

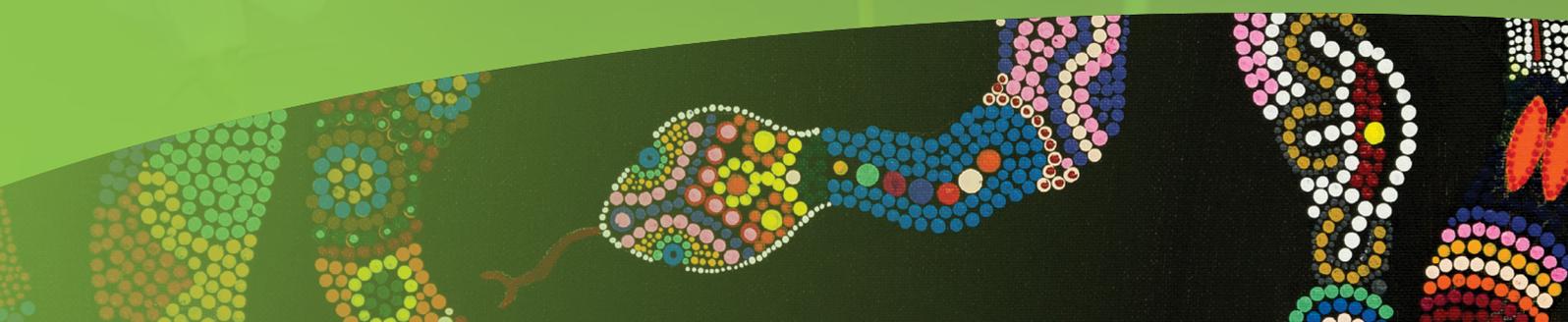


**ICS**  
ACT Inspector  
of Correctional  
Services

# Annual Report 2021–22

## ACT INSPECTOR OF CORRECTIONAL SERVICES

[ics.act.gov.au](http://ics.act.gov.au)





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

*'There are no bystanders –  
the standard you walk past  
is the standard you accept'*

– Lieutenant General David Morrison, AO  
Chief of Army (2014)

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Produced by ACT Inspector of Correctional Services.

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We acknowledge the traditional custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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# Annual Report 2021–22

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CORRECTIONAL SERVICES**

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## SECTION A. TRANSMITTAL CERTIFICATE

Mick Gentleman MLA  
Minister for Corrections  
ACT Legislative Assembly  
London Circuit  
Canberra ACT 2601

Dear Minister,

**2021–22 ACT Office of the Inspector of Correctional Services Annual Report**

This report has been prepared in accordance with section 7(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements under the *Annual Reports (Government Agencies) Directions 2022*.

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

I certify that the information in the attached 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 ACT Office of the Inspector of Correctional Services has been included for the period 1 July 2021 to 30 June 2022.

I hereby certify that fraud prevention has been managed in accordance with the *Public Sector Management Standards 2006*, 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 Annual Report to the Legislative Assembly within 15 weeks after the end of the reporting year.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Neil McAllister', is positioned above the printed name.

**Neil McAllister**  
ACT Inspector of Correctional Services

September 2022

## From the Inspector of Correctional Services

In 2021–22 the Office of the Inspector of Correctional Services (OICS) commenced work on the second Healthy Prison Review (HPR) of the Alexander Maconochie Centre (AMC). The first AMC HPR was conducted in 2019 and resulted in 74 recommendations being made to the ACT Government and two recommendations to the ACT Human Rights Commission. The 2022 HPR will include an update of the status of implementation of recommendations accepted by Government in the 2019 review. We have also again conducted a survey of detainees and staff so it will be interesting to compare results three years on.

OICS also conducted two complex and lengthy Critical Incident Reviews. The first involved an escape of a detainee from an AMC secure escort on 9 July 2021 and the second, tragically, the death in custody by hanging of a young detainee at AMC on 1 February 2022. It is worth noting that the ACT is the only jurisdiction with an independent “inspector” (ACT, NSW, WA and Tas) that has powers (s 17(2) of the *Inspector of Correctional Services Act 2017* (ICS Act)) to review major incidents in adult and youth detention centres and report publicly on such reviews. This is an important ACT OICS function that provides a high level of oversight and accountability not seen in other jurisdictions.

For the record, since OICS commenced operations in 2018, the ACT Government has *disagreed* with only four of OICS’ 182 recommendations.

The reporting year also saw OICS designated by the ACT Government as a National Preventive Mechanism (NPM) under the UN Optional Protocol to the Convention against Torture (OPCAT) for ACT adult and youth detention facilities. The OPCAT is a human rights treaty that Australia ratified that requires independent “preventive” monitoring of detention places (as opposed to responding to complaints).

Notwithstanding this welcome development, OICS noted that in our view the ICS Act does not provide OICS with powers to conduct NPM inspections aside from the “examination and review” functions in the ICS Act. This matter had not been resolved as at 30 June 2022.

