colleagues.

Initiatives

- The Aboriginal and Torres Strait Islander Services Committee (the Committee) was established to oversee the delivery of initiatives in ACTCS arising from the Justice and Community Safety Directorate Reconciliation Action Plan. It has membership from across ACTCS and is chaired by the Commissioner, ACTCS. The Committee is a relatively new initiative focused on enhancing services for detainees, overseeing commitments such as the Reconciliation Action Plan and ACT Aboriginal and Torres Strait Islander Agreement 2019-2028, and also the work of the Indigenous Staff Network.

- The Cultural Engagement Officer works with staff across ACTCS Community Operations to ensure culturally appropriate engagement with Aboriginal and Torres Strait Islander clients and stakeholders.

- In the Healthy Prison Review, the Inspector of Correctional Services commended the commitment and dedication of the ACTCS Indigenous Services Unit. This team plays a key role in maintaining the wellbeing of the Aboriginal and Torres Strait Islander cohort of detainees through cultural support, welfare requests and the coordination of specific programs.

- Aboriginal and Torres Strait Islander detainees are allocated an Indigenous Liaison Officer within five business days of admission.

- A holistic Aboriginal and Torres Strait Islander model of care and health service was introduced into the AMC. Winnunga Nimmityjah Aboriginal Health and Community Service (Winnunga) delivers this service to assist in maintaining and improving the overall health and wellbeing of Aboriginal and Torres Strait Islander detainees, by providing a culturally safe service within the AMC, which is an Australian first.

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QUESTION TIME BRIEF

Oversight

- The ACT has four entities that provide independent oversight in relation to correctional centres: the Inspector of Correctional Services, ACT Human Rights Commission, ACT Ombudsman and Corrections Official Visitors. Together, ACTCS and these entities continuously improve the experiences of the Aboriginal and Torres Strait Islander detainee population.
- It is a legislative requirement that an Aboriginal or Torres Strait Islander person be appointed as an Official Visitor for the purposes of the *Corrections Management Act 2007*.
- ACTCS is committed to ensuring that detainees can make requests or complaints to staff and external complaint bodies about all aspects of their custody. In accordance with the *Corrections Management (Detainee Requests and Complaints) Policy 2019*, detainees are informed about the ways to make a complaint and are not prevented from doing so.
- Detainees can make complaints directly to the oversight agencies, independent from the ACTCS complaints process. Complaints can be referred to and from the oversight agencies, which allows for greater accountability and transparency.

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QUESTION TIME BRIEF

JACS2021/47-001-044

Portfolio/s: Corrections

ISSUE: BLUEPRINT FOR CHANGE

Talking points:

- Supporting the staff of the Alexander Maconochie Centre (AMC) and Court Transport Unit (CTU) is a key priority for the ACT Government, the Acting Commissioner and for me personally. As we continue work to implement a broad corrections reform agenda, we need to do so in a way that is supportive of and engages our staff.
- A new Oversight Committee has been established to develop a 'Blueprint for Change' (Blueprint) for the operations of the AMC and the CTU. The Blueprint will guide the implementation of enhancements to staff training, engagement and capability in a way that promotes improved culture. The Blueprint will be developed in the context of a broader corrections reform agenda.
- The Oversight Committee brings together representatives of ACTCS, the AMC, the Community and Public Sector Union (CPSU), Official Visitors, Aboriginal and Torres Strait Islander peoples, the Human Rights Commission and the Justice and Community Safety Directorate, and is independently chaired by Ms Christine Nixon.
- Three meetings have been held to date and members have received briefings on current policy and training objectives and activity. The last meeting from 25 May 2021 explored staffing matters, including recruitment and rostering.
- I will receive regular progress updates through Ms Nixon as Chair.
- I look forward to updating the community as the work of the Oversight Committee progresses to address areas of concern, including rates of overtime, and ensuring staff recruitment and training meets the needs of the AMC and CTU.

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QUESTION TIME BRIEF

JACS2021/47-001-053

Portfolio/s: Corrections

ISSUE: ACTCS COMMISSIONER POSITION

Talking points:

- Former ACT Corrective Services (ACTCS) Commissioner, Mr Jon Peach, has accepted an opportunity to take on the new role of Executive Group Manager, Security and Emergency Management within the Justice and Community Safety Directorate.
- Mr Peach finished with ACTCS on 19 March 2021.
- I thank Jon for his dedication and professionalism while ACTCS Commissioner and wish him all the best in his new role.
- Emergency Services Agency (ESA) Deputy Commissioner, Mr Ray Johnson, will act as ACTCS Commissioner while a permanent recruitment process is undertaken. Mr Johnson started in this role on 6 April 2021. He brings with him extensive experience in policing, justice and emergency management, having previously occupied the position of ACT Chief Police Officer.
- Mr Johnson's work reviewing the 2019-20 bushfire season and leading the ESA's People and Culture teams mean he is well placed to continue reforms underway in ACTCS. I look forward to working with Mr Johnson in this important role.
- Mr Johnson's role at the ESA will be backfilled over this period.

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QUESTION TIME BRIEF

JACS2021/47-001-045

Portfolio/s: Corrections

ISSUE: Female detainees at the AMC

Talking points:

- As at 12 May 2021, the Alexander Maconochie Centre (AMC) had 20 women in custody (5.5 per cent of the current total detainee population), of which:
    - 7 (35 per cent) women were on remand and 13 (65 per cent) were sentenced and
    - 12 women were of Aboriginal and Torres Strait Islander heritage, of which, 4 were on remand and 8 were under sentence.
- In the last 12 months, the average daily proportion of female detainees ranged between 6 per cent and 8.5 per cent of the total AMC population.
    - Of the women in custody in the last 12 months, the proportion of remanded women varied between 42.4 per cent (12 in August 2020) and 67.9 per cent (22 in March 2020).
- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. As a consequence, any changes in the detainee population have significant impacts on custodial demographic proportions and on cohort management.
- The consequence of the small female detainee numbers is that the population is highly influenced by rates of custody on remand. This has significant impacts and influences on the management of all detainee cohorts.

Key Information/Background

<u>Incarceration rates</u>

- On 18 October 2018, female detainee numbers in the ACT reached a high of 51 detainees (10.3 per cent of the total AMC population), of which, 30 women were in custody on remand and 21 sentenced. That pressure had been observed for seven days consecutively, as the available beds for women in custody were extended to 57 beds.
- The average daily number of detained females in the last three years were:

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- 2019/20 financial year, 32 (7.3 per cent of the total detainee population), of which 55 per cent were on remand;
- 2018/19 financial year, 40 (8.2 per cent of the total detainee population), of which 56 per cent were on remand and
- 2017/18 financial year, 38 (8.1 per cent of the total detainee population), of which 52 per cent were on remand.

Daily support

- Female Sentence Management Officers are available to women for daily support, ongoing issues, referrals, and welfare concerns. ACT Corrective Services (ACTCS) also provides an on-site coordinator for women's and children's services for female detainees.

Accommodation pressures

- The ACT Government is considering various options with respect to the future accommodation of women detainees at the AMC. Deliberations are taking into account the findings outlined in the Inspector of Correctional Services Healthy Prison Review Report, matters raised by female detainees through their delegate meetings, and questions from AMC oversight agency meetings, in addition to operational matters.

Women's Steering Committee

- The Women's Steering Committee comprising representatives from ACTCS, oversight agencies, and various community organisations involved in the criminal justice system was established to identify opportunities to positively support women within the AMC through enhanced engagement with the community sector. It is not intended as a governance group but as an opportunity to identify and explore short-term options to improve the lives of women offenders.
- The most recent meeting took place in April 2021. .

Women's programs

- ACTCS recognises the complex higher needs of women offenders with higher levels of complex trauma, family and sexual violence and disadvantaged backgrounds.
- Women detainees can access a wide range of programs, including programs focused on their criminogenic behaviours. The women's area is also serviced by diverse community organisations delivering and providing health and wellbeing activities to women.

QUESTION TIME BRIEF

JACS2021/47-001-046

Portfolio/s: Corrections

ISSUE: Aboriginal and Torres Strait Islander incarceration rates

Talking points:

- As at 12 May 2021, the Alexander Maconochie Centre (AMC) had 99 detainees of Aboriginal and Torres Strait Islander heritage (27.3 per cent of the total AMC detainee population), of which:
    - 87 were men and 12 were women.
    - Aboriginal and Torres Strait Islander men accounted for 25.4 per cent (87) of the total 342 AMC male detainees.
    - Aboriginal and Torres Strait Islander women accounted for 60.0 per cent (12) of the total 20 AMC female detainees.
    - 54 out of 99 Aboriginal and Torres Strait Islander detainees (54.5 per cent) were sentenced.
- While Aboriginal and Torres Strait Islander detainees accounted for 24.1 per cent of the total detainee population in 2019/20, Aboriginal and Torres Strait Islander residents constituted 1.9 per cent of the total ACT population (ABS, Census 2016).
- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. Any changes in the detainee population will have significant impacts on custodial demographic proportions.
- In line with the ACT government directions, ACT Corrective Services (ACTCS) is committed to helping address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.
- In 2021, ACTCS will develop an *Aboriginal and Torres Strait Islander Framework* that provides best practice principles to assist staff in operational roles in working with Aboriginal and Torres Strait Islander peoples throughout the justice system, and mechanisms to improve social outcomes both during and after incarceration.
- ACTCS will continue to engage with the Aboriginal and Torres Strait Islander community to continually improve outcomes for Indigenous detainees.

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TRIM Ref:	JACS2021/47-001-046	

QUESTION TIME BRIEF

Key Information/Background

Incarceration Rates

- Aboriginal and Torres Strait Islander people continue to be over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion, and systemic societal racism.
- The ACT has experienced a steady increase in the average daily number of Aboriginal and Torres Strait Islander detainees from 2014/15. The daily average Aboriginal and Torres Strait Islander detainees by financial year were:
    - 2019/20 – 107 detainees (24.1 per cent of the total AMC detainee pop);
    - 2018/19 – 110 detainees (22.7 per cent of the total AMC detainee pop);
    - 2017/18 – 103 detainees (21.7 per cent of the total AMC detainee pop);
    - 2016/17 – 92 detainees (20.6 per cent of the total AMC detainee pop);
    - 2015/16 – 92 detainees (22.9 per cent of the total AMC detainee pop); and
    - 2014/15 – 68 detainees (19.8 per cent of the total AMC detainee pop).
- On 12 January 2019, Aboriginal and Torres Strait Islander detainee numbers in the ACT reached a high of 126 (accounting for 26.3 per cent of the total 480 AMC detainees); 111 male and 15 female detainees.

Recidivism

- In 2019/20, the rates of Aboriginal and Torres Strait Islander ex-detainees returning to corrective services were:
    - 72.5 per cent for Aboriginal and Torres Strait Islander **male** ex-detainees (compared to 62.1 per cent for all male detainees); and
    - 79.4 per cent for **female** ex-detainees (compared to 70.1 per cent for all female detainees).
- In 2019/20, the rates of Aboriginal and Torres Strait Islander ex-detainees returning to prison were:
    - 51.0 per cent for **male** ex-detainees (compared to 39.4 per cent for all male detainees); and
    - 38.2 per cent for **female** ex-detainees (compared to 24.7 per cent for all female detainees).
- Given the ACT is a small jurisdiction having only one prison and the relatively small numbers of offenders in the ACT, slight fluctuations in the number returning to corrective services can significantly affect the rate from year to year. Further, given the size of this population, any variations to the risk profile of offenders released each year may significantly affect the rate of recidivism for that cohort.

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TRIM Ref:	JACS2021/47-001-046	

QUESTION TIME BRIEF

ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 Justice Action Plan

- The ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 Justice Action Plan (the Agreement) has been in operation since 2019. The Agreement has four core focus areas including children and young people, cultural integrity, inclusive community and community leadership accompanied by six significant focus areas (justice housing, health and wellbeing, economic participating, life-long learning and connecting with the community).
- ACTCS employ Aboriginal and Torres Strait Islander Sentence Management Officers in identified and non-identified positions, allowing for culturally appropriate sentence management practices.
- Aboriginal and Torres Strait Islander detainees can access programs and services specifically targeted towards Aboriginal and Torres Strait Islander people through the Indigenous Services Unit, in addition to programs, services, and education available to the general AMC population.

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TRIM Ref:	JACS2021/47-001-046	

QUESTION TIME BRIEF

JACS2021/47-001-057

Portfolio/s: Corrections

ISSUE: Recent Judgment on AMC Disciplinary Process

Talking points:

- On 12 August 2019, a then detainee at the Alexander Maconochie Centre (AMC) commenced proceedings in the Supreme Court regarding seven separate disciplinary processes applied to him under the *Corrections Management Act 2007* (the CMA).
- The detainee alleged that when charged with a breach of discipline, he was denied the opportunity to address the charge or seek review of the decision made prior to a sanction being imposed..
- The Supreme Court found that actions taken against [redacted] on the seven occasions did not comply with the CMA.
- The Court found that the denial of procedural fairness amounted to a breach of s 21(1) 'the right to a fair trial' of the HR Act.
- ACTCS has developed a new *Discipline Policy*, associated forms and associated operating procedures. -This new policy clarifies the processes set out under the CMA and is currently undergoing consultation.
- Finalisation and implementation of this policy is being prioritised. Consultation has been completed with the Human Rights Commission and Inspector of Correctional Services.
- As an interim measure, ACTCS has released a Commissioner's Instruction to staff to ensure procedural fairness during internal discipline processes.

Key Information

- The Court found that [redacted] had been denied procedural fairness for all seven disciplinary processes in breach of the CMA:

  a. as conceded during the hearing in relation to s 170 (3) and s 194(1);
  b. as [redacted] did not have an opportunity to address the charge before the disciplinary action was imposed;
  c. as the process set out in the CMA for internal inquiries was not followed.

Cleared as complete and accurate:	25/05/2021	
Cleared for public release by:	Deputy Director-General	Ext: 50567
Contact Officer name:	Ray Johnson	Ext: 70879
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-057	

QUESTION TIME BRIEF

- The Court found that the denial of procedural fairness amounted to a breach of s 21(1) 'the right to a fair trial' of the HR Act.
- ACTCS understands that this is the first breach of s 21(1) of the HR Act since commencement.
- This judgement has significant implications for past and current disciplinary processes at the AMC. Current policies - *Corrections Management (Detainee Disciplinary) Policy 2012* and *Corrections Management (Detainee Disciplinary) Procedure 2012* – establish the process which has now been found to breach the CMA.

New Discipline Policy

- Implementation of the new policy will require training for officers involved, as significant changes will be introduced to current processes. It is anticipated that this will include specific training for presiding officers on holding an inquiry and documentation requirements under the CMA.

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QUESTION TIME BRIEF

JACS2021/47-001-001

Portfolio/s: Corrections

10 NOVEMBER INCIDENT

Talking points:

- I thank the Inspector of Correctional Services (the Inspector) for his report. The Government is currently considering the recommendations made and I will provide a formal response in the coming months.
- I am pleased that the incident was resolved peacefully without injury to any detainee, member of staff or external partners. It is important that we learn from incidents such as this and address areas identified as requiring improvement, with a view to enhancing the management and response to any future incidents of this nature.
- While a formal response will be provided to the Review in due course, the Government takes these recommendations very seriously.

