



ACT INSPECTOR OF
CORRECTIONAL SERVICES
Annual Report 2018-19

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Rainbow Serpent (above and cover detail)
Marilyn Kelly-Parkinson of the Yuin Tribe (2018)

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ACT INSPECTOR OF CORRECTIONAL SERVICES

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Mr Shane Rattenbury MLA
Minister for Corrections and Justice Health
Legislative Assembly for the ACT
Canberra ACT 2601

Dear Minister

This report has been prepared in accordance with section 7(2) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements under the Annual Report Directions.

It has been prepared in conformity with other legislation applicable to the preparation of the Annual Report by the ACT Inspector of Correctional Services.

I certify that information in the attached annual report, and information provided for whole of government reporting, is an honest and accurate account and that all material information on the operations of the Office of the ACT Inspector of Correctional Services has been included for the period 1 July 2018 to 30 June 2019.

I hereby certify that fraud prevention has been managed in accordance with the *Public Sector Management Standards 2006 (repealed)*, Part 2.3 (see section 113, Public Sector Management Standards 2016).

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you present the Report to the Legislative Assembly within 15 weeks after the end of the reporting year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neil McAllister'.

Neil McAllister

ACT Inspector of Correctional Services

September 2019

From the Inspector of Correctional Services

The 2018-19 year was the first full year of operation for the ACT Office of the Inspector of Correctional Services (OICS). This year we focused on completing the establishment of key operational frameworks, completing our first 'thematic' review, and commencing our first 'whole of centre' review of the Alexander Maconochie Centre (AMC).

In relation to frameworks and protocols, our website (www.ics.act.gov.au) went live in September 2018. Our website is important, given all our reports are made public and will be available on the website after being tabled in the ACT Legislative Assembly. We post all key documents about the way we work, and part of this website includes a 'research portal' where key documents and reports relating to correctional centres and services (and youth justice services) in the ACT can be found. We hope that the website will be a useful reference point for a range of stakeholders including government, academia, and civil society groups to enhance understanding of ACT adult and youth custodial facilities.

A number of key operational documents were completed and finalised by our office during the year. In early 2019 we published our ACT Standards for Adult Correctional Centres and Services. This document builds on similar standards used in other jurisdictions but has been tailored to the ACT environment, and was enhanced by input from a range of ACT stakeholders. This document provides the benchmark for our first whole of prison review which commenced in 2018-19 but will be finalised in 2019-20.

We published our Review Framework which explains our approach to conducting examinations and reviews. We also jointly developed a Memorandum of Understanding with ACT Corrective Services outlining the process for notification and reporting of critical incidents. This MoU was annexed to our first critical incident report and is on our website.

In relation to examinations and reviews, the year was a busy one for our small office. We completed a review of the treatment and care of remandees at the AMC (a 'thematic' review), commenced a whole of centre review of the AMC, and either commenced or completed five reviews of critical incidents at the AMC. The ACT Government tabled a response to the first critical incident review and to the Remand Review in the Legislative Assembly.

My office continues to work with key stakeholders within and outside government, and we benefit from the expertise and insights they share about treatment and care of detainees. As part of the 'Healthy Prison Review', the ACT Council of Social Services, ACT Women's Centre for Health Matters, and Tjillari Justice hosted stakeholder forums to enable community groups to provide input covering both what is working well, and what can be improved. We released a call for submissions for the Healthy Prison Review, and received 32 submissions. We also have benefited from having two ANU Law interns.

Over the year we have been engaging with the Community Services Directorate and other youth oversight entities to prepare for the extension of our mandate in December 2019 to cover Bimberi Youth Justice Centre. Our role in relation to Bimberi will essentially mirror adult corrections,

that is, to conduct examinations and reviews of youth justice centres and services, and conduct reviews of critical incidents that occur at Bimberi.

The work of our office would not have been possible without a small but dedicated team including the Deputy Inspector, a part time Research and Inspections Officer and a part time Administrative Support Officer. The 2018-19 year has provided a solid base from which we look forward to continuing our work promoting continuous improvement in ACT Correctional Centres and Services and Youth Justice Facilities.



Neil McAllister

ACT Inspector of Correctional Services

September 2019

SECTION B. PERFORMANCE

B.1 Organisational Overview

Vision, mission and values

The ACT Office of the Inspector of Correctional Services (OICS) was established in 2017 through the enactment of the *Inspector of Correctional Services Act 2017* (ACT) (ICS Act) to promote continual improvement of ACT Correctional Centres and Services, and from December 2019, ACT Youth Justice Facilities.

