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

ELEVENTH ASSEMBLY

**REVIEW OF CRITICAL INCIDENT - ACT CUSTODIAL INSPECTOR
SUSPECTED DRUG OVERDOSE, ENDANGERING LIFE OF A DETAINED PERSON AT
THE ALEXANDER MACONOCHIE CENTRE 21 MAY 2024 - GOVERNMENT RESPONSE**

**Presented by
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INTRODUCTION

The ACT Government welcomes the ACT Custodial Inspector's report titled *Review of a Critical Incident by the ACT Custodial Inspector (the Inspector) – Suspected Drug Overdose Endangering Life of a Detained Person at the Alexander Maconochie Centre 21 May 2024* (The Report). The Report included findings as well as recommendations about matters of public safety, and was tabled in the ACT Legislative Assembly on 6 May 2025.

The Report makes eight recommendations. The ACT Government has carefully considered these and:

- Agrees to five recommendations;
- Agrees-in-principle to one recommendation; and,
- Does not agree to two recommendations.

A table summarising the ACT Government response to these recommendations, including actions taken to date, can be found at Annexure 1.

GOVERNMENT RESPONSE

The Report outlines an incident where on 21 May 2024, a female detainee at the Alexander Maconochie Centre's Women's Community Centre (WCC) suffered a suspected overdose after evening lock-in.

The Report found that while the Custodial Inspector was pleased to see a rigorous internal review of the incident conducted by ACT Corrective Services (ACTCS), Correctional Officers (COs) did not demonstrate the urgency that the situation demanded and is required by relevant policy and procedure.

The Report made eight recommendations. The following summarises progress to date.

The ACT Government agrees to *Recommendation 1* that within three months, ACTCS ensures that the policy framework and staffing capacity are in place to support critical reflection and timely review of incidents, fostering a culture of continuous improvement. ACTCS considers this recommendation addressed as its current policy frameworks and staffing allow for timely review of incident responses through debriefing processes and more thorough review of specific incidents and/or themes arising, subject to the discretion of the ACTCS Commissioner.

The ACT Government does not agree with *Recommendation 2* about providing detainees with direct access to Naloxone and first aid training including CPR. Naloxone is currently available to detainees via Justice Health Services and ACTCS staff, who can readily access it in first-aid kits within all accommodation units. Further, basic first aid training is available to detainees as part of the suite of educational courses being delivered. Due to the various risks of making Naloxone available to detainees, ACTCS is not considering the introduction of this practice at this time.

The ACT Government agrees with *Recommendation 3* about ensuring the intercom in the WCC cottages to the Master Control Room (MCR) are working correctly. This recommendation is considered complete as the intercom system is checked every day by ACTCS, including the day following this incident at which point it was found to be working correctly. The system also automatically forwards local intercom calls to the MCR where unanswered by a local area officer station after 30 seconds.

The ACT Government does not agree with *Recommendation 4* about ensuring the AMC night shift is sufficiently staffed overall to ensure the WCC post is staffed by at least two COs during night-shift, and that these staff are female wherever possible. In instances where WCC is not staffed at night, the recommendation seeks for MCR to monitor the WCC cottages' CCTV at all times during night shift.

A previous review of the night-shift staffing levels resulted in the addition of two posts in 2021, with the current level of staffing considered sufficient to balance the various demands of managing incidents, night-shift escorts and unplanned leave. Female staff are included in the nightshift roster; however, due to the configuration of night posts—which rotate staff

every two hours to support alertness—it is impractical to staff the women’s area continuously with female officers throughout the night. Further, while the continuous monitoring of CCTV would limit detainee’s human right to privacy, CCTV is monitored by MCR staff during night-shift as part of routine operational practice.

The ACT Government agrees-in-principle to *Recommendation 5* that within three months, two specially trained custodial staff are permanently rostered to be stationed in the MCR at all times, including night-shift. ACTCS considers this recommendation addressed as it already assigns two staff to the MCR post during nightshift, with specialised mentoring/training of MCR officers undertaken by an experienced officer since June 2024 which addresses tasks such as incident response, intercom use, alarm identification, and communicating with emergency services. Further, the MCR operating procedures are currently under review by ACTCS.