Critical Incident Review – incident at the Alexander Maconochie Centre on 10 November 2020

- The Inspector tabled his review of a critical incident titled "Riot and serious fires at the Alexander Maconochie Centre on 10 November 2020" in the ACT Legislative Assembly on 31 March 2021.
- The Report makes seven (7) findings and 13 recommendations, which the ACT Government and ACTCS take very seriously.
- The seven (7) findings and 13 recommendations are centred around the following topics:
    - contributing factors (findings 1-3);
    - policy and procedure amendments (recommendations 1-3, 9, 12);
    - emergency arrangements and agreements (findings 4 and 6, recommendations 4-6, 13);
    - personal protective equipment (recommendations 7-8);
    - staff and training (finding 5, recommendation 10); and
    - legislation (finding 7, recommendation 11).

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Cleared for public release by:	Deputy Director-General	Ext: 53507
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TRIM Ref:	JACS2021/47-001-001	

QUESTION TIME BRIEF

Incident on 10 November 2020

- On 10 November 2020 at approximately 6:50pm, 27 detainees housed in the AU-North accommodation unit at the Alexander Maconochie Centre (AMC) refused to return to their cells for the night lock-in.
- Detainees were able to move between the AU-North unit and adjacent external yard and proceeded to start a fire in the external yard using bedding and furniture from within the unit, as well as wooden doors removed from programs rooms within AU-North.
- In order to ensure their safety, corrections officers withdrew from the unit and secured the remainder of the AMC accounting for all other detainees and staff on duty.
- Several detainees armed themselves with makeshift weapons.
- ACT Fire and Rescue (ACT F&R), ACT Ambulance Service and ACT Policing (ACTP) attended the AMC in response to the incident.
- ACT Corrective Services (ACTCS) officers in full tactical Personal Protective Equipment (PPE), provided an escort for ACT F&R to safely extinguish the fire in the external yard. Detainees proceeded to light another fire to mattresses at the door between the external yard and the common space within the larger accommodation unit.
- Detainees started two additional fires within cells in AU-North, resulting in further smoke contamination and significant property damage.
- At approximately 9:30pm, the detainees informed ACTCS negotiators that they wished to surrender. Planning commenced for a safe surrender and a small response team entered the unit to check that the door to the external yard was secure before escorting ACT F&R to extinguish the two cells fires.
- The disturbance was resolved peacefully and no injuries were sustained by detainees or staff members.
- The detainees involved were temporarily accommodated in cells, including three to a cell, for less than 12 hours following their surrender for appropriate placement assessments to be conducted.
- All 27 detainees were separated and relocated to new accommodation units appropriate to their security classification. Health checks were conducted by Justice Health Services and Winnunga Nimmityjah Aboriginal Health and Community Services prior to their relocation, and detainees were issued with a fresh set of clothes.

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TRIM Ref:	JACS2021/47-001-001	

- The AMC remained in lock-down on 11 November 2020, with minimum entitlements under the *Corrections Management Act 2007* provided to detainees, including medication distribution, court and medical escorts, meals, and one-hour time out of cells per day.
- On 12 November 2020, the lock-down at the AMC ceased.
- ACTCS immediately notified the ACT Insurance Authority (ACTIA) of the damage and have received in-principle support for the claim from ACTIA.
- The ACTCS Director, Facilities Management met with Major Projects Canberra on 12 November 2020 to commence planning for the repairs. Major Project Canberra will manage the repairs, and the unit will remain offline until all work has been completed.
- On 22 November 2020, ACTCS and Major Projects Canberra received a Rough Order Magnitude cost estimate for the repairs from Rider Levett Bucknall. The cost, which excludes GST, ACTCS staffings costs and invasive testing, was estimated to be approximately $4,031,000.
- ACTCS has estimated that the staffing costs may total $1,700,000 based on the assumption that this project could be completed within 12 months with the construction site open six days per week. This figure is based on 10.8 full time equivalent (FTE) ACTCS staff engaged on the project.
- The disturbance has been referred to ACTP for investigation.
- The Inspector of Correctional Services was notified of the incident on 10 November 2020 in accordance with the *Inspector of Correctional Services Act 2017*.

Key Information

- The AMC is a maximum-to-minimum security correctional centre surrounded by a maximum-security perimeter and is designed to accommodate detainees of all levels of security classification.
- The campus style of the AMC presents a risk within the limited amount of maximum-security accommodation available to male detainees and the requirement to house medium security detainees within minimum security cottages.
- In order to appropriately relocate the detainees that were involved in the incident on 10 November 2020, a number of detainees from other accommodation units were required to be relocated before the perpetrators could be moved from the external yard.
- The following tactical controlled items are available to corrections officers to respond to disturbances:

- Batons
- PPE body armour
- Shields
- Mechanical restraints.

Background Information

- The disturbance on 10 November 2020, and subsequent fires on 11 and 14 November 2020 have attracted significant media attention.
- On 11 November 2020, there were two fires within two different cells in the Management Unit.
- On 14 November 2020, detainees started a fire in the Sentenced Cottage 2 foyer.
- The mother of a detainee at the AMC contacted the Canberra Times regarding allegations of the conditions following the incident on 10 November 2020. The Canberra Times news article is available at: https://www.canberratimes.com.au/story/7014800/life-inside-jail-since-riot-three-to-a-cell-and-long-hours-in-lockdown/?utm_source=Canberra+Times&utm_campaign=eccbb8c9ad-EMAIL_CAMPAIGN_2020_11_17_03_13&utm_medium=email&utm_term=0_a4b15bbe48-eccbb8c9ad-70377658.
- Establishing an Inspector of Correctional Services was a commitment of the Government in response to Recommendation 8 of the Moss Review. It recognised that effective independent oversight is vitally important to build and maintain public confidence in our correctional system.
- Section 18(1)(c) of the *Inspector of Correctional Services Act 2017* provides that the Inspector '*may review a critical incident on the Inspector's own initiative or as requested by a relevant Minister or relevant Director-General*'.

QUESTION TIME BRIEF

JACS2021/47-001-006

Portfolio/s: Corrections

ISSUE: AMC OPERATIONS

Talking points:

Safety of detainees

- The safety and security of all detainees is a priority for ACT Corrective Services (ACTCS).
- ACTCS is continuously seeking to improve processes to enhance safety, security and good order at the Alexander Maconochie Centre (AMC).

Safety of staff

- On 8 September 2020, the updated Use of Force and Restraint Policy was notified to align with the new Use of Force training program that was established in 2019. ACTCS is committed to ensuring that force and restraint is only used as a last resort where strictly necessary and with only the minimum amount of force that is reasonable and proporitionate to the circumstances.
- Since 2018, there has been a strong focus on Use of Force training within ACTCS. Use of Force training is mandatory for all corrections officers and includes an annual refresher training day. The roll out had been delayed due to COVID-19 but recommenced in October 2020.
- The Use of Force training, policy and operating procedure have a strong focus on de-escalation techniques and operates within the situational Use of Force model as a decision making guide to assist staff when responding to a use of force incident.
- ACTCS are in the process of reintroducing the use of chemical agents and training for the Deployment of Chemical Aids commenced on 12 February 2021. This training will also form part of the 10 week Custodial Recruit Training program and the use of chemical aids will be added to the Use of Force refresher training.

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TRIM Ref:	JACS2021/47-001-006	

- Within correctional facilities, there is an inherent potential for conflict among some detainees. However, ACTCS staff work hard to de-escalate and prevent any serious incidents that may arise at the AMC. There is often pre-existing tension in the relationships between detainees at the AMC, resulting from interactions and associations both in custody and in the community.

Response to serious assaults

- ACTCS continues to refer all serious assault allegations to ACTP for investigation. Since the changes implemented in the wake of the Moss Review, a number of assault cases have progressed to prosecution.
- The *Memorandum of Understanding* (MOU) between ACTCS and ACTP developed in response to recommendations 2 and 3 of the Moss Report is currently under review and consultations between ACTCS and ACTP have commenced.

Contraband

- ACTCS utilises a number of measures to search visitors, staff, contractors, and their belongings, when entering the AMC. These include:
    - metal detectors;
    - x-ray baggage scanner to scan property; and
    - physical searches of all vehicles entering and exiting the AMC, including use of mirrors to search under vehicles and random PAD dog searches (except in case of an emergency, e.g. ambulances).
- In the 2019-20 financial year, ACTCS conducted 8,644 searches for contraband, 632 of which located contraband.
- In 2019-20, ACTCS intercepted visitors attempting to introduce contraband into the AMC on 20 occasions.
- Security consists of COs who are tasked to carry out specific duties such as urinalysis, perimeter checks, gate management and K9 management.

- On 8 August 2019, the AMC formally welcomed two new PAD dogs: a two year old New Zealand Huntaway named Doug, and an 18 month old Australian Kelpie named Luka. This has increased the K9 units capacity to intercept illicit substances before they enter the AMC, as well as within the Centre.

Operational Results

- Between 1 January 2021 and 1 May 2021, ACTCS conducted 1,594 searches of cell accommodation, cottage rooms and other common areas and a total of 146 contraband items were seized as a result. In addition to these searches:
    - 269 searches of staff and contractors; and
    - 153 targeted searches of detainees, cells and common areas. A targeted search is prompted by intelligence information or information provided by staff.
- The number and contraband types discovered during searches of detainees and detainee areas between 1 January 2021 and 1 May 2021 included:
    - Mobile telephones – 2;
    - Phone accessories (sim cards, chargers etc.) – 5;
    - USBs - 13;
    - Syringes (includes other injecting items) – 13;
    - Drugs – 48 (16 of which were unauthorised medications); and
    - Home made edged weapons – 16.

Key information/Background

Additional Funding

- ACTCS secured an additional $8.8 million over 3.5 years in the 2017-18 Mid-Year Budget to fund improvements in security operations at the AMC, and across ACTCS generally.
- Recommendation 1 of the Moss Review called for improved Closed Circuit Television (CCTV) quality and coverage at the AMC. The AMC has increased its use of CCTV to monitor the movement and behaviour of detainees to ensure safety, security and good order at the AMC. The quality of the images that are captured by the CCTV system has also been improved to better support evidentiary outcomes.

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TRIM Ref:	JACS2021/47-001-006	

- CCTV is an important evidentiary tool to support successful investigation of assaults in the AMC so that offenders can be held accountable. The improved quality of the images captured by the CCTV cameras has assisted ACT Policing with investigation of assaults and incidents at the AMC.

Contraband

- An updated Contraband (Prohibited Items) Declaration for the AMC was published on 15 October 2019. The declaration incorporates items that utilise new technologies, such as watches with mobile phone, USB or internet capabilities.
- Contraband searches at the AMC include searches of both people and locations. Between 1 January 2021 and 1 May 2021:
    - 2,526 were routine (required by policy or procedure);
    - 153 were targeted; and
    - 1,954 were PAD dog searches.
- Medication is part of ACTCS contraband search and seizure processes. Medication discovered in the possession of a detainee to whom it was not lawfully prescribed is considered to be contraband.
- The medication classification relates to items that may have been prescribed to detainees and subsequently stockpiled, diverted or simply kept past an expected time of use. Medications can range from drugs that would be available over the counter in the community (such as paracetamol) through to pharmacy or prescription medications.
- Improvised weapons have been seized that were created from a range of products available to detainees, including everyday household items. A reasonable and appropriate balance must be maintained between affording detainees the decency to utilise basic goods such as regular toothbrushes compared to silicon alternatives, and addressing safety and security risks where items have been misused.
- The AMC perimeter is approximately 1.3 kilometres in length and custodial officers check the grounds every morning to ensure no contraband has been dropped onto the premises overnight.

QUESTION TIME BRIEF

JACS2021/47-001-010

Portfolio: Corrections

ISSUE: DETAINEE NUMBERS AND ACCOMMODATION PRESSURES

Talking points:

Detainee numbers

- During 2021, the AMC has seen a decrease in detainee numbers, reaching a low of 362 as at 12 May 2021.
- As at 12 May 2021, the detainee population at the Alexander Maconochie Centre (AMC) was 362, of which:
    - 342 (94.5 per cent) were male, 118 in custody on remand and 224 sentenced.
    - 20 (5.5 per cent) were female, 7 in custody on remand and 13 sentenced.
- As at 12 May 2021, the AMC had 99 detainees who identified as Aboriginal and/or Torres Strait Islander people of which 87 were male and 12 were female.

Accommodation Pressures

- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. As a consequence, any changes in the detainee population have significant impacts on custodial demographic proportions and difficulties in managing cohort distribution.

- The AMC has experienced accommodation pressures for several years. Servicing multiple cohorts (male and female/mainstream and protection) of prisoners within one prison presents a number of operational challenges this is further compounded currently with two accommodation units offline following the fire damage in November 2020 and May 2021.
- On 20 June 2018, detainee numbers in the ACT reached a high of 507.
- Detainee numbers have remained relatively stable over the past three months, with the average population at the AMC as follows:
    - 405 in January 2021.
    - 405 in February 2021; and
    - 398 in March 2021.

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TRIM Ref:	JACS2021/47-001-010	

QUESTION TIME BRIEF

Key Information

Accommodation pressures

- The AMC is the only adult correctional facility within the ACT and accommodates multiple cohorts including women, men, mainstream (general population) and protection (where there is specific information to suggest that there is a credible risk to the safety of the detainee).
- The AMC population is significantly influenced by the numbers of detainees on remand. Since 2012, the ACT saw an upward trend in detainee numbers, with the exception of 2019-20. The overall trend in the ACT, including the decline in detainee numbers since 2019-20, has been mirrored at a national level.
- The average daily number of detainees over the last 3 financial years are:
    - 2019/20 financial year was 444, with 39 per cent being on remand.
    - 2018/19 financial year was 484, with 38.8 per cent being on remand; and
    - 2017/18 financial year was 474, with 36.8 per cent being on remand.
- ACTCS continues to consider safe and secure options to best manage the increasing numbers of detainees in the AMC within a human rights context, with the view of *Building Communities, Not Prisons* (BCNP). BCNP is a strategy aimed at reducing reoffending and improving community safety.

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TRIM Ref:	JACS2021/47-001-010	

QUESTION TIME BRIEF

JACS2021/47-001-011

Portfolio/s: Corrections

ISSUE: IMPLEMENTION OF HEALTHY PRISONS REPORT RECOMMENDATIONS

Talking points:

- On 26 November 2019, the ACT Inspector of Correctional Services tabled the first Healthy Prison Review (the Review) of the Alexander Maconochie Centre (AMC) in the ACT Legislative Assembly.
- The Review made 51 findings and 73 recommendations, which cover a broad range of often complex issues.
- The ACT Government has carefully considered all findings and recommendations made in the Review and tabled its Response in the Legislative Assembly on 21 May 2020 outlining that it:
    - Agreed to 61 recommendations;
    - Agreed in principle to seven (7) recommendations;
    - Noted three (3) recommendations; and
    - Not agreed with two (2) recommendations.
- As at 11 May 2021:
    - 52% (37) of agreed recommendations have been completed, including:
        - a review of the Peer Mentor Program to ensure Aboriginal and Torres Strait Islander detainees are supported appropriately;
        - a review and increase of the detainee self-catering allowance; and
        - notification of the ACTCS *Placement and Shared Cell Policy 2020*.

- Although there has been an operational impact on actioning the recommendations due to the COVID-19 pandemic, ACTCS remains committed to implementing this important work.