The vision of OICS is:

A transparent and accountable ACT correctional and youth justice system where the rights, interests and well-being of adult and young detainees are upheld, staff are safe and are valued, and everyone is treated with dignity and respect.

We work to achieve this vision by:

Promoting the continuous improvement of ACT correctional centres and services for adults and young people, and in doing so increasing transparency, the protection of the rights of all and the prevention of ill-treatment, mismanagement, unfairness and corruption.

The work of OICS is driven by a number of key values and principles:

Independence and impartiality: we act with integrity and strive for a balanced and objective assessment of correctional centres and services. We contribute to and promote evidence-based practice in correctional settings.

Transparency: we bring transparency to closed environments and apply the same values to our own practice by reporting publically on all examinations and reviews, and publishing our own key documents including our standards and framework.

Research: we draw on current research and innovative approaches to inform our reviews and assess what good practice looks like, and we approach our own research work with rigour in order to contribute to an evidence base to measure continual improvement of ACT correctional centres and services.

Constructive engagement: we seek to engage constructively with stakeholders, to understand diverse perspectives, value strengths, and collaborate in solutions. A key part of this approach is identifying and highlighting strengths and good practices in addition to areas requiring attention.

Respect for the rights of all: our oversight is centred on the experiences of people in custody including particularly vulnerable groups, and promoting equality of outcomes for all. We recognise the key role that staff play in a healthy prison and youth justice environment and the challenging nature of this work. We recognise and value the diverse experiences and perspectives of stakeholders including detainees, staff, family and friends, professionals, and community organisations.

Role, functions and services (incorporating clients and stakeholders)

The role of OICS is to promote continual improvement of ACT Correctional Centres and Services and Youth Justice Facilities. This is done by conducting reviews (either whole of centre, thematic, or critical incident), reporting publically, and collaborative engagement with authorities to follow up on findings and recommendations.

OICS had, for the reporting period, jurisdiction over ACT Correctional Centres and Services. This included the Alexander Maconochie Centre, and the Court Transport Unit which includes the holding cells at the ACT Courts Precinct and Court Transport Vehicles. The provision in the ICS Act which expands the Inspector's mandate to cover Youth Justice Facilities will take effect on 8 December 2019 unless commenced earlier.

The ICS Act requires the Inspector to review a correctional centre at least once every two years, and a correctional service at least once every two years.

During the reporting period, OICS has conducted one review of a correctional service (The care and management of remandees at the Alexander Maconochie Centre 2018) tabled in the Legislative Assembly in February 2019 and commenced a review of a correctional centre (known as a 'healthy prison review') in January 2019. These minimum review requirement will apply to youth justice once the relevant provisions of the ICS Act commence (that is, a review of youth justice centre once every two years and a review of a youth justice service once every two years). The legislative requirements relating to reviews provide a basic structure for the operational framework of OICS, so that a typical year is likely to involve one review of a correctional centre (adult OR youth) and one review of a correctional service (adult OR youth).

In addition, the Inspector has the power to review Critical Incidents, defined under s 17(2) of the ICS Act. These incidents cannot be planned for. OICS was made aware of six critical incidents at the AMC occurring in the reporting period. The Inspector referred one of these to the ACT Ombudsman under s 32 of the ICS Act. Reviews were commenced on four critical incidents, of which three had the final report tabled in the Legislative Assembly. For one Critical Incident, the Inspector decided not to conduct a review (see note to Table 1). In addition OICS tabled a critical incident report in November 2018 for an incident that occurred prior to the commencement of the reporting period (May 2018).

During the reporting period, OICS regularly visited ACT Correctional Centres, including visits to the Court Transport Unit. OICS staff have also visited Bimberi on a number of occasions to help prepare for OICS' oversight functions of Bimberi.