In the previous reporting period (June 2020) my office tabled the inaugural “Healthy Centre Review” of Bimberi Youth Justice Centre (Bimberi). The government response was tabled in November 2021 and the government agreed or agreed in principle to 26 of the 27 recommendations.

On 12 August 2021 the ICS Act was amended to lengthen the time between mandated “whole of centre” of the AMC and Bimberi from two to three years. This amendment reflected the reality that these whole of centre reviews are very resource intensive for OICS. The frequency of these reviews was difficult to manage with OICS permanent staffing level of 1.8 FTE, particularly given there have been an average of almost four Critical Incident reviews per year (instead of the one per year envisaged when OICS was established). Furthermore, a three-year gap is an appropriate timespan for ACT Corrective Services and the Community Services Directorate to address the medium and longer term recommendations that may, for example, involve budget bids etc.

It was wonderful to receive recognition of staff in July 2021 when Deputy Inspector Rebecca Minty received a ‘Highly Commended’ in ACT Public Service Excellence Award in the leadership category – a well deserved honour.

On a personal note, my five-year appointment as the inaugural ACT Inspector of Correctional Services expires on 13 March 2023. It has been an honour and a privilege to have served in this role and it has been the highlight of my 30 years working in the corrective services arena in four jurisdictions.

Finally as I say every year, I am eternally grateful to my staff for their high quality work on the important reviews conducted by our (little) office. My team in 2021–22 was:

- > [Rebecca Minty](#), Deputy Inspector
- > [Pip Courtney-Bailey](#), Assistant Inspector

Neil McAllister  
ACT Inspector of Correctional Services  
September 2022

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## SECTION B. ORGANISATIONAL OVERVIEW AND PERFORMANCE

### B.1 Organisational Overview

#### Vision, mission and values

The Office of the ACT Inspector of Correctional Services 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 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 youth justice centres and services for young detainees, and in doing so increasing transparency, the protection of rights of all and the prevention of ill-treatment, mismanagement, unfairness and corruption.

## The work of OICS is driven by several key values and principles:

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

**Transparency:** we seek to bring transparency to closed environments and apply the same values to our own practice by reporting publicly 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. We approach our own research work with rigour in order to contribute to an evidence base to measure continual improvement of ACT correctional and youth justice centres and services.

**Constructive engagement:** we seek to engage constructively with stakeholders, to understand diverse perspectives, 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, young detainees, staff, family and friends, professionals, community organisations and others.

## Role, functions and services (incorporating clients and stakeholders)

The role of OICS is to promote continual improvement of ACT correctional centres and youth justice facilities. The OICS has jurisdiction over the Alexander Maconochie Centre (AMC), Court Transport Unit (CTU), and Bimberi Youth Justice Centre (BYJC – Bimberi).

OICS conducts reviews (either whole of centre, thematic, or critical incident), reports publicly on those reviews, and engages constructively with Directorates to follow up on findings and recommendations. The methodology employed in our work requires engagement with a range of stakeholders including adult detainees, young detainees in Bimberi, ACT Corrective Services including Corrections Officers, the Community Services Directorate including Youth Detention Officers, Justice Health, other oversight entities, civil society organisations, the Community and Public Sector Union (CPSU) and others. OICS seeks to engage with a wide range of stakeholders to inform our reviews.

The ICS Act requires that we conduct a whole of centre review of AMC and CTU every three years, and Bimberi every three years. If a new 'correctional centre' was established, we would be required to conduct the first whole of centre review within two years and then every three years after that. In addition, the ICS Act requires that we conduct a review of a 'correctional service' (adult or youth) once every two years. 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. There have been no critical incidents at Bimberi. OICS was made aware of three critical incidents at the AMC occurring in the reporting period, two of which were reviewed (refer to Tables 1 & 2 below for more details).

## Organisational structure, environment and planning framework

In 2020–21, OICS had a permanent staff compliment of 1.8FTE and an overall staff compliment of 2.8 FTE. OICS staff include:

- > The Inspector of Correctional Services (approximately 0.8 FTE)<sup>1</sup>. The Inspector role is a part-time public office holder appointment under the ICS Act. The Inspector is responsible for the overall strategic direction of the office and leading the office functions of examination and review of correctional centres, correctional services and critical incidents. The Inspector's remuneration is determined by the ACT Remuneration Tribunal.
- > The Deputy Inspector of Correctional Services (1.0 FTE, SOG A). The Deputy Inspector leads operations, office management and research including information gathering, analysis, staffing, stakeholder engagement, finance and deputising for the Inspector.
- > The Assistant Inspector (1.0 FTE, SOG C). The Assistant Inspector is responsible for research, analysis, report writing, administrative tasks and assists with information gathering, inspections and stakeholder engagement. This is a contract position that is funded from the OICS operational budget.

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<sup>1</sup> Given the unusual nature of the Inspector's employment package, as set out by the ACT Remuneration Tribunal, it is difficult to assign an accurate FTE figure for the role i.e. 0.8 FTE is a guide only.

