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Manager of Government Business  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Corrections  
Minister for Industrial Relations and Workplace Safety

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Mr Peter Cain MLA  
Chair  
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)  
GPO Box 1020  
CANBERRA ACT 2601

Dear Chair 

Thank you for the Scrutiny of Bill Report No 25 of January 2023.

I offer the following response to the Committee's request for further information on how the amendments to the *Corrections Management Act 2007* (the Act) in the Corrections and Sentencing Legislation Amendment Bill 2022 (the Bill) relating to strip searching detainees on admission to a correctional centre are intended to operate to ensure that any discretion is exercised with minimal intrusion on detainees' human rights, and how any discrimination will be appropriately subject to scrutiny. Details have also been included in the Government Response to Report 14 of the Inquiry into the Bill.

It is current standard practice within ACT Corrective Services (ACTCS) that corrections officers use the least intrusive kind of search that is reasonable and necessary in the circumstances and conduct searches in the least intrusive way. This principle is enshrined in section 108 of the Act. The *Corrections Management (Searching) Policy 2023* also requires strip searches to only be undertaken based on suspicion and prudence and with proper authority. Section 8.12 of the Searching Policy requires that: *Strip searches are not to be conducted as part of routine searches and must only be conducted where there is suspicion or reasonable belief that it is prudent to conduct the search.* Section 8.15 requires that: *Detainees must not be strip-searched in succession when escorted between ACT correctional centres, unless there is reasonable suspicion that justifies the search.* Correctional officers must form a suspicion and or believe the strip search is prudent upon a reasonable basis, usually including conditions such as the person has been out of line of sight of officers and the person has been liaising with third parties.

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Subject to the passage of the Bill, the policies and procedures relating to strip searches will be updated to provide specific guidance to corrections officers on the use of strip searches on admission.

The amendment proposed in the Bill applies only to strip searches on admission. While the general principle of using the least intrusive kind of search and conducting searches in the least intrusive way is always the starting point to protect the detainees' human rights, strip searches on admission are undertaken to conduct an initial health assessment of each detainee, as required by section 67 of the Act and to protect the security and good order of the correctional centre. There are no changes proposed in the Bill to the requirements to undertake strip searches at any other time, which are always based on individual circumstances and the requirement for suspicion as described in the Act.

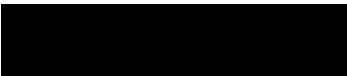
Section 230 of the Bill requires the Minister to review the operation of section 70, dealing with the changes to strip search on admission, as soon as practicable two years after the commencement of the amending Act. The review will assess the operation of the section and the ongoing compliance with human rights.

There are also several complaints mechanisms available to detainees, including to:

- ACTCS directly – via email or through a complaints form which they can request. The *Corrections Management (Detainee Requests and Complaints) Policy 2019* informs detainees about the ways to make a complaint and they are not prevented from doing so.
- The Official Visitors - through the Official Visitor Scheme. The Official Visitors attend the AMC regularly and detainees are able to raise complaints to them directly. During the period 1 October 2022 to 31 December 2022, the Official Visitors made 46 visits to the AMC.
- ACT Ombudsman - can investigate complaints about ACTCS including the Alexander Maconochie Centre, and
- ACT Human Rights Commission - can investigate and conciliate complaints about a range of issues including allegations of discrimination and vilification.

I thank the Committee for its consideration of this Bill and for raising this matter.

Yours sincerely

  
Mick Gentleman MLA  
Minister for Corrections

15/5/2023