



**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 2018

**Description of the information:** Question Time and Estimates Hearing Briefs provided to the Minister for Corrections between 1 April and 30 June 2018.

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 it would be contrary to the public interest test set out in section 17 of the FOI Act.

I have included below the relevant factors I 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;*
- (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 also helps to promote 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;*
- (xii) prejudice an agency's ability to obtain confidential information;*
- (xv) prejudice the management function of an agency or the conduct of industrial relations by an agency.*

On balance, I consider the ministerial briefs to be in the public interest to release, with minor redactions applied. This includes redactions to personal information, including details that may identify ACT Corrective Services staff and other members of the public where this could be reasonably expected to prejudice their right to privacy.

## Open Access Decision – Quarter 2 2018 – Minister for Corrections

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Information that was submitted as part of the ACT budget community consultation process has been redacted where it may have been provided with a reasonable expectation of confidentiality.

Redactions have also been applied to information relating to staffing issues, the release of which may be expected to prejudice the management functions of an agency.

### Review rights

My decision to 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:

The ACT Ombudsman  
Attention: ACT Strategy and FOI Section  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### Further assistance

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

### Authorised by



Naveen Wijemanne  
Information Officer  
7 July 2023

**OPEN ACCESS Q2 2018 SCHEDULE**  
**PORTFOLIO: MINISTER FOR CORRECTIONS**

No.	Page	Description	Date	Status	Reason for non-release or deferral
<b>Sitting Week 10-12 April 2018</b>					
1	1	Question time and Oversight Brief Index 10-12 April 2018	April	Full release	
2	2-4	Report on Government Services 2018 (ROGS)	April	Partial release	Schedule 2 2.2(a)(ii)
3	5-7	ACT Inspectorate of Custodial Services	April	Partial release	Schedule 2 2.2(a)(ii)
4	8-9	AMC Detainee Trust Fund forensic investigation	April	Partial release	Schedule 2 2.2(a)(ii)
5	10-14	AMC Visits Policy	April	Partial release	Schedule 2 2.2(a)(ii)
6	15-16	Coroner's Report on Steven Freeman death	April	Partial release	Schedule 2 2.2(a)(ii)
7	17-18	Bakery Apprenticeships	April	Partial release	Schedule 2 2.2(a)(ii)
8	19	Employee Conflict of Interest	April	Partial release	Schedule 2 2.2(a)(ii)
9	20	AMC Email Policy	April	Full release	
10	21	Clothing at the AMC	April	Full release	
11	22	Fire incidents at AMC & ACTCS fire prevention measures	April	Full release	
12	23	Revictimisation of Victims of Crime	April	Full release	
13	24	Drug Overdoses in the AMC	April	Full release	
14	25	Women's Accommodation Pressures	April	Full release	
15	26	Contraband	April	Full release	
16	27	Recidivism	April	Full release	
17	28	Extended Throughcare	April	Full release	
18	29	Notification of assaults and incidents in custody	April	Full release	
19	30	Incarceration Rates	April	Full release	
20	31	Moss Implementation	April	Full Release	
21	32	Serious Assaults	April	Full release	

No.	Page	Description	Date	Status	Reason for non-release or deferral
22	33	Security Review	April	Full release	
23	34	Industries	April	Full release	
24	35	Detainee Numbers	April	Full release	
25	36	Accommodation Pressures	April	Full release	
26	37	Strategies to address Detainee Numbers	April	Full release	
27	38	Extended Throughcare	April	Full release	
28	39	Programs and Education	April	Full release	
29	40	Health Services	April	Full release	
30	41	Auditor-General's report on the rehabilitation of male detainees at the AMC	April	Full release	
<b>Sitting Week 8-10 May 2018</b>					
31	42	Question Time and Oversight Brief Index 8-10 May 2018	May	Partial release	Schedule 2 2.2(a)(ii)
32	43-45	ACT Inspectorate of Custodial Services	May	Full release	
33	46-50	AMC Visits Policy	May	Partial release	Schedule 2 2.2(a)(ii)
34	51-53	Coroner's Report on Steven Freeman death	May	Partial release	Schedule 2 2.2(a)(ii)
35	54-55	Bakery Apprenticeships	May	Full release	
36	56-57	USB device privacy issue	May	Partial release	Schedule 2 2.2(a)(ii)
37	58-60	Concerns raised	May	Partial release	Schedule 2 2.2(a)(ii), (xv)
38	61-62	Questions on Notice Costings	May	Full release	
39	63	Employee Conflict of Interest	May	Partial release	Schedule 2 2.2(a)(ii)
40	64	AMC Email Policy	May	Full release	
41	65	Clothing at the AMC	May	Full release	
42	66	Fire incidents at AMC & ACTCS fire prevention measures	May	Full release	
43	67	Revictimisation of Victims of Crime	May	Full release	
44	68	Drug Overdoses in the AMC	May	Full release	
45	69	Women's Accommodation Pressures	May	Full release	
46	70	Contraband	May	Full release	

No.	Page	Description	Date	Status	Reason for non-release or deferral
47	71	Recidivism	May	Full release	
48	72	Extended Throughcare	May	Full release	
49	73	Notification of assaults and incidents in custody	May	Full release	
50	74	Incarceration Rates	May	Full release	
51	75-76	Moss Implementation	May	Full release	
52	77	Serious Assaults	May	Full release	
53	78	Security Review	May	Full release	
54	79	Industries	May	Full release	
55	80	Detainee Numbers	May	Full release	
56	81	Accommodation Pressures	May	Full release	
57	82	Strategies to address Detainee Numbers	May	Full release	
58	83	Extended Throughcare	May	Full release	
59	84	Programs and Education	May	Full release	
60	85	Health Services	May	Full release	
61	86	Auditor-General's report on the rehabilitation of male detainees at the AMC	May	Full release	
<b>Sitting Week 5-7 June 2018</b>					
62	87	Question Time and Oversight Brief Index 5-7 June 2018	June	Partial release	Schedule 2 2.2(a)(ii)
63	88-89	USB device privacy issue	June	Partial release	Schedule 2 2.2(a)(ii)
64	90-92	Concerns raised	June	Partial release	Schedule 2 2.2(a)(ii), (xv)
65	93	Coroner's report on Steven Freeman Death	June	Partial release	Schedule 2 2.2(a)(ii)
66	94	Employee Conflict of Interest	June	Partial release	Schedule 2 2.2(a)(ii)
67	95	Questions on Notice Costings	June	Full release	
68	96	AMC Email Policy	June	Full release	
69	97-99	AMC Visits Policy	June	Full release	
70	100	Clothing at the AMC	June	Full release	
71	101	Fire incidents at AMC & ACTCS fire prevention measures	June	Full release	

No.	Page	Description	Date	Status	Reason for non-release or deferral
72	102	Revictimisation of Victims of Crime	June	Full release	
73	103	Drug Overdoses in the AMC	June	Full release	
74	104	Women's Accommodation Pressures & Female Detainee Numbers	June	Full release	
75	105	Contraband	June	Full release	
76	106	Recidivism	June	Full release	
77	107	Extended Throughcare	June	Full release	
78	108	Notification of assaults and incidents in custody	June	Full release	
79	109	Incarceration Rates	June	Full release	
80	110	Moss Implementation	June	Full release	
81	111-111	ACT Inspectorate of Custodial Services	June	Full release	
82	112	Serious Assaults	June	Full release	
83	113	Security Review	June	Full release	
84	114	Industries	June	Full release	
85	115	Bakery Apprenticeships	June	Full release	
86	116	Detainee Numbers	June	Full release	
87	117	Accommodation Pressures	June	Full release	
88	118	Strategies to address Detainee Numbers	June	Full release	
89	119	Extended Throughcare	June	Full release	
90	120	Programs and Education	June	Full release	
91	121	Health Services	June	Full release	
92	122	Auditor-General's report on the rehabilitation of male detainees at the AMC	June	Full release	
<b>Estimates Committee Hearing June 2018</b>					
93	123-124	Estimates Committee Hearings Index 26 June 2018	June	Partial release	Schedule 2 2.2(a)(ii)
94	125-126	2018-19 Budget Summary (including summary of JACS Initiatives – Minister for Corrections)	June	Full release	
95	127-128	ACT Budget Media Release	June	Full release	
96	129	ACT Budget Community Consultations	June	Partial release	Schedule 2 2.2(a)(xii)

No.	Page	Description	Date	Status	Reason for non-release or deferral
97	130-132	Indexation Parameters	June	Full release	
98	133-134	2018-19 Fees and Charges	June	Full release	
99	135-143	Staffing Breakdown (incl. classification breakdown)	June	Full release	
100	144-146	Workforce issues (incl. Bullying and harassment, sexual harassment and misconduct stats)	June	Full release	
101	147-148	Staff Survey	June	Full release	
102	149-150	Freedom of Information	June	Full release	
103	151-152	More support for families and inclusion - ICOs	June	Full release	
104	153-154	More support for families and inclusion - Better Resourcing for the AMC	June	Full release	
105	155-157	Better Support when it matters - Integrating the Winnunga Model of Care and embracing health services in the AMC	June	Full release	
106	158-159	Better Support when it matters - Enhancing Security at the AMC	June	Full release	
107	160-162	Strategic and Accountability Indicators	June	Full release	
108	163-165	Financial Summary Output 2	June	Full release	
109	166-169	s16B rollovers and Re-profiling to future years - MJCARS	June	Full release	
110	170-171	Breach of Privacy/Contraband Find USB Device	June	Partial release	Schedule 2 2.2(a)(ii)
111	172-174	Concerns Raised by ATSIEB member	June	Partial release	Schedule 2 2.2(a)(ii), (xv)
112	175-177	Disability Assessment and Data Collection	June	Partial release	Schedule 2 2.2(a)(ii)
113	178-182	Safety and Human Rights of Detainees	June	Partial release	Schedule 2 2.2(a)(ii)

**MINISTER FOR CORRECTIONS**  
**QUESTION TIME AND OVERSIGHT BRIEF INDEX**  
**10-12 April 2018**

Question Time Briefs (updated for each Assembly Sitting)	
1.	ROGS
2.	ACT Inspectorate of Custodial Services
3.	AMC Detainee Trust Fund forensic investigation
4.	AMC Visits Policy
5.	Coroners Report on Steven Freeman death
6.	Bakery Apprenticeships
Oversight Brief (updated weekly)	
	<p><b><i>Hot Issues</i></b></p> <ul style="list-style-type: none"> <li>7. Employee Conflict of Interest</li> <li>8. AMC Email Policy</li> <li>9. Clothing at the AMC</li> <li>10. Fire incidents at AMC and ACTCS fire prevention measures</li> <li>11. Revictimisation of victims of crime</li> <li>12. Drug overdoses in the AMC</li> <li>13. Women's Accommodation Pressures</li> <li>14. Contraband</li> </ul> <p><b><i>Aboriginal and Torres Strait Islander Issues</i></b></p> <ul style="list-style-type: none"> <li>15. Recidivism</li> <li>16. Extended Throughcare</li> <li>17. Notification of assaults and incidents in custody</li> <li>18. Incarceration Rates</li> </ul> <p><b><i>Ongoing Issues</i></b></p> <ul style="list-style-type: none"> <li>19. Moss Implementation</li> <li>20. Serious Assaults</li> <li>21. Security Review</li> <li>22. Industries</li> <li>23. Detainee Numbers</li> <li>24. Accommodation Pressures</li> <li>25. Strategies to address detainee numbers</li> <li>26. Extended Throughcare</li> <li>27. Programs and Education</li> <li>28. Health Services</li> <li>29. Auditor-General's report on the rehabilitation of male detainees at the AMC</li> </ul>



**Portfolio:** Corrections

**ISSUE: REPORT ON GOVERNMENT SERVICES 2018**

**Talking points:**

**Costs**

- The ACT's prisoner cost per day continues to be higher than the national average; however, this is likely to be attributable to the ACT's comparatively small prison population, and it is pleasing to note that prisoner cost per day has decreased from the previous year.
- The numbers reported in the Canberra Times account for capital expenditure, and is a result of investment in more buildings at the Alexander Maconochie Centre (AMC).

**Employment**

- The ACT's prisoner/detainee employment increased in 2016–17, with 74.7 per cent of eligible detainee population participating in employment. The ACT performed better than QLD, WA, SA and TAS in this area and we are just on the national average 74.7 per cent.
- The increase in employment for detainees at the AMC shows that the Government's investment in prison industries has provided detainees with opportunities to build skills to help them transition back into the community.

**Education**

- The ACT continues to be the top ranking jurisdiction in regard to education and training with 70.6 per cent of eligible detainees enrolled in education, well above the national average of 32.9 per cent.

**Recidivism**

- Recidivism statistics show some improvements where the ACT had a further reduction to 38.6 per cent of detainees return to prison, against 44.8 per cent nationally.

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Lead Directorate:	Justice and Community Safety	

- Other areas showing a percentage increase are deaths in custody and escapes. The small number of detainees in the AMC means that very small numerical changes in these categories can have a large impact on statistics.
- The ACT figures for Aboriginal and Torres Strait Islander detainees remain well below the national average as a percentage of the total detainee population.
- The Government's commitment to a feasibility study for the AMC will consider options to address the issue of accommodation pressures and their flow-on effects, and look at the needs of the ACT's growing prison population into the future.
- The Government continues to look at other methods of reducing the prison population through justice reinvestment opportunities, improving the rehabilitation of our detainees, and the establishment of a Drug and Alcohol Court.

### Key Information

- The increase in the cost per prisoner per day includes capital expenditure; a result of construction works undertaken during the 2016-2017 financial year.
- The ACT's real net operating expenditure per prisoner per day for 2016–17 was \$297.75 decreasing from \$312.42 in the previous year (both figures provided in 2016-17 dollars).
- There was one death in custody from apparent unnatural causes in the ACT during 2016–17 (Table 8A.16). This results in a rate of 0.22 per 100 detainees. There is a current coronial inquest into this matter.
- The ACT was at 101.5 per cent design capacity utilisation at the Alexander Maconochie Centre (AMC) in 2016–17. This demonstrates an over capacity compared with the 2015–16 where the facility was at 91.6 per cent (Table 8A.13). This is a direct result of an increasing detainee population.
- The ACT's real net operating expenditure per prisoner per day for 2016–17 was \$297.75 decreasing from \$312.42 in the previous year. (Note that historical financial data are adjusted to 2016–17 dollars). The ACT's prisoner cost per day continues to be higher than the national average of \$214.94 (Table 8A.18).

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- The ACT had the highest prisoner serious assault rate in the country. The rate for 2016–17 was 3.59 per 100 prisoners/detainees, which was an increase from 0.75 per 100 prisoners/detainees in 2015–16 (Table 8A.16). In terms of raw numbers there were only 16 serious assault incidents in 2016–17.
- The ACT’s prisoner on officer assault rate was the highest in Australia at a rate of 1.80 per 100 prisoners (Table 8A.16). This is a result of 8 assault incidents against staff.
- As at 25 January 2018, Aboriginal and Torres Strait Islander people accounted for 22.3 per cent of the total AMC detainee population – 103 detainees out of a total of 462.

### Background Information

- Whilst the ACT had the highest rate of deaths in custody in Australia, this is due to the small size of the detainee population rather than the highest number of deaths. By comparison NSW had 12 unnatural deaths but the rate was only 0.09 per 100 prisoners.
- The ACT had the highest escape rate in the country during 2016-17 with two individuals escaping from secure custody resulting in an escape rate of 0.46 per 100 detainees (Table 8A.20). The second highest was experienced by the NT with 0.34 escapes per 100.
- The ACT escape rate is affected by the small detainee population. By comparison the NT had three secure escapes, however, their rate is lower than the ACT’s.

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Safety

**Portfolio:** Corrections

**ISSUE: ACT INSPECTORATE OF CORRECTIONAL SERVICES**

**Talking points:**

- As part of its response to the Independent *Inquiry into the Treatment in Custody of Mr Steven Freeman* that was conducted by Mr Philip Moss AM, the Government committed to establishing a dedicated Inspectorate of Correctional Services.
- The *Inspector of Correctional Services Act 2017* (the Act) passed the Legislative Assembly in November 2017. The Act establishes the role of Inspector, and provides the Inspector with the necessary powers and functions to perform the role.
- On 14 March 2018 Mr Neil McAllister was appointed as Inspector of Corrective Services. The Inspector will be co-located in the ACT Human Rights Commission.
- Mr McAllister has extensive experience conducting comprehensive reviews of correctional facilities across Australia and providing clear advice to governments on ways to improve operations and policies.
- Since 2008, Mr McAllister has worked as a private consultant conducting major corrections reviews in Queensland, New South Wales and the Northern Territory. He was also involved in two reviews in the ACT in 2011 and 2014. The mandate of the Inspector is to promote the continuous improvement of correctional centres and services. This is done through regular visits to adult correctional facilities, and through review of all critical incidents. The Inspector will engage with ACT Corrective Services to provide feedback and recommendations. Within two years of commencing functions, the Inspector's mandate will expand to include Bimberi youth justice facility.
- The Inspector will also work closely with existing oversight mechanisms, such as the Human Rights Commission, Ombudsman and Official Visitors, to ensure functions complement and do not overlap. A key difference between functions is that these existing oversight mechanisms generally have a reactive or complaints-based focus rather than the Inspectorate's preventive focus.

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- The Optional Protocol to the Convention Against Torture (OPCAT) was ratified by the Commonwealth in December 2017. The ACT’s obligations under this treaty include ensuring all places of detention are subject to preventive oversight three years after ratification. While no decision has been made yet by the ACT government about which oversight entities might be designated as “preventive mechanisms” under the OPCAT, the establishment and approach of the Inspectorate is consistent with the approach required by the OPCAT.

#### If asked: Financial Impacts

- The 2017-18 ACT Budget announced \$3.151 million for implementing the Moss Review recommendations (between 2017-18 and 2020-21), including \$2.451 million over four years for the Inspector of Correctional Services and critical incident review function.

#### **Key Information**

- The ACT Inspector of Correctional Services has been established as an independent part-time Statutory Office Holder. Remuneration is set by the Remuneration Tribunal and is currently \$836 per diem, to a maximum of \$192,372 per annum.

#### **Background Information**

- Following the death in custody of Mr Steven Freeman on 27 May 2016, a report was written by Mr Moss titled ‘So Much Sadness in our Lives’, Independent Inquiry into the Treatment in Custody of Mr Freeman.
- You made the report public on 10 November 2017. It contained nine recommendations, including recommendation eight which called for an increased role for the ACT Ombudsman to review critical incidents at the AMC.
- In the government response released on 16 February 2017, the ACT Government committed to operationalising a prison inspectorate function for the ACT by the end of 2017.
- In August 2016, the Justice and Community Safety Standing Committee’s Inquiry into the Auditor-General’s report on the Rehabilitation of Male Detainees (JACS Standing Committee Report), recommended the ACT Government advise the Legislative Assembly for the ACT on progress regarding the appointment of an ACT Inspector of Prisons, or an equivalent office, as soon as practicable (recommendation 5).

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## QUESTION TIME BRIEF

- The Government response to the Standing Committee Inquiry, tabled on 16 February 2017, stated the Justice and Community Safety Directorate (JACS) was commencing work on developing an Inspectorate of Custodial Services function to be operational by the end of 2017.
- You will release a draft high-level document on Human Rights principles in correctional settings in April 2018 which draws on international and national best practice for human rights standards for conditions and treatment of detention. It is intended that this document will be open for public consultation over a period of 4-6 weeks. It is proposed that consultation will include the Inspector as it will also provide an opportunity for the Inspector to get to know people in the sector.

Cleared as complete and accurate: 05/02/2018  
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**Portfolio:** Corrections

**ISSUE: NOVEMBER 2017 – ALEXANDER MACONOCHIE CENTRE (AMC)  
DETAINEE TRUST ACCOUNT**

**Talking points:**

- I provided a fulsome response on the matter of the detainee trust account in the Assembly on 21 February.
- As I have already stated, the anomaly has already been addressed and no clear evidence of fraud was found.
- ACT Corrective Services has implemented risk controls and the Justice and Community Safety Directorate's Audit and Performance Improvement Committee was satisfied that the controls were sufficient.

**Key Information**

- ACTCS wrote off \$57,177.58 to finalise the write off for the AMC Trust Account.
- The write off amount does not require financial reimbursement of the AMC Trust Account; it is purely an administration process within the detainee financial system (known as Technology One) to enable the balancing of the AMC Trust Account.
- The write off amount is significant as the financial system was not closed off at the end of every financial year, therefore this amount is inclusive of every unrecoverable transaction from the establishment of the AMC in 2009.
- ACTCS has now upgraded the financial software supporting the AMC Trust Account, re-designed the workflow and implemented the balancing of subsidiary accounts, established individual detainee accounts, provided accurate journaling between the Justice and Community Safety Directorate (JACS) Operating Account, and developed the appropriate end of month processes.
- ACTCS paid the following amounts to the Territory Banking Account since the discovery of the anomaly:
  - \$1,765.16 on 23 February 2017 (for detainees discharged in 2010)
  - \$1,382.03 on 2 February 2018 (for detainees discharged in 2011)
- Unclaimed funds are paid out to the Territory Banking Account each calendar year. Future amounts anticipated are as follows:
  - Detainees discharged in 2012 – (if they are not back in custody) \$1,556.50

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- Detainees discharged in 2013 – (if they are not back in custody ) \$1,206.34
- Detainees discharged in 2014 – (if they are not back in custody ) \$1,174.07
- Detainees discharged in 2015 – (if they are not back in custody ) \$1,543.67
- Detainees discharged in 2016 – (if they are not back in custody ) \$3,907.66

### Background Information

- As part of the 2015-16 JACS Special Projects initiative, ACTCS was provided with \$0.060 million to commence the AMC Cashless Project (the Project). The Project aimed to reduce risk and improve efficiencies by removing both cash and administration from the prison environment. It also sought to improve speed and reduce manual input risk.
- The Canberra Times submitted Freedom of Information requests regarding this matter and reported on it in November 2017 (<http://www.canberratimes.com.au/act-news/kpmg-forensic-investigators-probed-anomaly-in-amc-prison-account-20171106-gzg9py.html>)
- The Canberra Times further reported on this matter on 15 February 2018 (<http://www.canberratimes.com.au/act-news/missing-15000-sparked-perfect-storm-fraud-probe-at-canberra-prison-20180125-h0olem.html>)
- On 22 February 2018, the Executive Director, ACTCS, met with Mrs Giulia Jones MLA to brief her on this issue.

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**Portfolio:** Corrections**ISSUE: ALEXANDER MACONOCHIE CENTRE (AMC) VISITS POLICY****Talking points:**Booking System

- The visits phone line is a call back service which is staffed 9am to 5pm, Monday to Friday.
- The AMC Executive Support Unit is responsible for the phone line and makes every effort to respond to all voicemail messages within 24 hours.
- The call back service ensures that all visits are booked in the order that they are requested.
- This information, as well as the hours of operation, is conveyed in the recorded message for visits bookings.
- The visits phone line is currently the only way to organise AMC visits as the ACT Corrective Services (ACTCS) website has no capacity to accept online visits bookings at this time.
- ACTCS is investigating alternate options, including the ability to book visits online, as part of a broader review of the visits booking process.

Security Process

- ACTCS is trialling new software which, once operational, will mean that visitors no longer have to complete a visitor form each time they visit the AMC.
- This is expected to significantly reduce the administrative component of the visits process.
- For security reasons, visitors will still be required to undergo an iris scan prior to being allowed to enter the AMC and comply with visits policy.

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### Detainee property limits

- The AMC accommodates more than 450 detainees at any given time.
- Detainee property amounts are limited in order to reduce safety hazards, and to maintain the good order and hygiene of the facility.
- Detainees are able to apply to have visitors to the AMC bring additional items of clothing, in addition to what they already have within the AMC, subject to the limits specified in the policy.

### Visitor Dress Code and Behaviour

- For visitors coming to the AMC, there are rules to maintain the good order of the facility. These are publicly available and prominently displayed at the entrance to the AMC.
- Visitors are expected to behave courteously to AMC staff, other visitors and detainees, and to abide by the visitor dress code.
- This information is prominently displayed along with the specifications of the dress code.
- Dress codes are imposed to reduce the opportunity for the introduction of contraband, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.
- Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.

### Visitation Bans

- ACTCS encourages family and friends of detainees to visit them while in custody in order to maintain important ties with the community.
- Where a detainee or visitor breaches the AMC visits policy (for example, through the introduction, or attempted introduction, of contraband or because of unacceptable behaviour), they can have their visitation rights withdrawn, or they can be placed on closed visits, to ensure the good order and safety of the AMC.
- Anyone subject to a visitation ban will be notified in writing of the restriction and the period for which it applies.

Cleared as complete and accurate: 03/04/2018  
Cleared by: Executive Director Ext: 70847  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 Sch 2 s  
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- Appeals against visitor bans may be made, in writing, to the Executive Director, ACTCS.

### Intra-Centre Visits

- ACTCS facilitates visits between detainees in custody who have a confirmed relationship.
- Intra-centre visits are subject to specific conditions, including that:
  - Both detainees have been in custody for 28 days before a visit will be approved.
  - Both detainees submit a clean urine test prior to the visit being facilitated.
  - Both detainees must not have had any disciplinary action in the past 28 days.

### Visits by Ex-Detainees

- Former detainees may apply to visit current AMC detainees.
- These applications will be reviewed by ACTCS on a case by case basis, and the applicant will be formally notified of the outcome.
- The outcome of their application may be influenced by Intelligence Unit reports, past history of involvement with the AMC and, if under a supervision order with ACTCS, the status of that order.
- Applications by detainees who are in breach of their supervision requirements or with outstanding warrants, will be declined.

### **Key Information**

- ACTCS has always received frequent complaints relating to visiting the AMC. The nature of visits, being that they involve detainees and visitors, and are a significant way for detainees to maintain relationships, makes this an area of heightened interest and importance.
- ACTCS makes every attempt to provide clear information to detainees and visitors about the requirements of visiting the AMC. Information is in the Visitor Handbook, on the ACTCS website, and the relevant policy is on the ACT Legislation Register as a notified instrument.

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- ACTCS is conscious of the needs and concerns of detainees and visitors regarding visits and attempts, as far as possible, to address these in developing policies and procedures for visits.
- In 2018, ACTCS has responded to complaints relating to the booking system, visitation bans, the dress code for visits, intra-centre visits, the behaviour of corrections officers and visits by ex-detainees.
- Visits to the AMC are managed in accordance with the *Corrections Management (Visits) Policy 2016*.
- The *Corrections Management (Detainee Disciplinary) Policy 2012* and *Corrections Management (Detainee Discipline) Procedure 2012* provide the framework for all disciplinary action, which may involve certain restrictions on visits.
- The *Corrections Management (Prisoner Property) Policy 2009* outlines the type and amount of property a detainee may accumulate.
- As part of an agency-wide review, all ACTCS policies and procedures are being reviewed.

## Background Information

### Sch 2 s

- Since 8 January 2018, Sch 2 s 2.2 has written to you and ACTCS on numerous occasions.
- His complaints relate to visiting the AMC, payments into the Detainee Trust Account, the ACTCS website, the ACTCS email policy, the ACTCS property policy and the timeframe for reviews and changes.
- On 6 February 2018, you responded to Sch 2 s
- On 21 February 2018, and again on 5 March 2018, ACTCS responded to Sch 2 s on your behalf. The Senior Manager, Policy and Government, has provided Sch 2 s with her contact number and advised him that he is able to discuss further issues via telephone.

### Sch 2 s 2.2 (a)(ii)

- On 6 March 2018, Sch 2 s 2.2 (a)(ii) submitted a complaint to your office relating to Sch 2 s 2.2 (a)(ii)
- Sch 2 s 2.2 (a)(ii) which Corrections Officers deemed inappropriate under the AMC Visits Policy. Sch 2 s 2.2 (a)(ii) were initially told that the visit could no longer proceed, however, Sch 2 s 2.2 (a)(ii) and following a complaint and request to see the Area Manager on duty, Sch 2 s 2.2 (a)(ii) were escorted into the AMC and the visit proceeded.
- Talking points on the dress code at the AMC were provided to your office on 6 March 2018.