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QUESTION TIME BRIEF

Key Information/Background

- The *Inspector of Correctional Services Act 2017* was passed by the ACT Government in response to the Moss Review, with the purpose to promote the continuous improvement of correctional centres and correctional services.
- The purpose of the Healthy Prison Review was to conduct a whole-of-centre review of the AMC and examine whether the AMC meets the 'Healthy Prison Test'.
- The ACT Inspector of Correctional Services and his team attended the AMC from 1 – 5 July 2019 to conduct the onsite component of the review.
- Three (3) confidential recommendations were also made and agreed to. These recommendations were not included in the public report.
- Many findings and recommendations made in the Review had already been identified by ACT Corrective Services (ACTCS) and a range of actions were already in progress to address the issues raised.
- Recommendation 3, that ACTCS provide male and female peer support workers in the admissions centre to support detainees on their arrival to AMC, was not agreed to as:
    - ACTCS is of the opinion that having peer support workers in the admissions area meet with new detainees would significantly increase the amount of time new detainees spend in the admissions area.
    - There are peer support worker positions for both genders in the induction process, where more time is available for such interaction without the risk of lengthening the admission processes.
- Recommendation 39, that the ACT government fund the creation of a new administration officer position in the Indigenous Services Unit at a level comparable to other such positions in ACTCS, was not agreed to as:
    - There is sufficient administrative capacity at the AMC for the Indigenous Services Unit to access appropriate administrative support.
    - Progress on the implementation of agreed recommendations is monitored closely by ACTCS (via monthly internal reports) and by the Inspector of Correctional Services (via quarterly progress reports).
- The 'Healthy Prison Test' was devised by the World Health Organization and is based on four pillars:
    - Safety;
    - Respect and dignity;
    - Purposeful activity; and
    - Rehabilitation and preparation for release.

QUESTION TIME BRIEF

JACS2021/47-001-008

Portfolio/s: Corrections

COURT TRANSPORT UNIT REPORT PROGRESS

Talking points:

- The Inspector of Correctional Services (the Inspector) tabled his second thematic review which examined the ACT Corrective Services (ACTCS) Court Transport Unit (CTU) in the ACT Legislative Assembly on 3 December 2020.
- The Report makes 12 findings and 22 recommendations, which the ACT Government and ACTCS take very seriously.
- It is essential and reassuring that independent oversight identifies and confirms issues that need to be addressed. The system is working as it should to continually improve and assure our Correctional Services.
- Positive comments by the Inspector about the professionalism of the CTU staff are welcomed and highlight that the CTU staff have operated extremely well throughout a period of significant change, most notably during the transition from the old court complex to the new court cells area, which was still being finalised at the time of the review through the rectification of minor works that had been identified.
- On 6 October 2020, a Director of the CTU commenced. This newly created position will provide stable leadership across the CTU and assist in addressing recommendations made in the Report.
- The ACT Government has carefully considered all findings and recommendations made in the Report and tabled its Response in the ACT Legislative Assembly on 11 February 2021 outlining that it:
    - Agreed to 20 recommendations;
    - Agreed in principle to one (1) recommendation; and
    - Noted one (1) recommendation.
- As at 11 May 2021:
    - 67% (14) of agreed recommendations have been completed, including:
        - notification of CTU emergency procedures;

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TRIM Ref:	JACS2021/47-001-008	

- notification of the CTU Interpreter Services Operating Procedure;
- addition of a protocol to the Memorandum of Understanding with the ACT Courts and Tribunal regarding information needs;
- implementation of the agreed solution for the privacy frosting on court cells; and
- development and delivery of a CTU specific Recruit Training Program.

Key Information

- The 12 findings and 22 recommendations are centred around the following topics:
  - CTU related policies and procedures;
  - operations;
  - security and safety;
  - staff and training;
  - arrangements concerning young detainees;
  - access to detainees by professionals;
  - relationship between CTU and ACT Courts; and
  - relationship between CTU and the Sentence Administration Board.
- Two of the recommendations in the report are addressed to the Community Services Directorate.

Background Information

- Section 18(1)(b) of the *Inspector of Correctional Services Act 2017* (the Act) requires that the Inspector 'examine and review correctional services at least once every two years'.
- The Inspector first requested data for this review on 13 January 2020, and various additional requests for information were made up until mid-June 2020.
- On 30 June 2020, the Inspector provided the draft report of the CTU Review to the former Minister for Corrections and Justice Health, the Director-General of the Justice and Community Safety (JACS) Directorate, and the ACTCS Commissioner for fact-checking.
- Section 29(2) of the Act allows the Minister for Corrections and the JACS Director-General to provide comments in relation to the draft report within the six (6) week period.

QUESTION TIME BRIEF

- On 10 August 2020, the JACS Director-General provided a response to the draft report outlining several issues, mostly related to the lack of evidence presented for findings and claims made in the report. In many instances, anecdotal evidence was presented as fact and formed the basis for recommendations. It was noted that there is a considerable risk in publishing reviews that rely on anecdote and opinions from a small number of staff and other stakeholders to inform recommendations rather than being evidence-based.

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QUESTION TIME BRIEF

JACS2021/47-001-005

Portfolio: Corrections

ISSUE: AMC HEALTH SERVICES

Talking points:

AMC Health Services

- ACT Corrective Services (ACTCS) works closely with Canberra Health Services (CHS) to ensure the health and wellbeing of detainees at the Alexander Maconochie Centre (AMC).
- An Arrangement for the Delivery of Health Services to Detainees (the Arrangement) was signed by the Justice and Community Safety (JACS) Directorate and ACT Health on 14 August 2017.
- The Arrangement addressed Recommendation 4 of the Moss Review, and recommendations from the *Independent Review of Mental Health Services at the Alexander Maconochie Centre* (the McGrath Review).
- In April 2018, services related to health care supports for detainees at risk of suicide or self-harm transferred to CHS from ACTCS.

Integration of Winnunga health services into AMC

- The ACT Government committed $8.3 million to integrate the Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga) holistic model of care to Aboriginal and Torres Strait Islander detainees at the AMC in line with Recommendation 5 of the Moss Review.
- On 18 January 2019, the first patient's health care was transferred from Justice Health Services (JHS) to Winnunga.
- Services provided by Winnunga include General Practitioner and nursing through participating in multi-agency clinical services review and management planning. Winnunga also provide social, emotional and wellbeing services, culturally appropriate care planning, counselling, group therapy and discharge planning.
- During the 2019-20 financial report, 41 detainee had their health care transferred from JHS to Winnunga.

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TRIM Ref:	JACS2021/47-001-005	

QUESTION TIME BRIEF

Improved Health Services facilities

- A newly constructed modular building for health services is in place within the secure perimeter of the AMC, and is now occupied. This will allow refurbishment of the existing Hume Health Centre throughout the 2020/21 financial year.
- These improvements were funded as part of a $4.022m capital fund over two years (2017-18 and 2018-19) to provide a temporary accommodation solution for Winnunga and renovation of the existing Hume Health Centre.

Key Information

- Since 2017, JHS and ACTCS have worked collaboratively with Winnunga to develop and agree to a contemporary and best practice model of Aboriginal and Torres Strait Islander Health Services delivery at the AMC.
- On 22 June 2018, ACTCS, JHS and Winnunga signed a contract to enable the delivery of coordinated health care services at the AMC.
- Staff from Winnunga have been present in the AMC since July 2018, developing protocols for the integrated service delivery. A Working Group was established to work through the clinical and operational arrangements for the successful integration of health services at the AMC.
- That work informed a *Memorandum of Understanding* (MOU) and three schedules between the ACT Government and Winnunga for the delivery of coordinated health care services to Aboriginal and Torres Strait Islander detainees at the AMC. The MOU and schedules were signed on 21 December 2018.
- $4.372m was pledged over three years (2017-18 to 2019-20) for JACS and ACT Health to fund a dedicated General Practitioner, Social and Emotional Wellbeing support staff, additional ACT Health staff and AMC staffing costs to enhance health services at the AMC. The funding was allocated as follows:
    - ACT Health staffing costs of $1.205m over two years in 2018-19 and 2019-20 for:
        - *Winnunga – via contract by ACT Health.*
            - *0.8 General Practitioner (Phase 2)*
            - *2.0 FTE ASO6 Social and Emotional wellbeing staff member*
        - *JHS staff*
            - *0.5 FTE Registered Chronic Disease Nurse*
            - *0.5 FTE ASO3*
- The associated expenses for ACT Health were offset against the Health Funding Envelope.
- JACS costs of $2.761m over three years in 2017-18 to 2019-20 for:

- *Staffing costs of $2.548m over three years to deliver more custodial officers to boost detainee escort services, including for detainees accessing health services within the AMC;*
- *Repairs and maintenance of $0.163m over two years; and*
- *$0.050m in 2019-20 only for an evaluation to determine ongoing Winnunga service model.*

QUESTION TIME BRIEF

JACS2021/47-001-012

Portfolio/s: Corrections

ISSUE: INSPECTOR OF CORRECTIONAL SERVICES

Talking points:

- Establishing an Inspector of Correctional Services was a commitment of the Government in response to Recommendation 8 of the Moss Review. It recognised that effective independent oversight is vitally important to maintain public confidence in our correctional system.
- The Inspector of Correctional Services (the Inspector) has provided eight (8) Critical Incident Reviews, two (2) thematic review of the conditions of remand detainees, and one (1) healthy prison review to the Speaker of the ACT Legislative Assembly.
- The Inspector is required to give a report on each review to the ACT Legislative Assembly within six (6) months of its completion.

Remand Review

- The Care and Management of Remandees at the Alexander Maconochie Centre (AMC) ('Remand Review') was the Inspector's first thematic review and was tabled in the ACT Legislative Assembly on 20 February 2019.
- The Review made 39 findings.
- The Government Response to the Remand Review was tabled in the ACT Legislative Assembly on 6 June 2019.

Healthy Prison Review

- The Healthy Prison Review was tabled in the Legislative Assembly on 26 November 2019.
- The Government Response to the Healthy Prison Review was tabled in the ACT Legislative Assembly on 21 May 2020.
- ACT Corrective Services (ACTCS) is currently implementing the recommendations as outlined in the Government Response.
- Healthy Prison inspections and reviews are based on the concept of a healthy prison which was first set out by the World Health Organisation, and are accepted internationally as the benchmark for custodial environments. The healthy prison test is based on four pillars:

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- Safety – prisoners, even the most vulnerable, are held safely;
- Respect – prisoners are treated with respect for their human dignity;
- Purposeful activity – prisoners are able and expected, to engage in activity that is likely to benefit them; and
- Rehabilitation – prisoners are prepared for release into the community, and helped to reduce the likelihood of re-offending.

Court Transport Unit Review

- The Court Transport Unit Review was tabled in the Legislative Assembly on 3 December 2020.
- The Government Response was tabled in the Legislative Assembly on 11 February 2021.
- The review made 12 findings and 22 recommendations.

Critical Incidents

- The *Inspector of Correctional Services Act 2017* (the Act) provides that the Inspector 'may review a critical incident on the inspector's own initiative'. All reviews tabled in the ACT Legislative Assembly to date were conducted at the Inspector's own initiative.
- A critical incident is defined in the Act, and includes 'an assault or use of force that results in a person being admitted to hospital'. To date, the majority of critical incident review reports tabled in the ACT Legislative Assembly concern incidents of assaults at the AMC that resulted in the hospitalisation of a detainee. One (1) exception relates to a disturbance at the AMC on 10 November 2020.

Critical incident date	Details	Media interest
27 March 2021	A hostage situation took place involving a detainee taking another detainee hostage. The incident was resolved without physical injuries to anyone. The Inspector is currently reviewing the incident.	Yes This incident was reported on in the media.
11 January 2021	A female Aboriginal and Torres Strait Islander detainee was strip searched in the Crisis Support Unit to ensure her safety, with use of force required to gain compliance beforehand. The Human Rights Commission and the	Yes This incident is subject to significant media interest.

QUESTION TIME BRIEF

	Inspector of Correctional Services are currently reviewing this incident.	
14 November 2020	There was a fire in Sentence Cottage 2 (SC2), which caused significant damage to parts of this accommodation unit. No injuries to detainees or staff were reported.	Yes This incident was subject to media interest on as it occurred soon after the disturbance of 10 November and was reported on in that context.
10 November 2020	There was a disturbance at the AMC with all 27 detainees located in AU North refusing to lock in. Multiple fires were lit and external support was provided by ACT F&R and AFP. Detainees surrendered after several hours, and no injuries occurred to detainees or staff. The final version of the Report was tabled in the ACT Legislative Assembly on 31 March 2021 and contained seven (7) findings and 13 recommendations for the ACT Government to consider.	Yes This incident was subject to significant media interest.
13 January 2020	The critical incident involved the assault of a male detainee by up to two (2) other detainees, resulting in hospital admission. The Report contains ten (10) findings and two (2) recommendations for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 21 May 2020, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 23 July 2020.	Yes This incident was subject to media interest due to next of kin coincidentally being at the hospital and spotting the victim prior to formal hospital admission and therefore prior to next of kin notification.
5 December 2019	The critical incident involved the assault of a male detainee in a cell by another detainee, resulting in hospital admission. The Report contains nine (9) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 21 May 2020, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 23 July 2020.	No
15 April 2019	The critical incident involved the assault of a male detainee by up to two (2) other detainees, resulting in hospital admission. The Report contains five (5) findings. The final version of the Report was tabled in the ACT Legislative Assembly on 30 July 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	No

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QUESTION TIME BRIEF

1 January 2019	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains seven (7) findings and three (3) recommendations for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 30 July 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	Yes This incident was the subject of media interest following the Attorney-General's response to the detainee and the tabling of the Inspector's Report. On 28 June 2019, the Chief Minister received a request for a remission of sentence for the assaulted detainee. The request was referred to the Attorney-General, who responded by letter on 31 July 2019, advising that the circumstance did not appear to provide a basis for remission and that it was not appropriate to consider the matter as the detainee was appealing his sentence.
16 December 2018	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains six (6) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 5 June 2019. The ACT Government response to the report was tabled in the ACT Legislative Assembly on 24 October 2019.	No
25 October 2018	The critical incident involved the assault of a detainee at the AMC, resulting in hospital admission. The Report contains seven (7) findings. The final version of the Report was tabled in the ACT Legislative Assembly on 12 February 2019, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 14 May 2019.	No
23 May 2018	The critical incident involved an Indigenous detainee who was assaulted by a non-Indigenous detainee at the AMC. The Report contains ten (10) findings and one (1) recommendation for the ACT Government to consider. The final version of the Report was tabled in the ACT Legislative Assembly on 27 November 2018, and the ACT Government response to the report was tabled in the ACT Legislative Assembly on 19 March 2019.	No

QUESTION TIME BRIEF

Background Information

- Following the Moss Review and in recognition of the unique make-up of the ACT's correctional system and increasing population pressures, the ACT Government committed to establishing an external and independent Inspectorate of Correctional Services, intended to strengthen and improve existing oversight arrangements.
- In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of Inspector of Correctional Services for the ACT.
- The office of the Inspector of Correctional Services is now fully operational and is committed to ensuring continuous improvement through its systemic and regular reviews of correctional services.