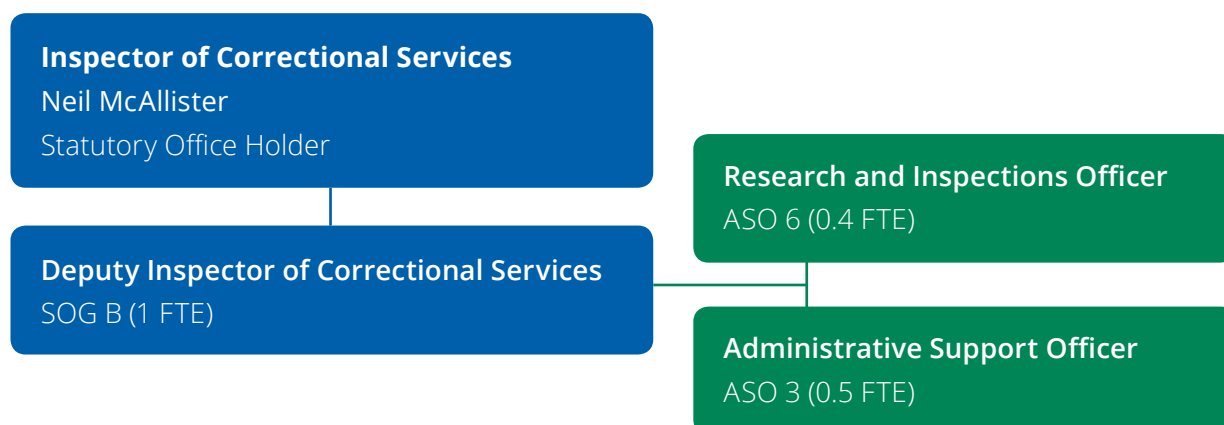
Developing and maintaining OICS' relationships with stakeholders is a key priority, as it enables appropriate information sharing, collaboration and ultimately, continual improvement. See further, heading below: Collaborative Stakeholder Engagement.

Organisational structure, environment and planning framework

OICS has a staff compliment of 2.7 FTE, comprising of 3 staff members and an administrative officer shared on a 50/50 basis with the ACT Human Rights Commission. The Staff profile consists of:

- > The ACT Inspector of Correctional Services, Mr Neil McAllister. The Inspector is a part time statutory office holder appointment under the ICS Act. The Inspector is responsible for the overall strategic direction and management of the office, and leading the examination and review of correctional centres, correctional services and critical incidents. The Inspector is based in Queensland and travels to Canberra frequently, as required. The Inspector's salary is set by the ACT Remuneration Tribunal under a formula whereby the Inspector is paid a per diem rate to a maximum yearly total amount. In effect, on the current rates, the Inspector is funded to work 224 days per year. The Inspector's maximum salary limit is approximately equivalent to the total employment costs of an ACTPS Executive Level 1.2 (i.e. salary plus on-costs).
- > A Deputy Inspector of Correctional Services (1.0FTE, SOG B). The Deputy Inspector leads operations and research including information gathering, analysis, staffing, stakeholder engagement, and deputising for the Inspector.
- > A Research and Inspections Officer (0.4FTE, ASO 6). The Research and Inspections Officer is responsible for research, analysis and report writing, and assists with information gathering, inspections and stakeholder engagement as required under the direction of the Deputy Inspector.
- > An Administrative Support Officer shared with the Human Rights Commission (0.5FTE of an ASO3).

ACT Office of the Inspector of Correctional Services Organisational Chart



B.2 Performance Analysis

Highlights



Reviews underway or completed

In the reporting period, OICS either commenced or completed a number of reviews.

Reviews of correctional centres or services

> **A review of a correctional service (*The care and management of remandees at the Alexander Maconochie Centre 2018*)**

- Commenced on 23 May 2018 and tabled in the ACT Legislative Assembly on 20 February 2019.
- Government response tabled in the ACT Legislative Assembly on 6 June 2019.

> **A review of a correctional centre (*Alexander Maconochie Centre Healthy Prison Review 2019*)**

- Commenced on 4 March 2019, due to be completed in the 2019-20 reporting period.

Reviews of critical incidents

OICS is required under s 17(1)(c) of the ICS Act to review 'critical incidents' at correctional centres or in the provision of correctional services. Section 17(2) of the ICS Act defines 'critical incident'. It includes a death in custody; endangerment of life; an escape from custody; a hostage situation; a riot resulting in significant disruption; a fire resulting in significant damage; an assault or use of force that results in admission to hospital; or any other incident identified as critical by a relevant Minister or director-general.

A MoU between ACTCS and ACT OICS was entered into on 4 September 2018 that specifies that all critical incidents be reported to OICS by ACTCS within four hours of confirmation that an incident is a 'Critical Incident'.

During the reporting period, OICS was notified of four Critical Incidents by ACTCS. A further two incidents were brought to our attention by external stakeholders (the ACT Ombudsman, and an ACT Directorate providing a service in the AMC). All Critical Incidents were detainee on detainee assaults resulting in a detainee being admitted to hospital.

