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

STATEMENT

**GOVERNMENT RESPONSE TO THE REPORT OF A REVIEW OF A CORRECTIONAL CENTRE
BY THE ACT INSPECTOR OF CORRECTIONAL SERVICES -
*HEALTHY PRISON REVIEW OF THE ALEXANDER MACONOCHIE CENTRE 2019***

**Presented by
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Minister for Corrections and Justice Health
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I welcome the Inspector of Correctional Services *Report of a Review of a Correctional Centre: Healthy Prison Review of the Alexander Maconochie Centre 2019* (The Report) that was tabled in the ACT Legislative Assembly on 26 November 2019.

The Report presents a whole-of-centre review of the Alexander Maconochie Centre (AMC) using the “healthy prison” test, devised by the World Health Organisation. It makes 51 findings and 73 recommendations that identify strengths and areas for improvement to lead sustainable change toward best practice in corrections management. These findings and recommendations broadly relate to the four pillars used by the healthy prison test to assess performance:

- Pillar 1 – Safety;
- Pillar 2 – Respect and dignity;
- Pillar 3 – Purposeful activity; and
- Pillar 4 – Rehabilitation.

In January 2019, the Inspector initiated this Review under Section 18 (1)(a) of the *Inspector of Correctional Services Act 2017*. This section of the Act provides that the Inspector must examine and review a correctional centre at least once every two years. This requirement of the Act ensures the systemic and preventative approach to the oversight of these centres. The Healthy Prison Review follows from the Inspector’s report titled *The Care and Management of Remandees at the Alexander Maconochie Centre 2018*, which was tabled in the Legislative Assembly on

20 February 2019. The Government Response to this review was tabled on 6 June 2019.

This was the first Healthy Prison Review the Inspector conducted, and it has achieved exactly what we intended when the legislation was brought into this place. The Inspector and his team have done excellent work identifying areas for improvement and this Report clearly demonstrates the value of having an Inspector of Correctional Services in the ACT.

ACT Corrective Services (ACTCS) have carefully considered all of the findings and recommendations made in the Report. The Government Response to this Report, for which tabling was delayed last month due to the COVID-19 pandemic, addresses each of 73 recommendations and provides the Government position on these recommendations. It also indicates actions and timeframes for completion of actions being undertaken, where appropriate.

The Healthy Prison Review Recommendations

While the number of recommendations made in the Report may seem overwhelming, it was reassuring for me to hear from the ACTCS Commissioner that there were no surprises in the results and that ACTCS had already identified or started to address many of these recommendations.

For example, many recommendations require the review or finalisation of a policy. As also identified in the Government Response to the Inspector's Remand Review, ACTCS are undertaking a review of all policies and procedures. As such, many of

the recommendations made in the Healthy Prison Review are in the process of being addressed through the ongoing policy review, for example:

- a random cell and communal area search program is included in the current review of the *Searching Policy and Strategy*;
- clear eligibility criteria for the Transitional Release Program are included in the update of the *Transitional Release Program Policy*; and
- the spiritual significance of art for Aboriginal and Torres Strait Islander detainees is being considered in the review of the *Detainee Property Policy* and is also highlighted in ACTCS' *Art and Craft Policy*.

ACTCS will continue incorporating recommendations from the Healthy Prison Review while further reviewing and developing policies. Significant efforts are being made to ensure that all current policies are reviewed by the end of June 2020 and notified by the end of this year.

Other recommendations that are currently in progress include the review of portable drug detection technology, making changes to the CCTV setup in the AMC Crisis Support Unit to protect privacy while using toilets, development of Key Performance Indicators, development of an asset maintenance plan for the AMC, and ensuring that the ACTCS Disability Framework is developed in consultation with key stakeholders.

Furthermore, several other recommendations have already been completed. These include the establishment of a Fire Warden at the AMC, review of the number of K9

teams at the AMC, unrestricted notification of policies where possible, consultation with the Human Rights Commission on policies as appropriate, electronic key access for accredited religious leaders as required, and changes to the email software system to allow detainees un-monitored communication with legal contacts.

Finally, various funding submissions have been prepared to assist ACTCS in meeting recommendations around contraband detection and management, asset and facility maintenance, and the commissioning of independent reviews.

A small minority of recommendations, two out of 73, were not agreed with by the ACT Government. The first one concerns the recommendation that ACTCS provide male and female peer support workers in the Admissions area to support detainees on their arrival to the AMC. Currently, peer support workers are employed in the Induction area, which is where new detainees spend five days while various assessments are being done to determine accommodation and other needs. Admissions is where new arrivals call their family, undergo a health assessment and are issued with clothing prior to moving into the Induction unit. Detainees generally spend less than a day in the Admissions area. ACTCS have expressed concern that including peer support workers to Admissions could significantly increase the amount of time a detainee spends there. As such, the ACT Government believes that peer support workers should remain employed in the Induction phase, where there is more time for meaningful interaction and support due to fewer competing processes. Regrettably, the position for female peer support was vacant at the time of the Healthy Prison Review. However, a new female peer support worker was appointed

on 29 January 2020 after the release of the previous one mid-January and the Welfare Officer provided extra support to new female detainees in the interim.

The second recommendation that the ACT Government does not agree with pertains to the creation of a new Administration Officer position in the Indigenous Services Unit at the AMC. ACTCS have advised that administrative support for the AMC Indigenous Services Unit can be provided through the general AMC administrative support team. I also wish to assure the Assembly and the community that the overrepresentation of Aboriginal and Torres Strait Islander people in the Justice System continues to be a significant concern for the ACT Government and that we are committed to addressing issues that disproportionately impact on Indigenous people. As such, I gladly accept other recommendations made by the Inspector.