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QUESTION TIME BRIEF

JACS2021/47-001-013

Portfolio/s: Corrections

ISSUE: JUSTICE HOUSING PROGRAM

Talking points:

- As part of the *Building Communities, Not Prisons* program, several initiatives, including the Justice Housing Program (JHP) were funded by the Government through the 2018-19 Budget review and the 2019-20 Budget process.
- This initiative has established a Supported Transitional Justice Housing Program across the ACT to support efforts to reduce reoffending and to reduce numbers at the Alexander Maconochie Centre (AMC).
- The JHP is a collaboration between the Justice and Community Safety Directorate, Community Services Directorate, the social and community housing sector and support agencies, aiming to meet the diverse needs of people in the criminal justice system who are on bail or exiting custody.
- The JHP provides an accommodation option for those who otherwise would be incarcerated in the AMC due to a lack of suitable community based accommodation. An example is those who are remanded in custody instead of receiving bail in the community because they do not have a suitable address, or those applying for parole. This is intended to act as a stepping stone to longer term or permanent accommodation in public housing, community housing or the private rental market.
- The JHP service provider works with residents to source and transition into other long term accommodation. It is important to note that this support relates to a resident's accommodation and does not detract from other services with which an individual may be engaged, such as outreach or counselling services.
- The housing stock for the JHP is sourced from Housing ACT under arrangements ensuring public housing stock availability is not impacted by this initiative.
- ACTCS continues to collaborate with the service providers, community stakeholders, and residents of the program to refine the service model.
-

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- The JHP currently has 10 houses comprising of 30 beds. Seven houses are allocated for men, two houses are allocated for women and one house is allocated for transgender and intersex people.
- From commencement of the JHP program (May 2020) to 17 May 2021, there were a total of 44 occupants accommodated (current and exited) in the JHP. This includes 37 men (12 Indigenous), five (5) women (two (2) Indigenous) and two (2) transgender persons.
- A further 29 detainees for this period were accepted into the JHP, but not accommodated due to court/Sentence Administration Board outcomes and/or JHP applications having been withdrawn. This includes 22 male (six (6) Indigenous) and seven (7) female (four (4) Indigenous).
- As of 17 May 2021, there were 26 occupants residing in a JHP property. This includes 20 men (seven (7) Indigenous), five (5) women (two (2) Indigenous) and two (2) transgender persons.

Each week the JHP team is processing new applications, resulting in minimal vacancies across the mens properties and timely re-allocation of beds when an occupant exits the JHP. As of 17 May 2021, there are four (4) approved applications that are waitlisted for an available bed in a male property. Key Information/Background

- In the 2019-20 budget, the initiative "Alternatives to jail through the Justice Housing Program (JHP)" received capital funding of $7.2m, $5m of recurrent funding to cover payments to a third party for managing the accommodation program, program brokerage and evaluation for 3 years and other operational costs totalling $6.441m from 2019-20 over a period of 4 years. The premise of this funding is 10 properties provided by Housing ACT.
- Funding of $6.493m over 3 years from 2018-19 was provided for the Bail Accommodation Transition Support Service (BATSS) with commitment of a building by Housing ACT to accommodate eight men, with onsite 24/7 staffing. While the use of the building did not progress, the service is operational from two houses with limited support from CatholicCare support workers in business hours.

<u>COVID-19</u>

- The COVID 19 response within the JHP will:
  - Provide accommodation in houses sourced from Housing ACT, run by CatholicCare. These houses will be contracted for one year with a maximum of nine places (three houses) for women to expand accommodation options available for women leaving custody, to supplement the scarce provision in the housing and homelessness sector.
  - Provide reserved places for Aboriginal and Torres Strait Islander people proportional to, or exceeding, the proportion of Aboriginal people in custody at the AMC. This will be supported by an indigenous CatholicCare support worker, and referrals where requested

to a community controlled organisation to support culturally appropriate 'wraparound' services to best meet the needs of the cohort.

- Provide a bail accommodation transition support service of six beds (two houses) which cater for those who would usually be granted bail by the courts but only on the condition that they have appropriate housing. The bail hostel was funded as part of the mid year cycle in 2018-19, and was contingent upon the use of a specific Weston Creek property. This property did not meet building code and required significant expenditure to satisfy the requirements. As such, ACTCS is working with CatholicCare to achieve the stated aims of the bail hostel initiative from within the housing provision for the JHP.

QUESTION TIME BRIEF

JACS2021/47-001-016

Portfolio/s: Corrections

ISSUE: REPORT ON GOVERNMENT SERVICES (ROGS) RELEASE

Talking points:

Costs

- The real net operating expenditure per detainee per day has increased from $305.50 in 2018-19 to $420.56 in 2019-20. The total expenditure (including net operating expenditure and capital costs) per detainee per day in the ACT was $559.17 in 2019-20. While this is higher than the national average of $331.39, the Productivity Commission advises that cost indicators are not comparable across jurisdictions.
- The increase in recurrent expenditure per prisoner in the ACT between 2018-19 and 2019-20 is in part due to reduced number of detainees in 2019-20 (i.e. the total daily cost – including fixed operational costs – is distributed across a smaller cohort).

Education

- In 2019-2020 there was a slight increase in the participation of detainees in education and training from 70.8 per cent in 2018-2019 to 71.4 per cent.
- The ACT has been the highest-ranking jurisdiction in terms of education and training participation since the opening of the AMC, except for 2017-18 when South Australia (SA) surpassed the ACT in its performance against this indicator. At 71.4 per cent, the ACT performs well above the national average of 32 per cent.

Employment

- The ACT detainee employment rate remained unchanged, with 80.7 per cent of the eligible detainee population participating in employment. The ACT performed better than the Northern Territory (NT), Queensland (QLD), and Tasmania (TAS) in this area and sits just under the national average of 81.4 per cent.

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- Aboriginal and Torres Strait Islander detainees were employed in 2019-20 at 75.7 per cent, above the national average of 73.7 per cent. This reflects the ACT Government's commitment to support detainees to develop the skills that allow them to obtain employment and successfully return to the community.
- The ACT has made significant progress to increase opportunities for detainees to develop skills for employment after being released, including through a new Horticulture Industry program which will commence in early 2021. Detainee industries at the AMC provide practical experience and skills that can translate into employment outcomes in the community.

Recidivism

- In 2019-20, the ACT had 37.1 per cent of detainees (released in 2017-2018) returning to prison within 2 years of their release, a decrease from 42.4 per cent and lower than the national average of 46 per cent.
- The return of ex-detainees to Corrective Services (either to Prison or to Community Corrections) reduced from 71.3 per cent in 2018-19 to 63.4 per cent in 2019-20. The ACT return rate of ex-detainees to Corrective Services ranked the second highest of all jurisdictions, after the NT and above the national average of 54.9 per cent.
- In 2019-20, 18.3 per cent of offenders returned to Community Corrections within 2 years of their release, an increase from 16.9 per cent in 2018-19 and higher than the national average of 16.1 per cent.
- The return of ex-offenders to Corrective Services (including prisons) rose to 20.8 per cent in 2019-20 from 19.1 per cent in 2018-19. The ACT performed the third best after Victoria (VIC) and Western Australia (WA), and is under than the national average of 25.7 per cent.

Time out of cells

- The time that detainees spent out of cells decreased to 9.1 hours per day on average in 2019-20 from 9.4 hours in 2018-19. The national average was 9.6 hours. The ACT had the fourth lowest time out of cells, followed by QLD, New South Wales (NSW), and TAS.

- The decrease in time out-of-cells was primarily due to the emergency lockdown of the AMC in November 2019 in response to a significant security breach.
- The ACT Government is committed to maximising time out of cells to ensure detainees can engage in purposeful activities including work, programs, education, visits and recreation to support them to successfully reintegrate into the community.

Key Information

- The ACT recorded zero escapes, deaths in custody, or serious assaults on correctional officers in 2018-19 and continued this trend in 2019-2020.
- There were fewer detainees imprisoned in the ACT in 2019-20, with a decrease of 8.3 per cent. The ACT continues to have fewer women and Aboriginal and Torres Strait Islander peoples in custody, falling below the national average again in 2019-20.
- The ACT was at 101.1 per cent design capacity utilisation at the AMC in 2019-2020, compared to 110.3 per cent in 2018-2019. This is a direct result of the decrease in the detainee population. This indicator is unable to be compared to the national average, which cannot be calculated due to three jurisdictions not reporting on this indicator.
- The prisoner on prisoner assault rate has increased from 9.09 per 100 prisoners (44 serious assaults) in 2010—2019 to 13.07 per 100 prisoners in 2019-20.
- The prisoner on prisoner serious assault rate decreased from 3.31 per 100 prisoners (10 serious assaults) in 2018-19 to 1.8 per 100 prisoners (8 serious assaults) in 2018-19.
- The percentage of Community Corrections orders that were completed without breach has decreased in 2019-20. The ACT had a Community Corrections order completion rate of 68.1 per cent, decreasing from 69.2 per cent in 2018-19 and below the national average of 71.4 per cent.
- Of all orders in 2019-20, the supervision order completion rate decreased to 68.5 per cent, while the completion rate of community service work orders decreased to 61.4 per cent. Both completion rates were lower than the national average of 72 per cent and 68.8 per cent respectively.
- Whilst breaches of orders have risen, the data shows that more community orders were successfully completed in 2019-20 with an increase of 391 orders.

QUESTION TIME BRIEF

JACS2021/47-001-009

Portfolio/s: Corrections

ISSUE: COVID-19 at the AMC

Talking points:

- There are currently no confirmed cases of coronavirus within the Alexander Maconochie Centre (AMC). As at 1 May 2021, 197 detainees had been tested since the commencement of the pandemic and all returned a negative result.
- As at 1 May 2021, one (1) detainee was in isolation at the AMC.
- Detainees are placed in isolation if they:
    - Have identified on admission as having travelled to a hotspot area within the last 14 days;
    - Have been in contact with someone who has tested positive for COVID-19 within the last 14 days;
    - Have shared a cell with a detainee who has been tested for COVID-19; or
    - Are unwell and are exhibiting flu-like symptoms.
- This situation will continue to be monitored in line with public health advice from ACT Health.

<u>Visits</u>

- During the pandemic, ACTCS has put in various arrangements to maintain social contact between detainees, their families and friends in a COVID-safe manner. Measures implemented include the introduction of video visits.
- AMC conducted 3,516 visits between 1 January to 14 May 2021. 50.5% (1,775) of these visits were conducted via video and 49.5% (1,741) were conducted in person.
- Interim COVID-safe visiting restrictions remain in place at the AMC. . Each detainee is permitted two (2) adult visitors and two (2) child visitors per visit. Social visits are also limited to immediate family and partners only.

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- AMC is currently looking to expand the number of contact visits that can be held. The number will increase in the coming weeks.
- As a high risk facility, the decision to continue restrictions is a difficult one but will protect the health of our most vulnerable detainees and others in the centre.
- ACTCS recognises the need to continually review the need for visits restrictions and assess current risks and community expectations. Updates on visits restrictions will be made available on the ACTCS website.

Key Information

Face-to-face social visits resumption

- On 9 September 2020, limited face-to-face social visits resumed at the AMC. Staff, visitors and detainees were informed about the resumption of visits on 2 September 2020.
- Due to physical distancing requirements, social visit sessions are limited to seven (7) in person visits per session.
- All persons wishing to enter the AMC are required to undergo a touchless thermometer check, in addition to answering a number of screening questions.
- The changes implemented by ACTCS to resume social visits are consistent with the practices in other jurisdictions:
    - Social distancing principles are abided by and screening methods for COVID-19 are utilised in all jurisdictions
    - Similar restrictions on the number of visitors are in place in all jurisdictions
    - Western Australia, Queensland, South Australia and NSW have continued video visits

Activity packs for detainees

- The Programs and Interventions team prepared a range of self-paced program booklets and activity packs for detainees during the pandemic. These packs provide detainees with ways to use their time meaningfully, including learning new strategies and for enjoyment. Self-paced booklets and card making kits are also being offered to detainees who are waiting for court appearances by telephone.
- As at 18 May 2021, 990 certificates of completion have been issued for self-paced programs. This includes 917 certificates issued to male detainees and 73 certificates to female detainees.
- Due to a new short program suite being developed, the self-paced booklets have temporarily been removed from circulation. They will be reviewed along with the new programs and are planned to return to circulation in approximately July 2021.

QUESTION TIME BRIEF

Personal Protective Equipment

- The use of Personal Protective Equipment (PPE) at the AMC is in accordance with the Public Health Guidelines that are currently in place.
- PPE is not required for general work activities but is required for those working in close contact with people who have been placed on isolation and/or those who have been confirmed to have COVID-19. Correctional officers and other staff will be issued with appropriate PPE equipment where they are required to engage directly with detainees who have been placed on isolation.
- Masks will be issued to any detainees infected to prevent the spread of the disease where they are in contact with others.
- Appropriate signage is on display at 2 Constitution Avenue advising offenders who are unwell or experiencing flu-like symptoms to remain away and make telephone contact, as well as general hygiene advice.

Video visits

- Between 2–16 July 2020, ACTCS sent out a survey to families and friends who were visiting detainees by video. The survey was sent to approximately 300 visitors and 115 responses were received.
- The survey identified that the majority (93 percent) of respondents were satisfied with the video visits and would like to see them offered as a permanent visit option in addition to face-to-face visits.
- Video visits have continued and detainees may have up to one (1) video visit and one (1) in person visit per week. Visits are up to one (1) hour in duration.

Background

Visits

- All social visits to the AMC were suspended from close of business on Sunday 22 March 2020 to ensure the health and safety of all detainees and visitors.
- Since Wednesday 25 March 2020, detainees have been provided with an additional $20 phone credit to assist with contact to their family and friends, and with effect from Friday 27 March 2020, ACTCS commenced the use of video visits using the video communication program 'Zoom'.
- Visitors are asked to arrive at least 30 minutes prior to their visit time to complete the requirements of entry.
- Visits must be booked 72 hours prior to the intended visit. Visitors must call AMC Executive Support and leave a message to arrange a visit.
- Detainees do have the option to apply to the General Manager AMC in exceptional circumstances for other visits arrangements.
- Unfortunately, due to cleaning requirements, the following services and facilities are not available during visits:
    - toilet facilities
    - barista

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- the BBQ and outdoor play equipment.

- Professional visits are able to occur in person and via video at the choice of the professional agency and the availability of the video equipment.

Activities

- The activity packs offer a range of craft and brain teasers, including find a picture, find a word, sudoku and origami. Craft packs are also available, including making cards with scrapbooking paper and colouring/drawing ideas and lesson pages. Packs continue to be available to all detainees.

- Hepatitis ACT have donated a selection of card making, colouring in sheets, drawing paper, hepatitis information booklets and packs of cards for distribution to detainees.

- The self paced booklets may be submitted to the Programs Unit for review and, if completed, a certificate will be awarded. It is envisaged these programs will be used beyond the COVID-19 pandemic.

QUESTION TIME BRIEF

JACS2021/47-001-015

Portfolio/s: Corrections

ISSUE: REINTEGRATION CENTRE

Talking points:

- A tender associated with the construction of the proposed Reintegration Centre has not yet been let.
- The ACT Government is considering a range of options related to accommodation priorities at the Alexander Maconochie Centre (AMC), in light of the current detainee numbers and profiles, and in order to achieve optimal outcomes that most effectively balance the needs of the different cohorts of detainees – both currently and into the future.
- The proposal for a Reintegration Centre is one element of the accommodation options for the AMC and is part of these considerations.
- As part of the *Building Communities, Not Prisons* initiative, the ACT Government committed to improving rehabilitation options for detainees at the AMC.
- Options include the development of a proposed Reintegration Centre; provision of enhanced rehabilitation programs including trauma and relationship counselling, alcohol, tobacco and other drug rehabilitation; jobs skills training in partnership with non-government and government organisations; and industries in order to provide detainees with work opportunities and skills training to enhance employment prospects on release.
- The overall intent is to reduce the time a person may be detained in custody through increasing the capacity of detainees to gain parole and, once released, to successfully reintegrate into the community with increased skills and strategies to address the causes of their criminogenic behaviours.

Key Information/Background

- Since the opening of the AMC in 2009, detainee numbers have consistently exceeded forecast numbers.
- In 2017, the ACT Government agreed that a feasibility study be undertaken to identify, prioritise and program the delivery of future correctional requirements in a staged and cost-effective manner.