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**Sch 2 s 2.2**

- On 9 January 2018, ACTCS received notice from the ACT Human Rights Commission (HRC) that they were investigating Sch 2 s 2.2 (a)(ii)

Sch 2 s 2.2 (a)(ii)

Sch 2 s 2.2 (a)(ii)

- Intra-centre visits are subject to conditions, including that both detainees must not have had any disciplinary action in the past 28 days.
- On 30 January 2018, ACTCS provided a formal response to the HRC.

**Sch 2 s**

- On 2 February 2018, Sch 2 s 2.2 contacted your office by telephone to complain about an incident which occurred when she visited the AMC on 31 January 2018.
- On 8 February 2018, Sch 2 s 2.2 (a)(ii) again contacted your office regarding her complaint.
- ACTCS records indicate that Corrections Officers acted appropriately and in line with ACTCS policy. On 13 February 2018, the General Manager, Custodial Operations, sent Sch 2 a formal warning letter regarding Sch 2 s 2.2 (a)(ii) towards Corrections Officers in relation to the incident.
- On 5 March 2018, ACTCS formally responded to Sch 2 s 2.2 (a)(ii).

**Sch 2 s 2.2**

- Ex-detainees are required to complete a request form to visit the AMC.
- On 5 November 2017, Sch 2 s 2.2 (a), a former detainee, made an application to visit the AMC.
- On 20 November 2017, the General Manager, Custodial Operations, formally advised Sch 2 s that her application had been denied as she was in breach of her bail conditions.
- On 19 December 2017, Sch 2 s wrote to the Executive Director, ACTCS to appeal the ban.
- On 5 February 2018, ACTCS wrote to Sch 2 s to advise her that the initial decision had been overturned, as she was no longer in breach of her bail conditions and the warrant was no longer active.
- Sch 2 s was informed that she was able to visit the AMC, provided she complied with the supervision conditions of her bail order.

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Lead Directorate: Justice and Community  
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**Portfolio:** Corrections

**ISSUE: CORONERS REPORT ON MR STEVEN FREEMAN DEATH**

**Talking points:**

- I would like to reiterate my deepest sympathy to the family and friends of Mr Freeman, and ask that their privacy be respected.
- Mr Freeman's death in custody was the subject of a Coronial Inquest.
- Further to this, on 2 June 2016, I announced that the Government would conduct an independent inquiry into the circumstances surrounding Mr Steven Freeman's care and treatment while in custody.
- The Coronial hearings commenced on 27 February 2017 and findings will be handed down on 11 April 2018.
- The Territory has provided a submission to the inquest and during the eight days of hearings, six ACT Government staff, from the Justice and Community Safety Directorate and ACT Health, gave evidence.
- I await the Coroner's findings.

Moss Review Update

- On 15 February 2018, I provided an update to the Assembly on the implementation and key milestones of the Moss Review recommendations.
- Six of the nine recommendations have now been completed.
  - Refer to Moss Review QTB.

**Key Information**

- The coronial inquest into the death of Mr Freeman commenced on 27 February 2017, ran for six days and was re-convened on 10 August 2017 for a further two days.
- During the eight days of the hearing, six ACT Government staff gave evidence, from both the Justice and Community Safety Directorate (JACS) (Sch 2 s 2.2 (a)(ii) ) and Mr Don Taylor) and ACT Health (Sch 2 s 2.2 (a)(ii) Sch 2 s 2.2 (a) ).

Cleared as complete and accurate:	28/03/2018	
Cleared by:	Executive Director	Ext: 70847
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2	Sch 2 s
Lead Directorate:	Justice and Community Safety	

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- In November and December 2017, the Coroner issued the Territory and **Sch 2 s 2.2** the medical officer who prescribed Mr Freeman's methadone, with notices pursuant to section 55 of the *Coroners Act 1997*.
- Section 55 notices prescribe that the Coroner must not include a finding or report a comment adverse to a person/entity identifiable unless the Coroner has taken all reasonable steps to give the person a copy of the proposed comment and a written notice advising of that.
- In December 2017, the Territory, by submissions, provided a response to the section 55 notices.
- To date, the Coroner has not served any further section 55 notices on the Territory or **Sch 2 s 2.2**.
- ACT Health anticipates that the Coroner does not intend to make any adverse comments against the Territory. However, the Territory is unable to foreshadow any of the Coroner's recommendation/s (if any).

### **Background Information**

- On 27 May 2016, a 25 year old Aboriginal male detainee was found unresponsive in his cell. Attempts to revive him were unsuccessful. The Coronial Inquest heard evidence that at the time of his death the detainee had recently been placed on the methadone program. Concerns have been raised during the Inquest about the management of the methadone program within the AMC.

### Methadone Management at AMC

- There has been some speculation at the Inquest about the factors leading to Mr Freeman's death, including his involvement with the methadone program.
- The administration of methadone to detainees at the AMC is undertaken by ACT Health – Justice Health. The clinical records of detainees are held and maintained by ACT Health – Justice Health. AMC custodial staff do not make decisions about medications or medical treatment for detainees.
- ACTCS and ACT Health – Justice Health have progressed changes in relation to the policy and procedures regarding the methadone program at the AMC.

### ACT Government's Response to the Moss Review

- The response to the Moss Review is covered in detail in a separate QTB.

Cleared as complete and accurate:	28/03/2018	
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Information Officer name:	Jon Peach	
Contact Officer name:	<b>Sch 2 s 2.2</b>	<b>Sch 2 s</b>
Lead Directorate:	Justice and Community Safety	

**Portfolio:** Corrections**ISSUE: BAKERY APPRENTICESHIPS****Talking points:**

- The Alexander Maconochie Centre (AMC) Bakery currently employs seven female detainees, who are learning basic hospitality and kitchen operations skills.
- These are skills that they will be able to take with them when they are released from ACT Corrective Services' (ACTCS) custody, and can feed into recognised trade qualifications should they wish to pursue this avenue after their release.
- Almost half of the women employed at the AMC Bakery have successfully completed recognised units of competency, including 'Work, Health & Safety', 'Use Hygienic Practices in Food Safety' and 'Numeracy Foundation Skills'.
- The remaining women are in the process of completing these units.
- Preliminary feedback from the women working in the AMC Bakery has been overwhelmingly positive. They are enjoying the opportunity to have a purposeful day and to learn new skills.
- Additionally, ACTCS is currently finalising, and expects to announce shortly, the employment of a second baker.
- The addition of the second baker will enable ACTCS to operate a second bakery shift, effectively doubling the employment capacity of the AMC Bakery.
- The second bakery shift will allow men to be separately employed in the bakery and to participate in the training currently only offered to women.
- Employment and educational opportunities are a significant factor in detainees' ability to successfully reintegrate into the community.

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Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 Sch 2 s  
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- ACTCS is currently exploring the potential to offer additional trade qualification opportunities to detainees as well as expanding the AMC employment industry.

### Key Information

- ACTCS had intended to deliver the Certificate II in Retail Bakery Assistance, via in house training methods.
- However, on 22 January 2018, the National Training Authority replaced the Certificate II in Retail Bakery Assistance with an updated Certificate II in Bakery.
- The updated course, while having four equivalent or common units requires new learning materials to be compliant.
- ACTCS currently holds learner materials, provided under an agreement with TasTAFE, from the superseded course.
- ACTCS has applied for accreditation with the updated course.
- While waiting for accreditation, ACTCS continues to provide detainees with the opportunity to complete associated units of competency.
- ACTCS does not currently offer any other apprenticeships or traineeships.

### Background Information

- The AMC Bakery was officially opened in 20 October 2017, and has been operating as a female employment industry at the AMC.
- ACTCS expects to announce the appointment of a second baker in April 2018, which will allow for a second shift to be implemented at the AMC Bakery.
- This will effectively double employment capacity, and allow for employment opportunities at the facility to be expanded to include male detainees.

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HOT ISSUES	TALKING POINTS
<p><b>7. <a href="#">Employee Conflict of Interest</a></b></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"> <li>• Sch 2 s has not been a client of ACT Corrective Services (ACTCS), nor is the employee in the photograph an intelligence officer.</li> <li>• Where allegations of potential criminal conduct are identified, these matters are referred to ACT Policing for investigation.</li> <li>• Personal relationships are not generally a matter for the directorate other than where a conflict of interest (perceived or actual) is identified.</li> <li>• Conflicts of interest are managed within the existing employment framework and policies, including the Public Sector Management Act 1994 and the Directorate’s Conflict of Interest – Close Personal Relationships policy.</li> <li>• Employees are required to take all reasonable steps to avoid a conflict of interest; and declare or manage a conflict of interest that cannot reasonably be avoided.</li> <li>• Conflicts of interest (perceived or actual) are continually assessed including consideration of the roles and duties of employees and appropriate action taken to manage the conflict.</li> <li>• ACTCS assists employees to manage conflicts of interest, in accordance with the Public Sector Management Act 1994.</li> <li>• In managing conflicts of interest, ACTCS takes into account the roles and duties of employees.</li> <li>• No other documents will be released.</li> </ul>

8. [AMC Email Policy](#)

Cleared by Jon Peach  
06.04.18

- *Detainee access to email is managed in accordance with the Corrections Management (Email, Internet and Legal Education and Resource Network [LEARN] for Prisoners) Policy 2010.*
- *Detainees request email contact with individuals and all applications are positively vetted in accordance with the above-mentioned policy. Individuals are not able to make requests to email detainees as ACT Corrective Services (ACTCS) has identified that this would significantly increase the risk of victim contact as individuals may create an alias.*
- *Processing of applications is dependent on a number of factors, including the ability of ACTCS to contact the proposed recipient, staffing levels, and the number of applications that may require processing at any one time. Subject to these factors, ACTCS aims to have requests processed within 24 hours.*

9. [Clothing at the AMC](#)

06.04.18

- *Dress codes are imposed to reduce the opportunity for the introduction of contraband, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.*
- *Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.*
- *Detainees are able to apply to have visitors to the AMC bring property. This will only be approved where the detainee is not already in possession of property in excess of the amounts specified in the policy.*

10. [Fire incidents at AMC and ACTCS fire prevention measures](#)

Cleared by Jon Peach  
06.04.18

- ACT Corrective Services has adopted a risk based approach to the provision and use of lighters within the AMC.
- The risk of banning lighters is evidenced to be greater than the risk of allowing detainees to have access to these item. Banning lighters has proven to lead to detainees using riskier methods, such as using live electrical wires or the heating elements in kettles, to light cigarettes.
- Detainees are allowed to have the lighters on their person at all times in the AMC.
- Detainees are not able to purchase matches.

ACTCS fire prevention measures

- ACTCS is developing a broader strategic approach to emergency management, including fire management and prevention.

<p>11. <a href="#">Revictimisation of victims of crime</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"><li>• In December 2017, a detainee at the Alexander Maconochie Centre (AMC) contacted several of his victims by mail.</li><li>• One of the victims notified ACT Corrective Services (ACTCS) of the contact and requested that the detainee no longer be able to contact her.</li><li>• There was no protection order in place and no written request for non-contact status at the time of contact.</li><li>• ACTCS has since placed the victims who have requested not to be contacted on the no-contact list for the detainee.</li><li>• AMC staff will prevent future contact between the detainee and the victim.</li><li>• ACTCS reviewed the incident and is working with the ACT Human Rights Commission, the Canberra Rape Crisis Centre, and the Domestic Violence Crisis Service to develop strategies to further control contact between offenders and their victims.</li></ul>
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12. [Drug Overdoses in the AMC](#)

Cleared by Jon Peach  
06.04.18

- Over the Christmas holiday period, corrections officers and medical staff responded to a number of medical incidents at the Alexander Maconochie Centre. Two of these incidents required hospital admittance as the result of suspected misuse of substances.
- In response to each of these incidents, ACT Corrective Services' policies and procedures relating to medical incidents were followed appropriately.
- Notwithstanding the efforts of ACT Corrective Services and partner agencies, it remains the unfortunate case that contraband, including illicit substances, still enters the AMC; however, this is not unique to the ACT.
- Intercepting prohibited or contraband items such as illicit drugs, drug paraphernalia and technology (such as USBs and mobile phones) is one of the most challenging functions undertaken by corrections agencies.
- ACT Corrective Services, like other jurisdictions, employs varied security measures designed to prevent entry of prohibited items into the AMC including:
  - physical searches by both corrections officers and Passive Alert Detector dogs, which are trained to detect illicit substances
  - metal detectors and x-ray scanners
  - the on-going exchange of information and intelligence with ACT Policing.
- A contraband strategy is currently being finalised to enhance current measures for the prevention of contraband introductions, but proactive activities have commenced and are proving to be highly successful.

13. Women's Accommodation Pressures and Female Detainee Numbers

Cleared by Jon Peach  
06.04.18

- The AMC has experienced a marked increase in female detainee numbers in recent times. This issue is not limited to the ACT; it is a national issue with all jurisdictions experiencing increases.
- On 28 November 2017, all female detainees moved to a single accommodation unit within the existing AMC campus.
- The new accommodation arrangement provides female detainees with improved access to health services, programs, employment and education within the AMC.
- Longer terms solutions are being considered under the larger feasibility review of detainee accommodation in 2017-18.
- The options for all accommodation arrangements for both male and female detainees will be considered in the feasibility study.
- ACTCS has managed the increase of female numbers within existing resources. Female detainees continue to be accommodated separately from male detainees at all times.
- Female detainees demonstrate unique and complex behavioural and criminogenic needs. Many have come from disadvantaged families where they have experienced trauma and been victims of criminal behaviour.
- ACTCS has partnered with Winnunga Nimmityjah Aboriginal Health Service in the provision of wellbeing programs for women.



14. [Contraband](#)  
Cleared by Jon Peach  
06.04.18

- ACTCS works closely with ACT Policing to prevent the introduction of contraband at the AMC including providing assistance with investigations, and exchanging information and intelligence.
- In the 2016-17 financial year, corrections officers undertook more than 7,000 searches and detected more than 700 items of contraband.
- Medication has always comprised a high number and proportion of items seized as part of ACT Corrective Services' (ACTCS) contraband search and seizure processes. Medication discovered in the possession of a detainee who it was not lawfully prescribed to is considered to be contraband.
- The 'medication' classification relates to items that may have been prescribed to detainees housed within the Alexander Maconochie Centre (AMC) and subsequently stockpiled, diverted or simply kept past an expected time of use. The medications range from drugs that would be available over the counter in the community (paracetamol) through to pharmacy or prescription medications.
- ACTCS has various physical and static security measures to prevent entry of prohibited items into the AMC.
- The AMC perimeter is approximately 1.3 km in length and is strengthened by security measures including more than 500 closed circuit television (CCTV) cameras. Staff check the grounds every morning.
- ACTCS undertakes measures to search visitors, staff, contractors, and their belongings entering the AMC. These include:
  - metal detectors;
  - X-Ray baggage scanner to scan property;
  - itemiser tests to detect traces of drugs and explosives; and
  - physical searches of all vehicles prior to entering and exiting the AMC including use of mirrors to search under the vehicles and random canine searches (except, for example, ambulances in case of emergency).
- Between 1 January 2018 and 8 March 2018, the Security Operations Team found 17 mobile phones, 23 mobile phone accessories (including chargers and SIM cards), 18 USBs, 21 syringes and 26 drugs. The drugs category is broad and includes the seizure of multiple drugs, as well as the seizure of stockpiled or non-prescribed medication.

ABORIGINAL AND TORRES STRAIT ISLANDER ISSUES	TALKING POINTS
<p>15. <a href="#">Recidivism</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"> <li>• ACTCS, through its Offender Services and Corrections Programs Unit, provides and facilitates services and programs tailored specifically towards Aboriginal and Torres Strait Islander detainees both in custody and offenders in the community under supervision.</li> <li>• The recidivism statistics for inclusion in the 2016-17 Justice and Community Safety Annual Report shows that the ACT had 38.5 per cent of all detainees (released in 2014-15) return to prison, decreasing from 41 per cent in the previous year. Recidivism statistics are not disaggregated by Indigenous status.</li> <li>• The Government is committed to building and maintaining a strong Indigenous workforce in ACTCS. This improves ACTCS's ability to provide informed culturally appropriate and sensitive responses to specific Indigenous issues.</li> <li>• Aboriginal and Torres Strait Islander detainees are able to access programs, services and education available to the general AMC population, as well as programs and services specifically targeted towards Aboriginal and Torres Strait Islander people.</li> </ul>

16. [Extended Throughcare](#)

Cleared by Jon Peach  
06.04.18

- The ACT Government provided recurrent funding of \$5.347 million in the 2017-2018 Budget for the Extended Throughcare Program. This funding includes an additional full time employee in the designated position of Indigenous Throughcare Transition Officer, to focus on supporting Aboriginal and Torres Strait Islander ex-detainees reintegrating into the community.
- The University of New South Wales' evaluation of the Throughcare program found positive outcomes for Aboriginal and Torres Strait Islander women engaged in the program, but highlighted an area for improvement in engaging Aboriginal and Torres Strait Islander men.

17. [Notification of assaults and incidents in custody](#)

Cleared by Jon Peach  
06.04.18

- Upon admission to the AMC, detainees are asked whether they identify as Aboriginal and Torres Strait Islander. Those who identify as such are requested to nominate a next of kin for notification in certain emergency situations.
- ACTCS commits to notify next of kin of serious illness or injury in a timely manner. Serious illness or injury is where a detainee is required to be admitted to an external medical facility.
- In the event of a death in custody, next of kin are notified by the ACT Coroner’s Court. If the Court does not have a suitably qualified officer available, the AFP Coroner’s team will perform this function. Where appropriate, a designated Aboriginal or Torres Strait Islander representative from ACTCS may attend when notifying the next of kin to provide cultural support.
- In response to recommendations 2 and 3 of the Moss Review, ACTCS and ACT Policing signed an amended Memorandum of Understanding (MOU) on 28 April 2017. The MOU between ACT Policing and ACTCS has been updated to reflect the government’s response to the Moss Review. The MOU contained an updated process to notify next of kin regarding the death of a detainee who identified as Aboriginal or Torres Strait Islander.

18. [Incarceration Rates](#)

Cleared by Jon Peach  
06.04.18

- Aboriginal and Torres Strait Islander people continue to be significantly over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion and perceived systemic racism.
- During the September 2017 quarter, Aboriginal and Torres Strait Islander prisoners represented 27 per cent of the total full-time adult prisoner population (nationally), whilst accounting for approximately two per cent of the total Australian population aged 18 years and over.
- As at 5 April 2018, Aboriginal and Torres Strait Islander people accounted for 21.8 per cent of the total AMC detainee population – 106 detainees out of a total of 485.
- The ACT figures remain well below the national average for Aboriginal and Torres Strait Islander people as a percentage of the total detainee population.
- As at 5 April 2018, Aboriginal and Torres Strait Islander men accounted for 20.7 per cent of the total AMC male population – 93 detainees out of 448.
- As at 5 April 2018, Aboriginal and Torres Strait Islander women accounted for 35.1 per cent of the total AMC female population – 13 detainees out of 37.
- The ACT Government is committed to reducing the over-representation of Aboriginal and Torres Strait Islander people in the AMC. The redevelopment of the Aboriginal and Torres Strait Islander Justice Agreement as a Justice Partnership, and the strengthening of the Extended Throughcare Program is directed towards this reduction.
- The Aboriginal and Torres Strait Islander Justice Partnership (2015–2018) will build on the work of the 2010-2013 Justice Agreement. It contains a stronger focus on addressing over-representation through increased diversionary and rehabilitation options.

ONGOING ISSUES	TALKING POINTS
<p>19. <a href="#">Moss Implementation</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"> <li>• The implementation of the Moss Review recommendations has resulted in significant reform in ACT Corrective Services, and other Government Directorates and Statutory Office Holders.</li> <li>• All agencies have worked together to consider the provision of health and custodial services at the AMC and make changes to improve the health, safety and wellbeing of detainees.</li> <li>• I am pleased of the work we have achieved with support from the Aboriginal and Torres Strait Islander community.</li> <li>• The safety and care of detainees in the AMC is fundamental.</li> <li>• We have acted quickly to improve security and care of detainees, with more CCTV coverage to provide a safer environment and reduce incidents of violence.</li> <li>• ACT Corrective Services and ACT Policing are also working closely, and with improvements to CCTV, have led to a number of prosecutions following assaults in the AMC.</li> <li>• This demonstrates that the intent of the Moss Review around pro-investigation and prosecution is being achieved.</li> <li>• The ACT's first Inspector of Correctional Services has been announced.</li> <li>• The Inspector has special powers to enter places where people are detained and investigate critical incidents which may be when a detainee's life has been in danger or after an escape.</li> <li>• Continued independent oversight of the AMC will help build public confidence.</li> <li>• ACT Corrective Services and ACT Health are also working more closely to ensure detainees continue to have access to health services and appropriate and timely physical and mental health treatment.</li> <li>• The government has also partnered with Winnunga to provide their care services alongside current ACT Health Services.</li> <li>• Female detainees were the focus of a new project in late 2017 and the project will be expanded over time so that Winnunga's health services are available to all detainees at AMC.</li> <li>• The Government strives for continual improvement in our correctional centre which is still quite young in comparison to other jurisdictions.</li> <li>• There is a strong commitment from ACT Corrective Services to have a human rights compliant prison.</li> <li>• The commencement of a new Inspector of Correctional Services along with our obligations under OPCAT and other oversight bodies such as the HRC will ensure the AMC meets its human rights obligations.</li> <li>• The community can be assured on the progress of the ACT Government's response due to strong, independent oversight.</li> <li>• Independent chair of the steering committee Mr Russel Taylor has been providing me regular updates on the progress of the steering committee.</li> <li>• The steering committee has agreed the government has fully implemented four recommendations and strong progress has been made against the remaining.</li> </ul>

20. [Serious assaults](#)

Cleared by Jon Peach  
06.04.18

- Within correctional facilities there is the inherent potential for conflict amongst some detainees. 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.
- The Government’s response to the Moss Review reflects our commitment to implementing transformational change and sharing with the community what we will do differently to improve the care, safety and health of detainees.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC. This will assist ACTCS to combat assaults and other serious incidents.
- The Government also acknowledges the importance of ensuring that assaults, including those committed within the AMC, are thoroughly investigated with a view to holding offenders to account through prosecution of offences.

21. [Security Review](#)

Cleared by Jon Peach  
06.04.18

- Due to the sensitive nature of operations of the AMC, a secure custodial facility, the Morison report cannot be publicly released. Recognising the strong public interest in maintaining public safety:
  - The review examined key elements of physical, process and dynamic security at the AMC and the circumstances of previous escapes, as well as considering more broadly what policy, procedural, compliance, governance, staffing, training, cultural and management structure changes may be necessary to improve the overall operational security of the AMC as it relates to the secure custody of detainees.
  - The review found that the perimeter, movement control, architecture, technology and other controls provide generally robust built—in physical security for AMC.
- We will act on all of the recommendations, in fact work on many of these is already underway or in the planning stage.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC.
- The Government will employ additional senior staff at the AMC to manage security, accommodation and offender management, and create a new centralised intelligence unit within ACTCS.
- These new additions will provide the AMC with the capability to work closely with staff, detainees and the Australian Federal Police to address emerging issues, including contraband, organised crime and countering violent extremism.



22. [Industries](#)

Cleared by Jon Peach  
06.04.18

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of education, a structured day and skills to support their rehabilitation and reintegration back into society.
- I am pleased to report that the construction of the new bakery, expanded laundry and the multi-purpose activities centre at the AMC are now complete. Detainees also have work in the recycling bay.
- The bakery is a female only industry at present due to the recognised need for specific female employment in the AMC.

<p>23. <a href="#">Detainee Numbers</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"><li>• The Government is proactively managing the issues presented by a continuing upward trend in detainee numbers. This requires a whole of government response to ensure the ongoing safety of detainees and corrective services staff and to meet the future needs of a growing ACT community.</li><li>• The overall trend in the ACT has been mirrored in other jurisdictions in recent years, with Victoria and NSW also experiencing a spike in numbers.</li><li>• Detainee numbers have recently been around the 460 level, but reached a high of 487 on 6 March 2018.</li><li>• While the Government is pleased by the recent completion of the AMC expansion project, there has been a continued increase in detainee numbers, particularly of remanded female detainees.</li></ul>
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24. [Accommodation Pressures](#)

Cleared by Jon Peach  
06.04.18

- The AMC has an Operational Bed Capacity of 511. This number is likely to change in the near future as the AMC is reconfigured as a result of the women’s accommodation move.
- Operational capacity refers to the total number of beds available for daily use to accommodate detainees. It excludes beds used for special purposes such as health, crisis support and disciplinary segregation beds.
- Not all beds can be utilised at all times due to separation issues. Separation refers to a need to separate cohorts of detainees with different classifications and characteristics (e.g. minimum from maximum; detainees who need protection from other detainees).

25. [Strategies to address detainee numbers](#)

Cleared by Jon Peach  
06.04.18

- The Government continues to explore a number of options for managing the issues presented by increased detainee numbers including the Justice Reform Strategy and the Justice Reinvestment Strategy.
- The issue of rising detainee numbers cannot be considered in isolation and requires a broader response across Government. The Government is committed to the short and long-term reforms needed in this area.
- Through the 2015-16 ACT Budget, the Government provided \$3.228 million over three years to enhance community corrections, including for support of a new sentencing option developed as part of the Justice Reform Strategy – the Intensive Corrections Order.
- This Strategy aims to create a community based sentencing alternative to imprisonment, as well as consider longer-term sentencing, restorative justice and related reforms.
- This work is vital if we want to significantly and sustainably reduce incarceration, address recidivism and increase community safety through less crime.
- There were 64 ICOs in operation as at 22 March 2018.
- In addition, on 26 April 2017 I launched a 12 month trial between the Justice and Community Safety Directorate and Winnunga Nimmityjah Aboriginal Health Service where resources are directed to reduce causes of crime to curb recidivism in our community.

26. [Extended Throughcare](#)  
  
Cleared by Jon Peach  
06.04.18

- Transitioning back into the community and life after prison can be a daunting and critical time for detainees.
- While the Government is committed to addressing offending behaviours and chronic disadvantage when detainees are in prison, we also acknowledge that unless we tackle the obstacles and barriers people face when they are released, the likelihood of re-offending will remain high.
- Detainees exiting custody with the support of Extended Throughcare receive a range of support targeted to individual need.
- This includes pre-release planning by the Assisted Release into Community program and may include linking the client with an outreach provider to assist them reintegrate into the community.
- An evaluation of Extended Throughcare suggested that the return to custody for detainees has reduced, and those returning to custody are remaining in the community for longer periods on average.
- A further \$5.3 million was provided in the 2017-2018 ACT Budget for the Extended Throughcare Program.

27. [Programs and education](#)

Cleared by Jon Peach  
06.04.18

- The ACT Government encourages and supports detainee participation in rehabilitative programs at the AMC to assist with their successful reintegration into the community.
- The 2018 Report on Government Services (ROGS) (reporting on 2016-2017) highlighted that the ACT has 70.6 per cent of eligible detainees in education; well above the national average of 32.9 per cent.

Domestic Violence Programs

- In 2013, ACTCS introduced the specialised Domestic Abuse Program (DAP) into the AMC. This is a program for male offenders convicted of violence against a female partner or spouse. In 2015 this program was extended to offenders in the community.
- Within the AMC, ACTCS runs the Out of the Dark Program for female offenders who have been victims of domestic or family violence.

28. [Health services](#)

Cleared by Jon Peach  
06.04.18

- ACTCS and ACT Health both play important roles in ensuring the health and wellbeing of detainees at the AMC.
- The Directors-General of JACS and ACT Health have signed an Arrangement for the Delivery of Health Services to Detainees.
- The Arrangement goes towards the implementation of Recommendation 4 of the Moss Review. The Arrangement aims to improve health care and service delivery at the AMC by improving communications, information sharing and working relationships.
- ACTCS and ACT Health are currently working together to develop joint policies and procedures in the area of detainee health care.

If asked: Detainee with disabilities

- The Government is committed to ensuring detainees with disability at the AMC have access to support in line with that available in the community including access to the National Disability Insurance Scheme (NDIS).
- Upon admission into custody all detainees are interviewed and assessed to identify any immediate physical or mental health, safety, or security risks and needs. This includes detainees with an intellectual disability.

29. [Auditor-General's Report on rehabilitation of male detainees at AMC](#)

Cleared by Jon Peach  
06.04.18

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs and utilisation of the new laundry and bakery facilities.
- ACTCS is developing an Operating Philosophy and Rehabilitation Strategy for the AMC to address issues identified in the Reports.
- ACTCS is also progressing work to develop the AMC Operating Model. This work will inform the development of a future operating model to better manage remand status, security classification, health needs, case management and rehabilitation, and accommodation-based program participation of detainees in line with population increase trends for the ACT.



