

**2021**

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

**PAPER FOR TABLING**

**OFFICIAL VISITOR SCHEME ANNUAL REPORT 2020-21**

**Presented by Tara Cheyne MLA  
Minister for Human Rights**

**THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK**





## CONTACTING THE OFFICIAL VISITOR SCHEME

Enquiries about this publication should be directed to -

<b>Executive Officer</b>	Stefan Dzwonnik
<b>Office Address</b>	Level 1 5 Constitution Avenue CANBERRA CITY ACT 2601
<b>Postal Address</b>	GPO BOX 158 CANBERRA ACT 2601
<b>Telephone</b>	(02) 6207 0978
<b>Facsimile</b>	(02) 6207 1034
<b>Web</b>	<a href="http://ovs.act.gov.au/">http://ovs.act.gov.au/</a>
<b>Email</b>	<a href="mailto:ovs@act.gov.au">ovs@act.gov.au</a>
<b>Hours</b>	9.00am – 4.30pm Mon–Fri

This Annual Report is published on the Public Trustee and Guardian website at <http://ptg.act.gov.au/> and the Official Visitor Scheme website at <http://ovs.act.gov.au/>

### Disclaimer

The views or opinions in this report do not necessarily reflect the views of the Justice and Community Safety Directorate and the Minister for Human Rights. Every effort has been made to ensure this document is accurate, reliable and up to date at the time of publication. The Official Visitor Scheme will not accept any responsibility for loss caused by reliance on this information and makes no representation or warranty regarding the quality or appropriateness of the data or information.

### Interpreter service

The ACT Government is committed to providing accessible services to people from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the Annual Report, please contact the Official Visitor Scheme and an interpreter will be arranged to communicate the report to you.

### Copyright ACT Official Visitor Scheme

All rights reserved. Apart from any use as permitted under the *Copyright Act 1968*, no part of this publication may be produced, stored in a retrieval system or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without written permission of the publisher.

### Produced for the Official Visitor Scheme by –

Orange Design ABN 32 168 257 456



# Contents

<b>Message from the Chair, ACT Official Visitors Board</b>	<b>4</b>
<b>Scheme Overview</b>	<b>6</b>
The Scheme	6
The Board	7
Purpose	7
Functions of the Board	7
Board Membership	8
Meetings	9
Implementing the review recommendations	10
Guidelines	11
Official Visitors	12
Current Appointments	12
Expiry of term or resignation of appointment	13
Acting arrangements	13
Training / Professional Development	14
Financial – 2020-21 End of Financial Year Summary	15
Statistics	15
<b>Complaints</b>	<b>16</b>
<b>S. 23DA Official Visitor Act 2012 Reporting</b>	<b>17</b>
S. 23DA(1)(a)(i-iii) Visits, Complaints, Referrals and s. 23DA(1)(e) Inspection of Records	17
S. 23DA(1)(b) The actions taken on complaints received	18
Mental Health	18
Disability	19
Corrections	20
Children and Young People	22
Homelessness	23
S. 23DA(1)(c) Systemic Issues in relation to the operation of the Act	24
The Board	24
Mental Health	24
Disability	26
Corrections	28
Children and Young People	30
Homelessness	31
S. 23DA(1)(d) Number and kinds of matters referred by an Official Visitor to an investigative entity	33
Mental Health	33
Disability	33
Corrections	33
Children and Young People	33
Homelessness	33
<b>Executive Officer / Administrative Support</b>	<b>34</b>

# Message from the Chair, ACT Official Visitors Board



I am pleased to present the report from the Official Visitors Board (the Board) on activities of the Official Visitor Scheme for the 2020-21 financial year. The Scheme is explained in detail in the Overview to this report.

This is the first Annual Report of the Board under s. 23DA of the *Official Visitor Act 2012* (the Act). The report coincides with the transfer of administrative support for the Official Visitor Scheme (the Scheme) from the ACT Public Trustee and Guardian (PTG) to the ACT Human Rights Commission (HRC).

The transfer completes the process of a 2017 review of the Scheme and has been achieved through progressive amendments to the Act. Under the revised Scheme, the Board now has governance responsibilities allowing for increased oversight and support of the Scheme and Official Visitors. The amendments also established a position of Executive Officer, an officer of the HRC, to undertake the day-to-day administration of the Scheme.

S. 23DA of the Act requires the Board to report to the Minister about –

- (a) the number of -
  - (i) visits by Official Visitors to visitable places
  - (ii) complaints received by Official Visitors in relation to visitable places
  - (iii) referrals of complaints to investigative entities
- (b) the action taken on the complaints received
- (c) any systemic issues in relation to the operation of the Act identified by the Board
- (d) the number and kinds of matters referred by an Official Visitor to an investigative entity
- (e) the number of times an Official Visitor inspected records in accordance with s. 15(2)(b) of the Act.

The reporting requirement commenced on 1 December 2019, however its effect was delayed, ensuring that the Board's Report was for a full year.

As this is the Board's first Annual Report, it is a useful opportunity to provide other information about the Scheme.

In March 2020, the COVID-19 pandemic and subsequent lock-down added a layer of complexity, significantly curtailing the activities of Official Visitors. The resulting restrictions led to Official Visitors adapting to remote safeguarding practices as on-site, face-to-face visits were reduced in late March. Official Visitors adapted and quickly became familiar with accessing and using technology to continue responding to complaints and requests. In April 2021, Official Visitors were identified as critical front-line workers and given Phase 1b priority access to the COVID-19 vaccine rollout.

Restrictions imposed by the COVID-19 pandemic were able to be eased in December 2020, allowing visits to resume to levels prior to the pandemic while having regard to the necessary workplace health and safety precautions.

Efficiencies leveraged through the implementation of the consolidated scheme in 2013 had allowed the Scheme to operate well within budget up to the 2018-19 financial year. In January 2020, it became evident that Official Visitors were entitled to the Superannuation Guarantee and had been prior to 2013. Provisioning for past superannuation and penalties added further unexpected pressure on the budget for 2019-20.



The Board prepared a Budget Bid as part of the 2021-22 Budget Cabinet Process as a result of budget pressure arising from –

- Changes resulting from the revised Scheme
- Significant increases in the numbers of visitable places and entitled persons across some jurisdictions
- Increased awareness of the Scheme expanding its scope
- Demand for Official Visitors due to trust in the skills and abilities of Official Visitors.

This report coincides with the expiry of my term as first Chair since the Board was established in 2013. Looking back, the Scheme has evolved to become what many now regard as the model Official / Community Visitor Scheme in Australia. The ACT's Scheme is the most comprehensive covering five jurisdictions, its Official Visitors are well-qualified and remunerated and there is capacity for Official Visitors to “act” across jurisdictions to cover gaps in service.

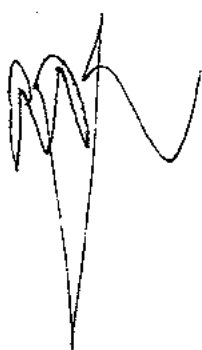
I thank current Board members Ms Jodie Griffiths-Cook, Ms Mary Durkin and Mr Chris Redmond, whose experience, perspectives and expertise have been invaluable in reviewing, shaping and administering the Scheme and in transitioning support for the Scheme's Executive Officer to the HRC.

I acknowledge the skill, respect and dedication that our Official Visitors bring to the role, during what has been a challenging time in bedding down the outcomes of the review, the effect of the COVID-19 pandemic and the review of the Scheme's budget.