In relation to the two Critical Incidents that OICS was not notified of by ACTCS:

- > One incident was referred to the ACT Ombudsman pursuant to s 32 of the ICS Act on 25 March 2019, and this referral was accepted by the ACT Ombudsman in writing on the same date. We deemed it appropriate to refer this incident to the ACT Ombudsman as that office had already commenced an investigation relating to that incident, and s 31 of the ICS Act requires that the Inspector's functions are exercised in a way that does not 'unnecessarily duplicate' the exercise of functions by a number of entities including the ACT Ombudsman.
- > Review of the other incident was put on hold pending legal advice from the ACT Solicitor General's Office as to whether the Inspector is required to review all critical incidents or has discretion to do so. The advice was received after the end of the reporting period (see further below).

The three critical incident reports tabled in the Legislative Assembly during the 2018-19 reporting period were:

- > Critical incident (*Assault of a detainee at the Alexander Maconochie Centre on 23 May 2018*) tabled in the Legislative Assembly on 19 March 2019.
- > Critical incident (*Assault of a detainee at the Alexander Maconochie Centre on 25 October 2018*) tabled in the Legislative Assembly on 14 May 2019.
- > Critical incident (*Assault of a detainee at the Alexander Maconochie Centre on 16 December 2018*) tabled in the Legislative Assembly on 5 June 2019.

These reports, as with all OICS reports, are available on the OICS website after being tabled in the ACT Legislative Assembly.

Inspector's discretion to review critical incidents

Under s 18(1)(c) of the ICS Act, the Inspector 'may review a critical incident on the inspector's own initiative or as requested by a relevant Minister or relevant director-general'. Section 32 of the ICS Act provides for the Inspector to refer a matter to an 'investigative entity' (as defined in s 32(5)) if the 'inspector reasonably believes that a matter can be more appropriately dealt with by an investigative entity other than the inspector.'

The Inspector's view was that this provision had some ambiguity as to whether the Inspector's discretion only related to whether to review or refer a matter, or if the Inspector could decide not to take any action. The Inspector took a cautious approach to the interpretation of this section in the initial period after establishment, and formally reviewed (or referred) every matter, all of which were detainee-on-detainee assaults resulting in admission to hospital, that met the strict definition of a Critical Incident under the ICS Act. Pending the receipt of legal advice on this issue, the Inspector deferred conducting a formal review of a relatively minor assault on a detainee that occurred towards the end of the reporting period (refer to Table 1, 2 March 2019 incident). Legal advice received after the reporting period indicated that the Inspector does have discretion to not review or refer a critical incident.

Notwithstanding this advice, the Inspector will continue to take a cautious approach when deciding to formally review or not review a critical incident based on the apparent circumstances of the incident and how, in the Inspector's opinion, the public interest is best served. The Inspector is of the view that this discretion would only apply to relatively minor detainee-on-detainee assaults and minor fire incidents. It would not apply to serious incidents such as a death in custody, escape, riot, etc.

OICS is in the process of developing a process whereby the Inspector may request ACT Corrective Services to conduct an initial review of a lower-end critical incident to assist the Inspector in deciding whether a formal OICS review is warranted.

Table 1: Critical Incidents occurring, reviewed, and reported on by OICS in 2018-19

Date of Critical Incident	Type of incident	Relevant section of the ICS Act	Critical Incident review conducted	Reason for not reviewing	Date OICS report tabled in Legislative Assembly	Formal government response tabled in Legislative Assembly
23.05.18	Detainee on detainee assault resulting in a detainee being admitted to hospital	17(2)(g)	Yes	n/a	27.11.18	19.03.19
25.10.18	Detainee on detainee assault resulting in a detainee being admitted to hospital	17(2)(g)	Yes	n/a	14.05.19	No formal response
16.12.18	Detainee on detainee assault resulting in a detainee being admitted to hospital	17(2)(g)	Yes	n/a	05.06.19	No formal response
01.01.19	Detainee on detainee assault resulting in a detainee being admitted to hospital	17(2)(g)	Yes	n/a	29.07.19	No formal response
17.02.19	Detainee on detainee assault resulting in a detainee being admitted to hospital	17(2)(g)	No	Referred to ACT Ombudsman	n/a	n/a
02.03.19	Detainee on detainee assault resulting in a detainee being admitted to hospital	17(2)(g)	No	See note 1	n/a	n/a
15.04.19	Detainee on detainee assault resulting in a detainee being admitted to hospital	17(2)(g)	Yes	n/a	underway	n/a