These include:

- an independent review of the security rating system to ensure it is free of any cultural bias that could result in Indigenous detainees being over-classified;
- creating a new position in the Indigenous Services Unit to work specifically, but not exclusively, with female Indigenous detainees and that this position be designated as female-only and Indigenous-only. ACTCS have prepared a funding submission for this;
- being mindful of the spiritual significance of art before decisions are made that could affect detainees' access to their artworks and materials. As noted previously, ACTCS will reflect this in the *Detainee Property Policy* and this is also incorporated in the *Art and Craft Policy*;

- exploring ways for Aboriginal and Torres Strait Islander detainees to socialise with extended family members in the AMC on a regular basis. All detainees currently have the option of inter-jail visits for this purpose and Indigenous detainees may also engage with their extended family members during yarning circles, which are held weekly. Additional opportunities to socialise will be explored; and
- considering employment of Indigenous peer support workers to meet and assist new Aboriginal and Torres Strait Islander detainees. ACTCS will review all provisions related to peer support workers with a view to ensure the needs of Indigenous new detainees are met.

The ACT Government notes the recommendation to provide access to the Transfer of Art and Culture (TAC) Program and Culture and Land Management (CALM) Program for female Indigenous detainees. Female Indigenous detainees currently have access to a separate art program called *Culture Inside* and a horticulture program. The AMC is also in the process of establishing horticulture as a prison industry, which will incorporate the CALM Program.

The ACT Government agrees in principle with the recommendation relating to an independent assessment of the staffing profile and capacity required for a Women's Care Team at the AMC and minimum acceptable staffing levels reached within one year. The Women's Care Team is not an established team, but rather a multidisciplinary group that meets regularly and caters to the needs of female detainees. However, this group is not exclusively focused on this cohort as that would limit resources across the AMC. ACTCS also employ a Women and Children

Services Coordinator who is able to draw on all AMC resources, including two female Sentence Management Officers and female program facilitators. Moreover, I have committed to a long-term plan for female accommodation at the AMC to be developed by mid-2020. In addition, ACTCS have formed a Women's Reference Group to better engage with the community sector to maximise opportunities to positively impact on the lives of female offender and have commenced the development of a Women Offenders Framework to ensure a holistic and evidence-based approach to service delivery for female detainees. The Women Offenders Framework, anticipated to be completed by the end of 2020, will be used to inform future resourcing to support women offenders, while short term options will be considered by the Women's Reference Group. Finally, the ACT Government agrees to implementing the various other recommendations in the Healthy Prison Review relating to female detainees, such as review of the female induction process and better access to the Transitional Release Program for women. With all these measures in place, I am confident that the women at the AMC will see and feel improvements in the near future.

Finally, I was pleased by the Inspector's recognition of the commitment and dedication of the AMC Indigenous Services Unit and by his praise of the introduction of Winnunga to the AMC to deliver culturally safe and comprehensive primary health care to Indigenous detainees, which is an Australian first and was initiated in response to the Moss Review. It is also worth noting that two new female Indigenous Official Visitors were recently appointed and that ACTCS are in the process of developing an Aboriginal and Torres Strait Islander Offender Framework, which will

further ensure culturally appropriate and evidence-based delivery of services to this population across ACTCS.

The wider corrections system in the ACT

While it is imperative to ensure the continuous improvement of services within ACTCS and the AMC, the ACT Government recognises that the corrections system is part of a wider justice system that incorporates a range of government, community and academic agencies. Therefore, we have decided to take a wholistic approach, tackle recidivism, and improve community safety. The *Building Communities Not Prisons Framework*, which I announced on 15 February 2019, is how we are approaching these complex issues. Underpinning this approach is the ACT's Justice Reinvestment strategy, which represents a commitment to developing initiatives that improve criminal justice outcomes by reducing crime and diverting offenders, and those at risk of becoming offenders, from the justice system. Such initiatives are further guided by a set of principles to ensure they are trauma-informed, gender-informed, evidence-informed, culturally safe, human rights compliant, and in line with restorative practices. Initiatives to date are characterised by a focus on housing, alcohol and other drug services, mental health and disability, as well as family and other group services for Aboriginal and Torres Strait Islander people. As such, they target some of the most vulnerable groups in Canberra and I firmly believe in their ability to change life trajectories and divert people from the criminal justice system.

Recurrent Issues

I would also like to acknowledge that various concerns expressed in the Healthy Prison Review have previously been identified, including the Inspector's Remand Review I referred to earlier. These recurring issues mostly relate to highly complex matters including overcrowding and the management of a range of different cohorts within one correctional facility, as well as the situation of women I highlighted before. I wish to assure the Assembly that a significant amount of work is being done to address these matters and hope that my overview of ACTCS' actions and initiatives under *Building Communities Not Prisons* has demonstrated this.

Finally, I would like to note that the Inspector acknowledged progress made in various areas since his Remand Review. It was reassuring for me to hear from an independent oversight body that a significant amount of work has been done and I am confident that ACTCS will continue to devote themselves to implementing the recommendations of the Healthy Prison Review.

Conclusion

In conclusion, I am confident that implementation of the recommendations combined with the initiatives under *Building Communities Not Prisons* will improve performance in each of the "healthy prison test" pillars in subsequent Healthy Prison Reviews.

I also take this opportunity to thank the Inspector for his Report. The independent oversight provided by the Inspector of Correctional Services is crucial to build and

maintain public confidence in the ACT's correctional system and helps contribute to the continuous improvement of the care, treatment and safety of all detainees.

ENDS

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