## ACT Office of the Inspector of Correctional Services Organisational Chart

**Outlook**

Legislation requires that the OICS table its next whole of centre review of the AMC (Healthy Prison Review) by 7 December 2022. Part of this review will include addressing recommendations from the previous review that are not implemented and still of concern. Given that whole of centre reviews are a large body of work, preparation and planning was a significant activity for the office in the 2021–22 reporting period.

Work priorities for the future also include completing and tabling the critical incident reviews already commenced and conducting any further critical incident reviews as required.

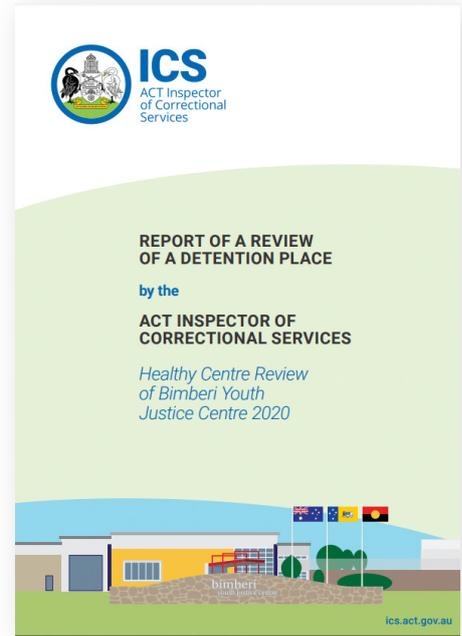
In December 2017 the Federal Government ratified the Optional Protocol to the Convention Against Torture (OPCAT). The ACT Government has nominated OICS as part of ACT's multi-body National Preventive Mechanism (NPM). OICS anticipates work around ensuring our monitoring work meets OPCAT requirements will be a future priority. OICS involvement in the OPCAT arrangements is discussed in a later section of the report.

## B.2 Performance Analysis

### Highlights

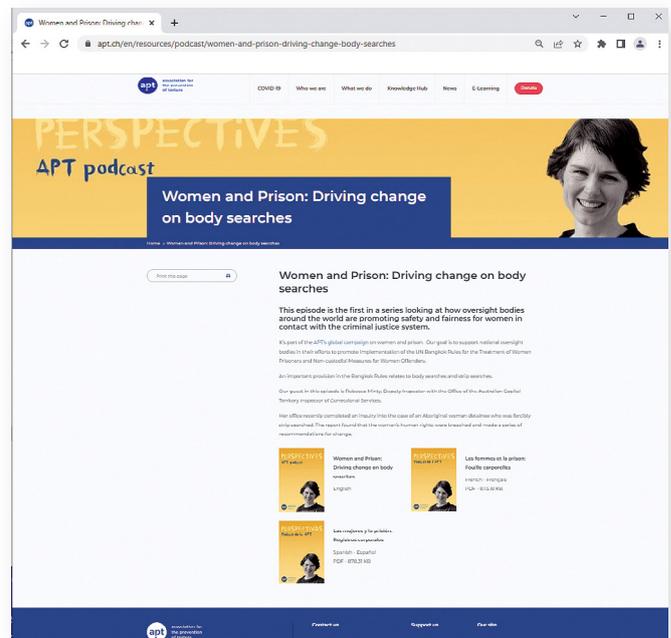
#### Promote continual improvement in closed environments

- > Four Critical Incident reviews tabled in the ACT Legislative Assembly in 2021–22 with one further Critical Incident report completed but tabled in 2022–23 reporting period.
- > ACT Government Response to the Healthy Centre Review of Bimberi received. Of the 27 Recommendations made, 21 were agreed, 5 were agreed in principle, and 1 was not agreed to.
- > Meet regularly with ACT Corrective Services and the Community Services Directorate, including through participation in regular oversight forums for AMC and Bimberi.
- > Assisted ACT Human Rights Commission deliver training on human rights to approximately 15 Corrections Officer new recruits, for 3 separate intakes.
- > Participated in ACT Human Rights Commission training for 5 new Youth Detention Officer recruits.
- > Deputy Inspector delivered an on-line presentation and Q&A session to a group of students from Waseda University (Japan) in their study of ACT Criminal Justice systems and institutions.
- > The Inspector and Assistant Inspector met with the Victorian Corrections Cultural Review – Expert Panel to discuss the role of OICS and relevance to the Victorian review.



#### Learn from, and assist to develop, best practice in preventive oversight

- > Augmented our own expertise through engaging contractors with diverse experiences and expertise. This included engaging a disability and LGBTIQ+ expert with lived experience of both, and an Aboriginal and Torres Strait Islander organisation (Deadly Connections) to provide expert input to our AMC Healthy Prison Review 2022.
- > Participated in the “National Preventive Mechanism” online network of bimonthly meetings, convened by the Commonwealth Ombudsman. This is a network of entities that have been appointed NPMs under OPCAT and focuses on best practice in detention monitoring.
- > Deputy Inspector interviewed by the Association for the Prevention of Torture for their “Perspectives” podcast on women in prison, talking about the Critical Incident review of a use of force to conduct a strip search of a woman in prison. This podcast is targeted at an international audience (translated into French and Spanish) and available on the APT website.