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QUESTION TIME BRIEF

- Capital funding of $35 million (over three years) was allocated in the 2019-20 Budget to construct the 80-bed minimum security Reintegration Centre located outside the secure perimeter of the AMC. The 20-bed Transitional Release Centre is included within the Reintegration Centre for a total of 80 beds.
- In December 2019, the then Minister for Corrections and Justice Health reported to the Legislative Assembly on the early progress on the Reintegration Centre project.
- The Reintegration Centre project involves design and planning approvals to provide accommodation buildings for new beds and associated support, administration and stores.
- The design, procurement and construction of the facility is being managed by Major Projects Canberra.
- As part of early design work, a geotechnical investigation was commissioned to assess the subsurface soil and groundwater conditions across the site.
- The investigation identified a number of areas of concern which had different classifications for rectification before building works would be able to commence.
- A separate budget bid of $5.6 million to support the works being undertaken was submitted and approved as part of the 2020-21 budget process as this was not included in the original project budget.
- Key milestones achieved to date include:
    - In May 2019, Perumal Pedavoli Pty Ltd was appointed to provide Design Consultancy Services for the Reintegration Centre.
    - 30 per cent Preliminary Sketch Plan documents were submitted in June 2019.
    - 80 per cent Preliminary Sketch Plan documents were issued for review in mid-December 2019.
    - The Development Application (DA) was submitted in May 2020.
    - 100 per cent Preliminary Sketch Plan was completed in September 2020.
    - The Government Procurement Board endorsed the proposal in November 2020.
- The DA was approved in November 2020.

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QUESTION TIME BRIEF

JACS2021/47-001-007

Portfolio/s: Corrections

ALEXANDER MACONOCHIE CENTRE TRANSFERS

Talking points:

- On 24 November 2020, five (5) male detainees were transferred from the Alexander Maconochie Centre (AMC) to NSW correctional centres.
- An additional four (4) male detainees were transferred in early December 2020 (two on 3 December 2020, and two on 11 December 2020).
- Of the nine detainees transferred, eight were involved in the disturbance which occurred at the AMC on 10 November 2020, where 27 detainees housed in the AU-North accommodation unit refused to return to their cells for the night lock-in and caused significant damage to the unit, including by lighting fires.
- One detainee that was transferred was involved in various other incidents, and was believed to be involved in a fire incident that caused significant damage to parts of the Sentenced Cottage 2 (SC2) accomodation unit.
- The impact of the disturbance and fire incident in SC2 placed increased pressure on the management of complex cohorts of detainees by ACTCS due to the temporary loss of these accommodation units as a result of damage.
- The decision to transfer these detainees to NSW was made to ensure the ongoing safety, security and good order of the AMC in consideration of the reduced capacity due to the temporary loss of the accommodation units.
- The transfer of these detainees will not affect their ACT court orders and sentences.

Key Information

- The AMC manages multiple complex cohorts across minimum to maximum level security classifications and this requires individual detainee group placements to be considered for each relocation, which has been made increasingly difficult in the current circumstances.
- ACTCS will continue to consider appropriate risk assessments when considering the placement of detainees and the options available to ACTCS.

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- Four of the detainees transferred in November/December 2020 identify as Aboriginal.

QUESTION TIME BRIEF

JACS2021/47-001-002

Portfolio/s: Corrections

ISSUE: ACT CORRECTIVE SERVICES KEY DATA (as at 1 May 2021)

Court Transport Unit (CTU)

Staffing

Total FTE	% Female	% Male
27	29.63	70.37

- This number includes one officer who has been on long term unpaid leave for approximately two years.

Vehicles

- Total number of vehicles –five (5) vehicles.

Custodial officers

Staffing

Total FTE	% Female	% Male
224.53	27.43	72.57

- The total FTE number includes a number of Officers who are on long term leave.
- The total FTE numbers also include 22 new Correctional Officer Trainees who are due to be appointed as CO1's on 21 May 2021, pending successful completion of the Custodial Recruit Training.
- There are generally 71 weekday posts at the AMC (Monday and Tuesday are slightly less as there are no visits), with 82 officers rostered on each day. This includes an additional 11 officers to account for unexpected and other leave.

Vehicles

- Total number of vehicles – eight (8) vehicles.
    - One (1) vehicle is currently in the process of transferring the equipment to the replacement vehicle. When completed, the vehicle will be returned to SG Fleet.

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QUESTION TIME BRIEF

Custodial operations – All staff (inclusive of administrative and corrections officers)

Staffing

Total FTE	% Female	% Male	% Indigenous
290.53 – includes 2 on temporary contracts	31.52	68.48	5.85

- 39 of the staff members are administrative and General Services Officer GSO staff, including two on temporary contracts, one being an Executive contract.

Community Operations

Staffing

Total FTE	% Female	% Male	% Indigenous
52.48	65.70	34.30	3.81

Vehicles

- Total number of vehicles – five (5) vehicles
    - Three (3) vehicles are located at 2 Constitution Avenue
    - Community Operations has an additional two (2) vehicles based at the Transitional Release Centre adjacent to the AMC.

Offender Reintegration

Staffing

Total FTE	% Female	% Male	% Indigenous
52.36 – includes 3 on temporary contracts	67.53	32.47	5.73

QUESTION TIME BRIEF

Corporate Services

Staffing

Total FTE	% Female	% Male	% Indigenous
49.64 – includes 9 on temporary contracts	45.61	54.39	0

Vehicles

- Total number of vehicles – four (4) vehicles
    - Two (2) vehicles are located at 2 Constitution Avenue
    - Corporate Services also has an additional two (2) vehicles based at the AMC utilised by the Maintenance and Stores teams.

Operational Support

Staffing

Total FTE	% Female	% Male	% Indigenous
33.6 – includes 4 on temporary contracts	67.26	32.74	2.98

Office of the Commissioner and Executive

Staffing

Total FTE	% Female	% Male	% Indigenous
16.6 – includes 7 on temporary contracts (6 Executive contracts)	75.90	24.10	0

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ACT Government
Justice and Community Safety

MINISTER MICK GENTLEMAN MLA
MINISTER FOR CORRECTIONS
QUESTION TIME BRIEFS PACK
22-24 JUNE 2021

Question Time Briefs	
1.	12 May Incident at the AMC (NEW)
2.	Vaccinations at AMC (NEW)
3.	Half Yearly Statement of Performance
4.	Allegations of systemic racism at the AMC
5.	Corrections Blueprint for Change
6.	ACTCS Commissioner position
7.	Female Detainees at the AMC
8.	ATSI Incarceration Rates
9.	Recent judgement on AMC discipline processes
10.	AMC Operations
11.	Detainee Numbers and Accommodation Pressures
12.	Implementation of Healthy Prisons Report Recommendations
13.	Court Transport Unit Report Progress
14.	AMC Health Services
15.	Justice Housing

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16.	Reintegration Centre
17.	AMC Transfers
18.	ACTCS Key Data

QUESTION TIME BRIEF

JACS2021/47-001-062

Portfolio/s: Corrections

12 MAY 2021 INCIDENT

Talking points:

Incident on 12 May 2021

- On 12 May 2021, up to 28 detainees housed in the Remand Unit 1 (RU1) accommodation unit at the Alexander Maconochie Centre (AMC) became non-compliant with Custodial Officer (CO) directions and were behaving aggressively.
- It is important to note not all detainees housed in RU1 took part in the incident.
- COs commenced negotiations with the detainees, acted quickly and professionally to resolve the issue.
- In order to help control the situation, Oleoresin Capsicum (OC) spray was used twice during one incident in short succession. Firstly to force two detainees to retreat when they actively prevented COs from putting out a fire, and a short time later to prevent a third detainee from relighting the same fire.
- The matter became resolved when detainees became compliant with directions.
- An undetermined amount of damage has been caused to the building, including the accommodation area, outside yard and outside equipment. ACT Corrective Services (ACTCS) have notified the ACT Insurance Authority (ACTIA) of the damage.
- The detainees houses in RU1 were successfully relocated to the Management Unit and to various accommodation areas through controlled escorts by COs.
- All detainees were medically assessed by Justice Health Services as part of the relocation process. Any detainee that was affected by the Oleoresin Capsicum (OC) spray was also decontaminated.

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- As per the Use of Force Policy, OC spray is only authorised for use by COs who have received training in advanced use of force techniques and must only be deployed when the General Manager, or Duty Manager in their absence, has approved their use in an incident.
- A full centre lockdown of the AMC was ordered and all detainees within the other accommodation units were safely returned to their cells. The AMC remained in lockdown until 13 May 2021 after lunch time when scheduled visits resumed. The AMC remained in a modified routine until the morning of 14 May 2021 when normal operations resumed.
- ACT Corrective Services is reviewing the incident.
- ACT Fire and Rescue (ACT F&R), ACT Ambulance Services and ACT Policing (ACTP) attended the AMC in response to the incident.
- The Inspector of Correctional Services was notified of the incident in accordance with the *Inspector of Correctional Services Act 2017* and has commenced a review.

Key Information

- The AMC is the only adult correctional facility within the ACT and accommodates multiple cohorts including women, men, mainstream (general population) and protection (where there is specific information to suggest that there is a credible risk to the safety of the detainee).
- The AMC is a maximum-to-minimum security correctional centre surrounded by a maximum-security perimeter and is designed to accommodate detainees of all levels of security classification.

QUESTION TIME BRIEF

JACS2021/47-001-063

Portfolio/s: Corrections

Corrections

Vaccinations at AMC

Talking points:

- The Australian Government wants everyone to have access to a safe, free, COVID-19 vaccine if they choose to be vaccinated.
- Delivery of Comirnaty (Pfizer) COVID-19 vaccinations to detainees at the Alexander Maconochie Centre (AMC) began on Tuesday 1 June 2021.
- As of 9 June, all current detainess had been offered the opportunity to receive their first dose. Vaccinations are voluntary, but strongly encouraged.
- The ACT agreed, along with all other jurisdictions and the Federal Government, that corrections vaccinations programs were a priority due to the high-risk nature of housing people in close quarters.
- Getting vaccinated is a safe and effective way to protect detainees against the severe effects of COVID-19, reducing the severity of symptoms and the need for hospitalisation should they contract the virus.
- Providing access to the vaccine also helps to protect the community at AMC: the more detainees who are vaccinated, the lower the risk of infection for the most vulnerable.
- All correctional officers at the AMC have been eligible for vaccination under phase 1B. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.
- As at 9 June 2021, all first dose vaccinations had been administered. Of these, 14 of were completed by Winnunga Nimmityjah Aboriginal Health and Community Services.
- As at 9 June 2021, 222 of the 356 eligible detainees (66 percent) elected to receive the vaccination from Justice Health Services.
- From 28 June 2021, the second dose of vaccinations will be administered between 8:30am and 11:30am daily until all vaccinations have been completed.
- The vaccine will be provided in four (4) separate areas of the AMC, including the Hume Health Centre and satellite clinics. The area in which a detainee receives their vaccination is dependent on the accommodation unit of the detainee.
- After the second round of vaccinations are completed, vaccinations will be offered to new admissions and any others that would like to wish to receive the vaccination.

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QUESTION TIME BRIEF

Key Information/Background

- On 27 May 2021, detainees and visitors were advised of the vaccine rollout at the AMC via electronic notices from the Commissioner, ACT Corrective Services.
- Detainees were provided with two factsheets outlining the details about the Comirnaty (Pfizer) vaccine:
    - Information on COVID-19 Pfizer (Comirnaty) vaccine
    - After your COVID-19 vaccination
- Detainees were asked to inform their Unit Officer if they wished to partake in the vaccination program.
- If a detainee is released from the AMC prior to receiving their second dose, they will be provided with information on how to access this in the community.

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QUESTION TIME BRIEF

JACS2021/47-001-051

Portfolio/s: Police and Emergency Services
Corrections

Half Yearly Statement of Performance

Accountability Indicators

Output 4.1: Emergency Services

Table 23: Accountability Indicators Output 4.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
Prevention and Preparedness				
a. Desktop audit of ACT Government Directorate Bushfire Operational Plans activities [a]	n/a	n/a	n/a	
b. Field assessment of Access Management Upgrades and Hazard Reduction burns conducted in accordance with Bushfire Operational Plans of ACT Government Directorates [1]	100%	100%	n/a	
c. Percentage of ESA staff who have completed accredited training in AIIMS [b]	70%	70%	76%	9
Response and Recovery				
d. Structure Fire incidents responded to within target [c]	90%	90%	93%	3
e. Road Rescue incidents responded to within target [d]	90%	90%	93%	3
f. Ambulance priority 1 - Incident Response Time 50th percentile (minutes) [e]	8	8	8.75	9
g. Ambulance priority 1 - Incident Response Time 90th percentile (minutes) [e]	15	15	14.26	(5)
h. Percentage of Patient Transport Service 'fixed booking' attended by booked time[2];	65%	65%	75%	15
i. Total cost per head of population [f]	$394.86	$390.06	$391.39	(1)
Total Cost ($'000)	173,994	88,135	84,364	(4)
Controlled Recurrent Payments ($'000)	146,193	72,354	72,354	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators:

a. This indicator is discontinued in 2020-21 as it is not reflective of the actual performance of the Rural Fire Services (RFS) but rather performing audits of ACT Government directorates' commitments under the Bushfire Operational Plans.

b. AIIMS – Australasian Inter-Service Incident Management System. This accountability indicator captures training provided to Emergency Services Agency (ESA) staff only on the AIIMS system.

c. Target refers to the response to structure fires within 10 minutes.

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d. Target refers to the response to road rescues within 13 minutes.
e. Priority 1 records that are incomplete due to operator or system errors, or where incidents are outside the ACT, or where the priority rating has been changed, are excluded.
f. The 2020-21 original target is based on an estimated population of 440,643 estimated according to the most recent population projections for the Australian Capital Territory (ACT) by ACT Treasury (ACT Population Projects 2018-2058: Table 1 - Summary, 2017-2058).

Note(s):

1. ACT Rural Fire Service (RFS) have not been notified of any access management upgrades or hazard reduction burns completed in accordance with an approved Bushfire Operational Plans in the first half of 2020-21 financial year. Therefore, no field assessments have been conducted and the result of this indicator is Not Applicable.
2. The higher than target outcome is a result of improved booking procedures, with a focus on avoiding conflicts in booking time.

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QUESTION TIME BRIEF

Accountability Indicator

Output 2.1: Corrective Services

Table 21: Accountability Indicators Output 2.1

	2020-21 Targets	2020-21 YTD Targets	2020-21 YTD Result	Variance (%)
a. Completion rates of Community Corrections Orders:				
- The proportion of Community Corrections supervision orders successfully completed within the counting period	68%	68%	73%	7
- The proportion of Community Corrections reparation orders successfully completed within the counting period [1]	60%	60%	38%	(37)
b. Average cost per detainee per day for all detainees [a]	$354	$354	$359	1
c. Average cost per day for community based offenders [2]	$39	$39	$44	13
Total Cost ($'000) [3]	92,831	49,928	45,164	(10)
Controlled Recurrent Payments ($'000)	84,377	44,312	44,312	-

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Explanation of Accountability Indicators:

a. The 2020-21 target for this indicator was revised up from $310 to $354. The increase to this target reflects the projected population for 2020-21; the actual results for the first two quarters and the projected result for the last two quarters of 2020-21.

Note(s):

1. Reduced successful completion of Community Services Work orders (reparation orders) during this period reflects an increase of offenders who have not completed their community service hours within the court ordered period.
2. The average daily cost per offender has increased due to a decrease in offender numbers in the same period from 1278 in 2019-20 to 1073 in 2020-21.
3. There have been delays in the full implementation of the Justice Housing Program and general repairs and maintenance orders.

