

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Response to Recommendation 18 of the
*Standing Committee On Legal Affairs And Financial Reports 2023-24***

Tabling Statement

**Presented by
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Mr Speaker

I present this statement to the Assembly to update members and the broader community on the measures the ACT Government has undertaken since the Operation Falcon report was published by the ACT Integrity Commission, as well as the effectiveness of those measures. This is in response to Recommendation 18 of the Standing Committee on Legal Affairs and Financial Reports 2023-24, which requested this update be provided by the last sitting day in September 2025.

As you may recall, the Operation Falcon investigation report was released on 17 January 2025 and examined actions taken by correctional officers at the Alexander Maconochie Centre (AMC) regarding a detainee on 16 October 2020.

The investigation's findings revealed that a correctional officer failed to complete all hourly observations for a detainee during a 24-hour period and falsified 4 entries on the Detainee Observation Form.

The investigation also identified potential misconduct by a senior executive for not formally reporting the officer's actions and mishandling the subsequent complaint process.

The ACT Government is committed to maintaining the highest standards of integrity and performance within ACT Corrective Services (ACTCS).

Independent oversight and investigations, such as Operation Falcon, are crucial for ensuring transparency and continuous improvement in correctional practices.

As regular observations are a key measure to protect detainees, the findings of Operation Falcon were of concern. As also identified in the Operation Falcon report, issues around observations had also been raised by the ACT Coroner in the report relating to the death in custody of Luke Rich on 1 February 2022. As a result, ACTCS had already commenced addressing these concerns prior to the publication of the Falcon Report through the following measures:

- On 31 October 2024, ACTCS notified a new *Detainee Observations Operating Procedure*, accessible on the ACT Legislation Register, which provides detailed instructions to staff on conducting and recording effective observations of detainees. The purpose of undertaking and recording observations is to check in with a detainee and identify any welfare needs.
- A new and improved Observation Form was introduced to support the new procedure.
- Random examinations of observations are conducted to inform continuous efforts to ensure compliance.
- Training related to observations was reviewed and identified to be consistent with the procedure. The implementation process of the new procedure therefore focused on communicating the importance of complying with the procedure to staff, which remains a priority and key area of focus by ACTCS executives and AMC managers.
- ACTCS' custodial recruit training now also references the findings of Operation Falcon and the potential repercussions of making false or misleading observations records.

The above measures have resulted in a significant improvement in compliance when conducting observations. Audits conducted in November 2024 and May

2025 demonstrated a marked improvement in administrative non-compliance, such as using an outdated templates, forms not having been initialled or using repetitive language. ACTCS continues to monitor detainee observations as part of routine compliance activities to ensure sustained compliance and are planning a 12-month post implementation review of the *Detainee Observations Operating Procedure* in October this year.

Finally, while I will not be commenting on individuals who were the subject of the Operation Falcon Report as that is a matter for the Justice and Community Safety Directorate, I would like to take a moment to assure the Assembly that the vast majority of ACTCS staff meet the high standards of conduct and performance expected of them. Where issues arise, robust processes are in place to address these, and I know this has been a priority for the ACTCS Commissioner. Having said that, I have continuously been impressed with and have huge admiration for the work correctional officers do on a daily basis in a very challenging environment.

In conclusion, I would like to reiterate that the ACT Government is committed to the safety and wellbeing of all detainees, and ACTCS is realising this through improved procedures and ongoing compliance activities.

Thank you.