The staff of the Justice and Community Safety Directorate have worked cooperatively with the Board and Official Visitors and have been instrumental in the conduct of the 2017 review and the implementation of the Government response.

The Board acknowledges the significant support provided by Public Trustee and Guardian staff during the reported year. Mr Stefan Dzwonnik was appointed to the position of Executive Officer during the year and has provided capable support to Official Visitors and the Board.

The Board and Official Visitors acknowledge the support provided by Ministers Shane Rattenbury MLA and Tara Cheyne MLA in their portfolio responsibilities for the Scheme during the reported period.



**Andrew Taylor**

CHAIR, OFFICIAL VISITORS BOARD



# Scheme Overview

## The Scheme

The Scheme plays an important role in safeguarding the rights and wellbeing of people who reside in government institutions, community facilities or supported accommodation. These places are known as “visitable places” and the people visited by Official Visitors are known as “entitled persons”.

Official Visitors are independent statutory officeholders. They meet with and talk to entitled persons in visitable places to hear their concerns and resolve any complaints. They prepare and send reports to the Operational Ministers responsible for visitable places about any systemic issues or concerns that they have, giving those Ministers valuable and direct insights. They also prepare summary reports to the Minister responsible for the Scheme.

Official Visitors seek to identify, monitor and resolve service issues, using early intervention and resolution practices, and with a view to improving service quality. They observe the environment and interactions between staff and entitled persons, make enquiries, inspect documents, communicate with entitled persons to ensure they are being supported with dignity and respect, and identify any issues of concern.

The Scheme covers five jurisdictions under each of the following Operational Acts -

- Children and Young People under the *Children and Young People Act 2008*
- Corrections under the *Corrections Management Act 2007*
- Disability under the *Disability Services Act 1991*
- Homelessness under the *Housing Assistance Act 2007*
- Mental Health under the *Mental Health Act 2015*.

## The Board

### Purpose

The establishment of the original Board in 2013 responded to concerns about the absence of centralised, consistent collegiate and professional support and guidance for Official Visitors. Establishment of the Board also facilitated centralised administration under one single, uniform scheme and reduced unnecessary overlap in the functions of Official Visitors and other Government bodies responsible for protecting people in institutions or supported accommodation.

Importantly, the Board facilitates administrative separation from Operational Directorates and dispels notions of direction or control of Official Visitors by any single stakeholder.

### Functions of the Board

The Board has the following functions -

- Oversee the exercise of functions by Official Visitors
- Arrange for the recruitment, induction, training and support of Official Visitors
- Provide support for and manage the exercise of functions by Official Visitors
- Consider and try to resolve any complaints about Official Visitors
- Any other function given to the Board under legislation.



### 2020 Training / Networking Day

Left to right: **Andrew Taylor** (Chair, Public Trustee and Guardian & Chair), **Jodie Griffiths-Cook** (Board Member, Public Advocate and Children and Young People Commissioner & HRC Board Representative), **Richard Glenn** (Director-General, Justice and Community Safety Directorate), **Tara Cheyne MLA** (Minister for Human Rights), **Mary Durkin** (Board Member, Official Visitors' Board Representative), **Chris Redmond** (Board Member, Official Visitors' Board Representative)



## Board Membership

The Board is established under s. 23A of the Act and comprises –

- The Chair as appointed by the Minister
- The Public Trustee and Guardian
- At least one Commissioner under the *Human Rights Commission Act 2005*; nominated by the Commissioners under that Act
- Two Official Visitors elected by the Official Visitors
- Any other member/s appointed by the Minister.

Election of the Representatives of Official Visitors is undertaken every three years or when the term of an elected Official Visitor Representative expires.

The Act was amended in 2019-20 to the effect that the Public Trustee and Guardian is no longer the *ex officio* Chair of the Board. The Act now provides for the Minister to appoint the Chair and to appoint other Members.

Under the new arrangements, Mr Andrew Taylor (Public Trustee and Guardian), was appointed as interim Chair from 2 April 2020 until 30 June 2021.

Board Members during the reported period were –

- Mr Andrew Taylor, Public Trustee and Guardian & Chair
- Ms Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner as ACT Human Rights Commission Representative
- Ms Mary Durkin, Official Visitor for Disability as Official Visitor Representative.
- Mr Chris Redmond Official Visitor for Disability and Children and Young People as Official Visitor Representative.

Mr Shannon Pickles and Ms Narelle Hargreaves OAM had been elected as Official Visitor Representatives until 31 August 2020.

The role of Executive Officer was undertaken by Mr Stefan Dzwonnik, Assistant Director, Public Trustee and Guardian, until his permanent appointment to the position on 1 March 2021.



## Meetings

A requirement for the Board to meet quarterly was introduced in April 2020. The Board met four times during the reported year on 4 August 2020, 23 November 2020, 15 March 2021 and 26 May 2021.

At the commencement of meetings, Board Members are required to disclose any material interest to be considered at the meeting. No disclosures were made by Board Members during the 2020-21 financial year.

The main items discussed in the 2020-21 Board meetings were as follows -

- Revision of Official Visitor Remuneration Claim Form
- Election of Official Visitor Representatives to the Board
- Executive Officer position established
- Official Visitor Website content and changes
- COVID-19 Public Health Emergency matters including revised visiting arrangements
- Revised standardised Guidelines
- Budget and Financial Forecast
- Appointments of Official Visitors
- Visitable Places Registers – arrangements for access by Board
- Official Visitor Stationery
- Code of Conduct
- Arrangements for transition of administration to the Human Rights Commission
- Official Visitors Manual
- Budget Bid preparation
- WHS risk assessment
- Official Visitor Meetings / Professional development
- Draft Annual Report
- Cloud storage system
- Register of Acting appointments
- Homelessness Visitable Places Register.



## Implementing the review recommendations

Following completion of the March 2017 review, the consultant made a number of recommendations, most of which were accepted and included in the *Official Visitor Amendment Bill 2019* which commenced on 3 October 2019. Some provisions were scheduled for a staged commencement.

The main changes were -

- Additional Board functionality including -
  - Oversight of the functions of Official Visitors and the Scheme including governance, management and financial management
  - Recruitment, induction, training and support of Official Visitors
  - Support for, and management of, exercise of functions by Official Visitors
  - Consideration and resolution of complaints about Official Visitors
- Quarterly Board meetings
- Updated quarterly reporting requirements by Official Visitors
- Capacity for Official Visitors to act in other jurisdictions
- Recruitment of Official Visitors undertaken by the Board instead of by Operational Directorates
- Requirement for Operational Directorates to provide a copy of their Register of Visitable Places to the Board
- Annual reporting
- Establishment of the role of Executive Officer to administer the day-to-day operations of the Scheme
- Transfer of administrative support for the Scheme to the Human Rights Commission.



## Guidelines

The Minister, in consultation with the Operational Ministers, may make guidelines about a range of matters, including visits by an Official Visitor to a visitable place and the inspection of records relating to entitled people at a visitable place.

Former Guidelines relating to each jurisdiction were repealed and replaced with consolidated *Official Visitor Guidelines 2020* (Guidelines), effective from 4 September 2020. The revised Guidelines no longer include details of visitable places, which are instead required to be kept in a register and must be made available to Official Visitors and other stakeholders who have authority to access this information. The Guidelines protect the privacy of entitled people and provide a more detailed regime for compliance with s. 15(2) & (3) of the Act relating to the inspection of records when an entitled person is unable to provide consent.