Association for the Prevention of Torture – ‘Perspectives’ Podcast featuring ACT Deputy Inspector Rebecca Minty speaking about the Critical Incident review of a use of force to conduct a stripsearch at the AMC

### **Engage with a diverse range of stakeholders to inform our work**

- > As part of 2022 Healthy Prison Review:
  - Conducted a comprehensive electronic survey of staff (57% completion rate), health staff (20% completion rate) and detainees (39% completion rate).
  - Conducted eight separate focus group discussions with detainees (including separate groups of men, women, Aboriginal and Torres Strait Islander men, Aboriginal and Torres Strait Islander women, and men in the Assisted Care Unit). The Aboriginal and Torres Strait Islander detainees discussions were facilitated by Carly Stanley and Keenan Mundine from Aboriginal organisation Deadly Connections. Matthew Bowden, a disability expert with lived experience facilitated the Assisted Care Unit discussions. Professor Lorana Bartels from the ANU facilitated the other discussions.

*Note: staff focus group discussions to inform the review occurred in 2022–23 reporting period.*

  - Conducted a community sector roundtable facilitated by the ACT Council of Social Service (ACTCOSS) to inform the review, attended by approximately 17 community sector organisations.
  - Attended an ACT Justice Sector stakeholders forum on disability justice to inform the review.
  - Received 14 written submissions from community organisations and individuals to inform review.
- > Engaged a First Nations expert in detention and mental health to advise and assist with a Critical Incident review of an incident involving an Aboriginal woman in custody.
- > Engaged with corrections officers and detainees through informal discussions when onsite, via email (OICS email is protected communication for detainees), and more formally through interviews where required as part of Critical Incident reviews.

### **Continually critically evaluate and improve our own monitoring methodology**

- > Engaged with other Inspectorates to share experiences and observe their practices, including via an Inspector's teleconference and sharing methodology.
- > Reviewed and updated existing staff and detainee surveys prior to administering them for the second time as part of the 2022 Healthy Prison Review. This included reviewing distribution methodology (an online survey was administered this time compared to the 2019 paper survey).

## **Reviews underway or completed**

### **Reviews of correctional centres or services**

#### **A review of a correctional centre – Healthy Centre Review of the Bimberi Youth Justice Centre 2020**

The report of the Bimberi review was tabled in the ACT Legislative Assembly on 22 June 2021, however the ACT Government response to the review was tabled in the 2021–22 reporting year (i.e. November 2021). The OICS' report made 93 findings and 27 recommendations. The ACT Government:

- > Agreed to 21 recommendations (specifically: 2–5, 7–8, 10–14, 16–18, 20–25 and 27);
- > Agreed in principle to five recommendations (specifically: 6, 9, 15, 19 and 26); and
- > Did not agree to recommendation 1.<sup>2</sup>

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<sup>2</sup> See government response

## A review of a correctional centre – Healthy Prison Review of the Alexander Maconochie Centre 2022

This review commenced on 14 October 2021 and will be tabled in the ACT Legislative Assembly in late 2022.

### Reviews of critical incidents

The Inspector has discretion whether to review a critical incident. 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.

The Inspector will conduct a critical incident review if it is in the public interest to do so. OICS has developed and published an Operating Procedure on our website that sets out the process and criteria the Inspector uses when exercising this discretion. These include the seriousness of the incident, the impact of reporting publicly, and whether a review may assist prevent future occurrence of similar incidents. It also involves a consideration of whether other oversight entities are reviewing the incident, and a matter can be more appropriately dealt with by another entity.

**Table 1: Critical Incidents reviewed by OICS in 2021–22**

Jurisdiction: adult or youth	Date of Critical Incident	Type of incident under ICS Act	Reviewed?	Date tabled 2021–22	Government response
Adult	09.07.21	Escape from a secure escort, s 17(2)(c)	Yes	30.11.21	None in 2021–22
Adult	01.02.22	Death in custody (AMC), s 17(2)(a)	Yes	n/a Expected to be tabled in August 2022	n/a
Adult	30.03.22	Detainee on detainee assault, s 17(2)(g)	No There were no major concerns apparent from initial review of material.	n/a	n/a



*ACTCS Camry escort vehicle after being rammed repeatedly during the 9 July 2021 escape incident*

**Table 2: Critical Incidents reviewed by OICS in 2020–21, tabled in 2021–22**

Jurisdiction: adult or youth	Date of Critical Incident	Type of incident under ICS Act	Reviewed?	Date tabled 2021–22	Government response
Adult	11.01.21	A use of force to conduct a strip search, s 17(2)(h)	Yes	16.09.21	Tabled December 2021. All 9 recommendations agreed
Adult	27.03.21	A detainee took another detainee hostage, s 17(2)(d)	Yes	09.11.21	Tabled May 2022. Agreed to 3 recommendations, agreed in-part to 2 recommendations and agreed in-principle to 2 recommendations
Adult	12.05.21	A disturbance and fires that resulted in significant property damage to a unit, s 17(2)(f)	Yes	07.04.22	None in 2021–22



