

2020

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

STATEMENT

**Response to the Reports of Reviews of Critical Incidents
by the ACT Inspector of Correctional Services – Assaults of Detainees at
the Alexander Maconochie Centre on 5 December 2019 and 13 January 2020**

Presented by
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I welcome two reports by the Inspector of Correctional Services (the Inspector) reviewing critical incidents that occurred at the Alexander Maconochie Centre (AMC) on 5 December 2019 and 13 January 2020, which were tabled in the ACT Legislative Assembly on 21 May 2020. The two reports, titled *Report of a Review of an assault of a detainee at the Alexander Maconochie Centre on 5 December 2019* and *Report of a Review of an assault of a detainee at the Alexander Maconochie Centre on 13 January 2020* follow five previous Critical Incident Reviews tabled by the Inspector between November 2018 and August 2019. To date, all Critical Incident Review reports by the Inspector have concluded that assaults reviewed were not reasonably foreseeable by ACT Corrective Services (ACTCS) and that actions taken were appropriate in the circumstances. This provides assurance that ACTCS is well equipped to prevent and respond to such incidents, and that robust protocols and procedures are in place to uphold the safety of detainees and staff at the AMC.

The Inspector initiated these reviews under Section 18 (1)(c) of the *Inspector of Correctional Services Act 2017*, which provides that the Inspector may examine a critical incident on his own initiative or as requested by a relevant Minister or relevant director-general. Review of critical incidents by an independent oversight agency ensures policies, procedures and legislation promote best correctional practice, and supports public transparency around such incidents.

The two reports for which a combined Government Response is tabled today review two separate assaults on detainees at the AMC which resulted in hospitalisation of the victims. The Inspector makes 19 findings and three recommendations across the two reports, which were carefully considered by ACTCS. The Government Response

addresses the three recommendations and provides the Government position on these, as well as timeframes for proposed actions where required.

Assault of a detainee at the Alexander Maconochie Centre on 5 December 2019

The report on the assault of 5 December 2019 made nine findings and one recommendation. The ACT Government notes the findings and agrees with the recommendation, which relates to the implementation of an Incident Checklist to ensure all processes around next of kin notifications are adhered to, including the appropriate recording of information. As such, ACTCS is developing a checklist to incorporate in their Incident Summary Form as part of a current review of the *Incident Reporting, Notifications and Debriefs Policy*.

Assault of a detainee at the Alexander Maconochie Centre on 13 January 2020

The report on the assault of 13 January 2020 made ten findings and two recommendations. The ACT Government notes the findings and agrees in principle with the recommendation to revise the *Incident Reporting, Notifications and Debrief Policy* to include that the Officer-in-Charge of the AMC may notify next of kin prior to formal admission to hospital if considered prudent to do so based on their assessment of the severity of the injury/ies or illness. ACTCS will revise the policy but believes the decision to notify rests with the Duty Manager rather than the Officer-in-Charge as they have operational responsibility for the AMC while on duty.

The ACT Government does not agree with the recommendation that the *Corrections Management Act 2007* be amended to provide a definition for the term 'officer-in-charge' of a correctional centre. The term 'officer-in-charge' is considered a standard

and recognised term that refers to the highest-ranking custodial officer in a correctional centre at any one time and ACTCS currently does not have an indication that the use of this term is confusing to staff, as suggested in the report. Moreover, amending the *Corrections Management Act* to include this role would create a statutory office holder, which is currently not required in the legislation.

Positive findings

I was pleased by the finding across both reports that the response to the incident by ACTCS was timely and efficient, and by the conclusion that the assaults were not reasonably foreseeable by ACTCS. This, combined with other positive findings made in the reports relating to policies and procedures around security, detainee supervision, detainee classification, and detainee placement working effectively, gives me great confidence that ACTCS are very capable and well prepared to prevent and respond to critical incidents.

Systemic issues

While careful consideration of findings and recommendations of individual Critical Incident Reviews is essential, the higher frequency of these reviews also allows for identification of systemic issues. The Government Response tabled today highlights two such issues that were amongst the findings of both reports but have also been raised by the Inspector on previous occasions. The first relates to inadequate record keeping around the notification of next of kin following an assault, and the second issue pertains to post-incident debriefs, which the Inspector found to not be conducted consistently. I wish to assure the Assembly that ACTCS is taking an

active approach to address these issues and that various measures are being developed and implemented to expedite improvements in these areas. These include the aforementioned development of an Incident Checklist and review of the *Incident Reporting, Notifications and Debriefs Policy*, and are further managed by notices to staff to reinforce requirements as needed. Moreover, work being done under the ACTCS *Quality Assurance Framework* that was released earlier this year is also aimed at continuous improvement in policy compliance and will include the development of auditing standards to achieve this.

Conclusion

In conclusion, I am pleased by the recurring conclusion across Critical Incident Reviews to date that assaults reviewed were not reasonably foreseeable by ACTCS as this provides great confidence in the overall quality and effectiveness of policies and procedures in place. Moreover, it is reassuring to see that these reviews are assisting the ACT Government with identifying systemic issues, which was amongst the intentions when the Inspectorate was established.

Finally, I also take this opportunity to thank the Inspector for his ongoing review of critical incidents, which is crucial to build and maintain public confidence in the ACT's correctional system and helps contribute to the continuous improvement of the safety of all detainees and staff at the AMC.

ENDS

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