



OMBUDSMAN AN OFFICER OF  
THE ACT LEGISLATIVE ASSEMBLY 

Submission by the  
ACT Ombudsman

# Healthy Prison Review of the Alexander Maconochie Centre

Analysis of complaints received: 1 July 2017—31 December 2018

**29 April 2019**

## Introduction and summary

The role of the ACT Ombudsman is to influence improvement in public administration in the ACT, as well as providing assurance that those ACT Government agencies that fall within our jurisdiction act with fairness and integrity. This includes ACT Corrective Services (ACTCS) and its management of the Alexander Maconochie Centre (AMC).

Unlike the Office of the Inspector of Correctional Services (OICS), the ACT Ombudsman has an individual complaint-handling function. Much of our oversight of the AMC is informed by such complaints.

Below is an analysis of the AMC-related complaints received between 1 July 2017 and 31 December 2018, which may assist with OICS' Healthy Prison Review of the AMC.

### Complaints summary

Between 1 July 2017 and 31 December 2018, the ACT Ombudsman received a total of **78 complaints** about the AMC. During this time:

- an average of four complaints per month were received
- the highest number of complaints received in a month was 10 complaints in November 2018.

Fifty-one of the complainants were men, all but one of whom were detainees. Twenty-six complainants were women (10 were detainees, while the other 16 were partners, family members or associates of detainees). One complaint was anonymous.

### Issues raised by complaints

We have identified **88 issues** arising from the above 78 complaints. These have been grouped into 10 categories for the purposes of discussion below.

Issue category	<i>Visits and leave</i>	<i>Entitlements</i>	<i>Accommodation</i>	<i>Health care</i>	<i>Funds/detainee finances</i>	<i>Access to information</i>	<i>Custodial Officer/staff conduct</i>	<i>Parole</i>	<i>Employment and programs</i>	<i>Other</i>	Total
Issues <u>not</u> investigated	12	10	7	9	9	7	3	3	1	3	64
Issues investigated	5	4	3	1	1	0	4	2	2	2	24
Total issues raised	17	14	10	10	10	7	7	5	3	5	88

### *Visits and leave*

The most common issues raised by complainants to our Office related to visits and leave.

- Of the 17 complaints relating to visits, seven were raised by family members rather than detainees themselves.
- The majority of complaints related to visitation bans, access to visits and non-contact (box) visits.

Common complaint themes were the length of visitation bans and alleged unprofessional conduct of custodial officers in relation to, or during, visits.

### *Entitlements*

There were 14 issues raised about entitlements. This included complaints about living conditions, time out of cells and basic services. Notably, 70 per cent of all issues raised in November 2018 concerned entitlements and all specifically referenced what detainees described as a 'staff and management dispute' as being a contributing factor.

### *Accommodation*

Issues raised regarding accommodation were generally about the appropriateness of placements within the AMC and applications to the Transitional Release Program or Centre—specifically delays in processing, or issues with being declined for the program.

During the reporting period, three complaints were received regarding segregation. Our Office also received complaints from individual women when the AMC moved the women's accommodation from the cottages to what was formerly the crisis support unit.

### *Health care*

While health and access to health care are outside of our jurisdiction, our Office regularly receives complaints around these issues. Most of these complaints are referred to the ACT Human Rights Commission (HRC) under s 6B of the *Ombudsman Act 1989*.

### *Funds/detainee finances*

There were 10 issues raised about funds and/or detainee finances. These were often associated with concerns regarding the impact of these issues on a detainee's capacity to be self-sufficient and maintain contact with their family.

### *Access to information*

There were seven issues raised regarding access to information. Three issues were raised by detainees, and four were raised by family members. Issues varied widely including seeking information about policies or entitlements and specific documents.

### *Custodial Officer/staff conduct:*

Five complaints were received about alleged excessive use of force by custodial officers. Three were received from detainees, with the remaining two made by individuals on behalf of detainees.

Other issues raised with our Office regarding staff conduct included complaints about alleged abuse of power and unprofessional conduct.

*Parole*

All five parole issues were raised by detainees. Two complaints related to the reasons for parole denial. The remaining complaints from detainees related to the provision of inaccurate information, which resulted in unnecessary delays to their parole application process.

*Employment and programs*

The three complaints relating to employment and programs involved detainees:

- seeking access to a program in order to assist with a parole application
- seeking access to employment
- contesting a wage reduction.