## Official Visitors

Official Visitors are appointed by the Minister under s. 10 of the Act for the purposes of each of the Operational Acts. Two of the jurisdictions, Corrections and Children and Young People, establish a mandatory requirement that, at least one of the appointed Official Visitors must be an Aboriginal or Torres Strait Islander person.

### Current Appointments

At the time of this report the following Official Visitors were appointed -



**Denise Brassler**

*Corrections Management  
Act 2007*

23/12/2020 to 22/12/2023



**Geoff Dulhunty**

*Mental Health Act  
2015*

29/6/2021 to 28/6/2024



**Mary Durkin**

*Disability Services Act  
1991*

18/10/19 to 17/10/2022



**Jane Grace**

*Mental Health Act  
2015*

28/6/2019 to 27/6/2022



**Tracey Gullo**

*Disability Services Act  
1991*

30/3/2021 to 29/3/2024



**Tracey Harris**

*Children and Young People  
Act 2008*

1/7/2019 to 4/10/2021



**Shannon Pickles**

*Corrections Management  
Act 2007*

17/12/2020 to 16/6/2023



**Vickie Quinn**

*Corrections Management  
Act 2007*

7/1/2020 to 6/1/2023



**Chris Redmond**

*Children and Young People  
Act 2008*

12/6/2019 to 11/6/2022



**Simon Rosenberg**

*Housing Assistance Act  
2007*

4/9/2020 to 3/9/2022



**Violet Sheridan**

*Corrections Management  
Act 2007*

7/1/2020 to 6/1/2023



**Rob Woolley**

*Disability Services Act  
1991*

31/7/2020 to 3/7/2023

(NB: Commencement date does not necessarily represent the full term of service, rather the term as provided in the most recent disallowable instrument)

## Expiry of term or resignation of appointment

The terms of appointment of the following Official Visitors expired during the reported year –

Name	Jurisdiction	Commencement	Expiry / resignation date
<b>Narelle Hargreaves OAM</b>	<i>Disability Services Act 1991</i>	20 August 2019	31 August 2020
<b>Di Lucas</b>	<i>Housing Assistance Act 2007</i>	1 September 2017	31 August 2020
<b>Chris Redmond</b>	<i>Disability Services Act 1991</i>	24 April 2020	29 March 2021
<b>Shannon Pickles</b>	<i>Mental Health Act 2015</i>	2 July 2019	28 June 2021

## Acting arrangements

S. 9A of the Act authorises an Official Visitor for a visitable place to visit another visitable place if asked in writing to visit the place, or deal with an entitled person at the place, by an Official Visitor or the Board. This has been a welcome and highly useful amendment enabling rapid response to temporary service gaps and periods of peak activity.

Official Visitor	Current role	Acting role	Commencement	Termination
<b>Shannon Pickles</b>	Mental Health / Corrections	Homelessness	3 July 2020	3 July 2020
<b>Mary Durkin</b>	Disability	Homelessness	6 November 2020	Ongoing
<b>Simon Rosenberg</b>	Homelessness	Disability	6 November 2020	Ongoing
<b>Vickie Quinn</b>	Corrections	Disability	13 April 2021	25 July 2021
<b>Vickie Quinn</b>	Corrections	Mental Health	24 May 2021	24 May 2021
<b>Shannon Pickles</b>	Corrections	Mental Health	29 June 2021	19 July 2021

## Training / Professional Development

An Official Visitor Training / Networking / Professional Development event was held on 9 December 2020, comprising Official Visitor interaction on a range of issues and several guest speakers.

Official Visitors reported the following matters arising from the meeting to the Minister -

- Time taken to receive visitable places registers and contact information from Operational Directorates
- Increase in flexibility to work across operational areas arising from s. 9A of the Act
- Perceived gaps in Official Visitor services i.e. Alcohol and Other Drug residential rehabilitation facilities

- Difficulties in Official Visitor's authority being recognised by service providers particularly for Aboriginal and Torres Strait Islander Official Visitors, with evidence of institutional discrimination
- Need to improve information about and promotion of the Scheme
- Official Visitors are working towards a more consistent application of time-reporting to provide a clearer understanding of expenditures.

Guest speakers included -

- Karen Toohey, Commissioner for Discrimination, Disability, Health and Community Services, ACT Human Rights Commission; and
- Nick Kimpton, Senior Director, Corruption Prevention and Education, ACT Integrity Commission.



**Left to right:** Quarterly meeting of Official Visitors - Shannon Pickles, Chris Redmond, Vickie Quinn, Simon Rosenberg, Jane Grace, Mary Durkin and Denise Brassier.



Photo credit: Salty Dingo

## Vale Sue Salthouse

*The Board and Official Visitors were deeply saddened by the passing of former Official Visitor and 2015 Canberra Citizen of the Year Sue Salthouse on 20 July 2020. Sue served diligently as the Official Visitor for Disability from November 2013 to 31 August 2017. She was a passionate and tireless advocate for disability, in particular for women's rights, and contributed to social justice in the Canberra community.*

## Financial – 2020-21 End of Financial Year Summary

The 2020-21 budget comprised \$128,000 for administrative funding and \$469,000 for remuneration and expenses.

Remuneration and expenses funding	\$469,000.00
Administrative Funding (to PTG)	\$128,000.00
S. 14 Financial Management Act Appropriation	\$105,500.00
<b>Total Budget</b>	<b>\$702,500.00</b>
Less Administrative budget (to PTG)	\$128,000.00
Less Remuneration and Allowances	\$520,938.12
Less Expenses	\$15,050.27
<b>Total Expenses</b>	<b>\$663,988.39</b>
<b>Surplus</b>	<b>\$38,511.61</b>

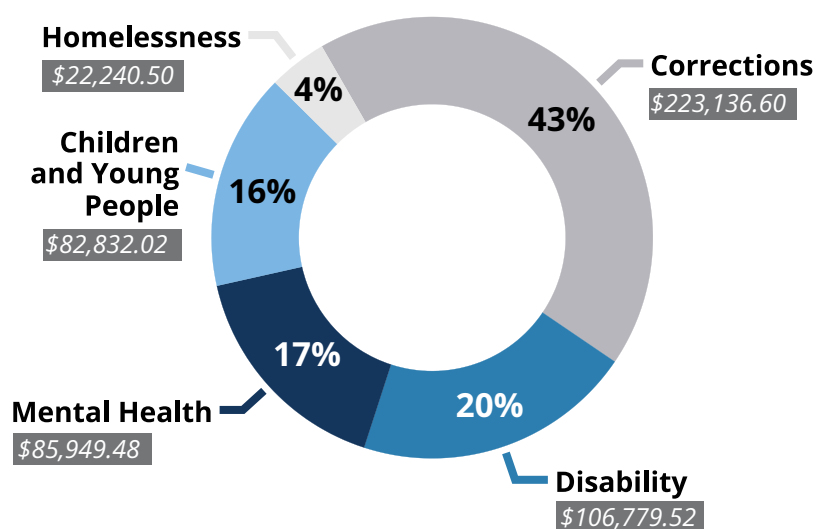
The Increase in expenditure, over and above budget, was due to –

- Significant increases in the number of visitable places / entitled persons
- Greater awareness of the Scheme by entitled persons and stakeholders
- Increased visit demand resulting from tensions at some visitable places
- Allowance for the Superannuation Guarantee
- Implementation of the recommendations arising from the 2017 review
- A higher level of meeting and consultation with Official Visitors by Operational Directorates, Public Guardian / Advocate, other oversight bodies, as well as with Justice and Community Safety Directorate in respect to the Review.

