

Australian Capital Territory

# Corrections Management (Statutory Powers and Delegations) Policy 2007\*

Notifiable instrument NI2007-474

made under the

*Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)

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## 1 Name of instrument

This instrument is the *Corrections Management (Statutory Powers and Delegations) Policy 2007*.

## 2 Commencement

This instrument commences on the day after it is notified.

## 3 Policies and operating procedures

Under section 14 of the *Corrections Management Act 2007* (the Act), I make the

### STATUTORY POWERS AND DELEGATIONS

in Schedule 1 to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan  
Executive Director  
ACT Corrective Services  
17 December 2007

\*Name amended under Legislation Act, s 60



**Belconnen Remand Centre (BRC)  
Symonston Temporary Remand Centre (STRC)  
Court Transport Unit (CTU)  
Symonston Periodic Detention Centre (PDC)**



## **STATUTORY POWERS AND DELEGATIONS**

### **Purpose**

To outline the delegations as per the *Corrections Management Act 2007*.

### **Authority**

#### Legislation

*Corrections Management Act 2007*

### **Policy**

- 1 The *Corrections Management Act 2007* allows for the chief executive to delegate prescribed responsibilities.
- 2 The attached table outlines to whom the chief executive has delegated each task. The table includes the section of the *Corrections Management Act 2007*, the provision outlined in the *Corrections Management Act 2007*, the delegation, and the positions to which it is delegated.

## Schedule 5: Delegations under the Corrections Management Act 2007

- 1 **Revocation:** I revoke all previous delegations under the power specified in Column 1.
2. **Delegation:** I delegate the duties of my office as Chief Executive under the *Corrections Management Act 2007* set out in column 1 to the officers performing the duties, from time to time, of the positions set out in column 3 (and defined at the end of this instrument).

### Notes

*Section 240 of the Legislation Act 2001 provides that “[a] function that has been delegated may, despite the delegation, be exercised by the appointer”.*

*Subsection 239(2) of the Legislation Act 2001 provides that “[a]ll Territory laws apply to the delegate in the exercise of the delegation as if the delegate were the appointer”.*

*Column 2 is included for explanatory purposes.*

Column 1 Section of Act	Column 2: Function ( <i>included for explanatory purposes</i> )	Column 3: Office
14 (1)	Authority to make corrections policies and operating procedures.	Deputy Chief Executive Executive Director
14 (3)	Duty to ensure that corrections policies and operating procedures are publicly available at each correctional centre	Deputy Chief Executive Executive Director Superintendent
15 (1)	Authority to exempt certain corrections policies and operating procedures from public access on relevant grounds (i.e. security, public safety)	Deputy Chief Executive Executive Director
16	Authorisation to give a direction to a detainee.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent/s Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
21(4)	Authority to receive written instructions from the doctor.	Deputy Chief Executive Executive Director Superintendent
21(5)	Obligation to comply with doctor’s directions.	Deputy Chief Executive Executive Director Superintendent
23	Obligation to issue persons appointed under sections 19, 20 and 22 of the <i>Corrections Management Act 2007</i> with an identity card.	Deputy Chief Executive Executive Director Superintendent

26	Authorisation to declare an emergency within a correctional centre.	Deputy Chief Executive Executive Director Superintendent
27	Ability to exercise discretion in the event of an emergency.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent/s
28 (1)	Authority to ask for police assistance.	Deputy Chief Executive Executive Director Superintendent
30	Authority to receive and detain a person from police custody.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent/s
33	Authority to detain a person at a court cell for the purposes of the person's attendance in court.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent/s
34	Authority to accommodate a detainee outside a correctional facility.	Deputy Chief Executive Executive Director Superintendent
38 (1)	Authority to enable escort officers to take a person into custody as a consequence of court or tribunal proceedings.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent/s
40	Obligation to provide sufficient nutritious food in accordance with religious, spiritual, cultural, and medical needs.	Deputy Chief Executive Executive Director Superintendent
41	Obligation to provide sufficient clean and hygienic clothing that does not degrade or humiliate.	Deputy Chief Executive Executive Director Superintendent
42 (1)	Obligation to provide clean, hygienic, and private toilet and washing/ showering facilities.	Deputy Chief Executive Executive Director Superintendent
43 (1)	Obligation to provide suitable sleeping places and bedding with privacy and comfort.	Deputy Chief Executive Executive Director Superintendent
44(1)	Obligation to create a corrections policy or operating procedure in relation to the appropriate management of convicted and non-convicted detainees.	Deputy Chief Executive Executive Director Superintendent
44	Responsibility to ensure convicted and non-convicted detainees are not accommodated together, subject to safety considerations.	Deputy Chief Executive Executive Director Superintendent
45 (1)	Obligation to provide detainees with one-hour exercise and one-hour in the open air each day.	Deputy Chief Executive Executive Director Superintendent
46	Obligation to provide opportunities for detainees to have contact with family, friends, associates, and other relevant parties.	Deputy Chief Executive Executive Director Superintendent