*CCTV footage from the use of force to conduct a strip search at the Alexander Maconochie Centre on 11 January 2021*

## Measuring performance of ACT OICS

The ICS Act (s 18) sets out a timetable for whole of correctional centre and correctional services reviews (thematic reviews). AMC<sup>3</sup> and Bimberi must be reviewed at least every three years while a review of a correctional service (ACTCS or Bimberi) must be completed at least every two years:

**Table 3: OICS reviews timetable**

AMC Healthy Prison Review due date:	Date report tabled
1st 07/12/19	06/11/19
2nd 07/12/22*	In progress 30/06/22

\* Incorporates the Court Transport Unit (CTU)

Bimberi Healthy Centre Review due date:	Date report tabled
1st 07/12/21	21/06/21
2nd 07/12/24	n/a

Reviews of a correctional service due date:	Date report tabled
1st 07/12/19: Remand detainees at the AMC	20/02/18
2nd 07/12/21: Operations of the Court Transport Unit	03/12/20
3rd 07/12/23 (most likely centred on Bimberi)	n/a

As at 30 June 2022, OICS had met its ICS Act (s 18) reporting requirements and had also tabled 14 reviews of critical incidents under s 17(2) of the Act since the Inspector was appointed in March 2018.

3 While the ACTCS Court Transport Unit (CTU) is defined as a stand-alone 'correctional centre' under the *Corrections Management Act 2007* (ACT), it is included in OICS' AMC Healthy Prison Reviews.

Figure 1: Summary of OICS recommendations acceptance by government as at 30/06/22

Review	OICS recommendations	Agreed	Agreed in-part or in-principle	Noted	Not agreed	Pending response
AMC 2019	76	64	7	3*	2	0
CTU 2020	22	20	1	1	0	0
Bimberi 2020	27	21	5	0	1	0
14 Critical Incidents	63	37	20	0	1	14
<b>Total</b>	<b>188</b>	<b>142</b>	<b>33</b>	<b>4</b>	<b>4</b>	<b>5</b>
		76%	18%	2%	2%	3%

\* Includes 2 referred to ACT HRC

In an earlier phase of OICS “evolution” we attempted a validation process for government-agreed recommendations (did they do what they agreed to do?) but found that we did not have staff resources to support this process, noting that there are currently 166 agreed and agreed in-part or in-principle recommendations.

## Collaborative stakeholder engagement

Developing collaborative relationships with stakeholders has continued to be an important priority for OICS. This has included working with:

### Government

The OICS engages regularly with the Justice and Community Safety Directorate and Community Services Directorate to discuss high level matters such as review plans, timetables, and operational matters such as access to information and data. At an operational level OICS has constructive engagement with AMC, CTU and Bimberi staff as well as the Community and Public Sector Union (CPSU) as the staff representative body. Government responses have been timely and OICS has not had any unreasonable limitation in OICS staff ability to access information, places of detention, staff members or detainees/young detainees. OICS is grateful for this cooperation.

### Oversight entities

The OICS attends bimonthly oversight meetings for the AMC and Bimberi. The AMC meetings are called the ACTCS Oversight Agencies Collaborative Forum and are chaired by a senior ACTCS officer.

Prior to the Collaborative Forum there is an AMC Oversight Agencies 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.

The Bimberi oversight meetings are also bimonthly and are chaired by the Executive Senior Branch Manager, Child and Youth Protection Services. Prior to the Bimberi oversight meeting, there is also a meeting attended by the ACT Human Rights Commission and OICS to discuss current issues and agenda items to be discussed.

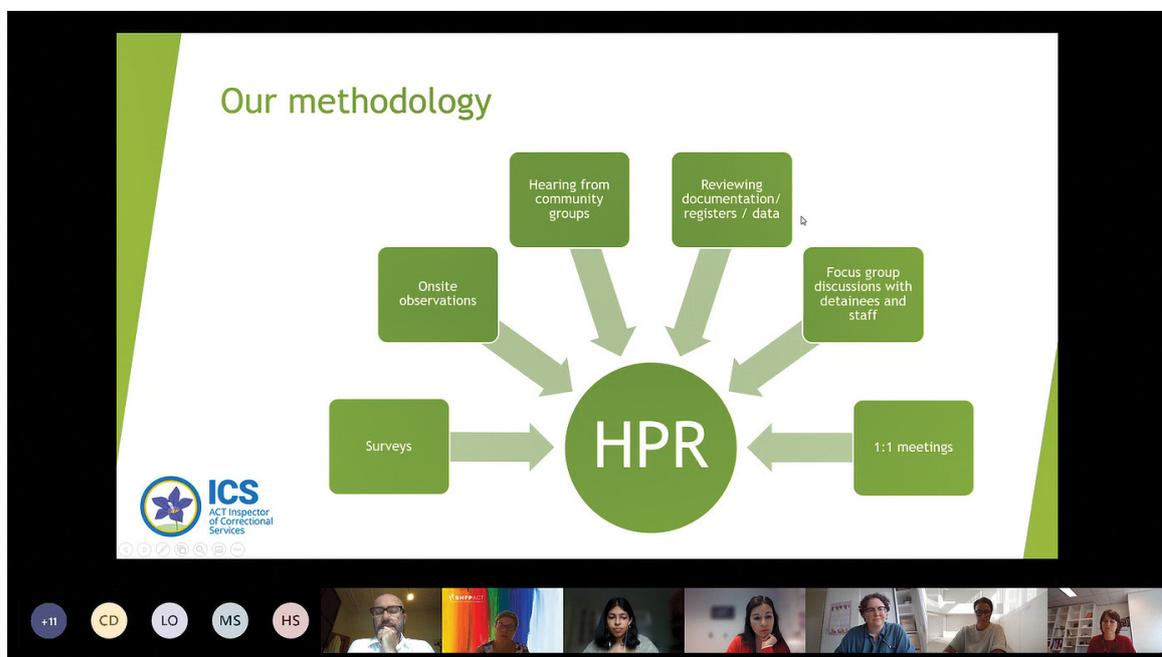
OICS has informal engagement with other independent adult corrections and youth justice inspectorates around the country, through ad hoc telephone conferences and seeking and sharing advice and expertise as required. OICS looks forward to engaging with more oversight entities as jurisdictions designate their NPMs under the OPCAT, including through the Commonwealth Ombudsman's national NPM network.