In June 2021, the Justice and Community Safety Directorate granted supplementary funding of \$105,500 of which \$85,500 was drawn to cover a projected budget shortfall for 2020-21.

The Board prepared a Business Case for a revised Annual Budget. Final jurisdiction expenditure breakdown for 2020-21 was as follows:

### Official Visitor Expenditures by Jurisdiction



### Statistics

Entitled persons have multiple means of contacting Official Visitors. These include calls to the central hotline and the website contact form. Entitled persons will often directly contact an Official Visitor or request the visitable place to arrange a visit. The Official Visitors web page was visited 246 times and the contact form was submitted eight times over the course of the financial year.



## Complaints

Official Visitors can receive complaints by talking to the entitled person, or by letter, e-mail, telephone or through the National Relay Service. The entitled person can also make a complaint through someone else. Many complaints are received from third parties.

The entitled person may ask to make a complaint to the relevant Official Visitor privately or to an Official Visitor of the same gender or to an Aboriginal or Torres Strait Islander Official Visitor.

Complaints may typically be made in respect to -

- the conditions of accommodation of an entitled person
- the care or services provided to an entitled person at the visitable place
- the activities available to an entitled person at the visitable place
- how the visitable place is administered.

When an entitled person requests to speak to an Official Visitor through their service provider, the Official Visitor must be notified within 24 hours. The entitled person does not need to provide details about why they wish to speak to an Official Visitor. Service providers cannot refuse or neglect to provide assistance or answer questions and cannot obstruct or hinder an Official Visitor in the exercise of their functions.

Official Visitors can monitor the conditions and services in the place, investigate and seek to resolve complaints, identify and report on systemic issues adversely affecting entitled persons at the place, refer complaints or issues to relevant investigative entities if appropriate, and also report to the Minister and Operational Minister.

In doing so, Official Visitors must be guided by the following principles -

- respecting and promoting the human rights of entitled people
- promoting high quality provision of services to, and care and treatment of, entitled people that is centred on their needs
- considering the wishes of entitled people in relation to visits and how complaints are dealt with
- encouraging early resolution of complaints whenever reasonable and practicable to do so
- having regard to the objects and principles in the Operational Acts.

## S. 23DA Official Visitor Act 2012 Reporting

S. 23DA of the Act provides that the Board must give the Minister a written report for the financial year about:

- a) The number of -
  - i. Visits by Official Visitors to visitable places
  - ii. Complaints received by Official Visitors in relation to visitable places
  - iii. Referrals of complaints to investigative entities
- b) The actions taken on the complaints received
- c) Any systemic issues in relation to the operation of the Act identified by the Board
- d) The number and kinds of matters referred by an Official Visitor to an investigative entity
- e) The number of times an Official Visitor inspected records in accordance with s. 15(2)(b) of the Act.

The following statistics and information have been drawn from Official Visitor quarterly summary reports as required under s. 17 of the Act and following consultation with Official Visitors.

### S. 23DA(1)(a)(i-iii) Visits, Complaints, Referrals and s. 23DA(1)(e) Inspection of Records

Jurisdiction	Visits s. 23DA(1)(a)(i)	Complaints Received s. 23DA(1)(a)(ii)	Complaints referred to investigative entities s. 23DA(1)(a)(iii)	Inspected client records under s. 15(2)(b) s. 23DA(1)(e)
Mental Health	123	374	31	3
Disability	200	54	22	57
Corrections	153	1,217	21	0
Children and Young People	205	20	8	0
Homelessness	40	9	0	0
<b>Total</b>	<b>721</b>	<b>1,674</b>	<b>82</b>	<b>60</b>



## S. 23DA(1)(b) The actions taken on complaints received

### Mental Health

During the 2020-21 financial year, Mental Health Official Visitors received a number of complaints concerning -

- Lack of information sharing / transparency
- Issues around belongings / clothing
- Room searches
- Medication problems
- Poor staff behaviour
- Sexual abuse allegations
- Complications around housing / tenancy
- Punitive actions by staff towards patients
- Poor discharge procedures
- Health intervention request (tests, access, diet etc)
- Inappropriate use of force by staff
- Lack of / poor records
- Hygiene in ward issues
- Staff sleeping during night shift

#### Action taken on complaints included -

- Initiated management investigations on staffing allegations
- Provided advocacy to patients in support of their specific concerns
- Reviewed paperwork and induction processes
- Provided written submission to the Attorney General on the *Residential Tenancies Amendment Bill 2019 (No 2)*, with a focus on occupancy agreements, which are the standard tenancy arrangement for eligible persons residing in NDIS mental health group homes
- Provided oral and written submissions to ACT Health in relation to the review of the *Mental Health (Secure Facilities) Act 2016*
- Worked with unit managers granting patients better access to information on orders, rights and responsibilities
- Made recommendations for better processes around patient feedback
- Followed up and organised health intervention request (tests, access etc)
- Spoke to the Assistant Director of Nursing (ADON) to speak to staff or restock supplies
- Encouraged staff to speak to entitled person(s) regarding their needs
- Direct contact and meetings with senior lines of management at the place or institution
- Referral to outside assistive organisations or services
- Explained and clarified circumstances to the entitled person
- Empowered entitled persons to express actionable views
- Raised issues with staff or senior managers on the day or after a visit
- Direct intervention by the Official Visitor
- Monitored concerns raised and ensured undertakings were implemented



## Disability

During the 2020-21 financial year, Disability Official Visitors received a number of complaints concerning -

- Restrictive practices
- Quality of care
- Actions or financial abuse of guardians and family members
- Death of a resident
- Tenancy issues
- Dental care issues
- Inappropriate accommodation
- Dismissal of support provider
- Entitled person being taken advantage of
- Appropriateness of equipment supports
- Allegation of assault
- Dissatisfaction from guardian regarding entitled person's daily routine
- Renovations and maintenance issues
- Concerns about the safety of residents
- Concerns about the actions of Guide Dogs ACT / NSW
- Service provider failing to consult appropriately with a resident
- Maintenance and accessibility issues
- Lack of disability supports for vulnerable residents
- Concerns about services provided by a health professional
- Quality of services in an aged care facility
- Restrictive practices in disability accommodation
- Actions of support workers in disability housing

### **Action taken on complaints included -**

- Raised issues with staff or senior managers on the day or after a visit
- Direct intervention by the Official Visitor or reasonable explanation given conveyed back to the complainant
- Monitored concerns raised and ensuring undertakings are implemented



## Corrections

During the 2020-21 financial year, Corrections Official Visitors received a number of complaints concerning -