**MINISTER FOR CORRECTIONS**  
**QUESTION TIME AND OVERSIGHT BRIEF INDEX**  
**8-10 May 2018**

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1.	ACT Inspectorate of Custodial Services
2.	AMC Visits Policy
3.	Coroners' Report on Steven Freeman death
4.	Bakery Apprenticeships
5.	USB device privacy issue
6.	Concerns raised by Sch 2 s 2.2 (a)(ii)
6.1	Question on Notice Costings
Oversight Brief (updated weekly)	
	<p><b>Hot Issues</b></p> <ul style="list-style-type: none"> <li>7. Employee Conflict of Interest</li> <li>8. AMC Email Policy</li> <li>9. Clothing at the AMC</li> <li>10. Fire incidents at AMC and ACTCS fire prevention measures</li> <li>11. Revictimisation of victims of crime</li> <li>12. Drug overdoses in the AMC</li> <li>13. Women's Accommodation Pressures</li> <li>14. Contraband</li> </ul> <p><b>Aboriginal and Torres Strait Islander Issues</b></p> <ul style="list-style-type: none"> <li>15. Recidivism</li> <li>16. Extended Throughcare</li> <li>17. Notification of assaults and incidents in custody</li> <li>18. Incarceration Rates</li> </ul> <p><b>Ongoing Issues</b></p> <ul style="list-style-type: none"> <li>19. Moss Implementation</li> <li>20. Serious Assaults</li> <li>21. Security Review</li> <li>22. Industries</li> <li>23. Detainee Numbers</li> <li>24. Accommodation Pressures</li> <li>25. Strategies to address detainee numbers</li> <li>26. Extended Throughcare</li> <li>27. Programs and Education</li> <li>28. Health Services</li> <li>29. Auditor-General's report on the rehabilitation of male detainees at the AMC</li> </ul>

**Portfolio:** Corrections**ISSUE: ACT INSPECTORATE OF CORRECTIONAL SERVICES****Talking points:**

- As part of its response to the Independent *Inquiry into the Treatment in Custody of Mr Steven Freeman* that was conducted by Mr Philip Moss AM, the Government committed to establishing a dedicated Inspectorate of Correctional Services.
- The *Inspector of Correctional Services Act 2017* (the Act) passed the Legislative Assembly in November 2017. The Act establishes the role of Inspector, and provides the Inspector with the necessary powers and functions to perform the role.
- On 14 March 2018 Mr Neil McAllister was appointed as Inspector of Corrective Services. The Inspector will be co-located in the ACT Human Rights Commission.
- Mr McAllister has extensive experience conducting comprehensive reviews of correctional facilities across Australia and providing clear advice to governments on ways to improve operations and policies.
- Since 2008, Mr McAllister has worked as a private consultant conducting major corrections reviews in Queensland, New South Wales and the Northern Territory. He was also involved in two reviews in the ACT in 2011 and 2014. The mandate of the Inspector is to promote the continuous improvement of correctional centres and services. This is done through regular visits to adult correctional facilities, and through review of all critical incidents. The Inspector will engage with ACT Corrective Services to provide feedback and recommendations. Within two years of commencing functions, the Inspector's mandate will expand to include Bimberi youth justice facility.
- The Inspector will also work closely with existing oversight mechanisms, such as the Human Rights Commission, Ombudsman and Official Visitors, to ensure functions complement and do not overlap. A key difference between functions is that these existing oversight mechanisms generally have a reactive or complaints-based focus rather than the Inspectorate's preventive focus.

- The Optional Protocol to the Convention Against Torture (OPCAT) was ratified by the Commonwealth in December 2017. The ACT's obligations under this treaty include ensuring all places of detention are subject to preventive oversight three years after ratification. While no decision has been made yet by the ACT government about which oversight entities might be designated as "preventive mechanisms" under the OPCAT, the establishment and approach of the Inspectorate is consistent with the approach required by the OPCAT.

#### If asked: Financial Impacts

- The 2017-18 ACT Budget announced \$3.151 million for implementing the Moss Review recommendations (between 2017-18 and 2020-21), including \$2.451 million over four years for the Inspector of Correctional Services and critical incident review function.

#### **Key Information**

- The ACT Inspector of Correctional Services has been established as an independent part-time Statutory Office Holder. Remuneration is set by the Remuneration Tribunal and is currently \$836 per diem, to a maximum of \$192,372 per annum.

#### **Background Information**

- Following the death in custody of Mr Steven Freeman on 27 May 2016, a report was written by Mr Moss titled 'So Much Sadness in our Lives', Independent Inquiry into the Treatment in Custody of Mr Freeman.
- You made the report public on 10 November 2017. It contained nine recommendations, including recommendation eight which called for an increased role for the ACT Ombudsman to review critical incidents at the AMC.
- In the government response released on 16 February 2017, the ACT Government committed to operationalising a prison inspectorate function for the ACT by the end of 2017.
- In August 2016, the Justice and Community Safety Standing Committee's Inquiry into the Auditor-General's report on the Rehabilitation of Male Detainees (JACS Standing Committee Report), recommended the ACT Government advise the Legislative Assembly for the ACT on progress regarding the appointment of an ACT Inspector of Prisons, or an equivalent office, as soon as practicable (recommendation 5).

- The Government response to the Standing Committee Inquiry, tabled on 16 February 2017, stated the Justice and Community Safety Directorate (JACS) was commencing work on developing an Inspectorate of Custodial Services function to be operational by the end of 2017.
- You released a draft high-level document on Human Rights principles in correctional settings on 7 April 2018 which draws on international and national best practice for human rights standards for conditions and treatment of detention. This document is open for consultation until 18 May 2018. It is proposed that any consultation activities held will include the Inspector as it will also provide an opportunity for the Inspector to get to know people in the sector.

**Portfolio: Corrections****ISSUE: ALEXANDER MACONOCHIE CENTRE (AMC) VISITS POLICY****Talking points:**Booking System

- The visits phone line is a call back service which is staffed 9am to 5pm, Monday to Friday.
- The AMC Executive Support Unit is responsible for the phone line and makes every effort to respond to all voicemail messages within 24 hours.
- The call back service ensures that all visits are booked in the order that they are requested.
- This information, as well as the hours of operation, is conveyed in the recorded message for visits bookings.
- The visits phone line is currently the only way to organise AMC visits as the ACT Corrective Services (ACTCS) website has no capacity to accept online visits bookings at this time.
- ACTCS is investigating alternate options, including the ability to book visits online, as part of a broader review of the visits booking process.

Security Process

- ACTCS is trialling new software which, once operational, will mean that visitors no longer have to complete a visitor form each time they visit the AMC.
- This is expected to significantly reduce the administrative component of the visits process.
- For security reasons, visitors will still be required to undergo an iris scan prior to being allowed to enter the AMC and comply with visits policy.

### Detainee property limits

- The AMC accommodates more than 450 detainees at any given time.
- Detainee property amounts are limited in order to reduce safety hazards, and to maintain the good order and hygiene of the facility.
- Detainees are able to apply to have visitors to the AMC bring additional items of clothing, in addition to what they already have within the AMC, subject to the limits specified in the policy.

### Visitor Dress Code and Behaviour

- For visitors coming to the AMC, there are rules to maintain the good order of the facility. These are publicly available and prominently displayed at the entrance to the AMC.
- Visitors are expected to behave courteously to AMC staff, other visitors and detainees, and to abide by the visitor dress code.
- This information is prominently displayed along with the specifications of the dress code.
- Dress codes are imposed to reduce the opportunity for the introduction of contraband, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.
- Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.

### Visitation Bans

- ACTCS encourages family and friends of detainees to visit them while in custody in order to maintain important ties with the community.
- Where a detainee or visitor breaches the AMC visits policy (for example, through the introduction, or attempted introduction, of contraband or because of unacceptable behaviour), they can have their visitation rights withdrawn, or they can be placed on closed visits, to ensure the good order and safety of the AMC.
- Anyone subject to a visitation ban will be notified in writing of the restriction and the period for which it applies.

- Appeals against visitor bans may be made, in writing, to the Executive Director, ACTCS.

### Intra-Centre Visits

- ACTCS facilitates visits between detainees in custody who have a confirmed relationship.
- Intra-centre visits are subject to specific conditions, including that:
  - Both detainees have been in custody for 28 days before a visit will be approved.
  - Both detainees submit a clean urine test prior to the visit being facilitated.
  - Both detainees must not have had any disciplinary action in the past 28 days.

### Visits by Ex-Detainees

- Former detainees may apply to visit current AMC detainees.
- These applications will be reviewed by ACTCS on a case by case basis, and the applicant will be formally notified of the outcome.
- The outcome of their application may be influenced by Intelligence Unit reports, past history of involvement with the AMC and, if under a supervision order with ACTCS, the status of that order.
- Applications by detainees who are in breach of their supervision requirements or with outstanding warrants, will be declined.

### **Key Information**

- ACTCS has always received frequent complaints relating to visiting the AMC. The nature of visits, being that they involve detainees and visitors, and are a significant way for detainees to maintain relationships, makes this an area of heightened interest and importance.
- ACTCS makes every attempt to provide clear information to detainees and visitors about the requirements of visiting the AMC. Information is in the Visitor Handbook, on the ACTCS website, and the relevant policy is on the ACT Legislation Register as a notified instrument.

- ACTCS is conscious of the needs and concerns of detainees and visitors regarding visits and attempts, as far as possible, to address these in developing policies and procedures for visits.
- In 2018, ACTCS has responded to complaints relating to the booking system, visitation bans, the dress code for visits, intra-centre visits, the behaviour of corrections officers and visits by ex-detainees.
- Visits to the AMC are managed in accordance with the *Corrections Management (Visits) Policy 2016*.
- The *Corrections Management (Detainee Disciplinary) Policy 2012* and *Corrections Management (Detainee Discipline) Procedure 2012* provide the framework for all disciplinary action, which may involve certain restrictions on visits.
- The *Corrections Management (Prisoner Property) Policy 2009* outlines the type and amount of property a detainee may accumulate.
- As part of an agency-wide review, all ACTCS policies and procedures are being reviewed.

## Background Information

### Sch 2 s

- Since 8 January 2018, Sch 2 s 2.2 has written to you and ACTCS on numerous occasions.
- His complaints relate to visiting the AMC, payments into the Detainee Trust Account, the ACTCS website, the ACTCS email policy, the ACTCS property policy and the timeframe for reviews and changes.
- On 6 February 2018, you responded to Sch 2 s
- On 21 February 2018, and again on 5 March 2018, ACTCS responded to Sch 2 s on your behalf. The Senior Manager, Policy and Government, has provided Sch 2 s with her contact number and advised him that he is able to discuss further issues via telephone.

### Sch 2 s 2.2 (a)(ii)

- On 6 March 2018, Sch 2 s 2.2 (a)(ii) submitted a complaint to your office relating to Sch 2 s 2.2 (a)(ii)

- Sch 2 s 2.2 (a)(ii) which Corrections Officers deemed inappropriate under the AMC Visits Policy. Sch 2 s 2.2 (a)(ii) were initially told that the visit could no longer proceed, however, Sch 2 s 2.2 (a)(ii) and following a complaint and request to see the Area Manager on duty, Sch 2 s 2.2 (a)(ii) were escorted into the AMC and the visit proceeded.
- Talking points on the dress code at the AMC were provided to your office on 6 March 2018.



## Sch 2 s 2.2

- On 9 January 2018, ACTCS received notice from the ACT Human Rights Commission (HRC) that they were investigating a discrimination complaint received from Sch 2 s 2.2 (a)(ii)

Sch 2 s 2.2 (a)(ii)

Sch 2 s 2.2 (a)(ii)

- Intra-centre visits are subject to conditions, including that both detainees must not have had any disciplinary action in the past 28 days.
- On 30 January 2018, ACTCS provided a formal response to the HRC.

## Sch 2 s

- On 2 February 2018, Sch 2 s 2.2 contacted your office by telephone to complain about an incident which occurred when she visited the AMC on 31 January 2018.
- On 8 February 2018, Sch 2 again contacted your office regarding her complaint.
- ACTCS records indicate that Corrections Officers acted appropriately and in line with ACTCS policy. On 13 February 2018, the General Manager, Custodial Operations, sent Sch 2 a formal warning letter regarding her behaviour towards Corrections Officers in relation to the incident.
- On 5 March 2018, ACTCS formally responded to Sch 2 s complaint.

## Sch 2 s 2.2

- Ex-detainees are required to complete a request form to visit the AMC.
- On 5 November 2017, Sch 2 s 2.2 (a) a former detainee, made an application to visit the AMC.
- On 20 November 2017, the General Manger, Custodial Operations, formally advised Sch 2 s that her application had been denied as she was in breach of her bail conditions.
- On 19 December 2017, Sch 2 s wrote to the Executive Director, ACTCS to appeal the ban.
- On 5 February 2018, ACTCS wrote to Sch 2 s to advise her that the initial decision had been overturned, as she was no longer in breach of her bail conditions and the warrant was no longer active.
- Sch 2 s was informed that she was able to visit the AMC, provided she complied with the supervision conditions of her bail order.

**Portfolio: Corrections****ISSUE: CORONERS REPORT ON MR STEVEN FREEMAN DEATH****Talking points:**

- I would like to reiterate my deepest sympathy to the family and friends of Mr Freeman, and ask that their privacy be respected.
- Mr Freeman's death in custody was the subject of a Coronial Inquest.
- The Coronial hearings commenced on 27 February 2017 and findings were handed down on 11 April 2018.
- The ACT Government notes the findings made by the Coroner that the quality of care, treatment and supervision afforded to Mr Freeman by ACT Corrective Services and ACT Health was not found to have contributed to his death.
- The Coroner made seven recommendations for the ACT Government to consider. These recommendations are being considered and a formal response will be provided in due course.
- ACT Health and ACT Corrective Services have already implemented a number of actions through the Government's response to the Moss Review that go towards the Coroner's recommendations.

**If asked about the family of Steven Freeman**

- I again express my deep sympathy and condolences to Sch 2 s 2.2 (a)(ii)  , and his family for their loss and grief, especially as we approach the anniversary of his death.
- I have reached out to Sch 2 s 2.2 (a)(ii) via Ms Julie Tongs, CEO Winnunga, and offered to meet with her to discuss the coronial findings.
- I will continue to work with the family to ensure that appropriate actions are taken in response to the coronial findings and recommendations.

**Key Information**

- The coronial inquest into the death of Mr Freeman commenced on 27 February 2017, ran for six days and was re-convened on 10 August 2017 for a further two days.

- During the eight days of the hearing, six ACT Government staff gave evidence, from both the Justice and Community Safety Directorate (JACS) (Sch 2 s 2.2 (a)(ii) and Mr Don Taylor) and ACT Health (Sch 2 s 2.2 (a)(ii) ).
- The ACT Government has actively supported the coronial process and worked closely with the Coroner to provide all relevant documents and evidence during the Inquest.
- As the Government continues the implementation of Moss Review recommendations and progresses the response to the Health Services Commissioner's review into the Opioid Replacement Therapy (ORT) program at Alexander Maconochie Centre, the Government will now also consider the Coroner's findings into the death of Mr Freeman.
- The ACT Government will continue to prioritise the work to improve our services at AMC to deliver better outcomes for all detainees.

#### Recommendation 1

- Correction officers are now required to conduct face to name musters four times per day.
- Other scheduled welfare and security checks require correction officers to receive verbal responses from detainees in accommodation areas who are not clearly standing or talking.

#### Recommendation 2

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the development of a structured day aimed at providing constructive activity including the provision of skills to support their rehabilitation and reintegration back into society. The structured day will include dedicated time for physical activity and recreation.
- The Government is creating employment opportunities at the AMC through its Industries program, including the Bakery, Laundry and recycling program.

#### Recommendation 3

- ACTCS works closely with ACT Policing to prevent the introduction of contraband at the AMC including providing assistance with investigations, and exchanging information and intelligence.
- In the 2016-17 financial year, corrections officers undertook more than 7,000 searches and detected more than 700 items of contraband.
- A contraband strategy is currently being finalised to enhance current measures for the prevention of contraband introductions, but proactive activities have commenced and are proving to be highly successful.

#### Recommendation 4

- A high-level information sharing arrangement exists between ACT Corrective Services and ACT Health.
- The Government will consider the Coroner's recommendation in relation to information sharing and if there are any further improvements to be made to the arrangement.

Recommendations 5, 6 and 7 relate to ACT Health.

#### **Background Information**

- On 27 May 2016, a 25 year old Aboriginal male detainee was found unresponsive in his cell. Attempts to revive him were unsuccessful. The Coronial Inquest heard evidence that at the time of his death the detainee had recently been placed on the methadone program. Concerns have been raised during the Inquest about the management of the methadone program within the AMC.

#### Methadone Management at AMC

- The administration of methadone to detainees at the AMC is undertaken by ACT Health – Justice Health. The clinical records of detainees are held and maintained by ACT Health – Justice Health. AMC custodial staff do not make decisions about medications or medical treatment for detainees.
- ACTCS and ACT Health – Justice Health have progressed changes in relation to the policy and procedures regarding the methadone program at the AMC.

#### ACT Government's Response to the Moss Review

- The response to the Moss Review is covered in detail in a separate QTB.

**Portfolio: Corrections****ISSUE: BAKERY APPRENTICESHIPS****Talking points:**

- The Alexander Maconochie Centre (AMC) Bakery currently employs seven female detainees, who are learning basic hospitality and kitchen operations skills.
- These are skills that they will be able to take with them when they are released from ACT Corrective Services' (ACTCS) custody, and can feed into recognised trade qualifications should they wish to pursue this avenue after their release.
- Almost half of the women employed at the AMC Bakery have successfully completed recognised units of competency, including 'Work, Health & Safety', 'Use Hygienic Practices in Food Safety' and 'Numeracy Foundation Skills'.
- The remaining women are in the process of completing these units.
- Preliminary feedback from the women working in the AMC Bakery has been overwhelmingly positive. They are enjoying the opportunity to have a purposeful day and to learn new skills.
- Additionally, ACTCS is currently finalising, and expects to announce shortly, the employment of a second baker.
- The addition of the second baker will enable ACTCS to operate a second bakery shift, effectively doubling the employment capacity of the AMC Bakery.
- The second bakery shift will allow men to be separately employed in the bakery and to participate in the training currently only offered to women.
- Employment and educational opportunities are a significant factor in detainees' ability to successfully reintegrate into the community.

- ACTCS is currently exploring the potential to offer additional trade qualification opportunities to detainees as well as expanding the AMC employment industry.

### **Key Information**

- ACTCS had intended to deliver the Certificate II in Retail Bakery Assistance, via in house training methods.
- However, on 22 January 2018, the National Training Authority replaced the Certificate II in Retail Bakery Assistance with an updated Certificate II in Bakery.
- The updated course, while having four equivalent or common units requires new learning materials to be compliant.
- ACTCS currently holds learner materials, provided under an agreement with TasTAFE, from the superseded course.
- ACTCS has applied for accreditation with the updated course.
- While waiting for accreditation, ACTCS continues to provide detainees with the opportunity to complete associated units of competency.
- ACTCS does not currently offer any other apprenticeships or traineeships.

### **Background Information**

- The AMC Bakery was officially opened in 20 October 2017, and has been operating as a female employment industry at the AMC.
- ACTCS expects to announce the appointment of a second baker in May 2018, which will allow for a second shift to be implemented at the AMC Bakery.
- This will effectively double employment capacity, and allow for employment opportunities at the facility to be expanded to include male detainees.

**Portfolio: Corrections****ISSUE: BREACH OF PRIVACY/CONTRABAND FIND – USB DEVICE****Talking points:**

- In March 2018, an individual's privacy was inadvertently breached by ACT Corrective Services (ACTCS).
- I was disappointed to hear about this incident; however, I have spoken with the Executive Director of ACTCS and am confident that the matter is being handled appropriately.
- ACTCS has acted in accordance with the Office of the Australian Information Commissioner's *Data breach notification guide: A guide to handling personal information security breaches*.
- I understand the affected individual, as well as the ACT Human Rights Commissioner and the ACT Information Privacy Commissioner, were notified of the incident.
- A full review of the incident is currently being undertaken to consider how this situation occurred and how ACTCS can prevent any further incidents

**Key Information**

- ACTCS briefed the Minister about this matter in April 2018 as part of a broader brief relating to contraband finds at the Alexander Maconochie Centre (see MIN:2018/001728).

Sch 2 s 2.2 (a)(ii)



Sch 2 s 2.2 (a)(ii)





**Portfolio: Corrections****ISSUE: CONCERNS RAISED BY** Sch 2 s 2.2 (a)(ii)**Talking points:**

- I can confirm that the Elected Body Justice representative has raised some concerns with my office about various matters involving ACT Corrective Services.
- I have asked the Justice and Community Safety Directorate and ACT Corrective Services to work with the Elected Body on these issues so that we can address the concerns raised.
- The Government is greatly values the input and advice from the Elected Body, which helps strengthen our strategies and responses to improve outcomes for Aboriginal and Torres Strait Islander people, especially in support of the Aboriginal Justice Partnership and our goal of reducing recidivism by 25 per cent by 2025.

**If asked about specific workplace matters involving employees**

- Due to privacy reasons, I am unable to discuss individual matters involving employees.

**Rehabilitation Framework**

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day, for all detainees including Aboriginal and Torres Strait Islander detainees.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs, and utilisation of prison industries including the new laundry and bakery facilities.

- ACT Corrective Services (ACTCS) has developed a rehabilitation framework which aims to reflect the profile of the detainee population, outline the therapeutic programs provided, and guide the integration of rehabilitative activities and services through effective sentence planning and management.

#### Funeral Escorts

- ACT Corrective Services staff escort detainees to funerals in accordance with the *Corrections Management (Escort) Policy and Operating Procedure*.
- Decisions to escort detainees to funerals, including interstate funerals, are made on a case-by-case basis, and involve necessary risk assessments.
- Decision regarding approval for funeral leave take into account factors such as kinship ties for Aboriginal and Torres Strait Islander detainees.

#### Aboriginal Justice Partnership

- The Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice System and includes detailed actions measures and areas of accountability.
- The three key objectives of the Partnership are to reduce over-representation by reducing recidivism and increasing access to diversionary programs, improve access to justice services and improve data collection and reporting.
- The Partnership consists of a total of 21 action areas with 38 key measures that in some instances are jointly addressed by lead agencies bringing the total number of reportable action items to 79.

### Key Information

- On 9 April 2018, The Canberra Times published an article entitled 'Justice directorate staff are concerned about bullying and harassment'. The article pointed out some perceived problems with culture in the Justice and Community Safety Directorate, as evidenced by results of the recent staff survey. It is possible that Sch 2 s 2.2 (a)(ii) comments arise in that context (see Background Information).

### Background Information

- On 10 April 2018, Sch 2 s 2.2 (a)(ii) (an Elected Body member), contacted the Minister for Corrections (and others) in relation to actions allegedly taken by senior staff at the Alexander Maconochie Centre.

Sch 2 s 2.2 (a)(ii), (xv)



- Without detail it is difficult to respond to the first allegation above.

Sch 2 s 2.2 (a)(ii), (xv)



**ISSUE: Costing of Questions on Notice****Talking points:**

- The government recognises the vital role that Questions on Notice (QoN) play in the functioning of the Legislative Assembly. We must also acknowledge that, in some cases, QoNs can require significant resources to respond to and may impact delivery of services to the community.
- To transparently communicate the level of resourcing needed to respond to each QoN, each response will now include details of the time taken and approximate cost to prepare the response.
- This will also support an understanding of why, on rare occasions, some questions may not be answered due to the unreasonable diversion of resources needed to prepare a response.

**Key Information**

- This practise began with Questions on Notice Paper No. 16 (23 February 2018).
- Times reflect the total time taken to prepare and provide each response. Where applicable, this includes time spent by administrative support staff to identify and coordinate input from other business units, as well as time taken during review and clearance processes.
- Costings are approximate and are based on the the hourly rates corresponding to the classification/level of the particular staff members involved in preparing each response.
- Times and costings are calculated using a standardised whole of government tool that is compelled for each QON. Aside from time taken to prepare the original tool there is no additional time or cost required to calculate or include times or costings with responses to QONs.
- Guidance on how directorates should handle QONs that they believe will have an impact on their ability to deliver services for the community is published openly on the CMTEDD website.

**Background Information – may not be suitable for public disclosure**

- The volume of QONs taken during the Ninth Assembly has increased significantly compared to previous Assemblies. More QONs were received during the first 11 months of the Ninth Assembly than during the entirety of the Eight Assembly. The average number of separate questions within each QON has also increased.
- Of the 59 QONs from QON Paper 15 that were answered, the median time required to respond was 3.5 person-hours. Weighted by staff classification, this equated to a median cost of approximately \$329 per question.
- One in seven questions from NP15 required more than 10 person-hours to answer. The most resource intensive question required 55 person-hours. In two instances a Minister decided not to answer a QON due to the diversion of resources that would be required. JACSD estimated that responding to those two QONs would have required 300 person-hours each.

HOT ISSUES	TALKING POINTS
<p>7. <a href="#">Employee Conflict of Interest</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"> <li>• Sch 2 s [redacted] has not been a client of ACT Corrective Services (ACTCS), nor is the employee in the photograph an intelligence officer.</li> <li>• Where allegations of potential criminal conduct are identified, these matters are referred to ACT Policing for investigation.</li> <li>• Personal relationships are not generally a matter for the directorate other than where a conflict of interest (perceived or actual) is identified.</li> <li>• Conflicts of interest are managed within the existing employment framework and policies, including the Public Sector Management Act 1994 and the Directorate’s Conflict of Interest – Close Personal Relationships policy.</li> <li>• Employees are required to take all reasonable steps to avoid a conflict of interest; and declare or manage a conflict of interest that cannot reasonably be avoided.</li> <li>• Conflicts of interest (perceived or actual) are continually assessed including consideration of the roles and duties of employees and appropriate action taken to manage the conflict.</li> <li>• ACTCS assists employees to manage conflicts of interest, in accordance with the Public Sector Management Act 1994.</li> <li>• In managing conflicts of interest, ACTCS takes into account the roles and duties of employees.</li> <li>• No other documents will be released.</li> </ul>

<p>8. <a href="#">AMC Email Policy</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"><li>• Detainee access to email is managed in accordance with the Corrections Management (Email, Internet and Legal Education and Resource Network [LEARN] for Prisoners) Policy 2010.</li><li>• Detainees request email contact with individuals and all applications are positively vetted in accordance with the above-mentioned policy. Individuals are not able to make requests to email detainees as ACT Corrective Services (ACTCS) has identified that this would significantly increase the risk of victim contact as individuals may create an alias.</li><li>• Processing of applications is dependent on a number of factors, including the ability of ACTCS to contact the proposed recipient, staffing levels, and the number of applications that may require processing at any one time. Subject to these factors, ACTCS aims to have requests processed within 24 hours.</li></ul>
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<p>9. <a href="#">Clothing at the AMC</a></p> <p>06.04.18</p>	<ul style="list-style-type: none"><li>• Dress codes are imposed to reduce the opportunity for the introduction of contraband, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.</li><li>• Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.</li><li>• Detainees are able to apply to have visitors to the AMC bring property. This will only be approved where the detainee is not already in possession of property in excess of the amounts specified in the policy.</li></ul>
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<p>10. <a href="#">Fire incidents at AMC and ACTCS fire prevention measures</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"><li>• ACT Corrective Services has adopted a risk based approach to the provision and use of lighters within the AMC.</li><li>• The risk of banning lighters is evidenced to be greater than the risk of allowing detainees to have access to these item. Banning lighters has proven to lead to detainees using riskier methods, such as using live electrical wires or the heating elements in kettles, to light cigarettes.</li><li>• Detainees are allowed to have the lighters on their person at all times in the AMC.</li><li>• Detainees are not able to purchase matches.</li></ul> <p><u>ACTCS fire prevention measures</u></p> <ul style="list-style-type: none"><li>• ACTCS is developing a broader strategic approach to emergency management, including fire management and prevention.</li></ul>
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11. Revictimisation of victims of crime

Cleared by Jon Peach  
06.04.18

- In December 2017, a detainee at the Alexander Maconochie Centre (AMC) contacted several of his victims by mail.
- One of the victims notified ACT Corrective Services (ACTCS) of the contact and requested that the detainee no longer be able to contact her.
- There was no protection order in place and no written request for non-contact status at the time of contact.
- ACTCS has since placed the victims who have requested not to be contacted on the no-contact list for the detainee.
- AMC staff will prevent future contact between the detainee and the victim.
- ACTCS reviewed the incident and is working with the ACT Human Rights Commission, the Canberra Rape Crisis Centre, and the Domestic Violence Crisis Service to develop strategies to further control contact between offenders and their victims.