Note 1: A detainee was apparently assaulted in his cell on 2 March 2019 but was not admitted to hospital (the condition for a Critical Incident notification under s 17(2)(9) of the ICS Act) until 8 March 2019 where he underwent treatment for a facial injury. He stated at the time that he had fallen over in the shower but CCTV footage showed two other detainees entering his cell on the day in question. ACTCS did not notify OICS of this incident due to an administrative oversight. OICS became aware of the incident in early May 2019 via another agency. Given the long delay in learning of the incident, and on the available evidence, the relatively minor nature of the assault in the context of the ICS Act critical incident review function the Inspector decided that it was not in the public interest to conduct a formal review of the incident. ACTCS was reminded of the need to report all such incidents in a timely manner.

Collaborative stakeholder engagement

Developing collaborative relationships with key stakeholders has been a priority for OICS as a new oversight entity. This has included working with:

- > Government: OICS engages regularly with ACTCS and JACS to discuss high level matters such as review plans and timetables; access to information and data; and report findings, recommendations and follow up.
- > Oversight entities: OICS attends bimonthly oversight meetings for adult and youth justice. The Adult meetings are called the ACTCS Oversight Collaborative Forum and are chaired by the General Manager of Custodial Operations at the AMC. Prior to the Collaborative Forum there is an AMC Oversight meeting attended by oversight entities (ACT Human Rights Commission, ACT Ombudsman, OICS, and Corrections Official Visitors) and chaired by the President of the ACT Human Rights Commission. OICS provides secretariat functions for this group, and the meeting provides an opportunity for information sharing, referral of matters, and identification of systemic issues. This meeting assists in reducing duplication of functions by the oversight entities.
- > Civil society organisations: In 2018-19 OICS engaged with civil society groups including presenting at forums and meetings to explain the role of the office. Three community organisations, the ACT Council of Social Services, the Women's Centre for Health Matters and Tjillari Justice organised stakeholder forums to facilitate community input into the Healthy Prison Review. We also received 32 written submissions including from 14 community organisations as part of the Healthy Prison Review. We have also worked with the Australian National University College of Law including hosting two law school interns to work on research projects with our office.

Measuring performance of ACT OICS

OICS is an oversight body with the mandate to promote continual improvement of correctional centres and services. Measuring performance against this objective of promoting 'continual improvement' has a degree of complexity. Tracking OICS' findings and recommendations, ACTCS' response to those findings and recommendations, and any follow up actions taken by ACTCS is essential. It is an important public accountability measure, so that the public are aware of the issues raised by OICS and how they have been responded to. It may also provide insight into the quality of engagement between OICS and ACTCS. Table 2 below outlines OICS findings, recommendations, and the government response to date.

Indicators, such as the number of OICS recommendations accepted, or the actions taken by ACTCS in response to OICS findings or recommendations tell part, but not all of the story. They may not be good indicators of outcomes. A policy, for example, may be introduced or amended in response to a finding or recommendation. However, if the policy does not impact change in behaviour or practice on the ground it may not lead to a desired outcome.

Attention should focus on outcomes that are achieved as a result of OICS interventions, be they for detainees, staff or others.

OICS is required by legislation to conduct a 'whole of centre' review every two years. This regular review cycle provides a basis for a mixed quantitative and qualitative assessment of the correctional environment. ACT OICS has established a benchmarking framework for conducting 'whole of centre' reviews, by way of developing public ACT Standards for Adult Correctional Services against which performance of the AMC is measured, as well as establishing a review methodology as set out in our Review Framework. This methodology includes benchmarking tools such as detainee, staff, and visitor surveys; collecting and analysing data; interviews with staff, detainees and others; physical inspection of registers and premises; observation of key processes such as admission, visits, searches, meal times etc., as well as qualitative research through methods including discussions and focus groups. This approach to reviews will be repeated every two years, with the objective of tracking progress over time. Amidst the complexity of a correctional setting, OICS seeks to combine quantitative and qualitative assessment to measure outcomes and improvements in an objective a manner as is possible in the circumstances.