47	Obligation to ensure that telephone facilities are available for detainees to make and receive telephone calls and authority to limit/ deny telephone calls on relevant grounds. .	Deputy Chief Executive Executive Director Superintendent
48	Obligation to provide detainees with the ability to send and receive mail, and authority to limit/ deny the sending and receiving of mail on relevant grounds.	Deputy Chief Executive Executive Director Superintendent
49	Obligation to ensure that there are suitable facilities for detainees to receive visits, and authority to limit/ deny visits on relevant grounds.	Deputy Chief Executive Executive Director Superintendent
50	Obligation to ensure access to accredited persons and authority to limit/ deny access to accredited people on relevant grounds.	Deputy Chief Executive Executive Director Superintendent
52	Obligation to ensure that detainees have access to newspapers, radio, television and other mass media for news and information and authority to approve detainees' participation in education.	Deputy Chief Executive Executive Director Superintendent
53	Obligation to ensure that detainees receive health care equivalent to the community standard.	Deputy Chief Executive Executive Director Superintendent
54	Authority to transfer a detainee to a health facility upon advice of the doctor and authority to assign escort officers to escort the detainee to the health facility.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
55	Obligation to ensure that provision is made to allow detainees access to religious, spiritual and cultural needs and authority to limit/ deny access on relevant grounds.	Deputy Chief Executive Executive Director Superintendent
59 (2)	Obligation to inform the official visitor of a detainee request to see him/ her.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
60(2a)	Authority to receive recommendations about detainee complaints from the official visitor.	Deputy Chief Executive Executive Director Superintendent
62 (3)	Authority to make arrangements for the safety of inspectors carrying out their duty.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
62 (4)	Authority to issue directions to inspectors in relation to safety and security of the correctional centre.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent

64 (2)	Authority to receive the warrant or other evidence of detention.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
65	Authority to direct the identification of detainees (i.e. finger prints, photograph, swab or saliva sample, blood sample etc).	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
66 (1)	Obligation to inform detainees of their entitlements and obligations.	Deputy Chief Executive Executive Director Superintendent
66 (3)	Obligation to arrange for an interpreter to assist with communication with detainees.	Deputy Chief Executive Executive Director Superintendent
66 (5) and (6)	Obligation to ensure that the Act and any procedures are available to detainees at each correctional centre.  Obligation to inform appropriate diplomatic or consular officials about the detention of foreign nationals.	Deputy Chief Executive Executive Director Superintendent
67	Duty to ensure that each detainee admitted to a correctional centre is assessed for any risks and needs associated with the detainee's health, safety or security.	Deputy Chief Executive Executive Director Superintendent
69 (1)	Authority to direct detainees to provide samples for drug testing.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
70 (1)	Authority to strip-search a detainee as part of the admissions process.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
71	Discretion to allow detainees' property to be brought into a correctional centre.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent

