LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

COMMITTEE SUPPORT

Standing Committee on Justice and Community Safety

Inquiry into Annual Reports 2021-2022
ANSWER TO QUESTION ON NOTICE

Asked by: Mrs Elizabeth Kikkert MLA

- Reference: Hearing on 10 November 2022, Annual Report of ACT Inspector of Correctional Services Annual Report 2021-2022, p12

In relation to: Reviews of critical incidents

1. Were there any incidents during the last reporting period that had sufficient evidence to be considered a critical incident, but the OICS chose not to initiative a review for?
    a. If so, could the Inspector provide a general description of those incidents and why it was decided not to investigate them?

[Statutory office]: The answer to the Member's question is as follows:–

Yes. There was detainee-on-detainee assault on 30 March 2022 which met the criteria of a critical incident under s17(2)(g) of the *Inspector of Correctional Services Act 2017* (ICS Act). It is noted that s18 of the ICS Act provides that the Inspector 'may review a critical incident…'.

The Office of the Inspector of Correctional Services (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 to review a critical incident. These include the seriousness of the incident, the impact of reporting publicly, and whether a review may assist prevent future occurrence of similar incidents.

With regard to the incident on 30 March 2022, OICS reviewed reports and materials provided by ACT Corrective Services (ACTCS) and came to the view that that the assault in question was not reasonably foreseeable by ACTCS and that no significant additional information would come to light from a formal s18(1)(c) review of the incident.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature: Date: 15 November 2022

By the Inspector of Correctional Services, Neil McAllister