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QUESTION TIME BRIEF

JACS2021/47-001-049

Portfolio: Corrections

ISSUE: Allegations of systemic racism at the AMC

Talking points:

- ACT Corrective Services (ACTCS) takes any allegations of racism at the Alexander Maconochie Centre (AMC) seriously and is committed to investigating all allegations as they arise.
- We acknowledge the fact that systemic racism exists across the community as a fundamental inequality of systems and processes, and as a result of an environment in which racism was not called out or addressed.
- ACTCS is absolutely committed to supporting Aboriginal and Torres Strait Islander people in custody. ACTCS staff undertake a range of training and programs to better equip them in supporting Aboriginal and Torres Strait Islander detainees. In addition, ACTCS and Aboriginal and Torres Strait Islander-led organisations have implemented programs helping people at risk of involvement with the criminal justice system, and assisting ex-detainees reintegrate into the community; last year, the government introduced parole time credit, a drug and alcohol court, and Indigenous sentencing courts headed by elders.
- ACTCS takes a proactive approach to recruit Aboriginal and Torres Strait Islander custodial officers. As at 11 March 2021, ACTCS had 281 custodial officers with 20 identifying as being from Aboriginal and Torres Strait Islander backgrounds.

Key Information

- In 2020, ACTCS settled a complaint that alleged one incident of racism in 2018. Since then, there have been no further substantiated allegations of racism at the AMC. There is no evidence to support that there is systemic racism at the AMC.

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QUESTION TIME BRIEF

Custodial Recruit Training program

- ACT Corrections Officers participate in the Custodial Recruit Training program, and a Certificate III Correctional Practice and Certificate IV Correctional Practice are also offered, which include the following components relating to Aboriginal and Torres Strait Islander cultural awareness and understanding.

- **Custodial Recruit Training**
    - Aboriginal and Torres Strait Islander Cultural Awareness
    - Indigenous Liaison Officer and Royal Commission into Aboriginal Death in Custody session
    - Diversity
    - Respect Equity Diversity (RED) Training.

- **Certificate III Correctional Practice**
    - Work effectively with diversity
    - Protect the safety and welfare of Aboriginal and Torres Strait Islander offenders
    - Protect the safety and welfare of vulnerable offenders.

- **Certificate IV Correctional Practice**
    - Work effectively with culturally diverse offenders and colleagues.

Initiatives

- The Aboriginal and Torres Strait Islander Services Committee (the Committee) was established to oversee the delivery of initiatives in ACTCS arising from the Justice and Community Safety Directorate Reconciliation Action Plan. It has membership from across ACTCS and is chaired by the Commissioner, ACTCS. The Committee is a relatively new initiative focused on enhancing services for detainees, overseeing commitments such as the Reconciliation Action Plan and ACT Aboriginal and Torres Strait Islander Agreement 2019-2028, and also the work of the Indigenous Staff Network.

- The Cultural Engagement Officer works with staff across ACTCS Community Operations to ensure culturally appropriate engagement with Aboriginal and Torres Strait Islander clients and stakeholders.

- In the Healthy Prison Review, the Inspector of Correctional Services commended the commitment and dedication of the ACTCS Indigenous Services Unit. This team plays a key role in maintaining the wellbeing of the Aboriginal and Torres Strait Islander cohort of detainees through cultural support, welfare requests and the coordination of specific programs.

- Aboriginal and Torres Strait Islander detainees are allocated an Indigenous Liaison Officer within five business days of admission.

- A holistic Aboriginal and Torres Strait Islander model of care and health service was introduced into the AMC. Winnunga Nimmityjah Aboriginal Health and Community Service (Winnunga) delivers this service to assist in maintaining and improving the overall health and wellbeing of Aboriginal and Torres Strait Islander detainees, by providing a culturally safe service within the AMC, which is an Australian first.

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QUESTION TIME BRIEF

Oversight

- The ACT has four entities that provide independent oversight in relation to correctional centres: the Inspector of Correctional Services, ACT Human Rights Commission, ACT Ombudsman and Corrections Official Visitors. Together, ACTCS and these entities continuously improve the experiences of the Aboriginal and Torres Strait Islander detainee population.
- It is a legislative requirement that an Aboriginal or Torres Strait Islander person be appointed as an Official Visitor for the purposes of the *Corrections Management Act 2007*.
- ACTCS is committed to ensuring that detainees can make requests or complaints to staff and external complaint bodies about all aspects of their custody. In accordance with the *Corrections Management (Detainee Requests and Complaints) Policy 2019*, detainees are informed about the ways to make a complaint and are not prevented from doing so.
- Detainees can make complaints directly to the oversight agencies, independent from the ACTCS complaints process. Complaints can be referred to and from the oversight agencies, which allows for greater accountability and transparency.

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QUESTION TIME BRIEF

JACS2021/47-001-044

Portfolio/s: Corrections

ISSUE: BLUEPRINT FOR CHANGE

Talking points:

- Supporting the staff of the Alexander Maconochie Centre (AMC) and Court Transport Unit (CTU) is a key priority for the ACT Government, the Acting Commissioner and for me personally. As we continue work to implement a broad corrections reform agenda, we need to do so in a way that is supportive of and engages our staff.
- A new Oversight Committee has been established to develop a 'Blueprint for Change' (Blueprint) for the operations of the AMC and the CTU. The Blueprint will guide the implementation of enhancements to staff training, engagement and capability in a way that promotes improved culture. The Blueprint will be developed in the context of a broader corrections reform agenda.
- The Oversight Committee brings together representatives of ACTCS, the AMC, the Community and Public Sector Union (CPSU), Official Visitors, Aboriginal and Torres Strait Islander peoples, the Human Rights Commission and the Justice and Community Safety Directorate, and is independently chaired by Ms Christine Nixon.
- Three meetings have been held to date and members have received briefings on current policy and training objectives and activity. The last meeting from 25 May 2021 explored staffing matters, including recruitment and rostering.
- I will receive regular progress updates through Ms Nixon as Chair.
- The fourth meeting was/is scheduled for 21 June 2021.
- I look forward to updating the community as the work of the Oversight Committee progresses to address areas of concern, including rates of overtime, and ensuring staff recruitment and training meets the needs of the AMC and CTU.

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QUESTION TIME BRIEF

JACS2021/47-001-053

Portfolio/s: Corrections

ISSUE: ACTCS COMMISSIONER POSITION

Talking points:

- Former ACT Corrective Services (ACTCS) Commissioner, Mr Jon Peach, has accepted an opportunity to take on the new role of Executive Group Manager, Security and Emergency Management within the Justice and Community Safety Directorate.
- Mr Peach finished with ACTCS on 19 March 2021.
- I thank Jon for his dedication and professionalism while ACTCS Commissioner and wish him all the best in his new role.
- Emergency Services Agency (ESA) Deputy Commissioner, Mr Ray Johnson, will act as ACTCS Commissioner while a permanent recruitment process is undertaken. Mr Johnson started in this role on 6 April 2021. He brings with him extensive experience in policing, justice and emergency management, having previously occupied the position of ACT Chief Police Officer.
- Mr Johnson's work reviewing the 2019-20 bushfire season and leading the ESA's People and Culture teams mean he is well placed to continue reforms underway in ACTCS. I look forward to working with Mr Johnson in this important role.
- Mr Johnson's role at the ESA will be backfilled over this period.

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QUESTION TIME BRIEF

JACS2021/47-001-045

Portfolio/s: Corrections

ISSUE: Female detainees at the AMC

Talking points:

- As at 12 May 2021, the Alexander Maconochie Centre (AMC) had 20 women in custody (5.5 per cent of the current total detainee population), of which:
    - 7 (35 per cent) women were on remand and 13 (65 per cent) were sentenced and
    - 12 women were of Aboriginal and Torres Strait Islander heritage, of which, 4 were on remand and 8 were under sentence.
- In the last 12 months, the average daily proportion of female detainees ranged between 6 per cent and 8.5 per cent of the total AMC population.
    - Of the women in custody in the last 12 months, the proportion of remanded women varied between 42.4 per cent (12 in August 2020) and 67.9 per cent (22 in March 2020).
- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. As a consequence, any changes in the detainee population have significant impacts on custodial demographic proportions and on cohort management.
- The consequence of the small female detainee numbers is that the population is highly influenced by rates of custody on remand. This has significant impacts and influences on the management of all detainee cohorts.

Key Information/Background

<u>Incarceration rates</u>

- On 18 October 2018, female detainee numbers in the ACT reached a high of 51 detainees (10.3 per cent of the total AMC population), of which, 30 women were in custody on remand and 21 sentenced. That pressure had been observed for seven days consecutively, as the available beds for women in custody were extended to 57 beds.
- The average daily number of detained females in the last three years were:

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- 2019/20 financial year, 32 (7.3 per cent of the total detainee population), of which 55 per cent were on remand;
- 2018/19 financial year, 40 (8.2 per cent of the total detainee population), of which 56 per cent were on remand and
- 2017/18 financial year, 38 (8.1 per cent of the total detainee population), of which 52 per cent were on remand.

Daily support

- Female Sentence Management Officers are available to women for daily support, ongoing issues, referrals, and welfare concerns. ACT Corrective Services (ACTCS) also provides an on-site coordinator for women's and children's services for female detainees.

Accommodation pressures

- The ACT Government is considering various options with respect to the future accommodation of women detainees at the AMC. Deliberations are taking into account the findings outlined in the Inspector of Correctional Services Healthy Prison Review Report, matters raised by female detainees through their delegate meetings, and questions from AMC oversight agency meetings, in addition to operational matters.

Women's Steering Committee

- The Women's Steering Committee comprising representatives from ACTCS, oversight agencies, and various community organisations involved in the criminal justice system was established to identify opportunities to positively support women within the AMC through enhanced engagement with the community sector. It is not intended as a governance group but as an opportunity to identify and explore short-term options to improve the lives of women offenders.
- The most recent meeting took place in April 2021. .

Women's programs

- ACTCS recognises the complex higher needs of women offenders with higher levels of complex trauma, family and sexual violence and disadvantaged backgrounds.
- Women detainees can access a wide range of programs, including programs focused on their criminogenic behaviours. The women's area is also serviced by diverse community organisations delivering and providing health and wellbeing activities to women.

QUESTION TIME BRIEF

JACS2021/47-001-046

Portfolio/s: Corrections

ISSUE: Aboriginal and Torres Strait Islander incarceration rates

Talking points:

- As at 12 May 2021, the Alexander Maconochie Centre (AMC) had 99 detainees of Aboriginal and Torres Strait Islander heritage (27.3 per cent of the total AMC detainee population), of which:
    - 87 were men and 12 were women.
    - Aboriginal and Torres Strait Islander men accounted for 25.4 per cent (87) of the total 342 AMC male detainees.
    - Aboriginal and Torres Strait Islander women accounted for 60.0 per cent (12) of the total 20 AMC female detainees.
    - 54 out of 99 Aboriginal and Torres Strait Islander detainees (54.5 per cent) were sentenced.
- While Aboriginal and Torres Strait Islander detainees accounted for 24.1 per cent of the total detainee population in 2019/20, Aboriginal and Torres Strait Islander residents constituted 1.9 per cent of the total ACT population (ABS, Census 2016).
- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. Any changes in the detainee population will have significant impacts on custodial demographic proportions.
- In line with the ACT government directions, ACT Corrective Services (ACTCS) is committed to helping address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.
- In 2021, ACTCS will develop an *Aboriginal and Torres Strait Islander Framework* that provides best practice principles to assist staff in operational roles in working with Aboriginal and Torres Strait Islander peoples throughout the justice system, and mechanisms to improve social outcomes both during and after incarceration.
- ACTCS will continue to engage with the Aboriginal and Torres Strait Islander community to continually improve outcomes for Indigenous detainees.

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QUESTION TIME BRIEF

Key Information/Background

Incarceration Rates

- Aboriginal and Torres Strait Islander people continue to be over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion, and systemic societal racism.
- The ACT has experienced a steady increase in the average daily number of Aboriginal and Torres Strait Islander detainees from 2014/15. The daily average Aboriginal and Torres Strait Islander detainees by financial year were:
    - 2019/20 – 107 detainees (24.1 per cent of the total AMC detainee pop);
    - 2018/19 – 110 detainees (22.7 per cent of the total AMC detainee pop);
    - 2017/18 – 103 detainees (21.7 per cent of the total AMC detainee pop);
    - 2016/17 – 92 detainees (20.6 per cent of the total AMC detainee pop);
    - 2015/16 – 92 detainees (22.9 per cent of the total AMC detainee pop); and
    - 2014/15 – 68 detainees (19.8 per cent of the total AMC detainee pop).
- On 12 January 2019, Aboriginal and Torres Strait Islander detainee numbers in the ACT reached a high of 126 (accounting for 26.3 per cent of the total 480 AMC detainees); 111 male and 15 female detainees.

Recidivism

- In 2019/20, the rates of Aboriginal and Torres Strait Islander ex-detainees returning to corrective services were:
    - 72.5 per cent for Aboriginal and Torres Strait Islander **male** ex-detainees (compared to 62.1 per cent for all male detainees); and
    - 79.4 per cent for **female** ex-detainees (compared to 70.1 per cent for all female detainees).
- In 2019/20, the rates of Aboriginal and Torres Strait Islander ex-detainees returning to prison were:
    - 51.0 per cent for **male** ex-detainees (compared to 39.4 per cent for all male detainees); and
    - 38.2 per cent for **female** ex-detainees (compared to 24.7 per cent for all female detainees).
- Given the ACT is a small jurisdiction having only one prison and the relatively small numbers of offenders in the ACT, slight fluctuations in the number returning to corrective services can significantly affect the rate from year to year. Further, given the size of this population, any variations to the risk profile of offenders released each year may significantly affect the rate of recidivism for that cohort.

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TRIM Ref:	JACS2021/47-001-046	

QUESTION TIME BRIEF

ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 Justice Action Plan

- The ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 Justice Action Plan (the Agreement) has been in operation since 2019. The Agreement has four core focus areas including children and young people, cultural integrity, inclusive community and community leadership accompanied by six significant focus areas (justice housing, health and wellbeing, economic participating, life-long learning and connecting with the community).
- ACTCS employ Aboriginal and Torres Strait Islander Sentence Management Officers in identified and non-identified positions, allowing for culturally appropriate sentence management practices.
- Aboriginal and Torres Strait Islander detainees can access programs and services specifically targeted towards Aboriginal and Torres Strait Islander people through the Indigenous Services Unit, in addition to programs, services, and education available to the general AMC population.

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QUESTION TIME BRIEF

JACS2021/47-001-057

Portfolio/s: Corrections

ISSUE: Recent Judgment on AMC Disciplinary Process

Talking points:

- On 12 August 2019, a then detainee at the Alexander Maconochie Centre (AMC) commenced proceedings in the Supreme Court regarding seven separate disciplinary processes applied to him under the *Corrections Management Act 2007* (the CMA).
- The detainee alleged that when charged with a breach of discipline, he was denied the opportunity to address the charge or seek review of the decision made prior to a sanction being imposed..
- The Supreme Court found that actions taken against [redacted] on the seven occasions did not comply with the CMA.
- The Court found that the denial of procedural fairness amounted to a breach of s 21(1) 'the right to a fair trial' of the HR Act.
- ACTCS has developed a new *Discipline Policy*, associated forms and associated operating procedures. -This new policy clarifies the processes set out under the CMA and is currently undergoing consultation.
- Finalisation and implementation of this policy is being prioritised. Consultation has been completed with the Human Rights Commission and Inspector of Correctional Services.
- As an interim measure, ACTCS has released a Commissioner's Instruction to staff to ensure procedural fairness during internal discipline processes.

