

Australian Capital Territory

Corrections Management (Official Visitor Guidelines and Conditions of Appointment) Policy 2011*

Notifiable instrument NI2011-142

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Official Visitor Guidelines and Conditions of Appointment) Policy 2011*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

OFFICIAL VISITOR GUIDELINES AND CONDITIONS OF APPOINTMENT

attached to this instrument, to facilitate the effective and efficient management of correctional services.

Barry Folpp
A/g Executive Director
ACT Corrective Services
21 February 2011

*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



ACT Corrective Services
All Facilities



**OFFICIAL VISITOR GUIDELINES
AND CONDITIONS OF APPOINTMENT**

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Purpose

To outline guidelines and conditions of appointment for Official Visitors at the Alexander Maconochie Centre (AMC).

Official Visitors are appointed by the Minister as specified in section 57 of the *Corrections Management Act 2007* (the Act). The Minister must appoint at least one Official Visitor.

The Minister must be satisfied that the appointed person has suitable qualifications or experience for the role, and is not a public employee. An appointment of an Official Visitor must be for no longer than three years with conditions to be agreed between the Minister and the appointee.

The role of the Official Visitor is to investigate prisoner complaints and grievances. An Indigenous Official Visitor may be appointed to perform this role in respect of Aboriginal and Torres Strait Islander prisoners.

This document provides an overview of the legislative requirements of the positions (the Guidelines) and an overview of the operational requirements of the role (the Conditions of Appointment).

Authority

Legislation

Corrections Management Act 2007, Chapter 7 and section 14.

Guidelines

Functions of an Official Visitor

The role of an Official Visitor is to:

- Inspect correctional centres and places outside correctional centres where prisoners are, or have been, directed to work or participate in an activity;
- Receive complaints from prisoners;
- Investigate each prisoner complaint unless the Official Visitor believes, on reasonable grounds, that the complaint is frivolous or vexatious;
- Provide the JACS CEO, ACTCS Executive Director, Superintendent or the Minister with a report about any complaint or investigation;
- Provide the Minister with a written report as soon as practical at the end of each quarter, summarising the number and kinds of complaints received, the number and kinds of complaints investigated and the outcomes of investigations of complaints;
- Report to the Minister in writing if they believe, on reasonable grounds that the detention of a prisoner is not in accordance with the Act; and
- Make themselves available to all areas of the prison or facility and to all prisoners in accordance with legislation and as deemed appropriate by their workload.

Investigations and Complaints Handling

A prisoner may complain to an Official Visitor about any aspect of their detention or treatment in detention. This includes complaints relating to both:

- the operation of the facility in which they are detained; and
- the conditions, work or activities provided at a place where the prisoner is, or has been, directed to work or participate in an activity.

Prisoners Complaining to Official Visitor

Prisoners have two mechanisms by which to contact an Official Visitor. These are:

- Prisoners may see an Official Visitor when on a regular visit; and
- Prisoners may complete a Prisoner Request Form requesting to see an Official Visitor. The Prisoner must notify their unit officer that they wish to see an Official Visitor and the officer will supply the prisoner with a Prisoner Request Form. These forms are then completed by the prisoner and returned. The forms are then to be processed and the Official Visitor must be notified of the request as soon as possible.

Corrections Officers' Responsibilities

Corrections Officers' responsibilities in relation to an Official Visitor include:

- An official visitor must be given reasonable assistance as requested by the official visitor during visits to the correctional centres;

- Any request from a prisoner to see an Official Visitor must be passed on to the Official Visitor as soon as practicable. The prisoner is not required to explain to corrections officers why the prisoner has requested to see the Official Visitor;
- Corrections officers are to facilitate the visits made by an Official Visitor by ensuring that he/she has access to prisoners;
- An Official Visitor must be able to have private discussions with prisoners and also request to see a prisoner in private in a suitable location; and
- An Official Visitor is subject to the same level of searching as other visitors to correctional centres.

Investigation Requirements of Official Visitor

An Official Visitor must investigate each complaint under section 59 of the Act. It is recommended the Official Visitor try to resolve issues at an operational level through discussions with the Superintendent.

Investigations however can be waived if the Official Visitor believes, on reasonable grounds, that the complaint is frivolous or vexatious.

Confidential and Privacy Provisions

Confidentiality

Confidentiality is a fundamental element of the role of an Official Visitor. The Official Visitor must promote an environment of trust in his or her duties and this is vital in ensuring the success of the Official Visitor role.

Communication between Detainee and Official Visitor

As per section 51 of the Act, the Chief Executive (or delegate) must not listen to, or record, a communication during a visit between a detainee and an Official Visitor. Furthermore, electronic communications between detainees and an Official Visitor must not be monitored. All documents and meetings with Official Visitors are confidential.

Disclosure and Storage of Information

All documents, such as the Prisoner Request Form, must be stored in the prisoner's file. The Official Visitor must advise the Superintendent if matters brought to the attention of the Official Visitor:

- are deemed as possibly detrimental to the operational security and safety of the facility; and/or;
- are deemed as possibly detrimental to the safety and security of the Official Visitor or any prisoner; and /or
- involve criminal matters.

Reporting Requirements

Ministerial Reports

An Official Visitor's report to the Minister can make any recommendations considered necessary. An Official Visitor may also make recommendations to the Chief Executive (or delegate). All concerns should be raised initially with the Superintendent.

Under section 60 of the Act, an Official Visitor must provide a written report at the end of each quarter. The report must include:

- the number and nature of complaints received by the Official Visitor;
- the number and nature of complaints investigated by the Official Visitor; and
- the outcomes of investigations into complaints.

The quarterly report may also include comments by the Official Visitor about any matter in relation to a complaint or investigation to which the report applies.

Remuneration

An Official Visitor is employed as a Part-Time Holder of Public Office, under the Australian Capital Territory Remuneration Tribunal's determinations.

Conditions of Appointment

Visiting requirements

Whilst visits may be undertaken at any reasonable time pursuant to section 56(2) of the Act, it is recommended that an Official Visitor advise ACTCS of proposed visits to correctional facilities via communication with the Superintendent's office to ensure that appropriate prisoner access may be facilitated. The Superintendent will ensure corrections officers are present to allow the Official Visitor to enter the premises and enable adequate supervision.

Alexander Maconochie Centre

An Official Visitor shall visit the Alexander Maconochie Centre at a minimum of once per fortnight for the duration of the appointment.

Symonston Correctional Centre

An Official Visitor shall visit the Symonston Correctional Centre at a minimum of once per month for the duration of the appointment.

Court Transport Unit

An Official Visitor shall visit the Court Transport Unit at a minimum of once per month for the duration of the appointment.

Protocol to observe during visits

An Official Visitor should attempt to visit all parts of a facility, so that they are accessible to all prisoners.

At the completion of the visit, and prior to leaving the facility, the Official Visitor should visit the Superintendent to discuss any issues which may have arisen during their visit or any concerns that they may have regarding the facility.

Timesheets

An Official Visitor shall provide accurate timesheets to the Superintendent's office on a monthly basis that detail visits, including the date, time and reason for visits.

The timesheets will be checked for accuracy and once the Superintendent has signed off the paperwork payment will be processed.

Forms and templates

Ministerial Reports

Timesheet

Related Policies/Procedures

Official Visitor Policy