Table 2: Findings and recommendations in ACT OICS reports 2018-19

Report	Findings	Recommendations	Formal ACT Government Response
Thematic Reviews			
The care and management of remandees at the Alexander Maconochie Centre 2018	39	0	Yes. Tabled 6 June 2019. 9 findings - Agreed 11 findings - Agreed in principle 12 findings - Noted 7 findings - Not agreed
Critical Incident Reviews			
Assault of a detainee at the Alexander Maconochie Centre on 23 May 2018	10	1	Yes. Tabled 19 March 2019. 10 findings – noted 1 recommendation – Agreed in principle
Assault of a detainee at the Alexander Maconochie Centre on 25 October 2018	7	0	No
Assault of a detainee at the Alexander Maconochie Centre on 16 December 2018	6	1	No
Assault of a detainee at the Alexander Maconochie Centre on 1 January 2019	7	3	No

Outlook and priorities

The priorities for OICS looking towards the 2019-20 year are:

- > complete the first whole of centre (Healthy Prison) review of the AMC; and
- > prepare for OICS' jurisdiction extending to oversight of Bimberi in December 2019.

Healthy Prison Review

The Healthy Prison Review is a whole of centre review of the AMC. It commenced in January 2019 and includes gathering information and data from ACTCS, devising and conducting surveys of detainees, staff and AMC visitors, as well as an onsite component where a team of eight additional experts joined OICS staff for a week onsite at the AMC. The Healthy Prison Review is due to be completed by the end of 2019 and will be tabled in the ACT Legislative Assembly.

Preparation for Bimberi

Under s 2 of the ICS Act, OICS' mandate will extend to oversight of Bimberi Youth Justice Centre on 8 December 2019 at the latest. In preparation for the expansion of this mandate OICS will focus on a number of areas of work including:

- > Developing the OICS strategic plan in relation to youth justice oversight;
- > Adapting the adult inspection Standards for the ACT to suit the ACT Youth Justice context;
- > Engaging with professionals with expertise in youth justice to inform OICS' approach to youth justice;
- > Identifying issues to date in youth detention in the ACT and generally, including through engagement with existing ACT Youth Justice oversight entities; and
- > Enhancing OICS' capacity and expertise in oversight of youth detention including through training and stakeholder engagement.

B.3 Scrutiny

During 2018-19, there were no recommendations directed at OICS.

B.4 Risk Management

After completing the first year of operation, OICS is positioned to better understand operating risks and is planning to develop a risk register during the 2019-20 period.

B.5 Internal Audit

The JACS Directorate's internal audit policies and procedures apply to OICS. See the JACS Annual Report 2018-19.

B.6 Fraud Prevention

There were no reports or allegations of fraud directed at ACT OICS in 2018-19. The JACS Directorate's fraud control policies and procedures applied to ACT OICS. Compliance is detailed in JACS Annual Report 2018-19.

B.7 Freedom of Information

OICS is required by s 27 of the ICS Act to present all reports on examinations and reviews to the ACT Legislative Assembly.

Under s 28 of the ICS Act, the Inspector may keep part of a report confidential because there are public interest considerations against disclosure and these considerations outweigh the public interest in favour of disclosure. In the 2018-19 period the Inspectorate produced two critical incident reports that had confidential appendices pursuant to s 28 of the ICS Act. Aside from these confidential appendices, all other ICS reports are public and available on the ICS website. Consistent with the Open Access Information scheme under the *Freedom of Information Act 2016* (ACT) (FOI Act), OICS also published documents relating to its work methodology. These include OICS Standards for Adult Correctional Services, and the OICS Review Framework.

During the 2018-19 reporting period, the Inspector of Correctional Services appointed an Information Officer under s 18 of the FOI Act.

ACT OICS did not receive any Freedom of Information applications in 2018-19.

B.8 Community Engagement and Support

Community engagement and support was a priority area for ACT OICS in 2018-19, in order to raise awareness of OICS' role and function in the community, as well as to hear and understand perspectives of diverse criminal justice stakeholders. Community insights were particularly important in relation to the thematic issue of remand (the subject of OICS' first thematic review) and on all issues as part of the 2019 Healthy Prison Review. An estimated 70 hours of community engagement were completed by OICS, including presenting at meetings and seminars, joining focus group discussions and attending events.

The Deputy Inspector co-presented at the ACT Human Rights Commission's human rights training for new ACT Corrective Services Custodial Officer recruits in November 2018 and April 2019. An OICS staff member engaged with the ACT Council of Social Services Justice Network in 2018-19 including to present on the role and functions of the Inspectorate, seek input to the OICS Remand Review; provide feedback on the findings of the Remand Review and seek input into the Healthy Prison Review.