The ACT Government agrees to *Recommendation 6* about immediately implementing consequences for staff who do not comply with legislation and ACTCS policy. ACTCS has a continuous focus on improvement and in ensuring staff compliance with legislation ACTCS policies and procedures, and considers this recommendation completed.

The ACT Government agrees to *Recommendation 7* about ensuring contraband search and discipline procedures comply with relevant legislation, policies and procedures. In 2023, ACTCS policies and procedures associated with discipline and search were reviewed against legislative requirements and found to be in alignment. The local operating procedure referenced in the Custodial Inspector’s Report has ceased.

The ACT Government agrees to *Recommendation 8* about referring detainees who test positive for illicit substances, refuse to be tested, or are involved in suspected drug-related incidents to appropriate alcohol and other drug services. This recommendation is considered complete as ACTCS has processes in place, within existing policy, for referrals to alcohol and other drug services to be made to support detainees to address their substance use, noting participation is voluntary. Further, within the scope of existing policy, random compliance checks have been introduced, and instances of non-compliance of the policy by ACTCS staff are addressed.

Conclusion

The ACT Government welcomes this opportunity to respond the Custodial Inspector’s Report and provide updates in relation to its recommendations. These recommendations contribute to the continuous improvement of safety and wellbeing of detainees, which is paramount to the ACT Government.

Annexure 1

ACT Government Response to Custodial Inspector's Recommendations

Recommendation	Government Response	Implementation timeframe
1. Within 3 months, Corrective Services ensure the policy framework and staffing capacity is in place to ensure critical reflection and timely review of incidents to embed a culture of continuous improvement. Relevant policy should provide for discretion to initiate internal reviews for at least any incident that meets the definition of both a Critical Incident under the <i>Custodial Inspector Act 2017</i> and a 'notifiable incident' under Corrective Services policy.	Agreed. The ACT Government considers this recommendation complete. ACTCS' current policy frameworks and staffing allow for timely review of incident responses through debriefing processes and more thorough reviews of specific incidents and/or themes arising, subject to the discretion of the ACTCS Commissioner. Following incidents, adverse events or when emerging patterns of activity are identified, ACTCS decides on the appropriateness and type of internal review to support continuous improvement. This is undertaken independently of the Custodial Inspector's decision to undertake a critical incident review. ACTCS' determination to initiate a review would be informed by how such a review might intersect with the responsibilities and actions of oversight agencies.	Completed.
2. Within 3 months, Corrective Services consider providing detained people with direct access to Naloxone, as well as basic first aid training periodically including on cardiopulmonary resuscitation.	Not Agreed. The ACT Government does not agree to provide Naloxone directly to detainees at this time because of identified risks including diversion of the product for uses other than intended, and ensuring its continued accessibility to detainees in the event of an emergency. Naloxone is currently available to detainees via Justice Health Services and ACTCS staff, who can readily access it in first-aid kits within all accommodation units. Further, basic first aid training is available to detainees as part of the suite of educational courses being delivered.	N/A
3. Corrective Services immediately confirm that the intercom from the Women's Community Centre cottages to the Master Control Room (MCR) is working correctly, including ensuring that any intercom calls to the local officer station are forwarded immediately to	Agreed. The ACT Government considers this recommendation complete as the intercom system is checked every day by ACTCS, including the day following this incident at which point it was found to be working correctly. The system automatically forwards all local intercom calls to the MCR where unanswered by a local area officer station after 30 seconds.	Completed