12. [Drug Overdoses in the AMC](#)

Cleared by Jon Peach  
06.04.18

- Over the Christmas holiday period, corrections officers and medical staff responded to a number of medical incidents at the Alexander Maconochie Centre. Two of these incidents required hospital admittance as the result of suspected misuse of substances.
- In response to each of these incidents, ACT Corrective Services' policies and procedures relating to medical incidents were followed appropriately.
- Notwithstanding the efforts of ACT Corrective Services and partner agencies, it remains the unfortunate case that contraband, including illicit substances, still enters the AMC; however, this is not unique to the ACT.
- Intercepting prohibited or contraband items such as illicit drugs, drug paraphernalia and technology (such as USBs and mobile phones) is one of the most challenging functions undertaken by corrections agencies.
- ACT Corrective Services, like other jurisdictions, employs varied security measures designed to prevent entry of prohibited items into the AMC including:
  - physical searches by both corrections officers and Passive Alert Detector dogs, which are trained to detect illicit substances
  - metal detectors and x-ray scanners
  - the on-going exchange of information and intelligence with ACT Policing.
- A contraband strategy is currently being finalised to enhance current measures for the prevention of contraband introductions, but proactive activities have commenced and are proving to be highly successful.

13. [Women's Accommodation Pressures and Female Detainee Numbers](#)

Cleared by Jon Peach  
06.04.18

- The AMC has experienced a marked increase in female detainee numbers in recent times. This issue is not limited to the ACT; it is a national issue with all jurisdictions experiencing increases.
- On 28 November 2017, all female detainees moved to a single accommodation unit within the existing AMC campus.
- The new accommodation arrangement provides female detainees with improved access to health services, programs, employment and education within the AMC.
- Longer terms solutions are being considered under the larger feasibility review of detainee accommodation in 2017-18.
- The options for all accommodation arrangements for both male and female detainees will be considered in the feasibility study.
- ACTCS has managed the increase of female numbers within existing resources. Female detainees continue to be accommodated separately from male detainees at all times.
- Female detainees demonstrate unique and complex behavioural and criminogenic needs. Many have come from disadvantaged families where they have experienced trauma and been victims of criminal behaviour.
- ACTCS has partnered with Winnunga Nimmityjah Aboriginal Health Service in the provision of wellbeing programs for women.

14. Contraband

Cleared by Jon Peach  
06.04.18

- ACTCS works closely with ACT Policing to prevent the introduction of contraband at the AMC including providing assistance with investigations, and exchanging information and intelligence.
- In the 2016-17 financial year, corrections officers undertook more than 7,000 searches and detected more than 700 items of contraband.
- Medication has always comprised a high number and proportion of items seized as part of ACT Corrective Services' (ACTCS) contraband search and seizure processes. Medication discovered in the possession of a detainee who it was not lawfully prescribed to is considered to be contraband.
- The 'medication' classification relates to items that may have been prescribed to detainees housed within the Alexander Maconochie Centre (AMC) and subsequently stockpiled, diverted or simply kept past an expected time of use. The medications range from drugs that would be available over the counter in the community (paracetamol) through to pharmacy or prescription medications.
- ACTCS has various physical and static security measures to prevent entry of prohibited items into the AMC.
- The AMC perimeter is approximately 1.3 km in length and is strengthened by security measures including more than 500 closed circuit television (CCTV) cameras. Staff check the grounds every morning.
- ACTCS undertakes measures to search visitors, staff, contractors, and their belongings entering the AMC. These include:
  - metal detectors;
  - X-Ray baggage scanner to scan property;
  - itemiser tests to detect traces of drugs and explosives; and
  - physical searches of all vehicles prior to entering and exiting the AMC including use of mirrors to search under the vehicles and random canine searches (except, for example, ambulances in case of emergency).
- Between 1 January 2018 and 8 March 2018, the Security Operations Team found 17 mobile phones, 23 mobile phone accessories (including chargers and SIM cards), 18 USBs, 21 syringes and 26 drugs. The drugs category is broad and includes the seizure of multiple drugs, as well as the seizure of stockpiled or non-prescribed medication.

ABORIGINAL AND TORRES STRAIT ISLANDER ISSUES	TALKING POINTS
<p>15. <a href="#">Recidivism</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"> <li>• ACTCS, through its Offender Services and Corrections Programs Unit, provides and facilitates services and programs tailored specifically towards Aboriginal and Torres Strait Islander detainees both in custody and offenders in the community under supervision.</li> <li>• The recidivism statistics for inclusion in the 2016-17 Justice and Community Safety Annual Report shows that the ACT had 38.5 per cent of all detainees (released in 2014-15) return to prison, decreasing from 41 per cent in the previous year. Recidivism statistics are not disaggregated by Indigenous status.</li> <li>• The Government is committed to building and maintaining a strong Indigenous workforce in ACTCS. This improves ACTCS's ability to provide informed culturally appropriate and sensitive responses to specific Indigenous issues.</li> <li>• Aboriginal and Torres Strait Islander detainees are able to access programs, services and education available to the general AMC population, as well as programs and services specifically targeted towards Aboriginal and Torres Strait Islander people.</li> </ul>

16. [Extended Throughcare](#)

Cleared by Jon Peach  
06.04.18

- The ACT Government provided recurrent funding of \$5.347 million in the 2017-2018 Budget for the Extended Throughcare Program. This funding includes an additional full time employee in the designated position of Indigenous Throughcare Transition Officer, to focus on supporting Aboriginal and Torres Strait Islander ex-detainees reintegrating into the community.
- The University of New South Wales' evaluation of the Throughcare program found positive outcomes for Aboriginal and Torres Strait Islander women engaged in the program, but highlighted an area for improvement in engaging Aboriginal and Torres Strait Islander men.

17. [Notification of assaults and incidents in custody](#)

Cleared by Jon Peach  
06.04.18

- Upon admission to the AMC, detainees are asked whether they identify as Aboriginal and Torres Strait Islander. Those who identify as such are requested to nominate a next of kin for notification in certain emergency situations.
- ACTCS commits to notify next of kin of serious illness or injury in a timely manner. Serious illness or injury is where a detainee is required to be admitted to an external medical facility.
- In the event of a death in custody, next of kin are notified by the ACT Coroner's Court. If the Court does not have a suitably qualified officer available, the AFP Coroner's team will perform this function. Where appropriate, a designated Aboriginal or Torres Strait Islander representative from ACTCS may attend when notifying the next of kin to provide cultural support.
- In response to recommendations 2 and 3 of the Moss Review, ACTCS and ACT Policing signed an amended Memorandum of Understanding (MOU) on 28 April 2017. The MOU between ACT Policing and ACTCS has been updated to reflect the government's response to the Moss Review. The MOU contained an updated process to notify next of kin regarding the death of a detainee who identified as Aboriginal or Torres Strait Islander.



18. [Incarceration Rates](#)

Cleared by Jon Peach  
06.04.18

- Aboriginal and Torres Strait Islander people continue to be significantly over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion and perceived systemic racism.
- During the September 2017 quarter, Aboriginal and Torres Strait Islander prisoners represented 27 per cent of the total full-time adult prisoner population (nationally), whilst accounting for approximately two per cent of the total Australian population aged 18 years and over.
- As at 26 April 2018, Aboriginal and Torres Strait Islander people accounted for 21.5 per cent of the total AMC detainee population – 107 detainees out of a total of 486.
- The ACT figures remain well below the national average for Aboriginal and Torres Strait Islander people as a percentage of the total detainee population.
- As at 26 April 2018, Aboriginal and Torres Strait Islander men accounted for 20.7 per cent of the total AMC male population – 93 detainees out of 448.
- As at 26 April 2018, Aboriginal and Torres Strait Islander women accounted for 36.8 per cent of the total AMC female population – 14 detainees out of 38.
- The ACT Government is committed to reducing the over-representation of Aboriginal and Torres Strait Islander people in the AMC. The redevelopment of the Aboriginal and Torres Strait Islander Justice Agreement as a Justice Partnership, and the strengthening of the Extended Throughcare Program is directed towards this reduction.
- The Aboriginal and Torres Strait Islander Justice Partnership (2015–2018) will build on the work of the 2010-2013 Justice Agreement. It contains a stronger focus on addressing over-representation through increased diversionary and rehabilitation options.

ONGOING ISSUES	TALKING POINTS
<p>19. <a href="#">Moss Implementation</a></p> <p>Cleared by Jon Peach 06.04.18</p>	<ul style="list-style-type: none"> <li>• The implementation of the Moss Review recommendations has resulted in significant reform in ACT Corrective Services, and other Government Directorates and Statutory Office Holders.</li> <li>• All agencies have worked together to consider the provision of health and custodial services at the AMC and make changes to improve the health, safety and wellbeing of detainees.</li> <li>• I am pleased of the work we have achieved with support from the Aboriginal and Torres Strait Islander community.</li> <li>• The safety and care of detainees in the AMC is fundamental.</li> <li>• We have acted quickly to improve security and care of detainees, with more CCTV coverage to provide a safer environment and reduce incidents of violence.</li> <li>• ACT Corrective Services and ACT Policing are also working closely, and with improvements to CCTV, have led to a number of prosecutions following assaults in the AMC.</li> <li>• This demonstrates that the intent of the Moss Review around pro-investigation and prosecution is being achieved.</li> <li>• The ACT's first Inspector of Correctional Services has been announced.</li> <li>• The Inspector has special powers to enter places where people are detained and investigate critical incidents which may be when a detainee's life has been in danger or after an escape.</li> <li>• Continued independent oversight of the AMC will help build public confidence.</li> <li>• ACT Corrective Services and ACT Health are also working more closely to ensure detainees continue to have access to health services and appropriate and timely physical and mental health treatment.</li> <li>• The government has also partnered with Winnunga to provide their care services alongside current ACT Health Services.</li> <li>• Female detainees were the focus of a new project in late 2017 and the project will be expanded over time so that Winnunga's health services are available to all detainees at AMC.</li> <li>• The Government strives for continual improvement in our correctional centre which is still quite young in comparison to other jurisdictions.</li> <li>• There is a strong commitment from ACT Corrective Services to have a human rights compliant prison.</li> <li>• The commencement of a new Inspector of Correctional Services along with our obligations under OPCAT and other oversight bodies such as the HRC will ensure the AMC meets its human rights obligations.</li> <li>• The community can be assured on the progress of the ACT Government's response due to strong, independent oversight.</li> <li>• Independent chair of the steering committee Mr Russel Taylor has been providing me regular updates on the progress of the steering committee.</li> </ul>

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|  | <ul style="list-style-type: none"><li>• The steering committee has agreed the government has fully implemented four recommendations and strong progress has been made against the remaining.</li></ul> |
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20. [Serious assaults](#)

Cleared by Jon Peach  
06.04.18

- Within correctional facilities there is the inherent potential for conflict amongst some detainees. 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.
- The Government's response to the Moss Review reflects our commitment to implementing transformational change and sharing with the community what we will do differently to improve the care, safety and health of detainees.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC. This will assist ACTCS to combat assaults and other serious incidents.
- The Government also acknowledges the importance of ensuring that assaults, including those committed within the AMC, are thoroughly investigated with a view to holding offenders to account through prosecution of offences.

**21. [Security Review](#)**

Cleared by Jon Peach  
06.04.18

- Due to the sensitive nature of operations of the AMC, a secure custodial facility, the Morison report cannot be publicly released. Recognising the strong public interest in maintaining public safety:
  - The review examined key elements of physical, process and dynamic security at the AMC and the circumstances of previous escapes, as well as considering more broadly what policy, procedural, compliance, governance, staffing, training, cultural and management structure changes may be necessary to improve the overall operational security of the AMC as it relates to the secure custody of detainees.
  - The review found that the perimeter, movement control, architecture, technology and other controls provide generally robust built—in physical security for AMC.
- We will act on all of the recommendations, in fact work on many of these is already underway or in the planning stage.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC.
- The Government will employ additional senior staff at the AMC to manage security, accommodation and offender management, and create a new centralised intelligence unit within ACTCS.
- These new additions will provide the AMC with the capability to work closely with staff, detainees and the Australian Federal Police to address emerging issues, including contraband, organised crime and countering violent extremism.

**22. [Industries](#)**

Cleared by Jon Peach  
06.04.18

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of education, a structured day and skills to support their rehabilitation and reintegration back into society.
- I am pleased to report that the construction of the new bakery, expanded laundry and the multi-purpose activities centre at the AMC are now complete. Detainees also have work in the recycling bay.
- The bakery is a female only industry at present due to the recognised need for specific female employment in the AMC.

23. [Detainee Numbers](#)

Cleared by Jon Peach  
06.04.18

- The Government is proactively managing the issues presented by a continuing upward trend in detainee numbers. This requires a whole of government response to ensure the ongoing safety of detainees and corrective services staff and to meet the future needs of a growing ACT community.
- The overall trend in the ACT has been mirrored in other jurisdictions in recent years, with Victoria and NSW also experiencing a spike in numbers.
- Detainee numbers have recently been around the 460 level, but reached a high of 493 on 10 April 2018.
- While the Government is pleased by the recent completion of the AMC expansion project, there has been a continued increase in detainee numbers, particularly of remanded female detainees.

24. [Accommodation Pressures](#)

Cleared by Jon Peach  
06.04.18

- The AMC has an Operational Bed Capacity of 511. This number is likely to change in the near future as the AMC is reconfigured as a result of the women's accommodation move.
- Operational capacity refers to the total number of beds available for daily use to accommodate detainees. It excludes beds used for special purposes such as health, crisis support and disciplinary segregation beds.
- Not all beds can be utilised at all times due to separation issues. Separation refers to a need to separate cohorts of detainees with different classifications and characteristics (e.g. minimum from maximum; detainees who need protection from other detainees).



25. [Strategies to address detainee numbers](#)

Cleared by Jon Peach  
06.04.18

- The Government continues to explore a number of options for managing the issues presented by increased detainee numbers including the Justice Reform Strategy and the Justice Reinvestment Strategy.
- The issue of rising detainee numbers cannot be considered in isolation and requires a broader response across Government. The Government is committed to the short and long-term reforms needed in this area.
- Through the 2015-16 ACT Budget, the Government provided \$3.228 million over three years to enhance community corrections, including for support of a new sentencing option developed as part of the Justice Reform Strategy – the Intensive Corrections Order.
- This Strategy aims to create a community based sentencing alternative to imprisonment, as well as consider longer-term sentencing, restorative justice and related reforms.
- This work is vital if we want to significantly and sustainably reduce incarceration, address recidivism and increase community safety through less crime.
- There were 65 ICOs in operation as at 26 April 2018.
- In addition, on 26 April 2017 I launched a 12 month trial between the Justice and Community Safety Directorate and Winnunga Nimmitiyjah Aboriginal Health Service where resources are directed to reduce causes of crime to curb recidivism in our community.

26. [Extended Throughcare](#)

Cleared by Jon Peach  
06.04.18

- Transitioning back into the community and life after prison can be a daunting and critical time for detainees.
- While the Government is committed to addressing offending behaviours and chronic disadvantage when detainees are in prison, we also acknowledge that unless we tackle the obstacles and barriers people face when they are released, the likelihood of re-offending will remain high.
- Detainees exiting custody with the support of Extended Throughcare receive a range of support targeted to individual need.
- This includes pre-release planning by the Assisted Release into Community program and may include linking the client with an outreach provider to assist them reintegrate into the community.
- An evaluation of Extended Throughcare suggested that the return to custody for detainees has reduced, and those returning to custody are remaining in the community for longer periods on average.
- A further \$5.3 million was provided in the 2017-2018 ACT Budget for the Extended Throughcare Program.

27. [Programs and education](#)

Cleared by Jon Peach  
06.04.18

- The ACT Government encourages and supports detainee participation in rehabilitative programs at the AMC to assist with their successful reintegration into the community.
- The 2018 Report on Government Services (ROGS) (reporting on 2016-2017) highlighted that the ACT has 70.6 per cent of eligible detainees in education; well above the national average of 32.9 per cent.

Domestic Violence Programs

- In 2013, ACTCS introduced the specialised Domestic Abuse Program (DAP) into the AMC. This is a program for male offenders convicted of violence against a female partner or spouse. In 2015 this program was extended to offenders in the community.
- Within the AMC, ACTCS runs the Out of the Dark Program for female offenders who have been victims of domestic or family violence.

28. [Health services](#)

Cleared by Jon Peach  
06.04.18

- ACTCS and ACT Health both play important roles in ensuring the health and wellbeing of detainees at the AMC.
- The Directors-General of JACS and ACT Health have signed an Arrangement for the Delivery of Health Services to Detainees.
- The Arrangement goes towards the implementation of Recommendation 4 of the Moss Review. The Arrangement aims to improve health care and service delivery at the AMC by improving communications, information sharing and working relationships.
- ACTCS and ACT Health are currently working together to develop joint policies and procedures in the area of detainee health care.

If asked: Detainee with disabilities

- The Government is committed to ensuring detainees with disability at the AMC have access to support in line with that available in the community including access to the National Disability Insurance Scheme (NDIS).
- Upon admission into custody all detainees are interviewed and assessed to identify any immediate physical or mental health, safety, or security risks and needs. This includes detainees with an intellectual disability.

29. [Auditor-General's Report on rehabilitation of male detainees at AMC](#)

Cleared by Jon Peach  
06.04.18

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs and utilisation of the new laundry and bakery facilities.
- ACTCS is developing an Operating Philosophy and Rehabilitation Strategy for the AMC to address issues identified in the Reports.
- ACTCS is also progressing work to develop the AMC Operating Model. This work will inform the development of a future operating model to better manage remand status, security classification, health needs, case management and rehabilitation, and accommodation-based program participation of detainees in line with population increase trends for the ACT.

**MINISTER FOR CORRECTIONS**  
**QUESTION TIME AND OVERSIGHT BRIEF INDEX**  
**5-7 June 2018**

Question Time Briefs (updated for each Assembly Sitting)	
1.	USB device privacy issue
2.	Concerns raised by Sch 2 s 2.2 (a)(ii)
3.	
4.	
Oversight Brief (updated weekly)	
	<p><b><i>Ongoing Issues</i></b></p> <ol style="list-style-type: none"> <li>1. Coroner's Report on Steven Freeman death</li> <li>2. Employee Conflict of Interest</li> <li>3. Question on Notice costings</li> <li>4. AMC Email Policy</li> <li>5. AMC Visits Program</li> <li>6. Clothing at AMC</li> <li>7. Fire Incidents at AMC and ACTCS Fire Prevention Measures</li> <li>8. Revictimisation of Victims of Crime</li> <li>9. Drug Overdoses in the AMC</li> <li>10. Women's Accommodation Pressures and Female Detainee Numbers</li> <li>11. Contraband</li> <li>12. Recidivism</li> <li>13. Extended ThroughCare</li> <li>14. Notification of assaults and incidents in custody</li> <li>15. Incarceration Rates</li> <li>16. Moss Implementation</li> <li>17. ACT Inspectorate of Custodial Services</li> <li>18. Serious Assaults</li> <li>19. Security Review</li> <li>20. Industries</li> <li>21. Bakery Apprenticeships</li> <li>22. Detainee Numbers</li> <li>23. Accommodation Pressures</li> <li>24. Strategies to address detainee numbers</li> <li>25. Extended ThroughCare</li> <li>26. Programs and Education</li> <li>27. Health Services</li> <li>28. Auditor-General's report on rehabilitation of mail detainees as AMC</li> </ol>

**Portfolio:** Corrections

**ISSUE: BREACH OF PRIVACY/CONTRABAND FIND – USB DEVICE**

**Talking points:**

- In March 2018, an individual’s privacy was inadvertently breached by ACT Corrective Services (ACTCS).
- I was disappointed to hear about this incident; however, I have spoken with the Executive Director of ACTCS and am confident that the matter is being handled appropriately.
- ACTCS has acted in accordance with the Office of the Australian Information Commissioner’s *Data breach notification guide: A guide to handling personal information security breaches*.
- I understand the affected individual, as well as the ACT Human Rights Commissioner and the ACT Information Privacy Commissioner, were notified of the incident.
- A full review of the incident is currently being undertaken to consider how this situation occurred and how ACTCS can prevent any further incidents

**Key Information**

- ACTCS briefed the Minister about this matter in April 2018 as part of a broader brief relating to contraband finds at the Alexander Maconochie Centre (see MIN:2018/001728).

**Background Information – may not be suitable for public disclosure**

Sch 2 s 2.2 (a)(ii)

Cleared as complete and accurate: 18/05/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s Sch 2 s  
Lead Directorate: Justice and Community Safety

Sch 2 s 2.2 (a)(ii)

Cleared as complete and accurate: 18/05/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s  
Lead Directorate: Justice and Community  
Safety

Ext: 70879

Sch 2 s



**Portfolio:** Corrections

**ISSUE:** **CONCERNS RAISED BY ATSIEB MEMBER** Sch 2 s 2.2 (a)(ii)

**Talking points:**

- I can confirm that the Elected Body Justice representative has raised some concerns with my office about various matters involving ACT Corrective Services.
- On 19 April 2018, the Director-General, Justice and Community Safety Directorate, the Deputy Director-General, Community Safety, and the Executive Director, ACT Corrective Services met with Sch 2 s 2.2 (a)(ii) and discussed all concerns raised.
- This was a productive meeting and there have been no further concerns raised.
- The Government greatly values the input and advice from the Elected Body, which helps strengthen our strategies and responses to improve outcomes for Aboriginal and Torres Strait Islander people, especially in support of the Aboriginal Justice Partnership and our goal of reducing recidivism by 25 per cent by 2025.

If asked about specific workplace matters involving employees

- Due to privacy reasons, I am unable to discuss individual matters involving employees.

Rehabilitation Framework

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day, for all detainees including Aboriginal and Torres Strait Islander detainees.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs, and utilisation of prison industries including the new laundry and bakery facilities.

Cleared as complete and accurate: 25/05/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s Sch 2 s  
Lead Directorate: Justice and Community Safety

- ACT Corrective Services has developed a rehabilitation framework which aims to reflect the profile of the detainee population, outline the therapeutic programs provided, and guide the integration of rehabilitative activities and services through effective sentence planning and management.

### Funeral Escorts

- ACT Corrective Services staff escort detainees to funerals in accordance with the *Corrections Management (Escort) Policy and Operating Procedure*.
- Decisions to escort detainees to funerals, including interstate funerals, are made on a case-by-case basis, and involve necessary risk assessments.
- Decision regarding approval for funeral leave take into account factors such as kinship ties for Aboriginal and Torres Strait Islander detainees.

### Aboriginal Justice Partnership

- The Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice System and includes detailed actions measures and areas of accountability.
- The three key objectives of the Partnership are to reduce over-representation by reducing recidivism and increasing access to diversionary programs, improve access to justice services and improve data collection and reporting.
- The Partnership consists of a total of 21 action areas with 38 key measures that in some instances are jointly addressed by lead agencies bringing the total number of reportable action items to 79.

### **Key Information**

- On 9 April 2018, The Canberra Times published an article entitled 'Justice directorate staff are concerned about bullying and harassment'. The article pointed out some perceived problems with culture in the Justice and Community Safety Directorate, as evidenced by results of the recent staff survey. It is possible that [Sch 2 s 2.2 \(a\)\(ii\)](#) comments arise in that context (see Background Information).

Cleared as complete and accurate: 25/05/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: [Sch 2 s](#) [Sch 2 s](#)  
Lead Directorate: Justice and Community Safety

### Background Information

- On 10 April 2018, Sch 2 s 2.2 (a)(ii) (an Elected Body member), contacted the Minister for Corrections (and others) in relation to actions allegedly taken by senior staff at the Alexander Maconochie Centre.

Sch 2 s 2.2 (a)(ii), (xv)

- Without detail it is difficult to respond to the first allegation above.

Sch 2 s 2.2 (a)(ii), (xv)

Cleared as complete and accurate: 25/05/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s  
Lead Directorate: Justice and Community Safety

Ext: 70879

Sch 2 s

## OVERSIGHT BRIEF

### 1. Coroner's Report on Steven Freeman death

- On 11 April 2018, Coroner Cook released his findings following the coronial inquest into the tragic death of Steven Freeman at the Alexander Maconochie Centre (AMC) on 27 May 2016.
- The Coroner has not made any adverse findings in this matter.
- However, I note the Coroner's findings in relation to deficiencies and inconsistencies in some ACT Health and ACT Corrective Services procedures.
- The ACT Government will take the time to carefully consider the findings handed down and respond formally in due course.
- The death of Steven Freeman at the AMC on 27 May 2016 remains a profound tragedy.
- The ACT Government acknowledges the acute grief, loss and sadness that Steven Freeman's family has experienced, and the impact this death has had on the Aboriginal and Torres Strait Islander community, and the wider AMC community including those involved in the various aspects of his treatment and care.
- The ACT Government also acknowledges the remarkable resilience and strong advocacy for change by Mr Freeman's mother, [Sch 2 s 2.2 \(a\)\(ii\)](#), following the death of her son.
- The ACT Government recognises its responsibility to protect sentenced and remanded detainees within the AMC. Since the death of Mr Freeman, the Government has made significant changes to improve detainee health, care and safety in the AMC, including the commissioning of the independent Moss Review which has led to an extensive reform program for the government.

Cleared by: Jon Peach

Date: 11 April 2018

## OVERSIGHT BRIEF

### 2. Employee Conflict of Interest

- **Sch 2 s 2.2** has not been a client of ACT Corrective Services (ACTCS), nor is the employee in the photograph an intelligence officer.
- Where allegations of potential criminal conduct are identified, these matters are referred to ACT Policing for investigation.
- Personal relationships are not generally a matter for the directorate other than where a conflict of interest (perceived or actual) is identified.
- Conflicts of interest are managed within the existing employment framework and policies, including the *Public Sector Management Act 1994* and the Directorate's Conflict of Interest – Close Personal Relationships policy.
- Employees are required to take all reasonable steps to avoid a conflict of interest; and declare or manage a conflict of interest that cannot reasonably be avoided.
- Conflicts of interest (perceived or actual) are continually assessed including consideration of the roles and duties of employees and appropriate action taken to manage the conflict.
- ACTCS assists employees to manage conflicts of interest, in accordance with the *Public Sector Management Act 1994*.
- In managing conflicts of interest, ACTCS takes into account the roles and duties of employees.
- No other documents will be released.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 3. Question on Notice costings

- The government recognises the vital role that Questions on Notice (QoN) play in the functioning of the Legislative Assembly. It is acknowledged that, in some cases, QoNs can require significant resources to respond to and may impact delivery of services to the community.
- In order to transparently communicate the level of resourcing needed to respond to each QoN, ACTCS now includes details of the time taken and approximate cost to prepare the response.
- This practise began with Questions on Notice Paper No.16 (23 February 2018).
- Times recorded reflect the total time taken to provide each response. Where applicable, this includes time spent by administrative support staff to identify and coordinate input from other business units, as well as time taken during review and clearance processes.
- ACTCS calculates times and costings using a standardised whole of government tool that is completed for each QoN.

Cleared by: Jon Peach

Date: 1 June 2018

MINISTER FOR CORRECTIONS  
**OVERSIGHT BRIEF**

**4. AMC Email Policy**

- Detainee access to email is managed in accordance with the Corrections Management (Email, Internet and Legal Education and Resource Network [LEARN] for Prisoners) Policy 2010.
- Detainees request email contact with individuals and all applications are positively vetted in accordance with the above-mentioned policy. Individuals are not able to make requests to email detainees as ACT Corrective Services (ACTCS) has identified that this would significantly increase the risk of victim contact as individuals may create an alias.
- Processing of applications is dependent on a number of factors, including the ability of ACTCS to contact the proposed recipient, staffing levels, and the number of applications that may require processing at any one time. Subject to these factors, ACTCS aims to have requests processed within 24 hours.