72	Obligation to provide each detainee with a security classification at time of admission.	Deputy Chief Executive Executive Director Superintendent
73	Obligation to prepare a case management plan for each detainee once admitted to the correctional centre.	Deputy Chief Executive Executive Director Superintendent Offender Services Manager
74	Obligation to enter the relevant details of each detainee into the appropriate detainee register on admission into the correctional centre.	Deputy Chief Executive Executive Director Superintendent
76	Obligation to maintain a record of detainees details (i.e. name, location, sex, parole period, sentence, classification, case management plan etc)	Deputy Chief Executive Executive Director Superintendent
77	Authority to request health information. Obligation to have the doctor appointed under s21 to prepare a health schedule.  Obligation to ensure that health information is accessible only by authorised persons.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
78 (1)	Obligation to maintain a case management plan on all detainees (other than remandees).  Authority to maintain a case management file on a remandee if deemed necessary.	Deputy Chief Executive Executive Director Superintendent Offender Services Manager Case Management Coordinator
78 (3)	Authority to add further matters to the case management plan by regulation.	Deputy Chief Executive Executive Director Superintendent Offender Services Manager
79	Obligation to establish with medical staff and record the detainee's identified or otherwise identified gender at time of admission to the correctional centre.  Obligation to maintain a record on the appropriate detainee register.	Deputy Chief Executive Executive Director Superintendent
80	Obligation to provide each detainee with a security classification and to review the classification at least annually.	Deputy Chief Executive Executive Director Superintendent
81 (1)	Authority to declare a thing or classes of things prohibited.	Deputy Chief Executive Executive Director Superintendent
82 (2)	Authority to approve a prohibited thing in possession of the detainee.	Deputy Chief Executive Executive Director Superintendent

84	Obligation to hold detainees' money in a trust account.  Authority to deduct from that trust account for the payment of fines arising from disciplinary action, penalties etc.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Finance Officer
85 (1)	Authority to declare an area within a correctional centre a prohibited area.	Deputy Chief Executive Executive Director Superintendent
85 (2) and (3)	Obligation to make it known to those occupying, working or visiting the correctional centre that an area is a prohibited area.	Deputy Chief Executive Executive Director Superintendent
86 (1)	Authority to define areas within a correctional centre as non-smoking areas.	Deputy Chief Executive Executive Director Superintendent
86	Obligation to make it known to those occupying, working or visiting the correctional centre that an area is a non-smoking area.	Deputy Chief Executive Executive Director Superintendent
87 (2)	Obligation to create a corrections policy or operating procedure in relation to birth, marriage, and death.	Deputy Chief Executive Executive Director
90	Authority to segregate a detainee on the basis of security and good order.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
91	Authority to segregate a detainee on the basis of protective custody.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
92	Authority to segregate a detainee on the basis of health.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
98 (1)	Obligation to accommodate male and female detainees separately.	Deputy Chief Executive Executive Director Superintendent
98 (2)	Authority to write corrections policies and operating procedures relating to other types of separation that can be undertaken within the correctional centre.	Deputy Chief Executive Executive Director
100	Authority to monitor any part of a correctional centre including movement of anyone.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
101 (1)	Authority to direct anyone entering the correctional centre to wear a personal monitoring device.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1



103	Authority to record and monitor telephone and other electronic.	Executive Director Superintendent Deputy Superintendent Intelligence Officer Custodial Officer Grade 1 (phones officer)
104 (1)	Authority to open and search	Deputy Chief Executive Executive Director Deputy Superintendent Intelligence Officer Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
104 (2)	Authority to read detainees' mail in relevant circumstances.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Intelligence Officer
104 (3)	Obligation to create a corrections policy or operating procedure in relation to opening, searching and reading a random selection of detainees' mail.	Deputy Chief Executive Executive Director
105	Authority to open, search, and read detainees' protected mail.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Intelligence Officer
106 (2)	Obligation to report information regarding the commission of an offence to the chief police officer if it is revealed in the search of a detainee's mail.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Intelligence Officer
110	Obligation to maintain a record of each strip and body search in a register.	Deputy Chief Executive Executive Director Superintendent
111 (1)	Authority to conduct scanning search, frisk search or ordinary searches of s detainee, corrections officer, or anyone else working at a correctional centre or visiting a correctional centre.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
113 (1)	Authority to conduct strip-searches on relevant grounds.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1