- Delays or lack of justice health support services
- Maintenance issues
- Food / nutrition issues
- Access to computers / e-mails / phones
- Inappropriate actions by Correctional Officers
- Health intervention requests (tests, access, dose, diet, special needs, injury, dental, specialist etc)
- Education intervention requests (information, tests, modules etc)
- Belongings / clothing / footwear issues
- Access to contact Official Visitors, investigative entities and support services
- Hygiene issues – cell / supplies
- Activities intervention request (variety, focus, etc)
- Protected communications issues
- Outside free time / oval issues
- Lack of or broken appliance / furniture
- Lockdown issues
- Racism / cultural misidentification / demeaning comments
- Inappropriate cell / strip search
- Access to staff issues (Parole Officer etc)
- Issues with processes to send paperwork
- Inter-jail visit issues
- Cell / prison temperature issues
- Appropriateness of accommodation (smoking etc)
- Theft
- Gender transition in a jail
- Inappropriate meals being provided
- Lack of access to Aboriginal or Torres Strait Islander / cultural supports
- Inappropriate strip searches
- Concerns about the Management Unit operations
- Delays in access to and support from Sentence Management Officers
- Fire hazards



### **Action taken on complaints included -**

- Requested case reviews
- Investigated and followed up paperwork
- Reviewed CCTV footage
- Actioned support assistance for detainees
- Lodged / followed up on maintenance issues
- Liaised with Alexander Maconochie Centre (AMC) Health, Education, Kitchen
- Advised staff to update medical documentation
- Referrals to investigative entities and services
- Requested resolution with Correctional Officer(s) / Management on the day
- Hygiene supplies provided / cell cleaned by staff
- Furniture replaced by staff
- Reviewed and resolved issues with Deputy Commissioner
- Discussed and clarified staffing / rostering impacting wait times
- Reviewed diary notations
- Detailed discussion and 'sit in' over lunch period with the AMC catering manager
- Advocated for recruitment of additional Aboriginal or Torres Strait Islander staff within the AMC
- Investigated 'lost' request forms
- Formally raised concerns around management unit operations
- Clarified changes in procedures around additional disciplines
- Ensured detainees had access to clothing supplies and could claim for destroyed / lost possessions



## Children and Young People

During the 2020-21 financial year, Children and Young People Official Visitors received a number of complaints concerning -

### Out of Home Care Complaints


- Not attending school and entering home
- Pessimism about future, particularly after leaving care
- Withdrawal of privileges following refusal to attend school
- Removal from previous house due to alleged assault. Perpetrator allowed to remain in previous house
- Request for programmed activities during the holidays as much time spent in house leading to boredom and frustration
- Request to be relocated due to conflict with another young person
- Young persons moved away from house without consultation
- Request for pet to live at residence with young person
- Denial of support through the out of home care system due to NDIS plan

### Out of Home Care Actions

- Raised and discussed with ACT Together or Child and Youth Protection Services or Public Advocate
- Initiated Therapeutic Specialist intervention
- Matters investigated
- Mediated between young person and management
- Referrals made to investigative entities
- Transitioned young person to another house
- Policies and decisions explained and discussed with young people.

### Bimberi Youth Detention Centre Complaints

- Use of time-out as punishment which is contrary to policy
- Youth Worker targeting young person
- Injuries inflicted in a use of force incident
- No access to programs or education due to segregation
- Poor unit condition and broken air conditioner
- Length of stay in Coree concerns
- Medication impact concerns
- Inconsistent transition / exit planning
- Request to suspend box visits
- Misplaced paperwork stalling application for education course
- Introduced policy regarding meals in kitchen during education periods

- 
- Injuries sustained in incident
  - Injuries not being treated
  - Young person was reported to police due to curfew break readmitting them to Bimberi
  - Lack of diversity in dietary options
  - Health issues resulting from medication

#### **Bimberi Youth Detention Centre Actions -**

- Many matters were reported and discussed with Bimberi Operations Management
- Policies reviewed
- Planning or relocation of a young person
- Report to Public Advocate for review
- Referrals made to investigative entities
- Sought advice from ACT Government areas such as Government Solicitor and Health
- Young person received medical treatment
- Policy explained to young person
- Forensic psychiatric assessment requested by Child and Youth Protection Services.

#### **Homelessness**

During the 2020-21 financial year, the Homelessness Official Visitor received a number of complaints including -

- Longer than expected delays in allocation of priority housing places by Housing ACT
- Unclear and inconsistent communication from Housing ACT staff
- Concerns about allegedly onerous and arbitrary house rules
- Claims of unfair treatment against people with complex needs
- Requests to relocate to alternative homelessness services

#### **Action taken on complaints included -**

- Investigation and immediate resolution with staff or management
- Suggested changes or clarifications to protocols to homelessness service provider
- Recommended systemic changes to the Minister and / or Housing ACT



## S. 23DA(1)(c) Systemic Issues in relation to the operation of the Act

Systemic issues have been identified by the Board in two ways – issues identified by the Board itself in relation to the administration of the overall Scheme; and through the Board’s consultation with Official Visitors regarding systemic issues identified in their implementation of the Act across their respective jurisdictions.

### The Board

Significant issues identified are as follows-

#### Budgetary pressures

As noted earlier, the Scheme has experienced significant budgetary pressures throughout the reported year. Increases in visitable places and entitled persons have continued to grow in all jurisdictions, as have complaint numbers. The subsequent demands on Official Visitors’ time have impacted the Board’s ability to maintain expenditure within the budget allocation. The Board found it necessary on two occasions to request that Official Visitors reduce their activities to ensure that the budget was not exceeded. The Board appreciates that such actions can ultimately have negative consequences for entitled persons. The Board’s action, reduced visiting due to COVID-19 and supplementary funding received from the Justice and Community Safety Directorate, were the primary reasons that the budget came in on target.

The Board has submitted a budget bid for additional funding and continues to discuss ways in which the budget might be supplemented e.g. by requesting that all Directorates take into account the requirement for additional funding for Official Visitors when expanding the number of visitable places or entitled persons.

#### Visibility of Official Visitors and their role

While the centralisation of support for Official Visitors under the one Scheme has had many benefits, Operational Directorates no longer have direct responsibility for promoting the role of Official Visitors in each of the separate jurisdictions and ensuring their stakeholders are aware of their rights to see an Official Visitor. A new suite of materials has been developed for Official Visitors and service providers to make available to entitled persons and related stakeholders and further discussions are underway to increase exposure of the Scheme to the wider community.


### Mental Health

Mental Health Official Visitors (MHOV) are responsible for visiting any accommodation facility in which persons are receiving care or treatment for a mental health illness, known as “eligible persons”. During the reporting period, visiting responsibilities were increased by the addition of a large number of community-based NDIS funded facilities. The total number of visited facilities was 9 government operated facilities with a total of 142 beds, a private facility with 28 beds, 6 government funded community facilities with 32 beds, and between 55 - 58 NDIS group homes ranging from 2 - 5 beds each. Total beds numbers ranged between 260 - 350.

This year also saw extreme demand on mental health supports, and beds, with the ongoing impacts of COVID. Crisis facilities such as the Adult Mental Health Unit saw close to 300% turnover each month. The two MHOV’s worked hard to try and meet their statutory obligations, however, fulfilment was impacted by increased demand, additional visitable places and the lockdowns imposed by COVID at certain times. During COVID lockdowns service was provided by telephone consultation and follow-up. The MHOVs found that there was high demand for service from the acute units, although some complex issues were raised by eligible persons in NDIS group homes.

#### Transparency of Consumers’ Rights

It was noted in the past year across many services that consumers were not being provided with clear information either around the Official Visitor (OV) Scheme and how consumers can access the service. A review of most of the existing induction booklets being used by services revealed that few contained accurate (or any) information about the OV Scheme. Consumers also regularly complained that the reasons they were being held in the service, against their will, were not clear to them. In a number of circumstances OVs had to directly intervene to assist consumers to be provided with a copy of their



orders. It is considered that provision of orders to consumers should be a standard practice and that all consumers should be provided with this information on entry.