Cleared by: Jon Peach

Date: 11 May 2018

**MINISTER FOR CORRECTIONS**  
**OVERSIGHT BRIEF**

## **5. AMC Visits Policy**

### Booking System

- The visits phone line is a call back service which is staffed 9am to 5pm, Monday to Friday.
- The AMC Executive Support Unit is responsible for the phone line and makes every effort to respond to all voicemail messages within 24 hours.
- The call back service ensures that all visits are booked in the order that they are requested.
- This information, as well as the hours of operation, is conveyed in the recorded message for visits bookings.
- The visits phone line is currently the only way to organise AMC visits as the ACT Corrective Services (ACTCS) website has no capacity to accept online visits bookings at this time.
- ACTCS is investigating alternate options, including the ability to book visits online, as part of a broader review of the visits booking process.

### Security Process

- ACTCS is trialling new software which, once operational, will mean that visitors no longer have to complete a visitor form each time they visit the AMC.
- This is expected to significantly reduce the administrative component of the visits process.
- For security reasons, visitors will still be required to undergo an iris scan prior to being allowed to enter the AMC and comply with visits policy.

### Detainee property limits

- The AMC accommodates more than 450 detainees at any given time.
- Detainee property amounts are limited in order to reduce safety hazards, and to maintain the good order and hygiene of the facility.
- Detainees are able to apply to have visitors to the AMC bring additional items of clothing, in addition to what they already have within the AMC, subject to the limits specified in the policy.

### Visitor Dress Code and Behaviour

- For visitors coming to the AMC, there are rules to maintain the good order of the facility. These are publicly available and prominently displayed at the entrance to the AMC.
- Visitors are expected to behave courteously to AMC staff, other visitors and detainees, and to abide by the visitor dress code.



## OVERSIGHT BRIEF

- This information is prominently displayed along with the specifications of the dress code.
- Dress codes are imposed to reduce the opportunity for the introduction of contraband, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.
- Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.

### Visitation Bans

- ACTCS encourages family and friends of detainees to visit them while in custody in order to maintain important ties with the community.
- Where a detainee or visitor breaches the AMC visits policy (for example, through the introduction, or attempted introduction, of contraband or because of unacceptable behaviour), they can have their visitation rights withdrawn, or they can be placed on closed visits, to ensure the good order and safety of the AMC.
- Anyone subject to a visitation ban will be notified in writing of the restriction and the period for which it applies.
- Appeals against visitor bans may be made, in writing, to the Executive Director, ACTCS.

### Intra-Centre Visits

- ACTCS facilitates visits between detainees in custody who have a confirmed relationship.
- Intra-centre visits are subject to specific conditions, including that:
  - Both detainees have been in custody for 28 days before a visit will be approved.
  - Both detainees submit a clean urine test prior to the visit being facilitated.
  - Both detainees must not have had any disciplinary action in the past 28 days.

### Visits by Ex-Detainees

- Former detainees may apply to visit current AMC detainees.
- These applications will be reviewed by ACTCS on a case by case basis, and the applicant will be formally notified of the outcome.
- The outcome of their application may be influenced by Intelligence Unit reports, past history of involvement with the AMC and, if under a supervision order with ACTCS, the status of that order.
- Applications by detainees who are in breach of their supervision requirements or with outstanding warrants, will be declined.

**MINISTER FOR CORRECTIONS**  
**OVERSIGHT BRIEF**

Cleared by: Jon Peach

Date: 1 June 2018

**MINISTER FOR CORRECTIONS**  
**OVERSIGHT BRIEF**

**6. Clothing at AMC**

- Dress codes are imposed to reduce the opportunity for the introduction of contraband, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.
- Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.
- Detainees are able to apply to have visitors to the AMC bring property.
- This will only be approved where the detainee is not already in possession of property in excess of the amounts specified in the policy.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 7. Fire Incidents at AMC and ACTCS Fire Prevention Measures

- ACT Corrective Services has adopted a risk based approach to the provision and use of lighters within the AMC.
- The risk of banning lighters is evidenced to be greater than the risk of allowing detainees to have access to these item. Banning lighters has proven to lead to detainees using riskier methods, such as using live electrical wires or the heating elements in kettles, to light cigarettes.
- Detainees are allowed to have the lighters on their person at all times in the AMC.
- Detainees are not able to purchase matches.

#### ACTCS fire prevention measures

- ACTCS is developing a broader strategic approach to emergency management, including fire management and prevention.

Cleared by: Jon Peach

Date: 15 May 2018

## OVERSIGHT BRIEF

### 8. Revictimisation of Victims of Crime

- In December 2017, a detainee at the Alexander Maconochie Centre (AMC) contacted several of his victims by mail.
- One of the victims notified ACT Corrective Services (ACTCS) of the contact and requested that the detainee no longer be able to contact her.
- There was no protection order in place and no written request for non-contact status at the time of contact.
- ACTCS has since placed the victims who have requested not to be contacted on the no-contact list for the detainee.
- AMC staff will prevent future contact between the detainee and the victim.
- ACTCS reviewed the incident and is working with the ACT Human Rights Commission, the Canberra Rape Crisis Centre, and the Domestic Violence Crisis Service to develop strategies to further control contact between offenders and their victims

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 9. Drug Overdoses in the AMC

- Over the Christmas holiday period, corrections officers and medical staff responded to a number of medical incidents at the Alexander Maconochie Centre. Two of these incidents required hospital admittance as the result of suspected misuse of substances.
- In response to each of these incidents, ACT Corrective Services' policies and procedures relating to medical incidents were followed appropriately.
- Notwithstanding the efforts of ACT Corrective Services and partner agencies, it remains the unfortunate case that contraband, including illicit substances, still enters the AMC; however, this is not unique to the ACT.
- Intercepting prohibited or contraband items such as illicit drugs, drug paraphernalia and technology (such as USBs and mobile phones) is one of the most challenging functions undertaken by corrections agencies.
- ACT Corrective Services, like other jurisdictions, employs varied security measures designed to prevent entry of prohibited items into the AMC including:
  - physical searches by both corrections officers and Passive Alert Detector dogs, which are trained to detect illicit substances
  - metal detectors and x-ray scanners
  - the on-going exchange of information and intelligence with ACT Policing.
- A contraband strategy is currently being finalised to enhance current measures for the prevention of contraband introductions, but proactive activities have commenced and are proving to be highly successful.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 10. Women's Accommodation Pressures and Female Detainee Numbers

- The AMC has experienced a marked increase in female detainee numbers in recent times. This issue is not limited to the ACT; it is a national issue with all jurisdictions experiencing increases.
- On 28 November 2017, all female detainees moved to a single accommodation unit within the existing AMC campus.
- The new accommodation arrangement provides female detainees with improved access to health services, programs, employment and education within the AMC.
- Longer term solutions are being considered under the larger feasibility review of detainee accommodation in 2017-18.
- The options for all accommodation arrangements for both male and female detainees will be considered in the feasibility study.
- ACTCS has managed the increase of female numbers within existing resources. Female detainees continue to be accommodated separately from male detainees at all times.
- Female detainees demonstrate unique and complex behavioural and criminogenic needs. Many have come from disadvantaged families where they have experienced trauma and been victims of criminal behaviour.
- ACTCS has partnered with Winnunga Nimmityjah Aboriginal Health Service in the provision of wellbeing programs for women.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 11. Contraband

- ACTCS works closely with ACT Policing to prevent the introduction of contraband at the AMC including providing assistance with investigations, and exchanging information and intelligence.
- In the 2016-17 financial year, corrections officers undertook more than 7,000 searches and detected more than 700 items of contraband.
- Medication has always comprised a high number and proportion of items seized as part of ACT Corrective Services' (ACTCS) contraband search and seizure processes. Medication discovered in the possession of a detainee who it was not lawfully prescribed to is considered to be contraband.
- The 'medication' classification relates to items that may have been prescribed to detainees housed within the Alexander Maconochie Centre (AMC) and subsequently stockpiled, diverted or simply kept past an expected time of use. The medications range from drugs that would be available over the counter in the community (paracetamol) through to pharmacy or prescription medications.
- ACTCS has various physical and static security measures to prevent entry of prohibited items into the AMC.
- The AMC perimeter is approximately 1.3 km in length and is strengthened by security measures including more than 500 closed circuit television (CCTV) cameras. Staff check the grounds every morning.
- ACTCS undertakes measures to search visitors, staff, contractors, and their belongings entering the AMC. These include:
  - metal detectors;
  - X-Ray baggage scanner to scan property;
  - itemiser tests to detect traces of drugs and explosives; and
  - physical searches of all vehicles prior to entering and exiting the AMC including use of mirrors to search under the vehicles and random canine searches (except, for example, ambulances in case of emergency).
- Between 1 January 2018 and 8 March 2018, the Security Operations Team found 17 mobile phones, 23 mobile phone accessories (including chargers and SIM cards), 18 USBs, 21 syringes and 26 drugs. The drugs category is broad and includes the seizure of multiple drugs, as well as the seizure of stockpiled or non-prescribed medication.

Cleared by: Jon Peach

Date: 11 May 2018



**MINISTER FOR CORRECTIONS**  
**OVERSIGHT BRIEF**

## 12. Recidivism

- ACTCS, through its Offender Services and Corrections Programs Unit, provides and facilitates services and programs tailored specifically towards Aboriginal and Torres Strait Islander detainees both in custody and offenders in the community under supervision.
- The recidivism statistics for inclusion in the 2016-17 Justice and Community Safety Annual Report shows that the ACT had 38.5 per cent of all detainees (released in 2014-15) return to prison, decreasing from 41 per cent in the previous year. Recidivism statistics are not disaggregated by Indigenous status.
- The Government is committed to building and maintaining a strong Indigenous workforce in ACTCS. This improves ACTCS's ability to provide informed culturally appropriate and sensitive responses to specific Indigenous issues.
- Aboriginal and Torres Strait Islander detainees are able to access programs, services and education available to the general AMC population, as well as programs and services specifically targeted towards Aboriginal and Torres Strait Islander people.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 13. Extended Throughcare

- The ACT Government provided recurrent funding of \$5.347 million in the 2017-2018 Budget for the Extended Throughcare Program.
- This funding includes an additional full time employee in the designated position of Indigenous Throughcare Transition Officer, to focus on supporting Aboriginal and Torres Strait Islander ex-detainees reintegrating into the community.
- The University of New South Wales' evaluation of the Throughcare program found positive outcomes for Aboriginal and Torres Strait Islander women engaged in the program, but highlighted an area for improvement in engaging Aboriginal and Torres Strait Islander men

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 14. Notification of assaults and incidents in custody

- Upon admission to the AMC, detainees are asked whether they identify as Aboriginal and Torres Strait Islander.
- Those who identify as such are requested to nominate a next of kin for notification in certain emergency situations.
- ACTCS commits to notify next of kin of serious illness or injury in a timely manner. Serious illness or injury is where a detainee is required to be admitted to an external medical facility.
- In the event of a death in custody, next of kin are notified by the ACT Coroner's Court.
- If the Court does not have a suitably qualified officer available, the AFP Coroner's team will perform this function.
- Where appropriate, a designated Aboriginal or Torres Strait Islander representative from ACTCS may attend when notifying the next of kin to provide cultural support.
- In response to recommendations 2 and 3 of the Moss Review, ACTCS and ACT Policing signed an amended Memorandum of Understanding (MOU) on 28 April 2017.
- The MOU between ACT Policing and ACTCS has been updated to reflect the government's response to the Moss Review.
- The MOU contained an updated process to notify next of kin regarding the death of a detainee who identified as Aboriginal or Torres Strait Islander

Cleared by: Jon Peach

Date: 11 May 2018

## 15. Incarceration Rates

- Aboriginal and Torres Strait Islander people continue to be significantly over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion and perceived systemic racism.
- During the September 2017 quarter, Aboriginal and Torres Strait Islander prisoners represented 27 per cent of the total full-time adult prisoner population (nationally), while accounting for approximately two per cent of the total Australian population aged 18 years and over.
- As at 10 May 2018, Aboriginal and Torres Strait Islander people accounted for 21.3 per cent of the total AMC detainee population – 104 detainees out of a total of 488.
- The ACT figures remain well below the national average for Aboriginal and Torres Strait Islander people as a percentage of the total detainee population.
- As at 10 May 2018, Aboriginal and Torres Strait Islander men accounted for 20.2 per cent of the total AMC male population – 91 detainees out of 450.
- As at 10 May 2018, Aboriginal and Torres Strait Islander women accounted for 34.2 per cent of the total AMC female population – 13 detainees out of 38.
- The ACT Government is committed to reducing the over-representation of Aboriginal and Torres Strait Islander people in the AMC. The redevelopment of the Aboriginal and Torres Strait Islander Justice Agreement as a Justice Partnership, and the strengthening of the Extended Throughcare Program is directed towards this reduction.
- The Aboriginal and Torres Strait Islander Justice Partnership (2015–2018) will build on the work of the 2010-2013 Justice Agreement. It contains a stronger focus on addressing over-representation through increased diversionary and rehabilitation options.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 16. Moss Implementation

- The implementation of the Moss Review recommendations has resulted in significant reform in ACT Corrective Services, and other Government Directorates and Statutory Office Holders.
- All agencies have worked together to consider the provision of health and custodial services at the AMC and make changes to improve the health, safety and wellbeing of detainees.
- I am pleased of the work we have achieved with support from the Aboriginal and Torres Strait Islander community.
- The safety and care of detainees in the AMC is fundamental.
- We have acted quickly to improve security and care of detainees, with more CCTV coverage to provide a safer environment and reduce incidents of violence.
- ACT Corrective Services and ACT Policing are also working closely, and with improvements to CCTV, have led to a number of prosecutions following assaults in the AMC.
- This demonstrates that the intent of the Moss Review around pro-investigation and prosecution is being achieved.
- The ACT's first Inspector of Correctional Services has been announced.
- The Inspector has special powers to enter places where people are detained and investigate critical incidents which may be when a detainee's life has been in danger or after an escape.
- Continued independent oversight of the AMC will help build public confidence.
- ACT Corrective Services and ACT Health are also working more closely to ensure detainees continue to have access to health services and appropriate and timely physical and mental health treatment.
- The government has also partnered with Winnunga to provide their care services alongside current ACT Health Services.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 17. ACT Inspectorate of Custodial Services

- The Inspector of Correctional Services will provide a comprehensive agenda for overall improvement of correctional services and lead sustainable change towards best practice in the ACT.
- This will ensure continuous improvement through the systematic and regular review of correctional centres and services.
- The Inspector of Correctional Services will increase transparency and accountability, and deter mismanagement and unfairness, and help ensure the rights and wellbeing of all persons in adult Correctional services in the ACT are upheld.
- As Minister, I am committed to transformational change in the AMC as a facility that is adapting to many challenges which were not all predicted in its early days.
- The establishment of an Inspector of Correctional Services will focus our reform efforts, keep a steady eye on correctional facilities and services and support the implementation of real change.
- The community rightly expects improved governance, risk management strategies, health services and models of care for our detainees so that they are safe and can successfully reintegrate into our community.

#### Mr McAllister's experience

- Mr McAllister has extensive experience conducting comprehensive reviews of correctional facilities across Australia and providing clear advice to governments on ways to improve operations and policies.
- Mr McAllister has worked as an Inspector in Queensland and Victoria and also conducted investigations in correctional facilities and immigration detention centres in Queensland, Victoria, South Australia and New South Wales.
- Mr McAllister has broad knowledge in this area, having conducted more than 100 investigations of critical incidents, including 28 deaths in custody.
- The Inspector will conduct a comprehensive and systemic inspection of correctional services every two years and I can also refer particular issues to be reviewed.

Cleared by: Jon Peach

Date: 1 June 2018

## OVERSIGHT BRIEF

### 18.Serious Assaults

- Within correctional facilities there is the inherent potential for conflict amongst some detainees.
- 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.
- The Government's response to the Moss Review reflects our commitment to implementing transformational change and sharing with the community what we will do differently to improve the care, safety and health of detainees.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC.
- This will assist ACTCS to combat assaults and other serious incidents.
- The Government also acknowledges the importance of ensuring that assaults, including those committed within the AMC, are thoroughly investigated with a view to holding offenders to account through prosecution of offences.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 19. Security Review

- Due to the sensitive nature of operations of the AMC, a secure custodial facility, the Morison report cannot be publicly released.
- Recognising the strong public interest in maintaining public safety:
  - The review examined key elements of physical, process and dynamic security at the AMC and the circumstances of previous escapes, as well as considering more broadly what policy, procedural, compliance, governance, staffing, training, cultural and management structure changes may be necessary to improve the overall operational security of the AMC as it relates to the secure custody of detainees.
  - The review found that the perimeter, movement control, architecture, technology and other controls provide generally robust built—in physical security for AMC.
- We will act on all of the recommendations, in fact work on many of these is already underway or in the planning stage.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC.
- The Government will employ additional senior staff at the AMC to manage security, accommodation and offender management, and create a new centralised intelligence unit within ACTCS.
- These new additions will provide the AMC with the capability to work closely with staff, detainees and the Australian Federal Police to address emerging issues, including contraband, organised crime and countering violent extremism.

Cleared by: Jon Peach

Date: 11 May 2018



MINISTER FOR CORRECTIONS  
**OVERSIGHT BRIEF**

**20. Industries**

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of education, a structured day and skills to support their rehabilitation and reintegration back into society.
- I am pleased to report that the construction of the new bakery, expanded laundry and the multi-purpose activities centre at the AMC are now complete.
- Detainees also have work in the recycling bay.
- The bakery is a female only industry at present due to the recognised need for specific female employment in the AMC.

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 21. Bakery Apprenticeships

- The Alexander Maconochie Centre (AMC) Bakery currently employs seven female detainees, who are learning basic hospitality and kitchen operations skills.
- These are skills that they will be able to take with them when they are released from ACT Corrective Services' (ACTCS) custody, and can feed into recognised trade qualifications should they wish to pursue this avenue after their release.
- Almost half of the women employed at the AMC Bakery have successfully completed recognised units of competency, including 'Work, Health & Safety', 'Use Hygienic Practices in Food Safety' and 'Numeracy Foundation Skills'.
- The remaining women are in the process of completing these units.
- Preliminary feedback from the women working in the AMC Bakery has been overwhelmingly positive. They are enjoying the opportunity to have a purposeful day and to learn new skills.
- Additionally, ACTCS has employed a second baker.
- The addition of the second baker will enable ACTCS to operate a second bakery shift, effectively doubling the employment capacity of the AMC Bakery.
- The second bakery shift will allow men to be separately employed in the bakery and to participate in the training currently only offered to women.
- Employment and educational opportunities are a significant factor in detainees' ability to successfully reintegrate into the community.
- ACTCS is currently exploring the potential to offer additional trade qualification opportunities to detainees as well as expanding the AMC employment industry.

Cleared by: Jon Peach

Date: 1 June 2018

## OVERSIGHT BRIEF

### 22. Detainee Numbers

- The Government is proactively managing the issues presented by a continuing upward trend in detainee numbers.
- This requires a whole of government response to ensure the ongoing safety of detainees and corrective services staff and to meet the future needs of a growing ACT community.
- The overall trend in the ACT has been mirrored in other jurisdictions in recent years, with Victoria and NSW also experiencing a spike in numbers.
- Detainee numbers have recently been around the 460 level, but reached a high of 501 on 27 May 2018.
- While the Government is pleased by the recent completion of the AMC expansion project, there has been a continued increase in detainee numbers, particularly of remanded female detainees.

Cleared by: Jon Peach

Date: 11 May 2018

### 23. Accommodation Pressures

- The AMC has an Operational Bed Capacity of 511. This number is likely to change in the near future as the AMC is reconfigured as a result of the women's accommodation move.
- Operational capacity refers to the total number of beds available for daily use to accommodate detainees.
- It excludes beds used for special purposes such as health, crisis support and disciplinary segregation beds.
- Not all beds can be utilised at all times due to separation issues. Separation refers to a need to separate cohorts of detainees with different classifications and characteristics (e.g. minimum from maximum; detainees who need protection from other detainees).

Cleared by: Jon Peach

Date: 11 May 2018

## 24. Strategies to address detainee numbers

- The Government continues to explore a number of options for managing the issues presented by increased detainee numbers including the Justice Reform Strategy and the Justice Reinvestment Strategy.
- The issue of rising detainee numbers cannot be considered in isolation and requires a broader response across Government.
- The Government is committed to the short and long-term reforms needed in this area.
- Through the 2015-16 ACT Budget, the Government provided \$3.228 million over three years to enhance community corrections, including for support of a new sentencing option developed as part of the Justice Reform Strategy – the Intensive Corrections Order.
- This Strategy aims to create a community based sentencing alternative to imprisonment, as well as consider longer-term sentencing, restorative justice and related reforms.
- This work is vital if we want to significantly and sustainably reduce incarceration, address recidivism and increase community safety through less crime.
- There were 62 ICOs in operation as at 11 May 2018.
- In addition, on 26 April 2017 I launched a 12 month trial between the Justice and Community Safety Directorate and Winnunga Nimmityjah Aboriginal Health Service where resources are directed to reduce causes of crime to curb recidivism in our community..

Cleared by: Jon Peach

Date: 11 May 2018

## OVERSIGHT BRIEF

### 25. Extended Throughcare

- Transitioning back into the community and life after prison can be a daunting and critical time for detainees.
- While the Government is committed to addressing offending behaviours and chronic disadvantage when detainees are in prison, we also acknowledge that unless we tackle the obstacles and barriers people face when they are released, the likelihood of re-offending will remain high.
- Detainees exiting custody with the support of Extended Throughcare receive a range of support targeted to individual need.
- This includes pre-release planning by the Assisted Release into Community program and may include linking the client with an outreach provider to assist them reintegrate into the community.
- An evaluation of Extended Throughcare suggested that the return to custody for detainees has reduced, and those returning to custody are remaining in the community for longer periods on average.
- A further \$5.3 million was provided in the 2017-2018 ACT Budget for the Extended Throughcare Program.

Cleared by: Jon Peach

Date: 11 May 2018

MINISTER FOR CORRECTIONS  
**OVERSIGHT BRIEF**

## 26. Programs and Education

- The ACT Government encourages and supports detainee participation in rehabilitative programs at the AMC to assist with their successful reintegration into the community.
- The 2018 Report on Government Services (ROGS) (reporting on 2016-2017) highlighted that the ACT has 70.6 per cent of eligible detainees in education; well above the national average of 32.9 per cent.

### Domestic Violence Programs

- In 2013, ACTCS introduced the specialised Domestic Abuse Program (DAP) into the AMC. This is a program for male offenders convicted of violence against a female partner or spouse. In 2015 this program was extended to offenders in the community.
- Within the AMC, ACTCS runs the Out of the Dark Program for female offenders who have been victims of domestic or family violence.

Cleared by: Jon Peach

Date: 11 May 2018

MINISTER FOR CORRECTIONS  
**OVERSIGHT BRIEF**

**27. Health Services**

- ACTCS and ACT Health both play important roles in ensuring the health and wellbeing of detainees at the AMC.
- The Directors-General of JACS and ACT Health have signed an Arrangement for the Delivery of Health Services to Detainees.
- The Arrangement goes towards the implementation of Recommendation 4 of the Moss Review.
- The Arrangement aims to improve health care and service delivery at the AMC by improving communications, information sharing and working relationships.
- ACTCS and ACT Health are currently working together to develop joint policies and procedures in the area of detainee health care.

If asked: Detainee with disabilities

- The Government is committed to ensuring detainees with disability at the AMC have access to support in line with that available in the community including access to the National Disability Insurance Scheme (NDIS).
- Upon admission into custody all detainees are interviewed and assessed to identify any immediate physical or mental health, safety, or security risks and needs. This includes detainees with an intellectual disability.

Cleared by: Jon Peach

Date: 11 May 2018



## OVERSIGHT BRIEF

### 28. Auditor-General's Report on rehabilitation of male detainees at AMC

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs and utilisation of the new laundry and bakery facilities.
- ACTCS is developing an Operating Philosophy and Rehabilitation Strategy for the AMC to address issues identified in the Reports.
- ACTCS is also progressing work to develop the AMC Operating Model.
- This work will inform the development of a future operating model to better manage remand status, security classification, health needs, case management and rehabilitation, and accommodation-based program participation of detainees in line with population increase trends for the ACT.

Cleared by: Jon Peach

Date: 11 May 2018



**ACT**  
Government

Justice and Community Safety

**MINISTER FOR CORRECTIONS**  
**Estimates Committee Hearings**  
**26 June 2018**  
**3:35 to 4:30pm**

Brief no	Title
<b>JACS Corporate</b>	
1.	2018-19 Budget Summary (including summary of JACS Initiatives)
2.	ACT Budget Media Release
3.	ACT Budget Community Consultations
4.	Indexation Parameters
5.	2018-19 Fees and Charges
6.	Staffing Breakdown (incl. classification breakdown)
7.	Workforce Issues (incl. Bullying and harassment, sexual harassment and misconduct statistics)
8.	Staff Survey
9.	Freedom of Information
<b>Budget Initiatives</b>	
10.	More support for families and inclusion – Intensive Correction Orders
11.	More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre
<b>2017-18 2<sup>nd</sup> Appropriation Initiatives</b>	
12.	Better support when it matters – Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre
13.	Better support when it matters – Enhancing security at the Alexander Maconochie Centre
<b>Output 2.1 – Corrective Services – Strategic and Accountability Indicators and Financial Summary</b>	
14.	Strategic and Accountability Indicators
15.	Financial Summary Output 2

## Rollovers

16.	<p>FMA Section 16B Rollovers (2016-17 to 2017-18)</p> <ul style="list-style-type: none"> <li>• ACT Corrective Services - Information Management</li> <li>• Alexander Maconochie Centre - Electronic security system</li> <li>• Better support when it matters - Implementation of the Moss Review Recommendations</li> <li>• Implement Strategic Priorities</li> <li>• Workers' Compensation Acquittal</li> <li>• ACT Corrective Services - Accommodation fit out</li> <li>• Alexander Maconochie Centre - Additional facilities</li> <li>• Better Infrastructure Fund</li> <li>• Digital Canberra - New digital radio communication system</li> </ul> <p style="text-align: center;">AND</p> <p>2018-19 Budget Rollovers (2017-18 to 2018-19)</p> <ul style="list-style-type: none"> <li>• Better support when it matters - Implementing Moss Review recommendations</li> <li>• Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre</li> <li>• Implement Strategic Priorities</li> <li>• Learning Management System</li> <li>• Strategic Asset Management Plan</li> <li>• ACT Corrective Services - Information Management</li> <li>• Alexander Maconochie Centre Detainee Industries and Activities Enhancement Project</li> <li>• Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre</li> <li>• Digital Canberra - New digital radio communication system</li> </ul>
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## Question Time Briefs

17.	USB device privacy issue
18.	Concerns raised by <a href="#">Sch 2 s 2.2 (a)(ii)</a>
19.	Disability Data & Comments by ACT HRC
20.	Safety and Human Rights of Detainees

2018/1896-012

**Portfolio:** Corrections

**ISSUE: 2018-19 Budget Summary (including summary of JACS Initiatives – Minister for Corrections)**

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**Talking points:**

The 2018-19 Budget will invest **\$21.5 million** in the ACT Corrective Services. This includes:

- **\$15.5 million** over four years to provide additional staff resources associated with an increase in average detainee numbers at the AMC and to replace the mobile duress system
  - **\$6 million** over three years to continue the Intensive Corrections Order Scheme to strengthen rehabilitation opportunities for offenders
- 

**Background**

The ACT's budget announcements include initiatives relating to:

- More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre;
- More support for families and inclusion – Intensive Corrections Orders;
- Better support when it matters - Enhancing security at the Alexander Maconochie Centre; and
- Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre.

