



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

JEREMY HANSON CSC MLA (CHAIR), MARISA PATERSON MLA (DEPUTY CHAIR), JO CLAY MLA

**Inquiry into referred 2019–20 Annual and Financial Reports and Budget Estimates 2020-21**  
**ANSWER TO QUESTION ON NOTICE**

Asked by Mrs Elizabeth Kikkert MLA: To ask the Minister for Corrections

In relation to: **Directions from the Director-General to house remandees with sentenced detainees.**

Ref: Estimates Hearing on Thursday, 25<sup>th</sup> February 11:00-12:00pm.

During the hearing, Mrs Kikkert asked the Director General about what directions come from him in relation to housing remandees with sentenced detainees.

1. For every single remandee housed with a sentenced detainee within the AMC, is there a written direction or order for this to occur from the Director General or from a delegate of the Director General?
2. Has the Director General delegated this duty to anyone on a permanent basis?
  - a. If so, who is that person/persons?
3. How many times has the Director-General or their delegate exercised this function in 2018-2019, 2019-2020, 2020-21 ytd?

Mick Gentleman MLA: I am advised that the answer to the Member's question is as follows:–

1. No, there is not a written direction or order associated with the housing of every single remandee with sentenced detainees. It is important to note that directions may be given either orally or in writing.

However, as outlined in the ACT Corrective Services (ACTCS) *Placement and Shared Cell Policy 2020* (the Policy), a *Placement Assessment* is conducted during induction to assess for risks to the detainee and recommend an appropriate accommodation unit. The detainee's status (remand or sentenced) is taken into account during this process, as well as a range of other factors to ensure the safety, security and good order of the AMC.

Similarly, in line with the Policy, a *Shared Cell Assessment* will be completed when allocating a detainee to a shared cell, which also considers a detainee's status.

2. Delegations under section 16(1) of the *Corrections Management Act 2007* (the Act) have been made for a wide range of ACTCS staff members to facilitate appropriate operational decision-making on a day to day basis – including delegable functions under section 44 of the Act.
  - a. Delegations under section 16(1) have been made to enable a number of staff, including, but not limited to, those in the following positions:
    - Commissioner
    - Deputy Commissioner Custodial Operations



# LEGISLATIVE ASSEMBLY

## FOR THE AUSTRALIAN CAPITAL TERRITORY

**JACS No. 122**

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- General Manager AMC

Please refer also to the response to Question Taken on Notice No. 24 as part of the Inquiry into referred 2019–20 Annual and Financial Reports and Budget Estimates 2020-21 for additional information regarding the framework for Director-General delegations.

3. ACTCS does not record each individual instance where general delegations under section 16(1) are exercised, and it is therefore not possible to provide the requested information. As has been articulated in recent reports by the ACT Inspector for Correctional Services and in recent hearings, the ACT Government acknowledges that for practical and operational reasons, to ensure the safety, security and good order of the AMC, it is not possible to house remandees separately from sentenced detainees at present. The ACT Government is considering options with respect to addressing this matter ongoing.

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

Signature:

A handwritten signature in blue ink, appearing to read "MG", written over a horizontal line.

Date: 18/3/2021

By the Minister for Corrections, Mick Gentleman MLA