



Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2020-2021

QUESTION ON NOTICE

16 March 2022

Asked by Ms Elizabeth Kikkert MLA on 2 March 2022.

[Ref: Official Visitor Scheme, Official Visitor Scheme Annual Report 2020-21 p 28]

In relation to: Right to reimbursement when possessions destroyed.

1. How many complaints have OVC received related to issues where detainee property has been destroyed through no fault of their own?
 - a. Has there been any movement by ACTCS to address this issue?
 - i. If so, what has ACTCS been doing?
2. Is OVC aware of any instances where a detainee was left with nothing or close to nothing following an incident such as a fire?
 - a. If so, can the OVC please provide what details they can on such an incident?

Mr Shannon Pickles, Official Visitor for Corrections

The answer to the Member's question is as follows: –

- 1. How many complaints have OVC received related to issues where detainee property has been destroyed through no fault of their own?**
 - a. Has there been any movement by ACTCS to address this issue?**
 - i. If so, what has ACTCS been doing?**

The only instance of complaints to Official Visitors relating to destroyed property was in the case of the fire at Remand Unit 1 (RU1). Allocating fault in this circumstance is difficult in terms of which detainees were responsible for the fire.

All of the detainees (37) from RU1 fire complained about lost possessions. The Official Visitors worked with the Inspectorate of Custodial Services to interview all of these detainees either in one-on-one sessions or group discussions.

ACTCS staff agreed to meet with detainees affected to discuss concerns and ensure they had adequate access to basics such as clothing. A small number of these detainees were met with in person. Detainees were advised to submit a request for reimbursement regarding possessions that

were lost in the fire. Exact details regarding how many detainees made requests or the level of reimbursement would need to be sought from Corrections.

2. Is OVC aware of any instances where a detainee was left with nothing or close to nothing following an incident such as a fire?

a. If so, can the OVC please provide what details they can on such an incident?

Most detainees at those accommodation areas where fires have occurred (Accommodation Unit North, Remand Unit 1, Sentenced Cottage 2) lost most if not all of their possessions. I have been informed that possessions that do survive are often deemed unsafe to return to detainees (due to smoke/toxic fumes).

In instances of this kind, it is my understanding that detainees are moved temporarily to other accommodation and provided a temporary pack of clothes. In the case of the Remand Unit 1 fire, 5 detainees have alleged these temporary packs are usually short on essentials such as underwear and sufficient spare clothes. The Official Visitors requested Corrections Services a number of times to engage in a thorough audit of this situation to ensure there is sufficient clothing for detainees. It is understood this did not occur formally, rather relied primarily on detainees to self-report missing items.

It was also identified by an Official Visitor that there was no existing policy/procedure covering the rights of detainees in terms of compensation or replacement/repair for destroyed or damaged possessions. Corrections Services agreed to implement a temporary process where the Director of Accommodation met with affected detainees and issued reimbursement or replacement for detainee's losses. It is unknown how many detainees took up this offer and the extent of requests made for reimbursement or replacement of possessions, however it has been stated by Corrections that they believe zero detainees received reimbursement for any possessions or property destroyed in the fire.

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

Signature:

Date:

By Andrew Taylor, Public Trustee and Guardian, a member of the Official Visitors Board on behalf of the Chair, Jennifer McNeill.