The 2017-18 2<sup>nd</sup> Appropriation provided:

- **\$11.6 million** over five years to enhance security and safety within the Alexander Maconochie Centre
- **\$6.8 million** over five years (JACS component) to introduce the Winnunga Model of Care at the Alexander Maconochie Centre. ACT Health component of \$1.6 million over two years will be offset against the Health Funding Envelope

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Lead Directorate: Justice and Community Safety

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**Justice and Community Safety Directorate  
Budget Initiatives related to Corrections**

Budget Initiatives	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000	Total \$'000
<b>2018-19 Budget Initiatives</b>						
<b>Recurrent</b>						
<i>More support for families and inclusion</i>						
Better resourcing for the Alexander Maconochie Centre		2,505	3,460	3,510	3,561	<b>13,036</b>
Intensive Corrections Orders		1,968	2,006	2,045		<b>6,019</b>
Drug and Alcohol		95				<b>95</b>
<b>Total 2018-19 Recurrent Initiatives</b>		<b>4,568</b>	<b>5,466</b>	<b>5,555</b>	<b>3,561</b>	<b>19,150</b>
<b>Capital</b>						
More Support for families and inclusion - Better resourcing for the Alexander Maconochie Centre		1,875	541			<b>2,416</b>
<b>Total 2018-19 Capital Initiatives</b>		<b>1,875</b>	<b>541</b>	<b>0</b>	<b>0</b>	<b>2,416</b>

<b>2017-18 2<sup>nd</sup> Appropriation Initiative</b>						
<b>Recurrent</b>						
Better support when it matters - Enhancing security at the Alexander Maconochie Centre	964	2,413	2,696	2,736	2,777	<b>11,586</b>
Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre <sup>1</sup>	732	1,119	910			<b>2,761</b>
Better support when it matters - Drug and Alcohol Court establishment	85					<b>85</b>
<b>Total 2017-18 2<sup>nd</sup> Appropriation Recurrent Initiatives</b>	<b>1,781</b>	<b>3,532</b>	<b>3,606</b>	<b>2,736</b>	<b>2,777</b>	<b>14,432</b>

<b>Capital</b>						
Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre <sup>1</sup>	2,011	2,011				<b>4,022</b>
<b>Total 2017-18 2<sup>nd</sup> Appropriation Capital Initiatives</b>	<b>2,011</b>	<b>2,011</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,022</b>

Note 1 This initiative has other directorate's components which not included in above.

**FTE - ACTCS only**

<b>2018-19 Budget Initiatives</b>						
More Support for families and inclusion - Better resourcing for the Alexander Maconochie Centre		18.0	23.0	23.0	23.0	
More Support for families and inclusion - Intensive Corrections Orders		8.0	8.0	8.0		
More Support for families and inclusion - Drug and Alcohol Court		0.5				
<b>2017-18 2<sup>nd</sup> Appropriation Initiative</b>						
Better support when it matters - Enhancing security at the Alexander Maconochie Centre	4.89	13.9	15.4	15.4	15.4	
Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre	4.9	7.2	5.6			
Better support when it matters - Drug and Alcohol Court establishment	1					
<b>Total FTE</b>	<b>10.29</b>	<b>47.60</b>	<b>52.00</b>	<b>46.40</b>	<b>38.40</b>	

Australian Capital Territory  
**BUDGET 2018-19**  
**Media Release**



## Strengthening Canberra's justice system



The ACT Government is delivering a stronger justice system to maintain the safety and security of our community through the 2018 Budget.

We will focus on providing better access to justice and supporting victims of crime through the National Redress Scheme for survivors of child sexual abuse. We will also invest in programs and services that help reduce re-offending and create alternative pathways for the resolution of justice matters.

### Faster access to justice

The ACT Government is investing in justice services to ensure our courts can continue to operate effectively and efficiently while protecting people's rights. This will include:

- **\$7.3 million** for more staff and resources for the Director of Public Prosecutions to respond to complex criminal trials
- **\$5.4 million** to appoint an additional Magistrate to assist with demand in the Magistrates Court and provide additional resources to Legal Aid and the Office of the Director of Public Prosecutions to manage a larger case load
- **\$1.9 million** to appoint a full-time forensic pathologist to support the ACT Coroner
- **\$1.1 million** for a more modern and efficient online Supreme Court Jury Management System
- **\$740,000** to continue and expand CBR NightCrew which assists people affected by alcohol and/or drugs in the Civic nightlife precinct
- **\$640,000** to establish a Seniors Rights Service as part of Legal Aid to provide targeted legal services to older Canberrans who are experiencing, or vulnerable to, elder abuse
- **\$625,000** to plan the Government's commitment to deliver a dedicated Drug and Alcohol court for the ACT
- **\$580,000** to develop a Disability Justice Strategy to recognise and respond to the disadvantage that people with disability face when dealing with the justice system and provide ongoing support for the Canberra Community Law's Socio-Legal Practice Clinic
- **\$187,000** to develop Canberra as a Restorative City through events and workshops. These sessions will seek to approach social and community challenges through restoring relationships and applying restorative practices.

Like most of Australia, our community has been shocked and saddened by the stories told during the Royal Commission into Institutional Child Sexual Abuse. We have supported the Commission's recommendation to provide better support for the victims of these crimes and will deliver this in the Budget through:

- **\$14.2 million** to contribute to the National Redress Scheme by delivering a redress payment, counselling and psychological care and a direct personal response to Canberrans who were sexually abused as children in institutions
- **\$84,000** to fund an additional Aboriginal Victim Liaison Officer for Victim Support ACT.

## Reducing reoffending by 25 percent by 2025

The 2018 Budget delivers more rehabilitative opportunities and investment in alternative pathways to prison, including:

- **\$6 million** to continue the Intensive Corrections Order Scheme so offenders can be diverted from full-time imprisonment to serve their sentence in the community and be rehabilitated
- **\$1 million** to reduce reoffending by supporting initiatives which prevent crime and address offending behaviour, including expanding the High Density Housing Community and Safety Program and establishing Warrumbul Court in the Children's Court to provide a culturally appropriate sentencing process for young Aboriginal and Torres Strait Islander Canberrans in the justice system.

The 2018 Budget is stepping up our investment to maintain fast and effective justice services for our growing city.

**Media contact:** Alexandra Craig 0466 024 520 [alexandra.craig@act.gov.au](mailto:alexandra.craig@act.gov.au)

2018/1896-017

**Portfolio:** Corrections**ISSUE: ACT Budget Community Consultations**

- Ninety-five (95) submissions were received as part of the 2018-19 Community Budget Consultation process and loaded onto the consultation website including twenty five (25) marked as confidential.
- Sixteen (16) of these submissions related to JACS services or functions. Some submissions cross over other Ministerial portfolios.
- **Sch 2 s 2.2 (a)(xii)** recommend on delivering real increases to the numbers of public sector workers as a means to address chronic workload issues.
  - The Government will fund \$13.036 million for staff resources (18 FTE in 2018-19 and 23 FTE per year from 2019-20) to support detainee numbers at the Alexander Maconochie Centre (AMC).
- **Sch 2 s 2.2 (a)(xii)** recommended on the importance of workplace safety in its priority area.
  - The Government will also fund \$2.4 million to strengthen safety and security at the AMC by replacing its mobile duress system. The replacement will provide extra functionality to allow correctional staff to continue to provide a safe and secure environment for detainees, staff and visitors.

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**Background**

The Community Budget Consultation Process closed on 24 October 2017.

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2018/1896-018

**Portfolios:** All ministers

## ISSUE: Estimates Brief - Technical Budget Adjustment (Revised Indexation Parameters – CPI and WPI and Revised Wage Parameters)

### Talking points:

#### Indexation Parameters

	Applicable to	2017-18 (%)	2018-19 (%)	2019-20 (%)	2020-21 (%)	2021-22 (%)
Consumer Price Index (CPI)	Supplies and Services	2.25	2.25	2.5	2.5	2.5
Wage Price Indexation (WPI)	Own Source Revenue	2.0	2.5	2.75	3.25	3.25

**Consumer Price Index (CPI)** for 2018-19 is 2.25 per cent, remains unchanged from the both 2017-18 CPI as well as rate used in the 2017-18 Budget projections for 2018-19.

- The CPI forecast for forward years remains unchanged at 2.5 per cent as the rate used in the 2017-18 Budget projections.

**Wage Price Indexation (WPI)** for 2018-19 is 2.5 per cent, an increase of 0.5 percentage point from the WPI rate of 2 per cent for 2017-18. The 2018-19 WPI of 2.5 per cent remains unchanged from the rate used in the 2017-18 Budget projections for 2018-19.

- The WPI forecast for each outyear has increased from the rates in the 2017-18 Budget projections; with the 2019-20 forecast increased from 2.5 per cent to 2.75 per cent, and the 2019-20 and 2020-21 forecasts from 3 per cent to 3.25 per cent.
- The WPI forecast of 2.5 per cent has been used to index the non-regulatory JACS Directorate's Fees and Charges from 1 July 2018.

Cleared as complete and accurate: 13/06/2018  
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- In 2018-19 regulatory Fees are indexed at 4 per cent; parking and traffic fines/fees by six per cent; and motor vehicle registrations by five per cent.
- In 2019-20 and forward years these fees are projected to increase by relevant WPI indexation.

## **Wage Parameters**

### **Wages**

- The Government is offering a pay proposal which includes the following increases on rates of pay:
  - 2.25 per cent from the first full pay period in October 2017;
  - 0.5 per cent from the first full pay period in June 2018; and
  - 1.35 per cent every six months from the first full pay period in December 2018 to the first full pay period in June 2021.

### **Superannuation**

- The Government has agreed to the union claim to include superannuation provisions in enterprise agreements, including the “3 for 1” offer, which sees the Government contributing a further 1 per cent for eligible staff that make a personal contribution of 3 per cent or more. The Government also remains committed to increasing superannuation employer contributions for staff on the Superannuation Guarantee rate as follows:
  - 0.25 per cent on 1 July 2018;
  - 0.25 per cent on 1 July 2019; and
  - 0.5 per cent on 1 July 2020.
- This would bring the contribution rate to 11.5 per cent for affected staff by 1 July 2020 (the legislated minimum of 9.5 per cent plus 2 per cent).

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### **Background**

- The wage parameter rate used in 2017-18 and forward years budget for Directorate staff is 1.3 per cent;
- The current ACTPS enterprise agreements expired on 30 June 2017;
- The enterprise agreement increases for all ACTPS employees from 2013-14 to 2016-17 are:
  - Year 1 (2013-14): a single \$2,090 flat increase in salary rates OR a 2 per cent increase in salary rates – whichever is the greater;

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- Year 2 (2014-15): two 1.5 per cent increases in salary rates payable from the first pay period on or after 1 July 2014 and 1 April 2015;
  - Year 3 (2015-16): two 1.5 per cent increases in salary rates payable from the first pay period on or after 1 October 2015 and 1 April 2016; and
  - Year 4 (2016-17): two 1.5 per cent increases in salary rates payable from the first pay period on or after 1 October 2016 and 1 April 2017.
- 

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## FEES AND CHARGERS

ISSUE: How much have fees and charges increased?

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### Key Points:

#### Summary of indexation of fees and charges

- As part of the 2015-16 Budget process, the regulatory fees and charges were indexed by four per cent per annum; and parking and traffic fines/fees to six per cent per annum for each financial year until 2018-19.
- In the 2015-16 Budget the Government announced an increase in motor vehicle registration fees by five per cent per year from 2015-16 to 2018-19.
- As part of the 2016-17 Budget Review, the Government agreed to retain the indexation rate for the Utilities Network Facilities Tax (UNFT) at five per cent for 2018-19 and 2019-20; and increase the indexation of the Water Abstraction Charge (WAC) to three per cent for 2017-18 to 2019-20.

#### Regulatory Service Fees

- Regulatory Service Fees are payable for the regulation and administration of applications and licenses by Government. This includes fees for regulatory services such as transport regulation, waste acceptance, road safety, building levies and development applications.

#### Parking fees and fines

- From 2017-18 to 2018-19 parking fees and fines in ACT Government car parks across Canberra will increase by six per cent.
- Parking fees vary across the ACT by location and fees are generally rounded down to nearest 10 cents. For example, the all-day maximum fee for parking at:
  - premium central city locations is expected to increase from \$16.70 to \$17.70.
  - other city locations is expected to increase from \$11.30 to \$11.90.
  - town centres (excluding Gungahlin) is expected to increase from \$11.30 to \$11.90.

#### Motor Vehicle Registration

- Motor vehicle registrations fees will increase by five per cent from 2017-18 to 2018-19.
  - For a passenger vehicle with a tare weight between 1,155 and 1,504 kilograms, the annual registration charge will increase from \$366.30 to \$384.64, an increase of \$18.34.
  - These figures include the two per cent discount which is available to those motorists who pay their motor vehicle registration annually.

#### Utilities Network Facilities Tax (UNFT)

- From 2017-18 to 2018-19 the UNFT will increase by five per cent.

- UNFT is levied on the owner of a utility network facility that is installed on or under the land in the ACT. Utilities networks include networks for transmitting and distributing electricity, gas, sewerage, water and telecommunications.
- Some utility providers such as Telstra separately reflect the UNFT on customer's bills.
  - For Telstra residential customers in 2018-19, the annual charge is expected to be around \$45, while the annual charge for commercial customers are based upon the number of eligible services (see table below – issued by Telstra in April 2018).

Tier	Number of eligible services	Annual charge to commercial customers (including GST)
1	1-2 services	\$43.66
2	3-10 services	\$207.34
3	11-50 services	\$835.54
4	51-150 services	\$3,413.04
5	151-1500 services	\$12,451.37
6	1501 services and above	\$206,162,30

#### Water Abstraction Charge (WAC)

- The WAC is a charge on those licensed to take ACT water. Increases to the WAC are passed on directly by Icon Water to urban consumers.
  - Increases are treated as a pass-through event within the Independent Competition and Regulatory Commission's pricing determination for water and sewerage services.
  - The WAC is included but not separately identified in customer's water bills. In 2017-18 it was \$0.578 per kl and is expected to increase to \$0.595 per kl for 2018-19.
- From 2017-18 to 2018-19 the Water Abstraction Charge (WAC) will increase by three per cent.
  - For an average household using 200 kilolitres of water per year, this will result in an increase in water bills of around \$3.50 in 2018-19.

#### Fire and Emergency Services Levy (FESL)

- From 2017-18 to 2018-19 the FESL will increase from \$294 to \$336 for residential and rural properties, an increase of \$42.
  - This increase is due to the 2015-16 Budget measure to increase the FESL revenue to cover a greater share of the actual costs of delivering emergency services.
  - A FESL rebate of \$98 is available to eligible pensioners.

#### Fees and Charges Indexation Summary

Fees/Charges	Indexation				
	2017-18	2018-19	2019-20	2020-21	2021-22
Regulatory Services Fees	4 per cent	4 per cent	WPI	WPI	WPI
Parking fees and fines	6 per cent	6 per cent	WPI	WPI	WPI
Motor Vehicle Registration	5 per cent	5 per cent	WPI	WPI	WPI
Utilities Network Facilities Charge	5 per cent	5 per cent	5 per cent	WPI	WPI
Water Abstraction Charge	3 per cent	3 per cent	3 per cent	-	-
Fire and Emergency Services Levy	\$42	\$42	-	-	-

2018/1897-001

**Portfolio:** JACS Ministers

## ISSUE: Staffing Breakdown and Estimated Employment Level – Staffing (FTE)

### *Voluntary Redundancy*

- Two employees elected to be made voluntarily redundant in 2017-18 in accordance with the relevant enterprise agreement. One voluntary redundancy was in the ACT Courts and Tribunal .

### **Staffing information**

As at 30 May 2018, JACS employed a workforce of 1,772.16 FTE or 1,859 headcount. This includes figures for Public Trustee for the ACT of 51.48 FTE or 56 headcount. Excluding the Public Trustee, the JACS Directorate FTE was 1,720.68.

### Staff Profile by Division

Division	Total Headcount	Total FTE
ACT Courts & Tribunal	193	178.63
ACT Government Solicitor	123	109.90
Corporate	90	86.42
Corrective Services	417	407.13
Director for Public Prosecutions	89	84.28
Emergency Services	713	688.06
Human Rights Commission	50	46.58
Inspectorate of Custodial Services	1	0.80
Legislation, Policy & Programs	84	77.75
Office of Director-General	10	10.47
Parliamentary Counsel's Office	22	19.82
Public Trustee and Guardian	56	51.48
Security & Emergency Management Branch	11	10.83
<b>Total</b>	<b>1,859</b>	<b>1,772.16</b>

### FTE by Division and Gender

Division	Female	Male	Total FTE
ACT Courts & Tribunal	129.99	48.65	178.63
ACT Government Solicitor	83.30	26.60	109.90
Corporate	57.92	28.50	86.42
Corrective Services	166.01	241.12	407.13

Cleared as complete and accurate: 15/06/2018

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Information Officer name: Virginia Hayward

Contact Officer name: Doreen Tan Ext:58217

Lead Directorate: Justice and Community Safety

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## BUDGET ESTIMATES BRIEF

Division	Female	Male	Total FTE
Director for Public Prosecutions	54.93	29.36	84.28
Emergency Services	145.55	542.51	688.06
Human Rights Commission	40.35	6.23	46.58
Inspectorate of Custodial Services	0.80		0.80
Legislation, Policy & Programs	59.86	17.89	77.75
Office of Director-General	6.47	4.00	10.47
Parliamentary Counsel's Office	15.32	4.50	19.82
Public Trustee and Guardian	39.55	11.93	51.48
Security & Emergency Management Branch	2.83	8.00	10.83
<b>Total</b>	<b>802.87</b>	<b>969.29</b>	<b>1,772.16</b>

### Headcount by Division and Gender

Division	Female	Male	Total Headcount
ACT Courts & Tribunal	139.00	54.00	193
ACT Government Solicitor	92.00	31.00	123
Corporate	59.00	31.00	90
Corrective Services	170.00	247.00	417
Director for Public Prosecutions	58.00	31.00	89
Emergency Services	158.00	555.00	713
Human Rights Commission	43.00	7.00	50
Inspectorate of Custodial Services	1.00		1
Legislation, Policy & Programs	65.00	19.00	84
Office of Director-General	6.00	4.00	10
Parliamentary Counsel's Office	17.00	5.00	22
Public Trustee and Guardian	44.00	12.00	56
Security & Emergency Management Branch	3.00	8.00	11
<b>Total</b>	<b>855.00</b>	<b>1,004.00</b>	<b>1,859</b>
	<b>46%</b>	<b>54%</b>	

### FTE by Classification Group and Gender

Classification	Female	Male	Total FTE
Administrative Officers	319.20	145.88	465.08
Ambulance and Ambulance Support Officers	88.35	153.37	241.72
Correctional Officers	49.05	160.47	209.52
Executive Officers	20.00	18.00	38.00
Fire and Rescue Officers	14.00	319.34	333.34
General Service Officers & Equivalent		12.14	12.14

Cleared as complete and accurate: 15/06/2018

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Lead Directorate: Justice and Community Safety

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## BUDGET ESTIMATES BRIEF

Classification	Female	Male	Total FTE
Health Professional Officers	11.88	2.00	13.88
Judicial Officers	7.00	6.00	13.00
Legal Officers	90.15	28.63	118.78
Legal Support	14.26	4.00	18.26
Professional Officers	0.80	1.00	1.80
Prosecutors	24.60	20.00	44.60
Senior Officers	155.96	92.46	248.42
Statutory Office Holders	5.50	6.00	11.50
Technical Officers	2.13		2.13
<b>Total</b>	<b>802.87</b>	<b>969.29</b>	<b>1,772.16</b>
	<b>45.3%</b>	<b>54.7%</b>	

### Headcount by Classification Group and Gender

Classification	Female	Male	Total Headcount
Administrative Officers	340.00	159.00	499
Ambulance and Ambulance Support Officers	99.00	159.00	258
Correctional Officers	50.00	162.00	212
Executive Officers	20.00	18.00	38
Fire and Rescue Officers	14.00	326.00	340
General Service Officers & Equivalent		13.00	13
Health Professional Officers	13.00	2.00	15
Judicial Officers	7.00	8.00	15
Legal Officers	99.00	30.00	129
Legal Support	15.00	4.00	19
Professional Officers	1.00	1.00	2
Prosecutors	25.00	20.00	45
Senior Officers	162.00	96.00	258
Statutory Office Holders	6.00	6.00	12
Technical Officers	4.00		4
<b>Total</b>	<b>855.00</b>	<b>1,004.00</b>	<b>1,859</b>

Cleared as complete and accurate: 15/06/2018

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Information Officer name: Virginia Hayward

Contact Officer name: Doreen Tan Ext:58217

Lead Directorate: Justice and Community Safety

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## Estimated Employment Level – Staffing (FTE)

Below outlines the estimated employment level as included in 2018-19 JACS Budget Statement on page 3:

**Table 1: Estimated Employment Level**

	2016-17 Actual Outcome	2017-18 Budget	2017-18 Estimated Outcome	2018-19 Budget
<b>Staffing (FTE)</b>	1,677 <sup>1</sup>	1,659 <sup>2</sup>	1,729 <sup>3</sup>	1,769 <sup>4</sup>

**Notes:**

1. The 2016-17 actual outcome of 1,677 FTE differs from the FTE disclosed in the Justice and Community Safety Directorate's 2016-17 Annual Report (1,729) as it excludes the Public Trustee for the ACT (52 FTE).
2. The decrease of 18 FTE in the 2017-18 Budget from the 2016-17 actual outcome mainly reflects the additional resources funded through own sourced revenue in 2016-17.
3. The increase of 70 FTE in the 2017-18 estimated outcome from 2017-18 Budget is mainly due to the net increase in staffing resources associated with the 2017-18 supplementary appropriation, additional resources funded through own sourced revenue, additional staff for project activities, increased workload and to backfill staff on maternity leave, long service leave, extended personal and other leave.
4. The increase of 40 FTE in the 2018-19 Budget from the 2017-18 estimated outcome mainly reflects the net increase in staffing resources associated with the 2018-19 Budget and the impact of prior budget outcomes, partially offset by additional resources funded through own sourced revenue in 2017-18 estimated outcome.

## Talking Points

- **Variance of 2016-17 Actual Outcome to 2017-18 Budget (decrease of 18 FTE)**, mainly reflects the additional resources funded through own sourced revenue by GSO in 2016-17.
- **Variance of 2017-18 Budget to 2017-18 Estimated Outcome (increase of 70 FTE)**, mainly relates to:
  - additional resources funded through 2017-18 Supplementary Appropriation (19 FTE);
  - additional resources funded through own sourced revenue (25 FTE – GSO 19 FTE & LPP – 6 FTE);
  - ACT Fire & Rescue recruit college (13 FTE); and
  - additional resources funded by special and capital projects (3 FTE), cash managed positions (5 FTE), backfilling staff on maternity leave (10 FTE) and extended leave (1 FTE);
 partially offset by

Cleared as complete and accurate: 15/06/2018

Cleared by: Chief Human Resources Officers Ext: 55132

Information Officer name: Virginia Hayward

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Lead Directorate: Justice and Community Safety

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- transfer of the function of the Co-ordinator-General for Family Safety to Community Services Directorate (6 FTE).
- **Variance of 2017-18 Estimated Outcome to 2018-19 Budget (increase of 40 FTE)**, mainly relates to increases associated with 2018-19 Budget Initiatives, and the impact of prior budget outcomes, partially offset by one-off movements in 2017-18 estimated outcome, as outlined at [Attachment A](#).

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Lead Directorate: Justice and Community Safety

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# BUDGET ESTIMATES BRIEF

Attachment A

<u>2018-19 Budget Initiatives</u>	Total									
	FTE	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
<b>Attorney-General</b>										
Better Government – New Jury Management System	1.15						1.05			0.10
More support for families and inclusion – Additional Magistrate	5.00				2.00		3.00			
More support for families and inclusion – Canberra as a restorative city	0.75	0.75								
More support for families and inclusion – Drug and Alcohol Court	2.25	1.00			0.25		0.50	0.50		
More support for families and inclusion – Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse	4.00	2.50		0.50		1.00				
More support for families and inclusion – Improving ACT Coronial Services	1.00						1.00			
More support for families and inclusion – More resources for the Director of Public Prosecutions	6.00				6.00					
National Facial Biometric Matching Capability - CMTEDD Lead	1.00	1.00								
<b>Corrections</b>										
More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre	18.00							17.80		0.2
More support for families and inclusion – Intensive Corrections Orders	8.00							8.00		
<b>Justice</b>										
Better Government – Human Rights Commission digital capability	0.30									0.30
More support for families and inclusion – Reducing recidivism	2.50	2.00				0.50				
<b>Emergency Services</b>										
More services for our suburbs – Equipment upgrades for first responders	1.95								1.95	
More services for our suburbs – Keeping Canberrans safe in public places	0.25		0.25							
<b>Community Services</b>										
Disability Justice Strategy - CSD Lead	1.00	1.00								
Improving Timeliness of Adoptions and Permanency - CSD Lead	1.20			1.20						
<b>Total 2018-19 budget initiatives</b>	<b>54.35</b>	<b>8.25</b>	<b>0.25</b>	<b>1.70</b>	<b>8.25</b>	<b>1.50</b>	<b>5.55</b>	<b>26.30</b>	<b>1.95</b>	<b>0.60</b>

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 Lead Directorate: Justice and Community Safety

## BUDGET ESTIMATES BRIEF

### 2017-18 2nd Appropriation Initiatives (FTE movement in 2018-19)

Attachment A (cont'd)

	Total									
	FTE	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
<b>Attorney-General</b>										
Better support when it matters - Criminal law reforms	1.00	1.00								
Better support when it matters - Director of Public Prosecutions - Additional resources to confiscate criminals' assets	2.00				2.00					
Better support when it matters - Drug and Alcohol Court establishment <sup>1</sup>	-1.75	-1.00			-0.25			-0.50		
Better support when it matters - Redress for survivors of child sexual abuse in institutions <sup>1</sup>	-1.00	-1.00								
Better support when it matters - Stronger resourcing for the Government Solicitor's Office	1.25			1.25						
<b>Corrections</b>										
Better support when it matters - Enhancing security at the Alexander Maconochie Centre	9.01							9.01		
Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the AMC	2.30							2.30		
<b>Emergency Services</b>										
Better support when it matters - More paramedics	12.41								12.41	
<b>Total 2017-18 Budget Review initiatives (FTE movement)</b>	<b>25.22</b>	<b>-1.00</b>	<b>-</b>	<b>1.25</b>	<b>1.75</b>	<b>-</b>	<b>-</b>	<b>10.81</b>	<b>12.41</b>	<b>-</b>
<b>2017-18 Estimated Outcomes</b>	<b>1,729</b>									
Add: 2018-19 Budget Initiatives (refer above)	54									
Add: Movement of 2017-18 Budget Initiatives (refer above)	25									
Less: FTEs already included in 2017-18 Estimated Outcome moving to 2018-19 Initiatives	-50									
Add: Movement in prior years' initiatives	10									
<b>2018-19 Budget FTE</b>	<b>1,769</b>									

Note 1: One-off FTEs allocated in 2017-18 estimated outcomes (EO) but not continuing in 2018-19 requires negative FTE movement to explain the variance between 2017-18 EO and 2018-19 budget.