### **Challenges at the Adult Mental Health Unit**

For a variety of reasons in the last year (not the least of which has been the impact of COVID) the level of acuity and demand on the Adult Mental Health Unit (AMHU) has been greatly increased. A practical impact has been that many consumers on the 'lower end' of acuity report that they feel unsafe and threatened by other consumers at the unit. It is understood and anticipated that the significant physical changes to the ward, including the planned expansion of the High Dependency Unit (HDU) and an additional low acuity unit at Ward 12 of the Canberra Hospital will address some of these issues.

A further practical impact on the increased level of demand is that it has been noticed by the OVs many times that the average cleanliness level of AMHU is substandard. It is understood that the allocation of workers in the cleaning team is based on the size of the facility, not the level of demand. We suggest that this should be reviewed.

### **Room searches and property seizures**

An issue that came up this year at AMHU was that consumers' rooms were being searched without consumers being present or aware of the search. Also, phones and personal devices were being taken as standard practice on admission, rather than as necessity based on the consumer's presentation.

It is understood that the decision regarding phones was reversed, however, an undertaking in relation to

advising individual consumers that their room will be searched, is only that the consumer will be notified 'if possible'. Given that most consumers are locked up 24 / 7 in the ward, it is hoped that an unnotified search would be a rare occurrence.

### **Use of Force**

Early in the year there were a number of concerns raised around use of force across a number of facilities. There seemed to be poor record keeping, lack of clear processes on use of force with vulnerable / elderly patients, and poor passage of information between Little Company of Mary and Canberra Health Services facilities.

### **Culture of Dhulwa**

A significant concern in the last year has been regular complaints from consumers at Dhulwa regarding the punitive and restrictive nature of services at Dhulwa. Complaints ranged from staff use of treatment tools as punishments, restrictions of food and internet access, combined with a high turnover of management staff which has created an atmosphere of anger and distrust from consumers.

The OVs have been actively working with the Health Services Commissioner on a formal inquiry into the facility.

### **Cultural Support for Aboriginal or Torres Strait Islander consumers**

This is a systemic issue the OVs have noticed across multiple jurisdictions and facilities. It is considered that training in cultural awareness, sensitivity and trauma should be standard practice for all ACT Health staff.

### **Case study**

*X is a forensic patient at Dhulwa (Secure Mental Health Facility) having transferred there from the AMC. One of the complaints raised by X is that the nature of restrictions at Dhulwa is higher than that at the Alexander Maconochie Centre. He was only allowed access to an iPad for an hour a week, access to his personal food stocks a few times a week and limited access to exercise. As a consequence, X became regularly angry and frustrated at his situation, which was then further exacerbated by staff restricting or cancelling X's access to the iPad or other privileges because of his anger.*

*The OVs worked closely with X and the Public Advocate's office to try and seek intervention from management in X's case, and seek better clarity and review of existing Dhulwa procedures so as to render them less punitive and more rehabilitative in nature.*



## Disability

The Official Visitors for Disability Services (OVDS) visit entitled people in the community who are receiving disability supports in their place of accommodation. At the end of the reporting period there were three Official Visitors (OVDS) with responsibility for visiting 230 visitable places, comprising residential houses, respite facilities and residential aged care facilities (where people with disabilities under 65 may reside).

While ACT Official Visitors in other jurisdictions visit many places for which the ACT Government is directly responsible, this is not the case in the disability sector. The ACT Government does not directly provide disability services in the ACT and the National Disability Insurance Scheme (NDIS) is managed primarily by the Commonwealth. The OVDS have appreciated the support of the Minister to take issues of concern up with the Commonwealth.

### Deaths in disability accommodation

The OVDS raised concerns about deaths of people in disability accommodation throughout the reporting period.

From the experience of the OVDS, there appeared to have been a rise in the number of deaths in disability accommodation in recent years, but it was not possible to quantify whether this belief was correct, as no data was being collected locally to measure differences over time. The OVDS recommended that the ACT Government consider establishing a disability death review function to collect data, to monitor deaths of people in the ACT, and to identify systemic concerns so that appropriate measures could be established to prevent the deaths of people with disabilities in care. This issue was an ongoing matter of concern at the end of the reporting period.

## Aged care facilities

The OVDS jurisdiction includes visiting people aged under 65 who live in residential aged care facilities. The OVDS raised concerns over the past two years that there has been no comprehensive list of eligible people and where they reside. Throughout the year the OVDS were advised on different occasions from different sources that there were between 12 and 62 people who would come under the jurisdiction of the OVDS.

Towards the end of the reporting year, some information about ten young people residing in eight aged care facilities was provided by the National Disability Insurance Agency (NDIA). The information was incorrect in relation to one person who had died prior to the receipt of the data; another person no longer resided in the named facility; while another facility advised that it had six residents in receipt of NDIS packages, yet the data provided by the NDIA only named two residents. The OVDS remain concerned that the data is inconsistent, leaving many visitable people significantly less visible to the OVDS and potentially at greater risk.

### People with disabilities and the health system

The OVDS raised concerns over many quarterly reports and in previous Annual Reports about the interaction between mainstream health systems and disability supports. Concerns have often related to when the role of a disability service provider and the role of health services align, particularly when a person is admitted to hospital. Examples arose where Canberra Health Services have provided excellent healthcare, but a person's disability supports have not been met when the person is in hospital. It has also been alleged that health providers are reluctant to admit people to hospital when they have significant challenging behaviours, or that they are discharged early. The lines of responsibility are still unclear for many service providers, e.g. when a person might continue to have disability supports while in health care, which creates stress for all parties and a lower quality of support for people with disability in health settings.



## Guardians

Issues associated with guardians were a feature of many OVDS reports throughout the year. Service providers often seek the assistance of the OVDS in dealing with guardians who are either over-involved or who fail to meet their guardianship responsibilities. While the OVDS might assist in addressing individual guardianship issues that are raised, we raised concerns that there appears to be little training or support available for new guardians to assist them to understand their roles (and limited capacity in those areas that do provide that support currently).

### Complaints about disability services in places that are not defined as visitable places

The OVDS are regularly asked to visit houses that do not come within the definition of a visitable place. These mostly relate to situations where a person is living with a family member or partner, who is also their guardian, and the complaints relate to the actions of that person. In summary, the legislation provides that the OVDS can visit a family home, but a complaint needs to come from the entitled person i.e. the person with a disability. Often the entitled person is unable to issue such an invitation, either because they lack the capacity or physical ability to contact us, or they heavily rely

on family or a guardian who many have extensive control over their movements and interactions.

### New housing models for people with disabilities

Concerns about the appropriateness of new housing models were raised with government, the NDIA and the NDIS (Quality and Safeguards) Commission. One example was a 'smart' housing model for a specific cohort of people with disabilities (often referred to as a 'concierge' model), which offers a base level of support and then clients are expected to use technology solutions to request any support when needed. The technology solution was inappropriate for some individuals. The OVDS held ongoing concerns at the end of the reporting period about how suitability for this model is established by the provider, and how the concierge supports are funded in people's NDIS Plans.

The OVDS experienced difficulties in obtaining access to a building using such a model, thus preventing entitled people under the *Official Visitor Act 2012* from seeing an OV. The OVDS sought assistance from the Community Services Directorate to advise relevant parties of their obligation to facilitate access for the OVDS.