Recommendation	Government Response	Implementation timeframe
MCR if an officer station is unattended.		
4. Starting within 3 months, Corrective Services (ACTCS) ensure that AMC night shift is sufficiently staffed overall to ensure that the Women’s Community Centre (WCC) post is staffed by at least two Corrections Officers during night shift, and that wherever possible these are female staff. In the meantime, and whenever WCC is not staffed at night, ACTCS ensure that the Master Control Room monitors the WCC cottages CCTV at all times during night shift unless exceptional circumstances necessitate otherwise.	Not Agreed. The ACT Government does not agree with this recommendation. A previous review of night-shift staffing levels resulted in the addition of two posts in 2021, with the current level of staffing considered sufficient to balance the various demands of managing incidents, night-shift escorts and unplanned leave. While at least one officer is rostered to the WCC post overnight, operational requirements may arise and impact staffing locations. Female staff are included in the nightshift roster and where possible, are assigned to the WCC. However, due to the configuration of night posts—which rotate staff every two hours to support alertness— it would not be practical to staff the women’s area continuously with female officers throughout the night. Further, while the continuous monitoring of CCTV would limit detainee’s human right to privacy, CCTV is monitored by MCR during night-shift as part of routine operational practice.	N/A
5. Within 3 months, Corrective Services permanently roster two staff to be stationed in the Master Control Room (MCR) at all times, including night shift, with at least one having significant experience as a Corrections Officer. All MCR officers should be provided specific training, including detailed information about what to ask detained people in the case of an emergency and guidance until help arrives.	Agreed-in-principle. The ACT Government agrees-in-principle to this recommendation and considers it complete. ACTCS already assigns two staff to the MCR post during nightshift. However, it is noted that operational requirements require one of these officers to leave the MCR at points during the night shift rotations. Mentoring/training of MCR officers has been delivered by an experienced officer since June 2024 when ACTCS introduced a formalised onboarding process for MCR officers supported by a comprehensive Operational Competency Checklist. This tool—alongside the mentoring support—ensures officers receive consistent, practical training and are equipped to perform effectively in MCR operations. It covers the broad range of MCR responsibilities, including 58 individual tasks from answering incoming intercom and correct use of radio protocols to communicating with Emergency services. To date, 21 officers have completed this training. Training on emergency communication with detained individuals occurs within existing training. All Correctional Officers undertake Effective Communication, Verbal De-escalation, and Five-Minute Intervention training. These programs highlight the importance of effective communication	Completed.

Recommendation	Government Response	Implementation timeframe
	and equip officers with essential skills to navigate diverse situations and interact with a wide range of individuals. Core techniques such as active listening, thoughtful questioning, and empathy-driven engagement are central to this training. Further, the MCR operating procedures are currently under review by ACTCS.	
6. As recommended in its internal review of this incident, Corrective Services (ACTCS) immediately ensure consequences for staff not complying with legislation and ACTCS policy.	Agreed. The ACT Government has a continuous focus on improvement and in ensuring staff compliance with legislation ACTCS policies and procedures, and considers this recommendation completed. ACTCS management work closely with the Justice and Community Safety Directorate's People and Workplace Strategy Unit (PWS) to set clear boundaries and expectations for staff in relation to compliance with procedure and legislation. When a lack of compliance by staff is identified, managers undertake preliminary assessment (PA) processes that formalise the management conversation and interactions with staff and provide clear outcomes in terms of consequence management. Staff who do not meet expectations, or actions arise from the PA process, can expect to have an escalation of performance management and/or Code of Conduct actions.	Completed
7. Corrective Services immediately ensure that all operating procedures concerning discipline and searching for contraband using body scanning technology are compliant with relevant legislation and notified policies and procedures, including the <i>Human Rights Act 2004</i>.	Agreed. The Government considers this recommendation completed. In 2023, ACTCS policies and procedures associated with discipline and search were reviewed against legislative requirements and found to be in alignment. Further, the local operating procedure referenced in the Custodial Inspector's Report has ceased.	Completed
8. Corrective Services ensures policies are followed to ensure detained people who test positive for illicit substances, refuse to be tested, or are involved in suspected drug-related incidents are referred to	Agreed. The Government considers this recommendation complete. ACTCS has processes in place within existing policy for referrals to alcohol and other drug services to support detainees to address their substance use, noting participation is voluntary.	Completed

Recommendation	Government Response	Implementation timeframe
alcohol and other drug services.	Within the scope of existing policy, random compliance checks have been introduced, and instances of non-compliance by staff in relation to the policy are addressed. The actions described in response to recommendation 6 of this Report will be followed where non-compliance with policy is identified.	