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 Lead Directorate: Justice and Community Safety

# BUDGET ESTIMATES BRIEF

Attachment B

<u>2018-19 Budget Initiatives</u>	Total	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
	FTE									
<b><i>Attorney-General</i></b>										
Better Government – New Jury Management System	1.15						1.05			0.10
More support for families and inclusion – Additional Magistrate	5.00				2.00		3.00			
More support for families and inclusion – Canberra as a restorative city	0.75	0.75								
More support for families and inclusion – Drug and Alcohol Court	2.25	1.00			0.25		0.50	0.50		
More support for families and inclusion – Implementing the Commonwealth Redress Scheme for Institutional Child and Sexual Abuse	4.00	2.50		0.50		1.00				
More support for families and inclusion – Improving ACT Coronial Services	1.00						1.00			
More support for families and inclusion – More resources for the Director of Public Prosecutions	6.00				6.00					
National Facial Biometric Matching Capability - CMTEDD Lead	1.00	1.00								
<b><i>Corrections</i></b>										
More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre	18.00							17.80		0.2
More support for families and inclusion – Intensive Corrections Orders	8.00							8.00		
<b><i>Justice</i></b>										
Better Government – Human Rights Commission digital capability	0.30									0.30
More support for families and inclusion – Reducing recidivism	2.50	2.00				0.50				
<b><i>Emergency Services</i></b>										
More services for our suburbs – Equipment upgrades for first responders	1.95								1.95	
More services for our suburbs – Keeping Canberrans safe in public places	0.25		0.25							
<b><i>Community Services</i></b>										
Disability Justice Strategy - CSD Lead	1.00	1.00								
Improving Timeliness of Adoptions and Permanency - CSD Lead	1.20			1.20						
<b>Total 2018-19 budget initiatives</b>	<b>54.35</b>	<b>8.25</b>	<b>0.25</b>	<b>1.70</b>	<b>8.25</b>	<b>1.50</b>	<b>5.55</b>	<b>26.30</b>	<b>1.95</b>	<b>0.60</b>

Cleared as complete and accurate: 30/05/2018  
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 Lead Directorate: Justice and Community Safety

# BUDGET ESTIMATES BRIEF

## 2017-18 2nd Appropriation Initiatives (FTE in 2018-19)

Attachment B (cont'd)

	Total									
	FTE	LPP	SEMB	GSO	DPP	HRC	Courts	ACTCS	ESA	Corp
<b>Attorney-General</b>										
Better support when it matters - Criminal law reforms	2.00	2.00								
Better support when it matters - Director of Public Prosecutions - Additional resources to confiscate criminals' assets	4.00				4.00					
Better support when it matters - Stronger resourcing for the Government Solicitor's Office	2.50			2.50						
<b>Corrections</b>										
Better support when it matters - Enhancing security at the Alexander Maconochie Centre	13.90							13.90		
Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the AMC	7.20							7.20		
<b>Emergency Services</b>										
Better support when it matters - More paramedics	14.08								14.08	
<b>Total 2017-18 Budget Review initiatives (FTE movement)</b>	<b>43.68</b>	<b>2.00</b>	<b>-</b>	<b>2.50</b>	<b>4.00</b>	<b>-</b>	<b>-</b>	<b>21.10</b>	<b>14.08</b>	<b>-</b>
<b>2018-19 Budget FTE</b>	<b>98.03</b>	<b>10.25</b>	<b>0.25</b>	<b>4.20</b>	<b>12.25</b>	<b>1.50</b>	<b>5.55</b>	<b>47.40</b>	<b>16.03</b>	<b>0.60</b>

Cleared as complete and accurate: 30/05/2018  
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 Lead Directorate: Justice and Community Safety

\*2018\*1897-002

**Portfolios:** JACS Ministers**ISSUE: Workforce Issues (Bullying and Harassment, Sexual Harassment and Corruption)****Talking points:**

- As at 13 June 2018, the Justice and Community Safety Directorate (JACS) has received five bullying and harassment complaints for the 2017-18 financial year. This is a decrease of two from the previous financial year. All five complaints were from ACT Corrective Services (ACTCS).
- Of the five complaints:
  - one (1) progressed to a formal misconduct investigation which was subsequently ceased prior to the finalisation of the investigation due to lack of evidence to support the claims and both parties agreeing to participate in other remedial action;
  - three (3) were found to have insufficient evidence to support the allegation/s at the preliminary assessment stage; and
  - one (1) was managed by other remedial action without the need for a formal misconduct investigation.
- As at 13 June 2018, JACS has received two sexual harassment complaints for the 2017-18 financial year. This is an increase of one from the previous financial year. Both complaints were from ACTCS.
- Of the two (2) complaints:
  - one (1) was found to have insufficient evidence to support the allegation following the preliminary assessment; and
  - one (1) progressed to a formal misconduct investigation which was found to be substantiated and resulted in the individual resigning.
- To date, there have been no (zero) reports of corruption received for the 2017-18 financial year. There were also no (zero) reports of corruption received in the previous financial year.

Cleared as complete and accurate: 15/06/2018  
Cleared by: Executive Director Ext:55132  
Information Officer name: Virginia Hayward  
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Directorate: Justice and Community Safety

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- As at 25 June 2018 JACS has received three allegations of unauthorised disclosures of confidential information for the 2017-18 financial year. This is an increase of one from the previous financial year.
- Of these, no formal investigations were undertaken, each case was managed via an internal review. As at 25 June 2018, JACS has received two allegations of fraud, each containing multiple allegations.
- Of these, one investigation was commenced during 2017-18 and an additional investigation is pending. This is a decrease of one from the previous financial year.
- Bullying Prevention and Management training is mandatory for all staff. Since the launch of the ACT Public Service (ACTPS) Respect, Equity and Diversity (RED) framework in December 2010, 1,426 JACS staff have attended RED awareness sessions.
- JACS has an established RED Contact Officer Network comprising 35 RED Contact Officers. RED Contact Officers are provided with appropriate training to undertake their role.
- JACS also has a RED Executive Sponsor and a Workplace Coach, employed from 1 May 2017, to facilitate formal and informal coaching to develop skills of managers to manage complex people issues, and contribute professional expertise to resolve ongoing and/or entrenched difficulties.

### Key Information

- There total number of bullying and harassment complaints remain low with only five in 2017-18 financial year which is a slight decrease (2) from the previous financial year.
- There was an increase in the number of sexual harassment complaints by one received in 2017-18 financial year from the previous financial year.
- While five (5) bullying and harassment complaints were received, three were found to have insufficient evidence to support the allegation/s and did not progress further and the other two were managed through other remedial action, being managed through mediation and/or a facilitated discussion.
- Complaints of bullying and harassment and sexual harassment received were from ACTCS.

Cleared as complete and accurate: 15/06/2018  
Cleared by: Executive Director Ext:55132  
Information Officer name: Virginia Hayward  
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Directorate: Justice and Community  
Safety



- There has been nil (0) matters relating to corruption in the 2016-17 and 2017-18 financial years.
- 1,426 JACS staff have attended mandatory RED awareness training.

**Background Information – may not be suitable for public disclosure**

- Information regarding investigations into alleged breaches of Section 9 of the *Public Sector Management Act 1994* which includes bullying and harassment are reported on an annual basis in the ACT Government State of the Service Report.

Cleared as complete and accurate: 15/06/2018  
Cleared by: Executive Director Ext:55132  
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Directorate: Justice and Community  
Safety

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**Portfolio:** Attorney-General

Justice, Consumer Affairs and Road Safety

**ISSUE: JACS STAFF SURVEY**

The Canberra Times published a news article “Justice Directorate staff are concerned about bullying and harassment” on Monday 9 April 2018 at 2:57 pm.

**Talking points:**

- The 2017 Justice and Community Safety (JACS) Staff Survey results provide valuable information on what works well in JACS and identifies opportunities for improvement.
- The survey is one tool that assists the Directorate in understanding the broad culture of the organisation and makes an assessment of the level of staff engagement.
- It is important to note that while there is room for improvement, Directorate’s results reflect that JACS is average when compared to other large public sector organisations.
- The results are also reflective of the diverse nature of the functions and services it delivers. For example the functions undertaken by Corrections and Emergency Services by their very nature are high risk and staff operate in high pressure environments, which can have an impact on organisational culture.
- JACS is committed to improving its workplace culture and has a Workforce Strategy 2017-2019 to help achieve this. The survey results are used by the Directorate and Business Heads to inform other work that is being delivered across the Directorate as part of its Workforce Strategy.
- It should be noted that responses related to favouritism, harassment and bullying have statistically improved over time, with nearly 10 per cent more employees reporting that they felt free from bullying and harassment in the last survey, compared with the 2015 data.

Cleared as complete and accurate: 24/04/2018  
Cleared by: Executive Director Ext: 70500  
Contact Officer Name: Virginia Hayward Ext: 55132  
Lead Directorate: Justice and Community Safety

If asked about survey results relating to the Emergency Services Agency or ACT Corrective Services

- These matters should be referred to the respective portfolio Minister.

**Background information**

- The JACS Staff Survey was conducted during April and May 2017.
- JACS is committed to continuing the process of undertaking staff surveys, to understand what is happening and working on how to respond and improve the organisation as a whole. This is part of the whole of JACS workforce strategy.
- In support of this, business units are working with staff on the results of the survey and they have listened to the feedback.
- JACS will continue to progress actions to facilitate a more engaged, enabled and empowered workforce.
- Detailed results from the JACS staff surveys, including those of the ESA are not made public for a number of reasons:
  - the assurances made to staff about the confidentiality of their responses and the risk of undermining staff confidence and participation in future surveys (which is voluntary);
  - the commercial value and intellectual property of Best Practice Australia as the survey provider would be compromised; and
  - the nature of the reports which are designed as working documents by executives and managers within the organisation.

Cleared as complete and accurate: 24/04/2018  
Cleared by: Executive Director Ext: 70500  
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Lead Directorate: Justice and Community  
Safety



## BUDGET ESTIMATES BRIEF

**Portfolio:** JACS Minister

**ISSUE:** Freedom of Information Act Implementation Project

### Talking points:

- The *Freedom of Information Act 2016* (FOI Act) commenced on 1 January 2018.
- The new legislation increases the public's access to Government information and facilitates greater public scrutiny of its use in the functions and activities of Government. This objective recognises public access to government information is an essential aspect of effective democracy and promotes Government accountability for its decisions and actions.
- The FOI implementation project, led by JACS and CMTEDD, commenced in March 2017. JACS has led the Government in the production of Whole of Government (WhoG) FOI guidance material and templates, FOI Fee Determination and Regulation, WhoG training sessions, and 11 technical legislative amendments being achieved before the commencement of the Act.
- Since the commencement of the Act, JACS has assisted Directorates to process FOI requests and work through the interpretation of various legislative provisions.
- Assessing the operation of the new FOI Act, the cross Government working group led by JACS has identified a number provisions that require technical amendment which will be provided to the Attorney-General for consideration.
- JACS will continue to be resourced (1 x FTE) in 2019-20 to provide whole of government assistance in implanting the new FOI scheme.

Cleared as complete and accurate:	12/06/2018	
Cleared by:	Executive Director	Ext 74813
Contact Officer Name:	Kaye Yen	Ext:75066
Lead Directorate:	Justice and Community Safety	



## BUDGET ESTIMATES BRIEF

### Key Information

- Since the commencement of the new FOI Act, the ACT Government have received:
  - Over 400 FOI requests
  - Seven Ombudsman Reviews;
  - Over 90 Questions on Notice in regard to Freedom of Information.
- Since the commencement of the Act, the ACT Government has proactively published over 3,500 open access documents and all Ministerial Diaries for the first quarter of 2018.
- More than ten minor and technical legislative amendments have been identified and provided through JACS to the Attorney-General for consideration.

Directorate	Number of FOI Request
CMTEDD	141
JACS	23
CSD	79
Health	44
Education	17
EPSDD	78
TCCS	45

### Background Information

- The ACT Legislative Assembly passed the *Freedom of Information Act 2016* on 11 August 2016. The Act commenced on 1 January 2018.
- The FOI Act removes some classes of information that were previously excluded from public release. Instead, the new Act provides that every person has the right to access government information unless that access would be contrary to the public interest.
- Compared with the *Freedom of Information Act 1989*, the new Act has removed the internal review process and places a greater degree of scrutiny over the process with the Ombudsman.

Cleared as complete and accurate: 12/06/2018  
 Cleared by: Executive Director Ext 74813  
 Contact Officer Name: Kaye Yen Ext:75066  
 Lead Directorate: Justice and Community Safety

# BUDGET ESTIMATES BRIEF

\*2018\*1905-005

**Portfolio:** Corrections

## (JACS-CS E01) More support for families and inclusion – Intensive Corrections Orders

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	1,968	2,006	2,045	0	6,019
<i>Total Additional FTE</i>	<i>8</i>	<i>8</i>	<i>8</i>		

The Government will continue to support the Intensive Corrections Order scheme which provides an alternative to prison for low-risk offenders.

A statutory review of legislation supporting the scheme is due to be tabled in the ACT Legislative Assembly before 2 March 2020 and this review will inform the potential delivery of the scheme beyond that time.

### Expenses: (\$6.019m over 3 years)

The initiative will provide funding over 3 years for the following:

- \$3.257m for eight FTE (ASO6) on close supervision and case management of 120 offenders expected serving an Intensive Corrections Order (ICO);
- \$2.639m for 75 drug tests per week;
- \$0.104m on vehicle hire and parking for home visits; and
- \$0.019m on drug and alcohol training.

### Further Information:

ICOs are available as an alternative to full time custody for eligible offenders serving short sentences (generally up to two years, or in exceptional circumstances up to four years). It is an appropriate and cost-effective sentencing option aiming to address the issue of increasing detainee numbers at the Alexander Maconochie Centre.

By 2 March 2019, three years from the commencement of ICOs, the number of ICOs is expected to increase to 120, compared to 65 in 2017.

Cleared as complete and accurate: 30/05/2018  
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 Information Officer name: Jon Peach  
 Contact Officer name: Therese Goodman Ext:78297  
 Lead Directorate: Justice and Community Safety

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## BUDGET ESTIMATES BRIEF

### Estimated Timing:

This three year initiative until 2021 will allow recurrent funding (in the 2021-22 budget cycle) to be considered with the benefit of:

- five years of ICOs as a sentencing option (2 March 2016 to 2 March 2021);
- likely impacts from any significant policy changes flowing from the three-year review agreed to by Cabinet; and
- any other changes – legislative and otherwise – across the criminal justice system.

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# BUDGET ESTIMATES BRIEF

\*2018\*1905-004

**Portfolio:** Corrections

## (JACS-CS E02 and JACS-CS CW01) More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre

	2018-19	2019-20	2020-21	2021-22	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	2,505	3,460	3,510	3,561	13,036
Associated Depreciation	0	375	483	483	1,341
<b>Net Expenses</b>	<b>2,505</b>	<b>3,835</b>	<b>3,993</b>	<b>4,044</b>	<b>14,377</b>
Associated Capital	1,875	541	0	0	2,416
<b>Total Additional FTE</b>	<b>18.0</b>	<b>23.6</b>	<b>23</b>	<b>23</b>	
<i>Expenses - FTE</i>	<i>16.8</i>	<i>23</i>	<i>23</i>	<i>23</i>	
<i>Capital - FTE</i>	<i>1.2</i>	<i>0.6</i>			

The Government will provide additional staff resources to support higher detainee numbers at the Alexander Maconochie Centre (AMC).

We will also strengthen safety and security at the Centre by replacing the mobile duress system. The replacement system will ensure correctional staff can continue to provide a safe and secure environment for detainees, staff and visitors.

### Expenses: (\$13.036m over 4 years)

The initiative will provide funding for the following:

- \$2.505m per year (indexed in out years) from 2018-19 to fund an additional 15.8 FTE Correctional Officers (Class 1) and one supervisor (SOGA); and
- approx. \$1m per year (indexed in out years) from 2019-20 to fund a further 6.2 FTE Correctional Officers (Class 1).

### Capital: (\$2.416m over 2 years)

The initiative will provide funding to replace the existing staff mobile duress system (SMDS) at the AMC which is currently at the end of its useful life. It includes:

- \$1.220m equipment and installation cost;
- \$0.217m project management cost for 18 months;
- \$0.551m employee expenses (1 SOGB and 0.2 SOGA) and consultant fee on mobile duress system for 18 months;
- \$0.330m contingency; and
- \$0.098m associated costs.

Cleared as complete and accurate: 30/05/2018  
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 Lead Directorate: Justice and Community Safety

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## BUDGET ESTIMATES BRIEF

### Further Information:

It is projected that the average detainee numbers at the AMC will be 457 in 2018-19 and 472 in 2019-20. This initiative will provide the appropriate level of security, supervision and services aimed at the rehabilitation and reintegration of offenders.

This initiative will also replace the existing duress system at the AMC which is approximately nine years old which is at the end of its useful life and is prone to failure. The replacement system will:

- minimise significant safety and operational risks for both staff and visitors working or visiting at the AMC;
- maintain a safe operational environment for both Correctional staff and visitors of AMC;
- reduce workplace injuries and to provide a safe and secure operational environment at AMC;
- improve long term operational continuity and reliability of SMDS, including hardware and software components, while supporting future service demands;
- provide an appropriate level of ongoing support and maintenance for the SMDS by establishing long term contractual arrangements; and
- ensure business continuity, including disaster recovery planning and testing for 'fail-over' option is supported.

### Estimated Timing:

The recruitment of Correctional Officers will commence on 1 July 2018 and is ongoing.

The replacement of duress system consists of two main stages which include a procurement stage and delivery stage. Procurement will commence on 1 July 2018 and the delivery of the new system will be completed in November 2019.

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Lead Directorate:	Justice and Community Safety	

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2018/1905-003

**Portfolio:** Corrections

**ISSUE: 2017-18 2<sup>ND</sup> APPROPRIATION – Better Support When it Matters – Integrating the Winnunga Model of Care and Enhancing Health Services in the Alexander Maconochie Centre**

Better support when it matters – Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre

	201718 \$'000	201819 \$'000	201920 \$'000	202021 \$'000	Total \$'000
<b>Capital</b>	2,011	2,011	0	0	4,022
Depreciation	0	151	201	201	553
Associated Expenses – JACS	732	1,119	910	0	2,761
Associated Expenses – Health	0	797	814	0	1,611
Provision – Associated Expenses	0	0	0	1,707	1,707
Offset – Associated Expenses – Health	0	-797	-814	-833	-2,444
<b>Net Expenses</b>	<b>732</b>	<b>1,270</b>	<b>1,111</b>	<b>1,075</b>	<b>4,188</b>
Additional FTE - JACS	4.9	7.2	5.6		
Additional FTE - Health	-	3.8	3.8		
<b>Total Additional FTE</b>	<b>4.9</b>	<b>11.0</b>	<b>9.4</b>		

The Government will introduce the Winnunga Model of Care at the Alexander Maconochie Centre (AMC), and provide additional office accommodation for staff at the Hume Health Centre. This initiative will also deliver more custodial officers to boost detainee escort services, including for detainees accessing health services within the Centre. The associated expenses for the Health Directorate will be offset against the Health Funding Envelope.

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## Recurrent: (\$4.372m over three years for JACS and ACT Health)

### JACS - \$2.761m over three years

- Staffing costs of \$2.548m over three years for:

<u>ACTCS</u>	FTE	Level	2017-18	2018-19	2019-20	2020-21	Total
Project Management	0.5	SOGB	86,316				86,316
Rover (half year impact - 1.8 FTE in 2017-18)	3.6	CO1	242,763	492,607	499,800		1,235,170
Security (8 hour shifts x 2 = 1.6 FTE over 2 years)	1.6	CO3	268,009	271,835			539,845
Training Relief (half year impact - 1 FTE in 2017-18)	2	CO1	134,868	273,671	277,667		686,206
<b>Total</b>	<b>7.7</b>		<b>731,956</b>	<b>1,038,113</b>	<b>777,466</b>	<b>-</b>	<b>2,547,536</b>
<i>FTE</i>			<i>4.9</i>	<i>7.2</i>	<i>5.6</i>		

- 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.

### ACT Health - \$1.611m over three years

- Staffing costs of \$1.205m over two years 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*
- Breakdown of ACT Health staffing costs:

<u>ACT Health</u>	FTE	Level	2017-18	2018-19	2019-20	2020-21	Total
GP at AMC: 1 sessional Senior Specialist, 1-2 sessions per week	0.8	GP		233,823	238,500		472,323
Social and Emotional Wellbeing Staff	2	ASO6		242,866	247,724		490,590
Registered Chronic Disease Nurse	0.5	RN3.1		72,656	74,109		146,766
ASO 3	0.5	ASO3		47,346	48,293		95,639
<b>Total</b>	<b>3.8</b>		<b>-</b>	<b>596,692</b>	<b>608,626</b>	<b>-</b>	<b>1,205,318</b>
<i>FTE</i>				<i>3.8</i>	<i>3.8</i>		

- Operating costs as per ACT Health of \$0.406m over two years.
- The recurrent expenses for ACT Health will be offset against the Health Funding Envelope.

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**Capital (\$4.022m over two years in 2017-18 and 2018-19)**

The capital fund will provide:

- A temporary Accommodation solution for Winnunga – AMC Collaborative Health Care - \$2.618m (\$1.309m per year for 2017-18 and 2018-19)
- Renovation of existing AMC Health Care - \$1.404m (\$0.702m per year for 2017-18 and 2018-19)

**Further Information:**

- Phase 1 will provide for the implementation of the Winnunga Model of Care into the Special Care Centre at the AMC, consistent with Moss Inquiry Recommendation 5.
- Phase 2 provides for Winnunga Model of Care to be delivered across the AMC site. The initiative will create temporary office accommodation for both Winnunga and ACT Health staff and to reconfigure the current health centre to increase service delivery space to detainees. This phase will accommodate the additional and displaced staff associated with partial implementation of the Winnunga health model for Aboriginal and Torres Strait Islander clients; and improve the internal flow within the Hume Health Centre (HHC) in order to increase throughput and reduce waiting times for detainees to access their healthcare needs.

**Estimated Timing:**

- Key deliverables of this initiative will be delivered in two phases:
  - The operation of the Winnunga Model of Care in the Special Care Centre of the AMC
    - Fitout of program rooms for Winnunga staff service delivery
    - Employment of staff by Winnunga
    - Service delivery operational in the Special Care Centre
  - The roll out of the Winnunga Model of Care across the AMC
    - Design and Procurement of the Temporary Accommodation Solution
    - Build and commission of temporary accommodation
    - Design and Procurement of the health centre
    - Reconfigure and recommission health centre
    - Expand Winnunga Model of Care across AMC
- Planning of the construction of Winnunga - AMC Health Centre commenced in Mar-18. This will be implemented in a staged approach and is expected to be completed by June 2019.
- ACT Health staff recruitment processes will commence as soon as the funding is appropriated.

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2018/1905-002

**Portfolio:** Corrections

**ISSUE: 2017-18 2<sup>ND</sup> APPROPRIATION – Better Support When it Matters – Enhancing Security at the Alexander Maconochie Centre**

Better support when it matters – Enhancing security at the Alexander Maconochie Centre

	2017-18	2018-19	2019-20	2020-21	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Expenses	964	2,413	2,696	2,736	<b>8,809</b>
<i>Total Additional FTE</i>	<i>4.9</i>	<i>13.9</i>	<i>15.4</i>	<i>15.4</i>	

The Government will strengthen the Alexander Maconochie Centre's leadership structure, governance and intelligence capability to enhance operational control and oversight. The implementation of a stronger management structure will enhance security and safety within the Centre.

**Recurrent: (\$8.809m over four years)**
**Strengthening AMC Leadership (\$3.328m over four years)**

- Three functional managers (SOG A) to manage and oversight security, accommodation and offender management respectively
- Two specialist staff (SOG C) for indigenous and women detainees

**Training and Development (\$1.038m over four years)**

- Onsite trainer (ASO 6) to develop and deliver operational workplace competence training and internal custodial mandatory training programs
- Mandatory training requirements including first aid and mental health first aid training

**A new centralised ACTCS Intelligence unit function (\$4.443m over four years)**

- 1 x SOG B, 1 x SOG C, 1 x ASO 6 (four months impact in 2017-18 – 1 FTE, half year impact in 2018-19 – 1.5 FTE and 3 FTE ongoing from 2019-20 - \$1.398m over four years) to work across both Community and Custodial Corrections in implementing an intelligence cycle. This team will work closely with staff, detainees, the AFP and other sources to provide for detection of acts prior to their perpetration.

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This team will also participate in emerging national security issues such as OMCGs and countering violent extremism.

- 6.4 x CO 1 in 2017-18 (four months impact in 2017-18 – one roster of 3.2 FTE and two rosters of 6.4 FTE ongoing from 2018-19 - \$3.045m over four years) - to work closely with the intelligence team in conducting intelligence lead operations across the centre. This initiative will provide two rostered custodial officers per day (3.2 FTE in a roster, two rosters will require 6.4 FTE) to implement intelligence driven security activities. The staffing ratio equates to half custodial officer per 118 detainees.

**Further Information:**

In 2016 there were four escapes from ACT Corrective Services custody which significantly compromised public safety. As a result, JACS engaged Ms Marlene Morison to undertake an independent review into the AMC's operational security, which is now complete. This initiative will implement the key themes of the review's recommendations. The three themes of the reviews recommendations are – AMC leadership, intelligence and physical security. This review has not been made public due to the potential risk to security operations at the AMC.

**Timing:**

- AMC Leadership structure has been recruited. See individual roles below
  - three Functional Managers (SOG A), one specialist manager (the Womens Services coordinator – SOG C) already in place;
  - one Indigenous Services Coordinator (SOG C)
  - an onsite full time trainer (ASO6) already in place.
- AMC Intelligence Management team – Manager has been appointed. Team currently being advertised.
- Recruitment for custodial staff has commenced and it is anticipated that a new custodial recruit school will commence in October 2018.
  - These positions will commence operationally in December

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\*2018\*1905-001

**Portfolio:** Corrections

## ISSUE: ACT Corrective Services – Strategic and Accountability Indicators.

### Context

Strategic and Accountability Indicators for ACT Corrective Services are published on pages 6 and 18 of the JACS 2018-19 Budget Statement.

## Strategic Objective 2

### *Safe Community*

An effective criminal justice system underpins the safety of the community. Although neither the Directorate nor the ACT Government can control all of the factors that impact on community safety, effectiveness can be measured by examining the level of crime against people and property and whether the justice system deals with offenders in a way that reduces the risk of further offending.

**Table 3: Strategic Indicator 2: Crime Related Community Safety**

Success	Strategic Indicator	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
No escapes/ abscondments from custody	Number of escapes or absconds per 100 detainees	0	0	0
Reduction in recidivism rate	ACT sentenced detainees released two years earlier than the year being measured who returned to prison with a new correctional sanction within two years	42%	44%	42%

### Talking points:

- No escapes were made in 2017-18 from a facility administered by ACT Corrective Services (ACTCS).
- ACTCS achieved its target of zero escapes or absconds from custody.
- In the 2017-18 financial year, ACTCS introduced a “Reduction in Recidivism Rate” measure to the Strategic Indicator: Safe Community. This provides ACTCS with a meaningful indicator of success in prioritising offender rehabilitation and reintegration into the community.

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- ACTCS has an unfavourable 2017-18 estimated outcome for the strategic indicator “Reduction in Recidivism Rate” by achieving 44 per cent, which is greater than the target of 42 per cent.
- Measures already underway aimed at improving offender responses to supervision will support improved completion rates.
- These measures include efforts to increase the range and number of Community Service work hours completed, a review of policies and procedures and implementation of a performance indicator and audit framework.

## Accountability Indicators

Table 21: Accountability Indicators Output 2.1

	2017-18 Targets	2017-18 Estimated Outcome	2018-19 Targets
a. Completion rates of Community Corrections Orders:			
- The proportion of Community Corrections supervision orders successfully completed within the counting period <sup>1</sup>	80%	68%	80%
- The proportion of Community Corrections reparation orders successfully completed within the counting period	60%	58%	60%
b. Average cost per detainee per day for all detainees	\$310	\$305	\$310
c. Average cost per day for community based offenders	\$39	\$39	\$39

**Note:**

1. The lower than target 2017-18 estimated outcome is due to the combination of longer period of orders not duly completed and an increase in breached orders as a result of compliance activity.

### Talking points:

- ACTCS has an unfavourable variance in the 2017-18 estimated outcome for the indicator 2.1(a) by achieving a completion rate of 68 per cent over an expected completion rate of 80 per cent – the proportion of Community Corrections supervision orders successfully completed within the counting period.

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- This indicator result reflects:
  - the increased compliance activity of offenders on supervision orders has led to a higher number of offenders identified as being in breach of their orders; and
  - offenders who have not completed their orders in the prescribed period.

2018/1896-008

**Portfolio:** Corrections

**ISSUE: Financial Summary Output 2 – Corrective Services**
**Talking points:**
**Output Class 2: Corrective Services (*Budget Statement, Table 12, page 12*)**

	2017-18 Estimated Outcome \$'000	2018-19 Budget \$'000
<b>Total Cost</b>	80,911	88,885
<b>Controlled Recurrent Payments</b>	69,615	78,845

- Total Costs:** the increase of \$7.974 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly related to new 2018-19 initiatives (\$4.6m), step up in prior year's initiatives (\$0.4m), net rollover from 2017-18 (\$2.7m), revised wages parameters (\$0.5m) and indexation (\$0.9m); *partially offset* by cessation of 2017-18 one-off worker's compensation premium payment arrangement (-\$0.9m) and other net adjustments (-\$0.3m).
- Controlled Recurrent Payments (CRP):** the increase of \$9.23 million in the 2018-19 Budget from the 2017-18 Estimated Outcome is mainly related to new 2018-19 initiatives (\$4.6m), step up in prior year's initiatives (\$0.4m), net rollover from 2017-18 (\$2.7m), revised wages parameters (\$0.6m) and indexation adjustments (\$0.9m).