### Civil society organisations

In 2021–22 OICS engaged with civil society groups including attending and presenting at forums and meetings. This was particularly in relation to the Healthy Prison Review of the AMC that is ongoing throughout the 2022 calendar year. With the assistance of ACTCOSS, OICS hosted a consultation forum to gather input. OICS also attends the ACTCOSS Justice Reform Group forum bringing together a range of civil society organisations, academics, and others to share information relating to the justice sector.

### Detainees / young detainees

OICS has a 'whitelisted' email address that enables detainees at AMC to contact OICS without it being reviewed by ACT Corrective Services<sup>4</sup>. OICS also engages with detainees by walking around AMC or pre-arranged meetings, for example, where relevant to critical incident reviews. It is important to note that OICS does not have powers to investigate individual complaints from detainees/young detainees. If these do arise, the complaint is referred to an appropriate independent body such as an Official Visitor or the ACT Human Rights Commission.



Screenshot from Healthy Prison Review 2022 online community sector roundtable forum facilitated by the ACTCOSS, 1 March 2022

4 Young detainees at Bimberi do not have email access.

## UN Optional Protocol to the Convention against Torture (OPCAT)

On 21 December 2017 the Australian Government ratified OPCAT and had until January 2022 (since extended to January 2023) to establish or designate a National Preventive Mechanism (NPM) to conduct preventive oversight of places of detention. In February 2022, OICS was designated by the ACT Government as a NPM, along with the ACT Human Rights Commission and ACT Ombudsman.

This approach of a 'multi-body' NPM will enable each entity to bring subject matter expertise in relation to relevant places of detention. OICS, for example, will bring expertise in adult corrections and youth justice, and the Human Rights Commission has expertise in relation to mental health detention. The three entities commenced bimonthly meetings to discuss how to work together and fulfil OPCAT requirements.

At the end of March 2022, OICS accepted a two year grant of funding for the establishment of the NPM in the ACT (\$71,500 per year for two years). This was part of the Federal Government's 'Close the Gap' funding available to States and Territories that designated their NPMs, that the ACT Government accepted. We look forward to putting this funding towards establishing governance structures, monitoring methodology and guidelines, monitoring reporting frameworks and other related issues. This project will be implemented in close cooperation with the other ACT NPMs (ACT Human Rights Commission and ACT Ombudsman).

OICS has made its view clear to the ACT Government that the ICS Act does not provide OICS with powers to conduct NPM inspections that are separate from OICS 'examinations and reviews' under the ICS Act. The powers (such as the power to enter a place of detention, the power to gather information, the power to speak to staff and detainees etc) under the ICS Act are appropriate and adequate for the defined 'examinations and reviews' that OICS already conducts. However, as NPM OICS will need to conduct other visits and reviews because the OPCAT requires regular monitoring, and it is important that the same inspection powers are available to OICS for OPCAT visits. Furthermore, not all OPCAT visits will require formal reporting in the ACT Legislative Assembly, something which is currently required under the ICS Act for all 'examinations and reviews' that OICS conduct. This matter had not been resolved as at 30 June 2022.

## Outlook and priorities

The priorities for OICS for the 2022–23 year are:

- > completing and tabling the second (2022) Healthy Prison Review of the Alexander Maconochie Centre;
- > commencing a review of a correctional service at Bimberi<sup>5</sup>; and
- > assessing and adapting monitoring methodology to meet OPCAT treaty requirements and working together with any other entities also designated as NPM.

In addition, OICS will continue to review critical incidents in the adult corrections and youth justice environments as required.