115 (6)	Obligation to ensure that a detainee has appropriate clothing to wear if clothing is seized as part of a strip search.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
116	Authority to direct a non-therapeutic doctor to conduct a body search.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
117 (3)	Authority to have correctional officer/s present during a body search.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
118	Authorisation to direct a corrections officer to assist in a body search at the request of the non-therapeutic doctor.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
119 (3)	Obligation to ensure that the detainee has appropriate clothing to wear if clothing is seized as part of a body search.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
122 (1)	Authority to direct a corrections officer to search the premises and property contained within a correctional centre.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2
125 (1)	Authority to use corrections dogs to assist in conducting a search.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3
127	Authority to seize prohibited things in a detainee's mail, including protected mail on relevant grounds.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
128	Authority to seize property that could jeopardise the security and good order of the correctional centre and its occupants.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1

129	Obligation to provide a receipt to the detainee for a seized object/ thing at time of seizure.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3
130	Authority for things to be forfeited to the Territory.	Deputy Chief Executive Executive Director Superintendent
131	Obligation to return seized (but not forfeited) things to its owner no later than 6 months after it was originally seized.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
133 (3)	Authority to exempt a drug from being prohibited as part of the alcohol and drug-testing regime.	Deputy Chief Executive Executive Director Superintendent
134	Authority to direct detainees' to provide a test sample.  Obligation to provide the results of the test to the detainee as soon as practicable.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
135	Authority to address a positive drug test as stated under the Act.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3
137 (1)	Obligation to ensure that force is used only in relevant situations.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
137 (2)	Authority to make a corrections policy or operating procedures in relation to the use of force.	Deputy Chief Executive Executive Director
140	Authority to use restraints and other weapons as part of use of force.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
141	Obligation to ensure that all detainees who are injured by use of force must be examined by a doctor.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
142	Obligation to maintain a record of use of force incidents and those records to be available for inspection.	Deputy Chief Executive Executive Director Superintendent

143	Authority to declare conditions relating to visits.	Deputy Chief Executive Executive Director
144	Obligation to make known to visitors the visiting conditions.	Deputy Chief Executive Executive Director Superintendent
145 (2)	Authority to approve the taking, giving or removing of a prohibited thing.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
146	Authorisation to give directions to a visitor.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
147	Authority to direct a corrections officer to conduct a scanning, frisk or ordinary search on a visitor.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
148	Authority to refuse someone entry into a correctional centre and to direct a person to leave the correctional centre.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3
149 (1)	Authority to enforce a direction by way of use of force.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3
152 (b)	Authority to approve an action as being a type of disciplinary breach.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2 Custodial Officer Grade 1
160 (1)	Authority to direct investigative segregation.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3 Custodial Officer Grade 2
163	Authority to review a direction for investigative segregation.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent

173 (1)	Authority to receive a detainee application for a review of the presiding officer's decision.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
183 (3)	Obligation to make a corrections policy or operating procedure regarding the proportionality of disciplinary action.	Deputy Chief Executive Executive Director
187 (2)	Obligation to ensure that a detainee in separate confinement is examined by a doctor and monitored by a corrections officer at least daily.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3
189	Obligation to maintain records relating to disciplinary action against a detainee.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
200 (1)	Authority to receive notice of a hearing.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent Custodial Officer Grade 3
204	Authority to direct a detainee to leave the correctional centre for a relevant, official purpose.	Deputy Chief Executive Executive Director Superintendent
205	Authority to issue a local leave permit for the purposes of absence(s) within a correctional centre.	Deputy Chief Executive Executive Director Superintendent
208	Authority to grant a detainee leave to a State or Territory.	Deputy Chief Executive Executive Director
210	Obligation to give relevant officers notice that the detainee is authorised to travel to their state.	Deputy Chief Executive Executive Director
219	Responsibility to ensure that the conditions relating to a detainee's work are in accordance with the <i>Occupational Health and Safety Act 1989</i> .	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
221	Authorisation to randomly select a sample of detainees for alcohol and drug testing.	Deputy Chief Executive Executive Director Superintendent Deputy Superintendent
222 (5)	Authority to divulge protected information if it is necessary to protect someone or public interest.	Deputy Chief Executive Executive Director Superintendent