Key Information

- The Court found that [redacted] had been denied procedural fairness for all seven disciplinary processes in breach of the CMA:

    a. as conceded during the hearing in relation to s 170 (3) and s 194(1);
    b. as [redacted] did not have an opportunity to address the charge before the disciplinary action was imposed;
    c. as the process set out in the CMA for internal inquiries was not followed.

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QUESTION TIME BRIEF

- The Court found that the denial of procedural fairness amounted to a breach of s 21(1) 'the right to a fair trial' of the HR Act.
- ACTCS understands that this is the first breach of s 21(1) of the HR Act since commencement.
- This judgement has significant implications for past and current disciplinary processes at the AMC. Current policies - *Corrections Management (Detainee Disciplinary) Policy 2012* and *Corrections Management (Detainee Disciplinary) Procedure 2012* – establish the process which has now been found to breach the CMA.

New Discipline Policy

- Implementation of the new policy will require training for officers involved, as significant changes will be introduced to current processes. It is anticipated that this will include specific training for presiding officers on holding an inquiry and documentation requirements under the CMA.

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QUESTION TIME BRIEF

JACS2021/47-001-006

Portfolio/s: Corrections

ISSUE: AMC OPERATIONS

Talking points:

Safety of detainees

- The safety and security of all detainees is a priority for ACT Corrective Services (ACTCS).
- ACTCS is continuously seeking to improve processes to enhance safety, security and good order at the Alexander Maconochie Centre (AMC).

Safety of staff

- On 8 September 2020, the updated Use of Force and Restraint Policy was notified to align with the new Use of Force training program that was established in 2019. ACTCS is committed to ensuring that force and restraint is only used as a last resort where strictly necessary and with only the minimum amount of force that is reasonable and proportionate to the circumstances.
- Since 2018, there has been a strong focus on Use of Force training within ACTCS. Use of Force training is mandatory for all corrections officers and includes an annual refresher training day. The roll out had been delayed due to COVID-19 but recommenced in October 2020.
- The Use of Force training, policy and operating procedure have a strong focus on de-escalation techniques and operates within the situational Use of Force model as a decision making guide to assist staff when responding to a use of force incident.
- ACTCS are in the process of reintroducing the use of chemical agents and training for the Deployment of Chemical Aids commenced on 12 February 2021. This training will also form part of the 10 week Custodial Recruit Training program and the use of chemical aids will be added to the Use of Force refresher training.

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- Within correctional facilities, there is an inherent potential for conflict among some detainees. However, ACTCS staff work hard to de-escalate and prevent any serious incidents that may arise at the AMC. There is often pre-existing tension in the relationships between detainees at the AMC, resulting from interactions and associations both in custody and in the community.

Response to serious assaults

- ACTCS continues to refer all serious assault allegations to ACTP for investigation. Since the changes implemented in the wake of the Moss Review, a number of assault cases have progressed to prosecution.
- The *Memorandum of Understanding* (MOU) between ACTCS and ACTP developed in response to recommendations 2 and 3 of the Moss Report is currently under review and consultations between ACTCS and ACTP have commenced.

Contraband

- ACTCS utilises a number of measures to search visitors, staff, contractors, and their belongings, when entering the AMC. These include:
    - metal detectors;
    - x-ray baggage scanner to scan property; and
    - physical searches of all vehicles entering and exiting the AMC, including use of mirrors to search under vehicles and random PAD dog searches (except in case of an emergency, e.g. ambulances).
- In the 2019-20 financial year, ACTCS conducted 8,644 searches for contraband, 632 of which located contraband.
- In 2019-20, ACTCS intercepted visitors attempting to introduce contraband into the AMC on 20 occasions.
- Security consists of COs who are tasked to carry out specific duties such as urinalysis, perimeter checks, gate management and K9 management.

- On 8 August 2019, the AMC formally welcomed two new PAD dogs: a two year old New Zealand Huntaway named Doug, and an 18 month old Australian Kelpie named Luka. This has increased the K9 units capacity to intercept illicit substances before they enter the AMC, as well as within the Centre.

Operational Results

- Between 1 January 2021 and 1 June 2021, ACTCS conducted 1,881 searches of cell accommodation, cottage rooms and other common areas and a total of 206 contraband items were seized as a result. In addition to these searches:
    - 394 searches of staff and contractors; and
    - 165 targeted searches of detainees, cells and common areas. A targeted search is prompted by intelligence information or information provided by staff.
- The number and contraband types discovered during searches of detainees and detainee areas between 1 January 2021 and 1 June 2021 included:
    - Mobile telephones – 13;
    - Phone accessories (sim cards, chargers etc.) – 14;
    - USBs - 15;
    - Syringes (includes other injecting items) – 15;
    - Drugs – 63 (22 of which were unauthorised medications); and
    - Home made edged weapons – 21.

Key information/Background

Additional Funding

- ACTCS secured an additional $8.8 million over 3.5 years in the 2017-18 Mid-Year Budget to fund improvements in security operations at the AMC, and across ACTCS generally.
- Recommendation 1 of the Moss Review called for improved Closed Circuit Television (CCTV) quality and coverage at the AMC. The AMC has increased its use of CCTV to monitor the movement and behaviour of detainees to ensure safety, security and good order at the AMC. The quality of the images that are captured by the CCTV system has also been improved to better support evidentiary outcomes.

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- CCTV is an important evidentiary tool to support successful investigation of assaults in the AMC so that offenders can be held accountable. The improved quality of the images captured by the CCTV cameras has assisted ACT Policing with investigation of assaults and incidents at the AMC.

Contraband

- An updated Contraband (Prohibited Items) Declaration for the AMC was published on 15 October 2019. The declaration incorporates items that utilise new technologies, such as watches with mobile phone, USB or internet capabilities.
- Contraband searches at the AMC include searches of both people and locations. Between 1 January 2021 and 1 June 2021:
    - 3,076 were routine (required by policy or procedure);
    - 165 were targeted; and
    - 2,378 were PAD dog searches.
- Medication is part of ACTCS contraband search and seizure processes. Medication discovered in the possession of a detainee to whom it was not lawfully prescribed is considered to be contraband.
- The medication classification relates to items that may have been prescribed to detainees and subsequently stockpiled, diverted or simply kept past an expected time of use. Medications can range from drugs that would be available over the counter in the community (such as paracetamol) through to pharmacy or prescription medications.
- Improvised weapons have been seized that were created from a range of products available to detainees, including everyday household items. A reasonable and appropriate balance must be maintained between affording detainees the decency to utilise basic goods such as regular toothbrushes compared to silicon alternatives, and addressing safety and security risks where items have been misused.
- The AMC perimeter is approximately 1.3 kilometres in length.

QUESTION TIME BRIEF

JACS2021/47-001-010

Portfolio: Corrections

ISSUE: DETAINEE NUMBERS AND ACCOMMODATION PRESSURES

Talking points:

Detainee numbers

- During 2021, the AMC has seen a decrease in detainee numbers, reaching a low of 362 as at 12 May 2021.
- As at 12 May 2021, the detainee population at the Alexander Maconochie Centre (AMC) was 362, of which:
    - 342 (94.5 per cent) were male, 118 in custody on remand and 224 sentenced.
    - 20 (5.5 per cent) were female, 7 in custody on remand and 13 sentenced.
- As at 12 May 2021, the AMC had 99 detainees who identified as Aboriginal and/or Torres Strait Islander people of which 87 were male and 12 were female.

Accommodation Pressures

- When considered nationally, the ACT jurisdiction is characterised by a comparatively small custodial population and one custodial facility. As a consequence, any changes in the detainee population have significant impacts on custodial demographic proportions and difficulties in managing cohort distribution.

- The AMC has experienced accommodation pressures for several years. Servicing multiple cohorts (male and female/mainstream and protection) of prisoners within one prison presents a number of operational challenges this is further compounded currently with two accommodation units offline following the fire damage in November 2020 and May 2021.
- On 20 June 2018, detainee numbers in the ACT reached a high of 507.
- Detainee numbers have remained relatively stable over the past three months, with the average population at the AMC as follows:
    - 405 in January 2021.
    - 405 in February 2021; and
    - 398 in March 2021.

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QUESTION TIME BRIEF

Key Information

Accommodation pressures

- The AMC is the only adult correctional facility within the ACT and accommodates multiple cohorts including women, men, mainstream (general population) and protection (where there is specific information to suggest that there is a credible risk to the safety of the detainee).
- The AMC population is significantly influenced by the numbers of detainees on remand. Since 2012, the ACT saw an upward trend in detainee numbers, with the exception of 2019-20. The overall trend in the ACT, including the decline in detainee numbers since 2019-20, has been mirrored at a national level.
- The average daily number of detainees over the last 3 financial years are:
    - 2019/20 financial year was 444, with 39 per cent being on remand.
    - 2018/19 financial year was 484, with 38.8 per cent being on remand; and
    - 2017/18 financial year was 474, with 36.8 per cent being on remand.
- ACTCS continues to consider safe and secure options to best manage the increasing numbers of detainees in the AMC within a human rights context, with the view of *Building Communities, Not Prisons* (BCNP). BCNP is a strategy aimed at reducing reoffending and improving community safety.

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QUESTION TIME BRIEF

JACS2021/47-001-011

Portfolio/s: Corrections

ISSUE: IMPLEMENTION OF HEALTHY PRISONS REPORT RECOMMENDATIONS

Talking points:

- On 26 November 2019, the ACT Inspector of Correctional Services tabled the first Healthy Prison Review (the Review) of the Alexander Maconochie Centre (AMC) in the ACT Legislative Assembly.
- The Review made 51 findings and 73 recommendations, which cover a broad range of often complex issues.
- The ACT Government has carefully considered all findings and recommendations made in the Review and tabled its Response in the Legislative Assembly on 21 May 2020 outlining that it:
    - Agreed to 61 recommendations;
    - Agreed in principle to seven (7) recommendations;
    - Noted three (3) recommendations; and
    - Not agreed with two (2) recommendations.
- As at 11 May 2021:
    - 52% (37) of agreed recommendations have been completed, including:
        - a review of the Peer Mentor Program to ensure Aboriginal and Torres Strait Islander detainees are supported appropriately;
        - a review and increase of the detainee self-catering allowance; and
        - notification of the ACTCS *Placement and Shared Cell Policy 2020*.

- Although there has been an operational impact on actioning the recommendations due to the COVID-19 pandemic, ACTCS remains committed to implementing this important work.

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QUESTION TIME BRIEF

Key Information/Background

- The *Inspector of Correctional Services Act 2017* was passed by the ACT Government in response to the Moss Review, with the purpose to promote the continuous improvement of correctional centres and correctional services.
- The purpose of the Healthy Prison Review was to conduct a whole-of-centre review of the AMC and examine whether the AMC meets the 'Healthy Prison Test'.
- The ACT Inspector of Correctional Services and his team attended the AMC from 1 – 5 July 2019 to conduct the onsite component of the review.
- Three (3) confidential recommendations were also made and agreed to. These recommendations were not included in the public report.
- Many findings and recommendations made in the Review had already been identified by ACT Corrective Services (ACTCS) and a range of actions were already in progress to address the issues raised.
- Recommendation 3, that ACTCS provide male and female peer support workers in the admissions centre to support detainees on their arrival to AMC, was not agreed to as:
    - ACTCS is of the opinion that having peer support workers in the admissions area meet with new detainees would significantly increase the amount of time new detainees spend in the admissions area.
    - There are peer support worker positions for both genders in the induction process, where more time is available for such interaction without the risk of lengthening the admission processes.
- Recommendation 39, that the ACT government fund the creation of a new administration officer position in the Indigenous Services Unit at a level comparable to other such positions in ACTCS, was not agreed to as:
    - There is sufficient administrative capacity at the AMC for the Indigenous Services Unit to access appropriate administrative support.
    - Progress on the implementation of agreed recommendations is monitored closely by ACTCS (via monthly internal reports) and by the Inspector of Correctional Services (via quarterly progress reports).
- The 'Healthy Prison Test' was devised by the World Health Organization and is based on four pillars:
    - Safety;
    - Respect and dignity;
    - Purposeful activity; and
    - Rehabilitation and preparation for release.

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QUESTION TIME BRIEF

JACS2021/47-001-008

Portfolio/s: Corrections

COURT TRANSPORT UNIT REPORT PROGRESS

Talking points:

- The Inspector of Correctional Services (the Inspector) tabled his second thematic review which examined the ACT Corrective Services (ACTCS) Court Transport Unit (CTU) in the ACT Legislative Assembly on 3 December 2020.
- The Report makes 12 findings and 22 recommendations, which the ACT Government and ACTCS take very seriously.
- It is essential and reassuring that independent oversight identifies and confirms issues that need to be addressed. The system is working as it should to continually improve and assure our Correctional Services.
- Positive comments by the Inspector about the professionalism of the CTU staff are welcomed and highlight that the CTU staff have operated extremely well throughout a period of significant change, most notably during the transition from the old court complex to the new court cells area, which was still being finalised at the time of the review through the rectification of minor works that had been identified.
- On 6 October 2020, a Director of the CTU commenced. This newly created position will provide stable leadership across the CTU and assist in addressing recommendations made in the Report.
- The ACT Government has carefully considered all findings and recommendations made in the Report and tabled its Response in the ACT Legislative Assembly on 11 February 2021 outlining that it:
    - Agreed to 20 recommendations;
    - Agreed in principle to one (1) recommendation; and
    - Noted one (1) recommendation.
- As at 11 May 2021:
    - 67% (14) of agreed recommendations have been completed, including:
        - notification of CTU emergency procedures;

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- notification of the CTU Interpreter Services Operating Procedure;
- addition of a protocol to the Memorandum of Understanding with the ACT Courts and Tribunal regarding information needs;
- implementation of the agreed solution for the privacy frosting on court cells; and
- development and delivery of a CTU specific Recruit Training Program.

Key Information

- The 12 findings and 22 recommendations are centred around the following topics:
  - CTU related policies and procedures;
  - operations;
  - security and safety;
  - staff and training;
  - arrangements concerning young detainees;
  - access to detainees by professionals;
  - relationship between CTU and ACT Courts; and
  - relationship between CTU and the Sentence Administration Board.
- Two of the recommendations in the report are addressed to the Community Services Directorate.

Background Information

- Section 18(1)(b) of the *Inspector of Correctional Services Act 2017* (the Act) requires that the Inspector 'examine and review correctional services at least once every two years'.
- The Inspector first requested data for this review on 13 January 2020, and various additional requests for information were made up until mid-June 2020.
- On 30 June 2020, the Inspector provided the draft report of the CTU Review to the former Minister for Corrections and Justice Health, the Director-General of the Justice and Community Safety (JACS) Directorate, and the ACTCS Commissioner for fact-checking.
- Section 29(2) of the Act allows the Minister for Corrections and the JACS Director-General to provide comments in relation to the draft report within the six (6) week period.

QUESTION TIME BRIEF

- On 10 August 2020, the JACS Director-General provided a response to the draft report outlining several issues, mostly related to the lack of evidence presented for findings and claims made in the report. In many instances, anecdotal evidence was presented as fact and formed the basis for recommendations. It was noted that there is a considerable risk in publishing reviews that rely on anecdote and opinions from a small number of staff and other stakeholders to inform recommendations rather than being evidence-based.