When OICS was established in 2018, it was only funded to oversight adult corrections. When the responsibility for overlooking youth justice commenced at the end of 2019, no additional funding was provided, and has not been provided since. In order to complete the reviews mandated by the ICS Act, OICS has employed an additional staff member on temporary contracts, funded out of operational budget. It is worth noting that when OICS was established, it was expected that OICS would review one critical incident per year, however OICS has reviewed on average 3.25 critical incidents a year. It is extremely difficult for OICS to conduct concurrent reviews due to our staffing resources.

<sup>5</sup> The planned focus on Bimberi may change if a higher priority need arises at the AMC.

Fortunately, this has only happened twice, causing us to prioritise which review was more important to complete than the other.

It is clear to OICS that lack of human resources limit our ability to effectively perform some of our functions, such as following up on the implementation of recommendations, and maintaining regular oversight of Bimberi whilst a whole of AMC review is underway and vice versa. With the additional responsibilities under OPCAT, as well as the obligation under that treaty that States effectively fund NPMs, adequate human resources is a matter OICS will continue to advocate for.

## B.3 Scrutiny

During 2021–22, there were no recommendations relevant to ACT OICS.

## B.4 Risk Management

OICS has developed a risk register that identifies areas of significant operational risk and arrangements in place to manage those risks. The risk register is periodically reviewed and serves as a tool to identify and respond to emerging risks.

## B.5 Internal Audit

The JACS Directorate's internal audit policies and procedures apply to ACT OICS. See the JACS annual report.

## B.6 Fraud Prevention

There were no reports or allegations of fraud directed at OICS in 2021–22. The JACS Directorate's fraud control policies and procedures applied to OICS. Compliance is detailed in JACS Annual Report 2021–22. The OICS risk register covers risks relating to fraud and corruption and is a tool OICS uses to put in place measures to prevent fraud.

## B.7 Freedom of Information

The OICS is required by s 27 of the ICS Act to present all reports on examinations and reviews to the ACT Legislative Assembly – that, is report publicly. All public reports are available on the OICS website ([www.ics.act.gov.au](http://www.ics.act.gov.au)).

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.

OICS also publishes documents relating to its work methodology. These include ACT Standards for Adult Correctional Services, the ACT Standards for Youth Justice, the OICS Review Framework and OICS Operating Procedure in determining whether to review Critical Incidents.

OICS did not receive any Freedom of Information (FOI) applications in 2021–22.

## B.8 Community Engagement and Support

OICS values the input of the community sector to our work. In particular, we recognise the valuable role that community organisations play providing services and support to detainees and young detainees. We also recognise the important role of the CPSU in supporting correctional centre and youth justice centre staff.

The OICS continued to engage with ACTCOSS Justice Network in 2021–22 including an online forum and then a post review feedback session on the Bimberi Healthy Centre Review, and an online forum for the AMC Healthy Prison Review. We gratefully acknowledge the support of ACTCOSS in facilitating these forums. We also meet bilaterally with other community organisations including, for example, the Women’s Health Matters and Winnunga Nimmitjiah Aboriginal Health and Community Services.

In the reporting period, OICS hosted two interns from the Australian National University College of Law. Interns engage regularly with our office for a semester, summer, or winter period and produce a research paper on a topic relevant to the work of OICS.

Our office had ongoing engagement with the ACT Human Rights Commission, ACT Ombudsman’s Office, and Official Visitors for Corrections, and Children and Young People through the adult and youth justice oversight forums.

A new forum that has been established in the reporting period is the ACT National Preventive Mechanism group that meets bimonthly. See further, under OPCAT.

## B.9 Aboriginal and Torres Strait Islander Reporting

The ICS Act provides: ‘...the Inspector must, if appropriate and practicable, consult with people, or use staff, suitable to the cultural background or vulnerability of any detainee involved in a matter being examined or reviewed.’

One of the Critical Incidents tabled in the reporting period, *Use of force to conduct a strip search at the Alexander Maconochie Centre on 11 January 2021* (tabled on 24 September 2021) involved an Indigenous woman being subject to a use of force by Corrections Officers who were attempting to strip search her. OICS received an independent expert opinion on cultural and health considerations from Dr Elizabeth McEntyre who is a Worimi and Wonnarua First Nations Woman, and a Mental Health Social Worker in disability and criminal justice.

As part of the Healthy Prison Review 2022, OICS has engaged Deadly Connections, an Aboriginal Community-led, not for profit organisation to provide input on the treatment of and access to culture for Aboriginal and Torres Strait Islander detainees at the AMC.

The OICS continue to engage with a lead voice on Aboriginal and Torres Strait Islander justice issues in the ACT, Winnunga Nimmitjiah to discuss matters of mutual interest.

## B.10 Work Health and Safety

The 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 OICS operated according to ACT Public Sector Work Health and Safety (WHS) policies. WHS is considered in relation to all OICS work conducting examinations and reviews at correctional centres, as well as in the office environment.

## B.11 Human Resources Management

The OICS independently manages staff retention, support and training.

As at 30 June 2022, OICS employed three staff with a Full Time Equivalent (FTE) of 2.8\*.