OICS appreciates invitations from the AMC and community organisations to participate at significant events at the AMC over the reporting period. Participation at these events enhances OICS understanding of AMC operations and activities and is an opportunity to learn about diverse experiences and perspectives of detainees, staff and others. These have included 2018 NAIDOC family day, women's and men's Indigenous yarning circles, Indigenous Elders groups, the launch of Winnunga Nimmityjah in the AMC, sessions with women detainees facilitated by the Women's Centre for Health Matters and men's and women's detainee delegates meetings.

OICS attended oral presentations by Australian National University (ANU) students participating in the ANU's Legal Literacy Program that involves sessions with AMC detainees, to provide reflections on their major research topics. An OICS staff member presented at the ANU Law Students' Society Social Justice Committee's panel discussion of LGBTIQ+ Rights and the Australian Justice System.

OICS also met with stakeholders including Prisoner's Aid, ACT Legal Aid, Advocacy for Inclusion, Winnunga Nimmityjah, Tjillari Justice, ACT Council for Social Services, Women's Centre for Health Matters, the Community and Public Sector Union and the ACT Office for Disability to introduce the role and function of the office.

In the reporting period, the Inspector and OICS staff also met with the ACT Chief Police Officer, Chief Justice of the ACT Supreme Court, the Chief Magistrate, and attended a lunch meeting with ACT Supreme Court Justices to introduce OICS.

Healthy prison review – community engagement

As part of the Healthy Prison Review, OICS designed and administered three surveys (of detainees, staff, and visitors) in partnership with a researcher from the ANU's School of Regulation and Global Governance (REGNET). Over a week OICS staff attended the AMC and delivered the survey to detainees, walking around to all units to explain the purpose and relevance, and returned later that week to collect surveys. OICS acknowledges the engagement of the CPSU in helping promote the survey to their members, and Prisoner's Aid volunteers who assisted administering the visitor survey.

Three community groups: ACT Council of Social Services, Women's Centre for Health Matters, and Tjillari Justice hosted community forums to provide input to the healthy prison review, that were attended by representatives from a range of other community organisations. In addition, Winnunga Nimmityjah hosted a session with former detainees to inform the review. ACT OICS is grateful for the engagement of these organisations and assistance in facilitating a wide range of perspective to inform the Healthy Prison Review.

OICS invited submissions to the Healthy Prison Review from the community and received 32 submissions.

The Optional Protocol to the Convention against Torture (OPCAT)

The structure, function and powers of OICS, as set out in the ICS Act, is informed by the Optional Protocol to the Convention against Torture (OPCAT). OPCAT is a human rights treaty that provides a framework for preventive monitoring of places of deprivation of liberty by an independent oversight body. Australia ratified the OPCAT in 2017. The ACT is yet to designate which oversight entities will perform the OPCAT oversight role in the ACT.

Along with other representatives from ACT oversight entities, an OICS staff member participated in a roundtable hosted by the Australian Human Rights Commission, held at the ACT Human Rights Commission on 14 March 2019 on the topic of OPCAT implementation in the ACT. OICS also provided a written submission to the Australian Human Rights Commission’s Stage 2 OPCAT consultation, and engaged with the Commonwealth Ombudsman in relation to their baseline survey of oversight entities currently monitoring places of detention due to be published in 2019-20.

Table 3: Grants and sponsorship

Date	Name	Grant purpose	Recipient	Amount
27 June 2019	Grant to run facilitated community consultation	Grant to run facilitated community consultation including writing up results	ACT Council of Social Services	\$1500

B.9 Aboriginal and Torres Strait Islander Reporting

The experiences of Aboriginal and Torres Strait Islanders in the ACT is of relevance to the role and function of OICS. According to the Australian Bureau of Statistics 2018 data, Indigenous people make up approximately 22% of detainees in the AMC, but make up less than 2% of ACT’s population.

During the reporting period, OICS met with a range of Indigenous stakeholders, including Indigenous detainees (for example, through attending yarning circles and elders’ groups at the AMC) and former detainees as well as meeting with Aboriginal organisations in the ACT including Winnunga Nimmityjah Aboriginal Health and Community Services and Tjillari Justice. The Inspector has met with members of the Aboriginal and Torres Strait Islander Elected Body and will continue to engage with them.

As part of the 2019 Healthy Prison Review, OICS was joined by the Cultural Liaison Officer from the Office of the Western Australian Inspector of Custodial Services to provide advice to the review team and engage with stakeholders at the AMC.

B.10 Work Health and Safety

ACT OICS was not issued with any improvement, prohibition or non-disturbance notices under Part 10 of the *Work Safety Act 2011* (ACT).