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QUESTION TIME BRIEF

JACS2021/47-001-005

Portfolio: Corrections

ISSUE: AMC HEALTH SERVICES

Talking points:

AMC Health Services

- ACT Corrective Services (ACTCS) works closely with Canberra Health Services (CHS) to ensure the health and wellbeing of detainees at the Alexander Maconochie Centre (AMC).
- An Arrangement for the Delivery of Health Services to Detainees (the Arrangement) was signed by the Justice and Community Safety (JACS) Directorate and ACT Health on 14 August 2017.
- The Arrangement addressed Recommendation 4 of the Moss Review, and recommendations from the *Independent Review of Mental Health Services at the Alexander Maconochie Centre* (the McGrath Review).
- In April 2018, services related to health care supports for detainees at risk of suicide or self-harm transferred to CHS from ACTCS.

Integration of Winnunga health services into AMC

- The ACT Government committed $8.3 million to integrate the Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga) holistic model of care to Aboriginal and Torres Strait Islander detainees at the AMC in line with Recommendation 5 of the Moss Review.
- On 18 January 2019, the first patient's health care was transferred from Justice Health Services (JHS) to Winnunga.
- Services provided by Winnunga include General Practitioner and nursing through participating in multi-agency clinical services review and management planning. Winnunga also provide social, emotional and wellbeing services, culturally appropriate care planning, counselling, group therapy and discharge planning.
- During the 2019-20 financial report, 41 detainee had their health care transferred from JHS to Winnunga.

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QUESTION TIME BRIEF

Improved Health Services facilities

- A newly constructed modular building for health services is in place within the secure perimeter of the AMC, and is now occupied. This will allow refurbishment of the existing Hume Health Centre throughout the 2020/21 financial year.
- These improvements were funded as part of a $4.022m capital fund over two years (2017-18 and 2018-19) to provide a temporary accommodation solution for Winnunga and renovation of the existing Hume Health Centre.

Key Information

- Since 2017, JHS and ACTCS have worked collaboratively with Winnunga to develop and agree to a contemporary and best practice model of Aboriginal and Torres Strait Islander Health Services delivery at the AMC.
- On 22 June 2018, ACTCS, JHS and Winnunga signed a contract to enable the delivery of coordinated health care services at the AMC.
- Staff from Winnunga have been present in the AMC since July 2018, developing protocols for the integrated service delivery. A Working Group was established to work through the clinical and operational arrangements for the successful integration of health services at the AMC.
- That work informed a *Memorandum of Understanding* (MOU) and three schedules between the ACT Government and Winnunga for the delivery of coordinated health care services to Aboriginal and Torres Strait Islander detainees at the AMC. The MOU and schedules were signed on 21 December 2018.
- $4.372m was pledged over three years (2017-18 to 2019-20) for JACS and ACT Health to fund a dedicated General Practitioner, Social and Emotional Wellbeing support staff, additional ACT Health staff and AMC staffing costs to enhance health services at the AMC. The funding was allocated as follows:
    - ACT Health staffing costs of $1.205m over two years in 2018-19 and 2019-20 for:
        - *Winnunga – via contract by ACT Health.*
            - *0.8 General Practitioner (Phase 2)*
            - *2.0 FTE ASO6 Social and Emotional wellbeing staff member*
        - *JHS staff*
            - *0.5 FTE Registered Chronic Disease Nurse*
            - *0.5 FTE ASO3*
- The associated expenses for ACT Health were offset against the Health Funding Envelope.
- JACS costs of $2.761m over three years in 2017-18 to 2019-20 for:

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- *Staffing costs of $2.548m over three years to deliver more custodial officers to boost detainee escort services, including for detainees accessing health services within the AMC;*
- *Repairs and maintenance of $0.163m over two years; and*
- *$0.050m in 2019-20 only for an evaluation to determine ongoing Winnunga service model.*

QUESTION TIME BRIEF

JACS2021/47-001-013

Portfolio/s: Corrections

ISSUE: JUSTICE HOUSING PROGRAM

Talking points:

- As part of the *Building Communities, Not Prisons* program, several initiatives, including the Justice Housing Program (JHP) were funded by the Government through the 2018-19 Budget review and the 2019-20 Budget process.
- This initiative has established a Supported Transitional Justice Housing Program across the ACT to support efforts to reduce reoffending and to reduce numbers at the Alexander Maconochie Centre (AMC).
- The JHP is a collaboration between the Justice and Community Safety Directorate, Community Services Directorate, the social and community housing sector and support agencies, aiming to meet the diverse needs of people in the criminal justice system who are on bail or exiting custody.
- The JHP provides an accommodation option for those who otherwise would be incarcerated in the AMC due to a lack of suitable community based accommodation. An example is those who are remanded in custody instead of receiving bail in the community because they do not have a suitable address, or those applying for parole. This is intended to act as a stepping stone to longer term or permanent accommodation in public housing, community housing or the private rental market.
- The JHP service provider works with residents to source and transition into other long term accommodation. It is important to note that this support relates to a resident's accommodation and does not detract from other services with which an individual may be engaged, such as outreach or counselling services.
- The housing stock for the JHP is sourced from Housing ACT under arrangements ensuring public housing stock availability is not impacted by this initiative.
- ACTCS continues to collaborate with the service providers, community stakeholders, and residents of the program to refine the service model.

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- The JHP currently has 10 houses comprising of 30 beds. Seven houses are allocated for men, two houses are allocated for women and one house is allocated for transgender and intersex people.
- From commencement of the JHP program (May 2020) to 17 May 2021, there were a total of 44 occupants accommodated (current and exited) in the JHP. This includes 37 men (12 Indigenous), five (5) women (two (2) Indigenous) and two (2) transgender persons.
- A further 29 detainees for this period were accepted into the JHP, but not accommodated due to court/Sentence Administration Board outcomes and/or JHP applications having been withdrawn. This includes 22 male (six (6) Indigenous) and seven (7) female (four (4) Indigenous).
- As of 17 May 2021, there were 26 occupants residing in a JHP property. This includes 20 men (seven (7) Indigenous), five (5) women (two (2) Indigenous) and two (2) transgender persons.

Each week the JHP team is processing new applications, resulting in minimal vacancies across the mens properties and timely re-allocation of beds when an occupant exits the JHP. As of 17 May 2021, there are four (4) approved applications that are waitlisted for an available bed in a male property.

Key Information/Background

- In the 2019-20 budget, the initiative "Alternatives to jail through the Justice Housing Program (JHP)" received capital funding of $7.2m, $5m of recurrent funding to cover payments to a third party for managing the accommodation program, program brokerage and evaluation for 3 years and other operational costs totalling $6.441m from 2019-20 over a period of 4 years. The premise of this funding is 10 properties provided by Housing ACT.
- Funding of $6.493m over 3 years from 2018-19 was provided for the Bail Accommodation Transition Support Service (BATSS) with commitment of a building by Housing ACT to accommodate eight men, with onsite 24/7 staffing. While the use of the building did not progress, the service is operational from two houses with limited support from CatholicCare support workers in business hours.

<u>COVID-19</u>

- The COVID 19 response within the JHP will:
  - Provide accommodation in houses sourced from Housing ACT, run by CatholicCare. These houses will be contracted for one year with a maximum of nine places (three houses) for women to expand accommodation options available for women leaving custody, to supplement the scarce provision in the housing and homelessness sector.
  - Provide reserved places for Aboriginal and Torres Strait Islander people proportional to, or exceeding, the proportion of Aboriginal people in custody at the AMC. This will be

supported by an indigenous CatholicCare support worker, and referrals where requested to a community controlled organisation to support culturally appropriate 'wraparound' services to best meet the needs of the cohort.

- Provide a bail accommodation transition support service of six beds (two houses) which cater for those who would usually be granted bail by the courts but only on the condition that they have appropriate housing. The bail hostel was funded as part of the mid year cycle in 2018-19, and was contingent upon the use of a specific Weston Creek property. This property did not meet building code and required significant expenditure to satisfy the requirements. As such, ACTCS is working with CatholicCare to achieve the stated aims of the bail hostel initiative from within the housing provision for the JHP.

QUESTION TIME BRIEF

JACS2021/47-001-015

Portfolio/s: Corrections

ISSUE: REINTEGRATION CENTRE

Talking points:

- A tender associated with the construction of the proposed Reintegration Centre has not yet been let.
- The ACT Government is considering a range of options related to accommodation priorities at the Alexander Maconochie Centre (AMC), in light of the current detainee numbers and profiles, and in order to achieve optimal outcomes that most effectively balance the needs of the different cohorts of detainees – both currently and into the future.
- The proposal for a Reintegration Centre is one element of the accommodation options for the AMC and is part of these considerations.
- As part of the *Building Communities, Not Prisons* initiative, the ACT Government committed to improving rehabilitation options for detainees at the AMC.
- Options include the development of a proposed Reintegration Centre; provision of enhanced rehabilitation programs including trauma and relationship counselling, alcohol, tobacco and other drug rehabilitation; jobs skills training in partnership with non-government and government organisations; and industries in order to provide detainees with work opportunities and skills training to enhance employment prospects on release.
- The overall intent is to reduce the time a person may be detained in custody through increasing the capacity of detainees to gain parole and, once released, to successfully reintegrate into the community with increased skills and strategies to address the causes of their criminogenic behaviours.

Key Information/Background

- Since the opening of the AMC in 2009, detainee numbers have consistently exceeded forecast numbers.
- In 2017, the ACT Government agreed that a feasibility study be undertaken to identify, prioritise and program the delivery of future correctional requirements in a staged and cost-effective manner.

Cleared as complete and accurate:	11/06/2021	
Cleared for public release by:	Deputy Director-General	Ext: 53507
Contact Officer name:	Karen Doran	Ext: 53507
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-015	

QUESTION TIME BRIEF

- Capital funding of $35 million (over three years) was allocated in the 2019-20 Budget to construct the 80-bed minimum security Reintegration Centre located outside the secure perimeter of the AMC.
- In December 2019, the then Minister for Corrections and Justice Health reported to the Legislative Assembly on the early progress on the Reintegration Centre project.
- The Reintegration Centre project involves design and planning approvals to provide accommodation buildings for new beds and associated support, administration and stores.
- The design, procurement and construction of the facility is being managed by Major Projects Canberra.
- As part of early design work, a geotechnical investigation was commissioned to assess the subsurface soil and groundwater conditions across the site.
- The investigation identified a number of areas of concern which had different classifications for rectification before building works would be able to commence.
- A separate budget bid of $5.6 million to support the works being undertaken was submitted and approved as part of the 2020-21 budget process as this was not included in the original project budget.
- Key milestones achieved to date include:
    - In May 2019, Perumal Pedavoli Pty Ltd was appointed to provide Design Consultancy Services for the Reintegration Centre.
    - 30 per cent Preliminary Sketch Plan documents were submitted in June 2019.
    - 80 per cent Preliminary Sketch Plan documents were issued for review in mid-December 2019.
    - The Development Application (DA) was submitted in May 2020.
    - 100 per cent Preliminary Sketch Plan was completed in September 2020.
    - The Government Procurement Board endorsed the proposal in November 2020.
- The DA was approved in November 2020.

Cleared as complete and accurate:	11/06/2021	
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TRIM Ref:	JACS2021/47-001-015	

QUESTION TIME BRIEF

JACS2021/47-001-007

Portfolio/s: Corrections

ALEXANDER MACONOCHIE CENTRE TRANSFERS

Talking points:

- On 24 November 2020, five (5) male detainees were transferred from the Alexander Maconochie Centre (AMC) to NSW correctional centres.
- An additional four (4) male detainees were transferred in early December 2020 (two on 3 December 2020, and two on 11 December 2020).
- Of the nine detainees transferred, eight were involved in the disturbance which occurred at the AMC on 10 November 2020, where 27 detainees housed in the AU-North accommodation unit refused to return to their cells for the night lock-in and caused significant damage to the unit, including by lighting fires.
- One detainee that was transferred was involved in various other incidents, and was believed to be involved in a fire incident that caused significant damage to parts of the Sentenced Cottage 2 (SC2) accomodation unit.
- The impact of the disturbance and fire incident in SC2 placed increased pressure on the management of complex cohorts of detainees by ACTCS due to the temporary loss of these accommodation units as a result of damage.
- The decision to transfer these detainees to NSW was made to ensure the ongoing safety, security and good order of the AMC in consideration of the reduced capacity due to the temporary loss of the accommodation units.
- The transfer of these detainees will not affect their ACT court orders and sentences.

Key Information

- The AMC manages multiple complex cohorts across minimum to maximum level security classifications and this requires individual detainee group placements to be considered for each relocation, which has been made increasingly difficult in the current circumstances.
- ACTCS will continue to consider appropriate risk assessments when considering the placement of detainees and the options available to ACTCS.
- Four of the detainees transferred in November/December 2020 identify as Aboriginal.

Cleared as complete and accurate:	28/05/2021	
Cleared for public release by:	Commissioner	Ext: 70789
Contact Officer name:	Ray Johnson	Ext: 70789
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-007	

QUESTION TIME BRIEF

JACS2021/47-001-002

Portfolio/s: Corrections

ISSUE: ACT CORRECTIVE SERVICES KEY DATA (as at 1 June 2021)

Court Transport Unit (CTU)

Staffing

Total FTE	% Female	% Male
23	39.13	60.87

- This number includes one officer who has been on long term unpaid leave for approximately two years.

Vehicles

- Total number of vehicles –five (5) vehicles.

Custodial officers

Staffing

Total FTE	% Female	% Male
226.69	27.24	72.76

- The total FTE number includes a number of Officers who are on long term leave.
- There are generally 71 weekday posts at the AMC (Monday and Tuesday are slightly less as there are no visits), with 82 officers rostered on each day. This includes an additional 11 officers to account for unexpected and other leave.

Vehicles

- Total number of vehicles – eight (8) vehicles.
    - One (1) vehicle is currently in the process of transferring the equipment to the replacement vehicle. When completed, the vehicle will be returned to SG Fleet.

Cleared as complete and accurate:	11/06/2021	
Cleared for public release by:	Commissioner	Ext: 53507
Contact Officer name:	Deb Clayton-Baker	Ext: 71339
Lead Directorate:	Justice and Community Safety	
TRIM Ref:	JACS2021/47-001-002	

QUESTION TIME BRIEF

Custodial operations – All staff (inclusive of administrative and corrections officers)

Staffing

Total FTE	% Female	% Male	% Indigenous
293.69 – includes 5 on temporary contracts	32.26	67.74	6.47

- 44 of the staff members are administrative and General Services Officer GSO staff, including five on temporary contracts, two being Executive contracts.

Community Operations

Staffing

Total FTE	% Female	% Male	% Indigenous
49.48	65.64	34.36	4.04

Vehicles

- Total number of vehicles – five (5) vehicles
    - Three (3) vehicles are located at 2 Constitution Avenue
    - Community Operations has an additional two (2) vehicles based at the Transitional Release Centre adjacent to the AMC.

Offender Reintegration

Staffing

Total FTE	% Female	% Male	% Indigenous
51.36 – includes 2 on temporary contracts	66.90	33.10	3.89

QUESTION TIME BRIEF

Corporate Services

Staffing

Total FTE	% Female	% Male	% Indigenous
49.64 – includes 8 on temporary contracts	43.59	56.41	0

Vehicles

- Total number of vehicles – four (4) vehicles
    - Two (2) vehicles are located at 2 Constitution Avenue
    - Corporate Services also has an additional two (2) vehicles based at the AMC utilised by the Maintenance and Stores teams.

Operational Support

Staffing

Total FTE	% Female	% Male	% Indigenous
32.6 – includes 4 on temporary contracts	66.26	33.74	3.07

Office of the Commissioner and Executive

Staffing

Total FTE	% Female	% Male	% Indigenous
17.6 – includes 8 on temporary contracts (6 Executive contracts)	77.27	22.73	0