**Output Class 2: Corrective Services – Operating Statement (*Budget Statement, Table 38, page 45*)**
**Comparison of 2017-18 Budget to 2017-18 Estimated Outcome**

- Operating Result – the 2017-18 Estimated Outcome reflects a deficit of \$10.248 million, which is \$0.842 million higher than the original budget.
- Revenue - \$1.836 million **higher** than the original budget, mainly due to:
  - Controlled Recurrent Payments (formerly GPO) (\$0.844m): due to 2017-18 2<sup>nd</sup> appropriation (\$1.8m); *partially offset* by net rollover to 2018-19 (\$0.9m); and

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- Resources Received Free of Charge (\$0.848m): associated with higher worker's compensation premium.
- Expenses - \$2.678 million higher than the original budget, mainly due to:
  - Supplies and Services (\$1.2m): higher expenses incurred due to increasing detainee numbers (\$1.2m); and 2017-18 2<sup>nd</sup> appropriation (\$0.3m); *partially offset* by net rollover to 2018-19 (-\$0.3m);
  - Employee expenses (\$0.9m): higher expenses are due to 2017-18 2<sup>nd</sup> appropriation (\$1.4m); revised wages parameters (\$0.4m); *partially offset* by net rollovers to 2018-19 (-\$0.6m) and other net adjustments (-\$0.2m); and
  - Grants and Purchased Services (\$0.4m): higher expenses are mainly due to one-off reclassification from supplies and services.

### **Comparison of 2017-18 Estimated Outcome to 2018-19 Budget**

- Operating Result – the 2018-19 budget reflects a deficit of \$10 million, which is \$0.3 million higher than the 2017-18 estimated outcome.
- Revenue – \$8.2 million higher than 2017-18 estimated outcome, mainly relates to:
  - Controlled Recurrent Payments (formerly GPO) (\$9.2m): due to new initiatives (\$4.6m in 2018-19);
    - Better resourcing for the Alexander Maconochie Centre (\$2.505m); and
    - Intensive Corrections Orders (\$1.968m).
  - net rollover to 2018-19 (\$2.7m);
  - step up in prior year's initiatives (\$0.4m);
  - revised wages parameters (\$0.6m); and
  - increase in indexation (\$0.9m).

*partially offset by decrease in:*

- Resources Received Free of Charge (-\$0.9m): due to cessation of 2017-18 funding arrangement for Workers Compensation Supplementation;

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- Other revenue (-\$0.1m): one-off higher than expected commonwealth training incentive, insurance claim and other reimbursements in 2017-18.
- Expenses – \$8 million higher than the 2017-18 Estimated Outcome, relating to:
  - Employee and Superannuation Expenses (\$5.1m): mainly due to new 2018-19 initiatives (\$3.3m), step up in prior year's initiatives (\$0.9m), net rollovers (\$1.4m) and revised wages parameters (\$0.5m); *partially offset* by cessation of 2017-18 one-off worker's compensation premium payment arrangement (-\$0.9m);
  - Supplies and Services (\$3.1m): mainly due to 2018-19 new initiatives (\$1.3m), indexation and net savings (\$2.4m), net rollovers (\$1.4m); *partially offset* by one off alignment of supplies and services with expected outcome in 2017-18 (-\$1.5m) and cessation of prior year initiatives (-\$0.5); and
  - Depreciation (\$0.2m): increase is due to expected completion of capital projects in 2018-19.  
*partially offset by decrease in:*
    - Grants and Purchased Services (-\$0.4m): one-off re-classification of 2017-18 expenses from supplies and services.

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2018/1896-025

**Portfolio:** Justice, Consumer Affairs & Road Safety**ISSUE:** s16B rollovers and Re-profiling to future years

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**Context**

2018-19 Budget Statement page 22-23, 25-28. This brief outlines the Financial Management Act 1996 (FMA) section 16B rollovers from 2016-17 to 2017-18 and re-profiling from 2017-18 to 2018-19 and future years.

**S16b Rollovers**

- **Attachment A** provides details of each FMA section 16B rollover from 2016-17 to 2017-18 including reasons; amounts rolled and revised completion dates.
- There are 11 project rollovers totalling \$4.939 million:
  - \$2.554m of capital funding, of which \$2.176m directly related to your portfolio, \$0.378m relating to yours and other Minister's portfolio; and
  - \$2.385m of recurrent funding, of which \$0.570m directly related to your portfolio, \$1.815m relating to yours and other Minister's portfolio.

**Re-profiling to future years**

- **Attachment B** provides details of revised funding profile by projects including reasons; amount re-profiled and revised completion dates.
- There are 11 re-profiled projects totalling \$11.670 million:
  - \$9.193m of capital funding; and
  - \$2.477m of recurrent funding, of which \$1.562m directly related to your portfolio, \$0.915m relating to yours and other Minister's portfolio.

***If asked about significant re-profiling to 2019-20 year***

Capital works projects by their very nature experience variations in delivery. The Capital Works Funding Framework provides flexibility to respond to slower or faster delivery of individual projects. The Directorate has re-profiled significant capital funding to 2018-19 and 2019-20 years to better reflect financial completion of projects.

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**Background**

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- Section 16B of the Financial Management Act 1996 (FMA), 'Rollover of Undispersed Appropriation', allows, in certain circumstances, unspent appropriation to be rolled over to the following year by an instrument signed by the Treasurer.

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- A Whole of Government re-profiling exercise has resulted in a significant proportion of 2017-18 funding being re-profiled to 2018-19 and 2019-20 years. This has created a misalignment between physical completion date and the financial re-profiling.
- In particular, this is evident for the Digital Canberra – New Digital Radio Communication System where majority of re-profiled funding was moved to 2019-20 while the project is expected to be physically completed in December 2018.
- This re-profiling will not slow down or delay any projects. Directorate will work closely with Treasury regarding any further changes to cash flow requirements in 2018-19.

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## Justice and Community Services - s16B Rollover of Undisbursed Appropriation from 2016-17 to 2017-18

Recurrent /Capital (R/C)	Type	OC	No.	Projects	Reason for rollover from 2016-17 to 2017-18	2017-18 \$'000	Original Completion Date	s16B Revised Completion Date	Minister
<b>Controlled Recurrent Payment ROLLOVERS</b>									
R	R	2	1	ACT Corrective Services Information Management Solution	The rollover was required to finalise project payments.	70	Jun-17	Jun-18	MoC
R	R	2	2	AMC Electronic Security System	The rollover was required to support the activities under the new contract with Chubb Fire & Security.	250	Jun-17	Jun-18	MoC
R	R	2	3	Moss Inquiry Implementation project	The rollover was required to undertake works as a result of the Moss Inquiry. These include facilitating workshops, developing Heads of Agreement between JACS and ACT Health and providing support to the Moss Steering Committee.	250	Jun-17	Jun-18	MoC
R	R	1 2 4	4	2016-17 Workers' Compensation acquittal	Relates to the acquittal of the 2016-17 worker's compensation premium.	900	Jun-17	Oct-17	MPES MoC AG
R	R	1 2 3 4	5	Implement Strategic Priorities	The rollover was required to complete strategic programs implementation related to Training, Human Resources, Organisational Development, ICT and Finance.	915	Jun-17	Jun-18	MPES MoC AG
<b>Operating Total</b>						<b>2,385</b>			
<b>CAPITAL INJECTION ROLLOVERS - DIRECTORATE</b>									
<b>Reason for rollover from 2016-17 to 2017-18</b>						<b>\$'000</b>			
C	C	1 2 3 4	1	JACS Projects - Building Infrastructure Fund - This request was previously submitted to the Under Treasurer by the Director General.	Primarily due to timing of completion of the Forrest Fire Station roof replacement, ACT SES Majura facility upgrade and Guises Creek Rural Fire Service upgrade.	378	Jun-17	Jun-17	MPES MoC AG
C	C	1	2	Victims of Crime Financial Assistance Scheme Reforms	The fit out component of this project is complete. The rollover was required to finalise the ICT component of the project and access funds for invoices already paid.	68	Jun-16	Oct-17	MoC
C	C	2	3	AMC Detainee Industries	This project is physically complete. The rollover was required to address matters arising through the defect liability period and remaining invoices to financially complete the project.	682	Jan-17	Dec-17	MoC
C	C	2	4	ACT Corrective Services - Accommodation fit out	The rollover was required to finalise 2016-17 accrued invoices and matters arising during the defects liability period.	793	Mar-17	Dec-17	MoC
C	I	2	5	ACT Corrective Services Information Management Solution	The rollover was required to finalise 2016-17 accrued invoices and for continued work on this project.	500	Jun-18	Jun-18	MoC
C	I	2	6	Digital Canberra - New Digital Radio Communications System	The rollover was required to finalise 2016-17 accrued invoices and for continued work on this project.	133	Jun-18	Jun-18	MoC
<b>TOTAL CAPITAL S16B ROLLOVER (Excluding BIF)</b>						<b>2,554</b>			
<b>Breakdown</b>						<b>Across Ministers</b>		<b>Total</b>	
<b>Total s16B - Capital</b>						<b>2,176</b>	<b>378</b>	<b>2,554</b>	
<b>Total s16B - Recurrent</b>						<b>570</b>	<b>1,815</b>	<b>2,385</b>	
<b>Total 16B</b>						<b>2,746</b>	<b>2,193</b>	<b>4,939</b>	

Justice and Community Services - Revised Funding Profile											
Recurrent/ Capital (R/C)	Type	OC	No.	Projects	Reason for rollover	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	Original Completion Date	Revised Completion Date	Minister
				<b>Controlled Recurrent Payment Re-profiling</b>							
R	R	2	1	Better Support When It Matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre	A design consultant is currently being sourced to produced the designs required for the provision of the Temporary accommodation solution. Project is expected to complete in 2018-19.	-732	732		Jun-18	Jun-19	MoC
R	R	1	2	ATSI Driver License Evaluation	The project is still being finalised, report will not be delivered by later next financial year. Therefore, payment will be made until delivery of the final report.	-6	6		Jun-18	Jun-19	MoJ
R	R	1	3	Interlock Evaluation	Project is still being finalised whilst awaiting for report from consultant.	-13	13		Jun-18	Jun-19	MoJ
R	R	2	4	Implementation of Moss Review Recommendations	<u>\$476k - Feasibility review to inform the strategic accommodation needs for detainees in the ACT</u> Rollover required to allow ACTCS continues to progress accommodation options with the environmental survey and temporary bed planning work to address the continued pressure on AMC bed capacity. <u>\$335k - Inspector of Correctional Services</u> Delays in engagement have resulted in the rollover requirement.	-811	811		Jun-18	Jun-19	MoC
R	R	1 2 4	5	Strategic Asset Management Plan	To allow for project continuity and completion.	-200	200		Jun-18	Jun-19	MPES MoC AG
R	R	1 2 3 4	6	Learning Management System	To allow for project continuity and completion.	-235	235		Jun-18	Jun-19	MPES MoC AG
R	R	1 2 3 4	7	Implement Strategic Priorities	To allow for project continuity and completion.	-480	480		Jun-18	Jun-19	MPES MoC AG
				<b>Total Recurrent Re-profiling</b>		<b>-2,477</b>	<b>2,477</b>	<b>0</b>			
				<b>Capital Injection Re-profiling</b>	<b>Reason for rollover</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>			
C	C	2	1	Better Support When It Matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre	A Project manager has been engaged from Infrastructure Finance Capital Works. Engagement of an architect has been completed. First draft design brief for both the health centre refurbishment and the floor plan of the modular building is with Justice Health within ACT Health for approval. The rollover is required to align the project's expected cash flows with the program of work.	-2,011	-1,400	3,411	Jun-19	Jun-20	MoC
C	C	2	2	Alexander Maconochie Centre – Detainee Industries and Activities Enforcement Project	The 2017-18 funding is to complete oval rectification and to address any matters arising in the defects liability period. The oval was completed in April 2018. Current identified defects include the impact of waste through additional cells. This increased capacity adversely affected the liquid trade waste from the AMC and its subsequent impact on the sewer network. A rollover is required to align the cash flow with expected work program with the liquid waste solution.	-731	731		Jan-17	Jun-19	MoC
C	I	2	3	ACT Corrective Services – Information Management	The solution design and sandbox stage have been delayed due to changes in key resources within the vendor's project team. The rollover is required to align the project's expected cash flows with the contract milestones.	-6,002	998	5,004	Jun-18	Jun-19	MoC
C	I	2	4	Digital Canberra – New Digital Radio Communication System	Roll over due to the delay of procurement and establishment of the WHoG contract for mobile radio devices.	-449	90	359	Jun-18	Dec-18	MoC
				<b>Total Capital Re-profiling</b>		<b>-9,193</b>	<b>419</b>	<b>8,774</b>			
				<b>BREAKDOWN</b>							
				<b>Direct</b>							
				<b>Total Re-profiling (Capital)</b>		<b>-9,193</b>	<b>419</b>	<b>8,774</b>			
				<b>Total Re-profiling (Recurrent)</b>		<b>-1,562</b>	<b>1,562</b>	<b>0</b>			
				<b>Across Ministers</b>							
				<b>Total Re-profiling (Capital)</b>		<b>0</b>	<b>0</b>	<b>0</b>			
				<b>Total Re-profiling (Recurrent)</b>		<b>-915</b>	<b>915</b>	<b>0</b>			
				<b>TOTAL</b>		<b>-11,670</b>	<b>2,896</b>	<b>8,774</b>			



**Portfolio:** Corrections**ISSUE: BREACH OF PRIVACY/CONTRABAND FIND – USB DEVICE****Talking points:**

- In March 2018, an individual's privacy was inadvertently breached by ACT Corrective Services (ACTCS).
- I was disappointed to hear about this incident; however, I have spoken with the Executive Director of ACTCS and am confident that the matter is being handled appropriately.
- ACTCS has acted in accordance with the Office of the Australian Information Commissioner's *Data breach notification guide: A guide to handling personal information security breaches*.
- I understand the affected individual, as well as the ACT Human Rights Commissioner and the ACT Information Privacy Commissioner, were notified of the incident.
- A full review of the incident is currently being undertaken to consider how this situation occurred and how ACTCS can prevent any further incidents

**Key Information**

- ACTCS briefed the Minister about this matter in April 2018 as part of a broader brief relating to contraband finds at the Alexander Maconochie Centre (see MIN:2018/001728).

**Background Information – may not be suitable for public disclosure**

Sch 2 s 2.2 (a)(ii)

Cleared as complete and accurate: 18/05/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s Sch 2 s  
Lead Directorate: Justice and Community Safety

Sch 2 s 2.2 (a)(ii)

Cleared as complete and accurate: 18/05/2018  
Cleared by: Executive Director  
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Sch 2 s

**Portfolio:** Corrections**ISSUE:** **CONCERNS RAISED BY ATSIEB MEMBER** Sch 2 s 2.2 (a)(ii)**Talking points:**

- I can confirm that the Elected Body Justice representative has raised some concerns with my office about various matters involving ACT Corrective Services.
- On 19 April 2018, the Director-General, Justice and Community Safety Directorate, the Deputy Director-General, Community Safety, and the Executive Director, ACT Corrective Services met with Sch 2 s 2.2 (a)(ii) and discussed all concerns raised.
- This was a productive meeting and there have been no further concerns raised.
- The Government greatly values the input and advice from the Elected Body, which helps strengthen our strategies and responses to improve outcomes for Aboriginal and Torres Strait Islander people, especially in support of the Aboriginal Justice Partnership and our goal of reducing recidivism by 25 per cent by 2025.

If asked about specific workplace matters involving employees

- Due to privacy reasons, I am unable to discuss individual matters involving employees.

Rehabilitation Framework

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day, for all detainees including Aboriginal and Torres Strait Islander detainees.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs, and utilisation of prison industries including the new laundry and bakery facilities.

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Lead Directorate: Justice and Community Safety

- ACT Corrective Services has developed a rehabilitation framework which aims to reflect the profile of the detainee population, outline the therapeutic programs provided, and guide the integration of rehabilitative activities and services through effective sentence planning and management.

### Funeral Escorts

- ACT Corrective Services staff escort detainees to funerals in accordance with the *Corrections Management (Escort) Policy and Operating Procedure*.
- Decisions to escort detainees to funerals, including interstate funerals, are made on a case-by-case basis, and involve necessary risk assessments.
- Decision regarding approval for funeral leave take into account factors such as kinship ties for Aboriginal and Torres Strait Islander detainees.

### Aboriginal Justice Partnership

- The Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice System and includes detailed actions measures and areas of accountability.
- The three key objectives of the Partnership are to reduce over-representation by reducing recidivism and increasing access to diversionary programs, improve access to justice services and improve data collection and reporting.
- The Partnership consists of a total of 21 action areas with 38 key measures that in some instances are jointly addressed by lead agencies bringing the total number of reportable action items to 79.

### **Key Information**

- On 9 April 2018, The Canberra Times published an article entitled 'Justice directorate staff are concerned about bullying and harassment'. The article pointed out some perceived problems with culture in the Justice and Community Safety Directorate, as evidenced by results of the recent staff survey. It is possible that [Sch 2 s 2.2 \(a\)\(ii\)](#) comments arise in that context (see Background Information).

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## Background Information

- On 10 April 2018, Sch 2 s 2.2 (a)(ii) (an Elected Body member), contacted the Minister for Corrections (and others) in relation to actions allegedly taken by senior staff at the Alexander Maconochie Centre.

Sch 2 s 2.2 (a)(ii), (xv)

- Without detail it is difficult to respond to the first allegation above.

Sch 2 s 2.2 (a)(ii), (xv)

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Sch 2 s

**Portfolio:** Corrections**ISSUE:       DISABILITY ASSESSMENT AND DATA COLLECTION****Talking points:**

- Currently, individuals are requested to self identify as having a disability as part of the induction process for detainees at the Alexander Maconochie Centre (AMC)
- This information is captured in the Induction form. As it relies on self-identification the data is likely to grossly underrepresent actual figures
- If a detainee identifies as having a disability, this is taken into consideration during the development of their case management plan
- The data related to the numbers of individuals who have identified as living with a disability is not captured in the current system in a format that allows for the data to be easily extracted
- Once the new Corrective Services Information Management Solution (CSIMS) is deployed in 2019, detainee data will be collated into an online system, from which reports on detainee numbers and identifying factors, including disability status, may be generated. At this time such information captured in CSIMS will continue to rely on self-identification and it is likely that the data will continue to underrepresent actual figures
- Additionally Justice Health Services, as part of the induction health assessments of detainees, screen for possible disability or impairment, which is then recorded in health records
- Access to individualised services for detainees with an identified intellectual disability has increased since the introduction of the Corrections Psychological and Support Services (CPSS) unit
- CPSS coordinates care for individuals identified as having significant complex presentations including disability
- Currently, as part of the induction process for detainees at the AMC individuals self identify as having a disability, which may refer to physical or intellectual disabilities, or development conditions such as Autism

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Sch 2 s

Spectrum Disorder (ASD). This information is captured in the Induction form, and as it relies on self-identification, that data is likely to underrepresent actual figures. The data is not captured in a format that allows for the data to be easily extracted. At this time, ACTCS is unable to provide the definitive number of current detainees who identify as having ASD

- Once the new Corrective Services Information Management Solution is deployed in 2019, detainee data will be collated into an online system, from which reports on detainee numbers and identifying factors, including disability status, may be generated. This information captured in CSIMS will continue to rely on self-identification and it is likely that the data will continue to underrepresent actual figures

#### If asked about comments from ACT President of the Human Rights Commission

- I am aware of comments provided to the Editor of the Canberra Times by Dr Helen Watchirs OAM
- Dr Watchirs advises that the ACT Human Rights Commission “*strongly supports the call for improved assessment and data collection in relation to the prevalence of disability in the prison population in the ACT, as recommended by the Auditor-General in 2015*”.
- I acknowledge that this type of data is important to help identify issues of systemic discrimination and service gaps
- I am committed to seeing improvements in this area and will continue to work with the Human Rights Commission and ACT Corrective Services to achieve this

#### Justice Disability Strategy

- As part of the 2018-19 Budget, the ACT Government has announced the investment of \$580,000 to develop a Disability Justice Strategy to respond to the disadvantage people with disability face when dealing with the justice system

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- The Disability Justice Strategy aims to reform the civil and criminal justice system to ensure people with disabilities are treated equally before the law, and can participate on an equal basis in civic life through participation in the justice system
- The Community Services Directorate is leading the implementation of the Strategy in collaboration with JACS

### Key Information

- ACT Corrective Services (ACTCS) does not currently capture data on disability as part of mandatory questioning. Data relies on detainees self identifying, prior to undergoing further assessment by Justice Health
- The current form only allows for a detainee to identify as having a 'disability'. It does not specify the different types of disability
- CSIMS is expected to be operational in 2019. ACTCS is investigating the potential inclusion of optional fields to specify the type of disability, including physical or intellectual
- Only information critical to the operation of the prison is likely to be back-captured. However, ACTCS is still considering the notion of a broader, more comprehensive data migration

### Background Information – may not be suitable for public disclosure

#### Data

- In 2015, the ACT Auditor-General's Report on 'The Rehabilitation of Male Detainees at the Alexander Maconochie Centre' recommended that ACTCS capture data on detainees with physical disabilities and intellectual disabilities, in order to improve services for these cohorts and to evaluate the effectiveness of activities and services
- In November 2015 ACTCS added this data item to the tender specification of the CSIMS

#### Hayes Ability Screening Index

- In an email to the Editor of The Canberra Times of 5 June 2018, Dr Helen Watchirs OAM, ACT President and Human Rights Commissioner, recommended that ACTCS screen new and current detainees using the Hayes Ability Screening Index (HASI)
- The HASI was piloted in the AMC in 2014 and administered to all detainees as part of induction. Due to the large numbers of detainees affected by drugs on admission, administering the HASI on admission was found to be unreliable. Key red flag questions are now included in the Induction form and if a disability is identified appropriate referrals are made
- The HASI is able to be administered by CPSS staff on referral from Justice Health or AMC staff. The HASI is administered to detainees who are suspected of having poor or low level cognitive and intellectual functioning, to determine whether referral to Justice Health Services for comprehensive assessment is required

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2018\*0084-028

**Portfolio:** Corrections**ISSUE: SAFETY AND HUMAN RIGHTS OF DETAINEES****Talking points:**Safety of detainees

- Safety of all detainees is a priority for ACT Corrective Services (ACTCS).
- Safety and security within the centre continues to be enhanced with the implementation of an enhanced management structure and operating model at the Alexander Maconochie Centre (AMC).
- A centralised intelligence unit is currently being established across both Community and Custodial Corrections, to work with staff, detainees and ACT Policing to intercept acts prior to their perpetration.
- This team will also participate in emerging national security issues such as Outlaw Motor Cycle Gangs and countering violent extremism. Increased staffing to assist this unit will implement intelligence driven security activities.
- Recommendation one of the Moss Review called for improved CCTV quality and coverage at the AMC. The AMC uses 525 CCTV cameras to monitor the movement and behaviour of detainees in the AMC 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.
- ACTCS continues to work closely with ACT Policing in support of drug and contraband interdiction measures including providing assistance with investigations, and with the ongoing exchange of information.
- The Memorandum of Understanding (MOU) between ACTCS and ACT Policing was reviewed and updated to reflect the issues raised recommendations two and three of the Moss Report. The amended MOU was agreed by both agencies and signed on 28 April 2017. It sets out the arrangement between ACT Policing and ACTCS, including information-sharing, cooperative management arrangements relating to serious incidents and operations, and the nature of incidents to be reported to and responded by ACT Policing.

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**The amended MOU includes arrangements for reporting serious assaults to Deputy Chief Police Officer level within ACT Policing to ensure investigations are appropriately prioritised and have appropriate oversight**

Human Rights Standards

- On 26 March 2018, the ACT Government released the Human Rights Standards (the Standards) for ACTCS for community consultation.
- ACTCS already abides by the *Human Rights Act 2004*, other standards set in Commonwealth law and a number of international principles relating to human rights.
- These Standards detail the expectations that we as a community, and the ACT Government, have of adult correctional facilities.
- The Standards outline how detainees will be supported from their initial contact with ACTCS through to their release in the community. This support is provided across key areas including:
  - safety
  - respect and dignity
  - purposeful activity
  - rehabilitation and release planning.
- ACTCS will continue to consider human rights when developing policies, delivering services and making decisions.

ACT Inspector of Correctional Services

- In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of the Inspector of Correctional services (the Inspector).
- The Inspector works collaboratively with ACTCS and oversight agencies such as the ACT Human Rights Commission, ACT Ombudsman, Public Advocate and the Official Visitors, to identify issues in adult corrections, and propose solutions to promote continuous improvement.
- The Inspector recently initiated a formal review into the management and care of remand detainees at the AMC. The review is not yet finalised

### Rehabilitation Framework

- ACTCS is undertaking extensive work to refresh and review existing policies and introduce pro-social methods of detainee management.
- ACTCS is currently finalising a rehabilitation framework which reflects the profile of the detainee population, outlines the therapeutic programs provided at the AMC, and guides the integration of rehabilitative activities and services through effective sentence planning and management.
- This over-arching framework is expected to improve sentence management and the outcome of service delivery of offender rehabilitation programs.
- Recognising that security and safety are paramount, the Rehabilitation Framework will inform the operational philosophy for ACTCS.

### Structured Day

- ACTCS has implemented a structured day in the new female accommodation unit. This will progress to a pro-social model of detainee management including the introduction of an incentive and earned privilege scheme within the AMC.
- These changes will be embedded across all detainee cohorts over time
- The structured day includes initiatives that require detainees to participate in employment, programs, education and other pro-social activities.
- Where possible, detainee employment will be linked to accredited training to provide opportunities for detainees to develop skills that improve employment prospects upon release.
- A structured day also enables detainees to develop personal responsibility, apply values that reinforce law-abiding behaviour, and contribute positively towards society after release.

### Employment

- ACTCS has made significant progress in developing industry employment opportunities for detainees at the AMC.
- Prison industries are a recognised rehabilitation tool utilised by many correctional facilities. Prison industries not only give detainees the

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opportunity to work and gain skills and qualifications, it introduces a meaningful daily routine, provides teamwork opportunities, helps to address offending behaviour and promotes pro-social interactions.

- Prison industries can equip detainees with the skills needed to reintegrate back into the community and to help individual's lead meaningful and successful lives. On a broader level it also helps reduce rates of recidivism and increases community safety
- The construction of enhanced industries, namely, a new bakery, expanded laundry and the multi-purpose activities centre at the AMC, was completed last year.
- The expansion of prison industries includes the recruitment of a second baker, the expansion of the recycling area and an extension of industrial cleaning and grounds maintenance crew capabilities.
- Additionally, the Extended Throughcare Program (Throughcare) works in conjunction with case management in the AMC to support individuals into training or employment options post release.

Throughcare has relationships with several training providers, and job network providers within the ACT, and continues to explore the Canberra work landscape to source and create new partnerships designed to support higher numbers of people into employment.

### Housing

- Throughcare are actively engaged in the ACT Housing Strategy workshops.
- Throughcare supports individuals who have recently exited the AMC to explore their housing options, through referrals to available services, and liaising with those services.

### **Key Information**

- ACTCS does not provide housing and employment supports for people exiting the AMC, other than the services provided by the Throughcare program.

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**Background Information – may not be suitable for public disclosure**ACT Inspector of Correctional Services

- The Inspector of Correctional Services is a statutory office holder role, with independence guaranteed by legislation.
- The Inspector was established in response to recommendation 8 of the Moss Review.

Rehabilitation Framework

- The development of a rehabilitation framework addresses a number of recommendations made in external and internal reviews.
- As part of the Audit Office 2013-14 program, the Auditor-General undertook a performance audit of the AMC, with the final report tabled in the Assembly in 2015.

Recommendation 1 of the audit recommended that ACTCS develop a rehabilitation framework for the AMC. You were briefed on the proposed framework in Min:2018/516.

Structured Day

- Implementation of a Structured Day has been recommended in a number of external reviews:
  - Human Rights Audit on the Conditions of Women at the Alexander Maconochie Centre (Recommendation 23)
  - Auditor-General's review of the Rehabilitation of Male Detainees at the Alexander Maconochie Centre (specifically Recommendation 1 and 10).
  - Conclusions of the Moss Review observed that the lack of a structured day at the AMC leads to boredom.

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