During the reporting period ACT OICS operated according to ACT Public Sector Work Health and Safety (WHS) policies.

WHS considerations are taken into account in relation to all ACT OICS work conducting examinations and reviews at correctional centres, as well as in the office environment.

B.11 Human Resources Management

ACT Shared Services and JACS' People and Workplace Strategy Branch assisted ACT OICS with recruitment in 2018-19. ACT OICS independently manages staff retention, support and training.

In 2018-19, ACT OICS employed 4 staff with a Full Time Equivalent (FTE) of 2.7.

Table 4: FTE and headcount by gender

Classification Group	Female	Male	Total
Headcount by Gender	3	1	4
FTE by Gender	1.9	0.8*	2.7

* The nature of the Inspector's part-time employment does lend itself to an exact translation to an FTE figure.

Table 5: Headcount by classification and gender

Classification Group	Female	Male	Total
Statutory Office Holder	0	1	1
Senior Officer	1	0	1
Administrative Officer	2	0	2

Table 6: Headcount by employment category and gender

Classification Group	Female	Male	Total
Permanent Full-time	1	0	1
Permanent Part-time	0	1*	2
Temporary Part-time	1	0	1

* The Inspector is a part time Statutory Office Holder employed on a five year contract

Table 7: Headcount by diversity group

Classification Group	Female	Male	Total
Aboriginal and Torres Strait Islander Peoples	0	0	0
Culturally and Linguistically Diverse	0	0	0
People with Disability	0	0	0

Note: Under s 18 of the ICS Act the Inspector must consult with or use staff suitable to the background or vulnerability of any detainee of a matter being reviewed. For both the Remand Review and Healthy Prison Review, this provision was adhered to including engaging an Aboriginal member of the review team for the Healthy Prison Review onsite component.

Table 8: Headcount by age group

Classification Group	Female	Male	Total
Under 25	1	0	1
25-34	0	0	0
35-44	1	0	1
45-54	0	0	0
55 and over	1	1	2

Table 9: Headcount by years of service

Description	Female	Male	Total
Average years of service*	0.9	1.25	1

* Service in the OICS which was established in March 2018

Table 10: Recruitment and separation rates by classification

Classification group	Recruitment rate	Separation rate
Administrative Officers	50%	0%
Senior Officers	0%	0%

Learning and development

Table 11: Learning and development 2018-19

Program	Provider	Attendees	Cost per head
Certificate IV in Government Investigations (Regulatory Compliance)	CIT	1	\$380
Prison Design Conference, Melbourne	Insentia	2	\$1645
Visit to prisons in WA (Bandyup Women's Prison, Banksia Hill Youth Detention Centre, Acacia Prison)	WA Office of the Inspector of Correctional Services	1	\$0
Visit to prisons in Victoria (Metropolitan Remand Ravenhall Correctional Centre)	Corrections Victoria	2	\$0
Visit to prisons in Adelaide (Adelaide Women's Prison, Adelaide Youth Training Centre)	Corrections South Australia; South Australia Training Centre Official Visitor	1	\$0
Joined investigation team at the Office of the Chief Inspector, Queensland Corrective Services to investigate a custodial incident	Queensland Corrective Services	1	\$0

B.12 Ecologically Sustainable Development

OICS hires office space from the ACT Human Rights Commission. The ACT Human Rights Commission's office includes permanent recycling and organic waste management disposal units and motion sensitive lighting to reduce energy use. OICS only print paper copies where necessary, uses recycled paper and switches off computers and other electrical devices when not needed.

SECTION C. FINANCIAL MANAGEMENT REPORTING

C.1 Financial management analysis

Financial reporting for OICS is included in the JACS Annual Report 2018-19.

C.2 Financial statements

See C.1.

C.3 Capital works

OICS did not carry out any capital works activities or programs in 2018-19.

C.4 Asset management

See C.1.

C.5 Government contracting

OICS did not enter into any contracts with suppliers of services, goods or works valued at more than \$25,000 during the reporting period.

OICS did not release any tender or quotation opportunities and thus there are no responses from Aboriginal and Torres Strait Islander Enterprises. Furthermore there were no Aboriginal and Torres Strait Islander Enterprises engaged by OICS.

Procurement selection and management processes for all OICS contracts complied with the *ACT Government Procurement Act 2001*, the ACT Government Procurement Regulation 2007 and subordinate guidelines and circulars throughout 2018-19.

C.6 Statement of performance

There are no accountability indicators in the JACS 2018-19 budget statements specifically relating to OICS.