**Table 4: FTE and headcount by gender**

Classification Group	Woman	Man	Total
Headcount by Gender	2	1	3
FTE by Gender	2	0.8*	2.8

**Table 5: Headcount by classification and gender**

Classification Group	Woman	Man	Total
Statutory Office Holder	0	1	1
Senior Officer	2	0	2
Administrative Officer	0	0	0

**Table 6: Headcount by employment category and gender**

Classification Group	Woman	Man	Total
Permanent Full-time	1	0	1
Permanent Part-time	0	1*	1
Temporary Full-time	1	0	1

\* The Inspector is a part-time public office holder. Given the unusual nature of the Inspector's employment package, as set out by the ACT Remuneration Tribunal, it is difficult to assign an accurate FTE figure for the role i.e. 0.8 FTE is a guide only.

**Table 7: Headcount by diversity group**

Classification Group	Woman	Man	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 the 2022 Healthy Prison Review of AMC, this provision was adhered to through engaging on a contract basis, a First Nations organisation (Deadly Connections) and a person with a disability as part of the review team.

**Table 8: Headcount by age group**

Classification Group	Woman	Man	Total
Under 25	0	0	0
25–34	0	0	0
35–44	2	0	2
45–54	0	0	0
55 and over	0	1	1

**Table 9: Headcount by years of service**

	Woman	Man	Total
Average years of service*	5	4	3.0

Note: Service in the OICS which was formed in March 2018

**Table 10: Recruitment and separation rates by classification**

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

## Learning and development

**Table 11: Learning and development 2021–22**

Program	Provider	Attendees	Cost per head
International Corrections & Prisons Association Annual Conference 2021 (on-line)	ICPA	1	130
APS Professional Foundations Program	Schumann & Fisher	1	no cost to OICS
Justice Health Conference (on-line)	National conference	2 staff 1 student	450 270

Learning and development opportunities were somewhat disrupted by various COVID-19 restrictions during the year which, for example, prevented OICS staff from participating in reviews conducted by inspectorates in other jurisdictions.

## B.12 Ecologically Sustainable Development

OICS has been in temporary accommodation at Nara and Customs House in 2021–22 and is unable to provide data on energy consumption, water and greenhouse gas. OICS does not have any corporate vehicles.

OICS only prints 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 2021–22.

### C.2 Financial statements

See C.1.

### C.3 Capital works

OICS did not carry out any capital works activities or programs in 2021–22.

### C.4 Asset management

See C.1

### C.5 Government contracting

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

The OICS did not release any tender or quotation opportunities and thus there are no responses from Aboriginal and Torres Strait Islander Enterprises. However, OICS engaged Deadly Connections Community & Justice Services (Deadly Connections) to examine the care and treatment of Aboriginal and Torres Strait Islander detainees as part of the Healthy Prison Review of the AMC 2022.

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 2021–22.

### C.6 Statement of performance

There are no accountability indicators in the JACS 2021–22 budget statements specifically relating to ACT OICS.

## COMPLIANCE STATEMENT

The ACT Office of the Inspector of Correctional Service Annual Report must comply with the Annual Report Directions (the Directions) made under section 8 of the Annual Reports Act. The Directions are found at the ACT Legislation Register: [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

The Compliance Statement indicates the subsections, under Parts 1 to 5 of the Directions, that are applicable to the ACT Office of the Inspector of Correctional Services and the location of information that satisfies these requirements:

### **Part 1 Directions Overview**

The requirements under Part 1 of the Directions relate to the purpose, timing and distribution, and records keeping of annual reports. The ACT Office of the Inspector of Correctional Service complies with all subsections of Part 1 under the Directions.

To meet Section 15 Feedback, Part 1 of the Directions, contact details for the ACT Office of the Inspector of Correctional Service are provided within the ACT Office of the Inspector of Correctional Service Annual Report to provide readers with the opportunity to provide feedback.

### **Part 2 Reporting entity Annual Report Requirements**

The requirements within Part 2 of the Directions are mandatory for all reporting entities and ACT Office of the Inspector of Correctional Service complies with all subsections. The information that satisfies the requirements of Part 2 is found in the ACT Office of the Inspector of Correctional Service annual report as follows:

- A. Transmittal Certificate, see page 3.
- B. Organisational Overview and Performance, inclusive of all subsections, see pages 6–18.
- C. Financial Management Reporting, inclusive of all subsections, see page 22.

### **Part 3 Reporting by Exception**

The ACT Office of the Inspector of Correctional Service has nil information to report by exception under Part 3 of the Directions for the 2021–22 reporting year.

### **Part 4 Directorate and Public Sector Body Specific Annual Report Requirements**

None of Part 4 of the 2019 Directions are applicable to the ACT Office of the Inspector of Correctional Service.

### **Part 5 Whole of Government Annual Reporting**

None of Part 5 of the Directions apply to the ACT Office of the Inspector of Correctional Service.

ACT Public Service Directorate annual reports are found at the following web address:  
[http://www.cmd.act.gov.au/open\\_government/report/annual\\_reports](http://www.cmd.act.gov.au/open_government/report/annual_reports)