### Case study

*The Public Advocate passed on a concern that a woman in a house was subjected to restrictive practices, including being locked in her room over a weekend when a new resident was trialling the house. The house was visited on two occasions. The OVDS met with the service provider to discuss the concern and to request information regarding their management of the woman in question, the preparation undertaken to transition a new person into the house, the support provided to staff during the transition, staff knowledge of and training in restrictive practices and concerns raised in respect to cameras in the house and food provided to the person in question. The provider's response was reported to the Public Advocate. The tenancy was subsequently terminated by the service provider stating that there was no current tenancy agreement in place and that they could not meet the high levels of care required by the person. The woman returned to live with her parents, despite the parental home not being suited to her support needs. A complaint was made to the NDIS (Quality and Safeguards) Commission. The involvement of the Disability & Community Services Commissioner, the Public Advocate and Housing ACT was also sought to assist with identifying appropriate alternate accommodation and for monitoring the progress of the issues.*

## Corrections

The Official Visitors for Corrections (OVC) are responsible for visiting the ACT's correctional facilities, including the Alexander Maconochie Centre (AMC), the court cells and any site where detainees of the AMC engage in a work placement.

Numbers of detainees at the AMC ranged between the low 300's to mid 400's during the year and the court cell numbers varying up to 20 at any one time / day.

This was one of the most difficult years for the AMC since its inception, with complaint levels received by the OVC beyond anything previously experienced.

There were high levels of detainee unrest for a variety of reasons (including the impact of COVID) which led to a number of serious incidents including at least one riot and three fires which caused significant damage to the facility.

### Lack of clothing

It was noted on several occasions detainees reported having less than the appropriate level of clothing. This was exacerbated by poor record keeping by Correctional Officers (COs) as well as purposeful efforts by detainees to hoard, or share clothing making true determination of allocation difficult. Corrective Services have changed their procedures to always ensure to buy to a certain level of overstock, rather than waiting until shortages to purchase additional stock.

### Right to reimbursement when possessions destroyed

Following a number of incidents (fires) many detainees lost possessions or personal belongings. It was determined there is not a clear process for what or how detainees are able to seek recovery of these possessions or costs.

### Management Unit changes

Due to the number of serious incidents the Management Unit has been at full capacity for much of the year, and in many cases length of stay has been greatly increased due to difficulty with accommodation options. This combined

with the court ruling around access to fresh air and exercise in management has led to a very heightened unit with an additional level of 'punishment' regimes being implemented on detainees.

### Culture at AMC

A clear challenge this year given the level of serious incidents ranging from the 'riot' / fire at AU North, fires in sentence cottage 2 and remand unit 2 have both been caused by and increased the level of frustration and anger from both detainees and COs. There is a greater level of 'adversarial' relationships that has been observed by Official Visitors (OVs) between these cohorts than has been seen in many years.

### Lack of qualified staffing

This has been noted as an impact in both the area of psychiatric services and Aboriginal or Torres Strait Islander support services. Over the last year each of these sections have at times been very short staffed which has resulted in large delays or lack of access to services for detainees in these areas.

### Concerns around meals / diets

Due to an extremely large number of unique meal requirements amongst the detainee cohort there has been some concern that the level of mistakes / errors has risen in meal delivery. It is considered by OVs that there are too many meal varieties that can be reasonably expected to be managed given the size of the catering staff. There was also some frustration around transparency of information supplied to detainees around meals / diets.

### Fit for work certificates

A challenging issue this year was a change in requirements around fit for work certificates for many detainees before they could start employment. This created tension between Corrective Services and Justice Health in terms of responsibility for action. It took several months for this issue to be resolved during which time many detainees were not allowed to work despite wanting to.

### **Computer Access**

An ongoing challenge has been access to computers for detainees. It has been a multi-pronged issue between slow replacement times given COVID's impact, regular 'appropriation' of computers by detainees, and lack of community computers. One of the recommendations made by OVs that was implemented by Corrections was the implementation of 'bolted down' computers in communal areas.

### **Inconsistent application of disciplinary actions**

There has been noted an unfortunate variety in the application of disciplines for detainees. For example, one detainee smoking in the wrong area may be 'written up' whereas another doing the same thing in the same spot may be ignored depending on the CO involved. It is appreciated there is always detainee specific circumstances and COs need a level of autonomy, however it does create frustration and anger for detainees when these situations occur.

### **Level of regimes / changes**

A practical consequence of a single prison jurisdiction that was made much more challenging in this year due to accommodation pressures was the impacts of associations. Many more blocks / units were on regime than usual increasing tension levels from detainees given they have much less yard timeframe.

### **Justice Health**

The most complaints received and managed by OVC's are around justice health services. Ranging from non-response to medical requests, waiting times, access to dental / optometry, or lack of case management for non-complex detainees.

### **Winnunga Nimmityjah Health Centre**

Towards the later end of the year OVC's have had complaints about lack of treatment from Winnunga staff due to a lack of Medical Officers on staff that can attend AMC. Additionally, the number of detainees wanting to be medically managed by Winnunga has been stunted due to the current policies around buprenorphine and methadone management.

### **Trauma support for Aboriginal or Torres Strait Islander detainees**

It is considered that systemic support for Aboriginal or Torres Strait Islander detainees can be greatly improved. One of the main areas to be addressed is specific trauma informed case management and counselling for Aboriginal or Torres Strait Islander detainees and an increase in trauma informed care as a standard requirement for all COs and ancillary AMC staff.

### **Case Study**

*Detainee X has spent significant amounts of time in the Management Unit at the Alexander Maconochie Centre due to aggressive behaviour / fights. He has regularly communicated with the OVs about his concerns in respect to the Management Unit and its impact on his physical and mental health. Specifically, he would often have long periods of isolation with no access to fresh air and exercise. This issue was raised with Corrective Services through formal reporting however, did not receive much traction. OVs sought support from the Health Services Commissioner and the detainee also engaged a private legal team to assist him.*

*The case was brought before the ACT Supreme Court and the OVs provided a written statement of facts as they understood them. The detainee was successful in his case and it was determined Corrective Services was in breach of the Corrections Management Act 2007 in terms of their current operations.*

## Children and Young People

There are 17 visitable places - including Bimberi, Narrabundah House and Out of Home Care (OOHC) residences on average. This varies from quarter to quarter depending on the number of young people in OOHC and the houses used to accommodate them.

The number of young people seen is not indicative of the number of the young people in the care and protection or juvenile justice systems. Young people in Bimberi are mostly on remand and are seen repeatedly while their charges are investigated and court appearances arranged. Some young people do not apply for bail, meaning they will remain in Bimberi for longer periods. During the reporting period, Bimberi experienced very low numbers of young people for a prolonged period.

Young people in OOHC were also seen repeatedly as they are either on long term care orders or voluntary care orders between their parents and Child and Youth Protection Services.

### Absconding from care

Continued absconding from OOHC and ongoing involvement of ex-residents with current residents. Depending on the nature of the orders the young people are subject to, there is sometimes little that ACT Together (ACTT) staff can do to maintain contact with them when they are not returning to the house.

Some young women are placing themselves at great personal risk in some of their external activities and who refuse to reside in the OOHC residence. Due to this non-compliance ACTT closed the care service, however the welfare of young persons remains unknown after the care period closed. ACTT has established an outreach service to maintain contact with the young people.

