



STANDING COMMITTEE ON HEALTH AND COMMUNITY WELLBEING

Mr Johnathan Davis MLA (Chair), Mr James Milligan MLA (Deputy Chair), Mr Michael Petterson MLA

Inquiry into Annual and Financial Reports 2020-2021
ANSWER TO QUESTION ON NOTICE

Kikkert: To ask the Assistant Minister for Seniors, Veterans, Families and Community Services.

Ref: Youth Justice, CSD Annual Report 2020–21, p. 89

In relation to: Lack of Financial Support for Inspector's Oversight of Bimberi

1. The Annual Report notes on p. 89 that 'on 7 December 2019, the Office of the ACT Inspector of Correctional Services ... commenced oversight responsibilities for Bimberi. The OICS is to review Bimberi at least once every two years and report its findings to the ACT Legislative Assembly'. In the OICS's latest Annual Report, however, the Inspector writes that 'my office still has not received any additional funding to take on oversight of Bimberi' (p. 4). Why is the Inspector of Correctional Services not being funded to have oversight of Bimberi and to complete these biennial reviews?
2. The Inspector has raised this concern before. What steps have been taken to address the fact that, since oversight of Bimberi was added to the Inspector's responsibilities more than two years ago, his office has received no additional funding?
3. The Inspector notes that his office has the resources to review only one critical incident per year. What is the minister's plan if there is a critical incident at Bimberi that the Inspector's office simply cannot review?

Ms Davidson: The answer to the Member's question is as follows:–

1. For the past 3 years the Office of Inspector of Correctional Services (OICS) has been able to fund an additional resource (ASO6) for the Inspector's office. As per the *QON No.60 - Inquiry into 2019-20 Annual and Financial Reports and Budget Estimates 2020-21* (dated 3 March 2021)¹ the Inspector noted that because the ASO6 positions had been funded from the OICS operational budget on rolling six months contract, the Inspector has been able to meet his statutory obligations to perform whole of Bimberi review and critical incident reviews.
2. Additional funding requirements for the OICS are subject to Government consideration in future budget processes.

3. There is considerable oversight of the Bimberi Youth Justice Centre. This oversight is provided by the Human Rights Commission, the Public Advocate, the Official Visitors and the Inspector of Correctional Services. These oversight bodies have various legislative powers of oversight for the young people held in custody at Bimberi Youth Justice Centre.

The Public Advocate and Children and Young People Commissioner (PACYPC) undertakes an important oversight role in relation to children and young people in the ACT. Functions performed by the PACYPC in relation to children and young people include individual advocacy, reviewing issues of system concern, resolving complaints and consulting with children and young people.

The Human Rights Commission has a specific oversight role for places of detention, including Bimberi Youth Justice Centre. The functions performed by the PACYPC in relation to Bimberi include meeting with young people in Bimberi, reviewing segregation, strip search, lockdown, timeout, incident and use of force registers.

The Children and Young People Official Visitors carry out an important role in providing a voice for, and advocacy on behalf of vulnerable children and young people in the ACT. Under the Children and Young People Act 2008, the Official Visitors visit and inspect detention places, therapeutic protection places and places of care (residential); receive and manage complaints from children, young people and others; report directly to the operational Ministers; and provide information to the Director-General, CSD on individual matters raised by young people, or any service/system issues they identify which is of concern to them.

The Inspector of Correctional Services Act 2017 was enacted in 2017, with powers relating to the Children and Young People Act 2008 coming into effect in December 2019. These provisions include powers to conduct reviews and/or assessments of correctional centres, including Bimberi Youth Justice Centre.

In the event of a critical incident at Bimberi, all of these oversight agencies would be notified, in line with Bimberi's reporting obligations.

Note 1 - [QoN-060-Answer-Resourcing-for-Inspector-of-Correctional-Services.pdf \(act.gov.au\)](#)

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature: 

Date: 21 MAR 2022

By the Assistant Minister for Seniors, Veterans, Families and Community Services,
Emma Davidson MLA