### Education Attendance

Ongoing issues in respect to education attendance. A number of young people aren't attending school for a variety of reasons, some are attending for short days a few times a week and some are not attending at all.

### Case Manager support

Young people are unsettled by inconsistent staffing and use of casual staff with inexperienced staff who are unable to manage challenging behaviour. Houses are not well maintained.

### Bimberi Transitions

Transitions to and from Bimberi – it is expected that work on a “throughcare” service will be researched during 2021 to identify ways of better supporting young peoples’ engagement with non-statutory services upon release from Bimberi to minimise their recidivism.

### Case Study

*Young man in OOHC had his privileges withdrawn for refusing to attend school. Many young people in OOHC were also not attending school and did not have their privileges withdrawn. The matter was raised with ACTT who interviewed staff involved and lastly with the young person who made the complaint. His privileges were reinstated however the process was questioned as the complainant was not the first person to be interviewed.*



## Homelessness

As of the end of June 2021, the Official Visitor for Homelessness was visiting 22 visitable places, covering crisis and short to medium term accommodation for 121 people at any one time. This includes single men, single women, women with children, and young people.

The community agencies managing visitable places are part of the specialist homelessness services sector. Agencies receive residents through the central intake and assessment service, OneLink. The sector comes together to plan for common issues and liaise with Housing ACT through their collective forum, Joint Pathways.

Both the Minister for Homelessness and Housing Services, and Housing ACT, have been very responsive to issues and concerns raised by the Official Visitor (OV) for Homelessness over the reporting period.

### Information from Housing ACT

The extended wait for priority housing, and mixed or unclear communication from Housing ACT staff, have been a major source of frustration for residents. It is recognised that the long wait times will not be resolved quickly while demand is so far ahead of supply. It was recommended that housing officers be trained (or retrained) in a standardised approach to providing information and answering questions from applicants, with the aim of greater consistency and clarity.

### 2019 amendments to the Act

Interaction with homelessness services revealed some ignorance of the 2019 amendments to the *Official Visitor Act 2012* and *Housing Assistance Act 2007* and the impact on services' obligations.

A good practice guide for specialist homelessness services on how best to operate under the 2019 legislative amendments was distributed through Joint Pathways in May 2021. This was developed as a collaboration between OVs, Housing ACT and Joint Pathways Executive.

## Service gaps

Homelessness service providers, residents and some alcohol and drug agencies have noted the apparent anomaly that alcohol and drug residential services are not covered by the *Official Visitor Act 2012*. The homelessness sector and alcohol and drug community sector have commenced discussions on this matter. Depending on the outcomes, ACT Government may wish to consider the merits of broadening the OV Scheme accordingly.

### Cross-sectoral issues

Residents of homelessness services often reported difficulties in accessing or maintaining accommodation due to complex needs, such as alcohol or other drug issues, mental illness or disabilities.

These matters are complex and require cross-sectoral solutions. In some cases, it may be about resourcing, such as ensuring that homelessness service workers have enhanced capacity to recognise and deal with alcohol and drug, mental health or disability issues on presentation. Enhanced knowledge of the broader human services system across the community sector and government would also be useful, to enable better targeted support and referral. Opportunities for the various sectors to train each other's workers would help build a culture of collaborate practice. This should lead to improved capability and more responsive services.

### Central intake and assessment for homeless clients

Some specialist homelessness services bypass OneLink some or all of the time and take referrals of residents directly from other services. This undermines the purpose of OneLink and the requirement for agencies to use OneLink as the central intake and assessment service. It has been recommended that the reasons for this be addressed by OneLink, Housing ACT and the homelessness sector through Joint Pathways.



### **Potential for demand side interventions**

With the reality of longer stays in what should be short-term accommodation, some service providers are indicating interest in addressing demand for housing options beyond social housing. This includes working with residents to increase their chances of picking up paid work and increasing their incomes, so they may become eligible for affordable housing options. There is potential for collaborative policy development

between Housing ACT and Joint Pathways on such opportunities, including drawing on the experience of current practice and past pilot projects.

#### **Case Study**

*A woman with a small child raised concerns about what she considered onerous house rules at her homelessness service, such as requirements to sign in on return from evening appointments, regular fire drills, and inability to set up her own living space.*

*She requested that the OV for Homelessness follow up with the management of the service. It became apparent that the rules imposed were standard for the service, and in some cases, legal requirements. Due to staff turnover, this had not been fully explained to the resident.*

*In addition, the initial anticipated stay of 6-9 months had become more than 12 months, due to the longer than expected wait for priority housing allocation. This broader context was creating additional stress on the woman, and other residents in similar situations, who were feeling frustrated that they were not able to establish themselves independently sooner.*

*The service agreed to ensure that the issue of house rules and the reasons for compliance should become a more regular agenda item at house meetings. All parties were satisfied with this outcome.*



## S. 23DA(1)(d) Number and kinds of matters referred by an Official Visitor to an investigative entity

Official Visitors refer matters to different organisations. The types of organisations inform the kinds of matters that were referred by Official Visitors.

### Mental Health

During the 2020-21 financial year the following kinds of matters were referred to investigative entities -

- 4 x referrals to the Public Trustee and Guardian for guardianship concerns
- 5 x referrals to the ACT Housing and Maintenance Service for repairs
- 3 x referrals to Legal Aid for criminal and civil matters
- 5 x referrals to Advocacy for Inclusion for emotional support
- 5 x referrals to ACT Disability, Aged and Carer Advocacy Service (ADACAS) for advocacy around systems and emotional support matters
- 2 x referrals to ACT Policing for patient-on-patient attack
- 1 x referral to Aboriginal Legal Aid Service to initiate compensation process for Stolen Generations experience
- 1 x referral to Tribunal liaison officers for review of interim orders
- 5 x referrals to NDIS Quality and Safeguards Commission for issues around unfair termination of occupancy agreements and depletion of consumable funds.

### Disability

During the 2020-21 financial year the following kinds of matters were referred to investigative entities -

- 6 x referrals to the Office of the Senior Practitioner in relation to restrictive practices
- 3 x referrals to the Public Advocate for pursuing advocacy issues in relation to individuals
- 2 x referrals to the NDIS Quality and Safeguards Commission for formal investigation

- 3 x referrals to the Public Trustee and Guardian in relation to guardianship concerns
- 8 x referrals to the Human Rights Commission for consideration. One of these matters was referred directly to the Disability and Community Services Commissioner.

### Corrections

During the 2020-21 financial year the following kinds of matters were referred to investigative entities -

- 11 x referrals to the ACT Human Rights Commission for consideration of issues relating to health, education, excessive use of force, management, parole and guardianship
- 2 x referrals to the Public Advocate for pursuing advocacy in relation to deportation and guardianship
- 7 x referrals to the ACT Ombudsman to investigate issues around probation and parole, education and the Management Unit
- 1 x referral to the Commonwealth Ombudsman to investigate AFP use of force.

### Children and Young People

During the 2020-21 financial year the following kinds of matters were referred to investigative entities -

- 7 x referrals to the Public Advocate seeking advocacy for young persons due to physical / psychological incidents or issues
- 1 x referral to the ACT Human Rights Commission for consideration of an issue affecting young persons.

### Homelessness

No matters were referred to investigative entities for the 2020-21 financial year.

## Executive Officer / Administrative Support



**Mr Stefan Dzwonnik**

*is the Executive Officer of the Official  
Visitor Scheme.*



