

Corrections Management (Official Visitor) Policy 2019

Notifiable instrument NI2019-117

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Official Visitor) Policy 2019*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

3 Revocation

This policy revokes the *Corrections Management (Official Visitor) Policy 2011* [NI2011-137] and *Corrections Management (Official Visitor Guidelines and Conditions of Appointment) Policy 2011* [NI2011-142].



Jon Peach
Executive Director
ACT Corrective Services
4 March 2019

OFFICIAL VISITOR POLICY

POLICY NO. A7

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to working together with the Official Visitor to ensure independent oversight of conditions and detainee management in correctional centres.

This policy provides instructions relating to the functions of an Official Visitor for the Corrections Management Act 2007 (ACT).

2 SCOPE

This policy applies to all correctional centres in the ACT.

3 DEFINITIONS

Official Visitor

An Official Visitor is an independent person appointed by the Minister for Corrections (the Minister) under the Official Visitor Act 2012 (ACT) to provide a monitoring and complaints system in a correctional centre.

Visitable place

Any correctional centre or other place where detainees are, or have been, directed to work or participate in an activity, in the ACT.

4 PRINCIPLES

- 4.1 ACTCS will maintain the requirements of the Official Visitor (Corrections Management) Visit and Complaint Guidelines 2018.
- 4.2 The Executive Director and General Manager Custodial Operations or delegate must provide any reasonable assistance requested by an Official Visitor as soon as practicable under section 18(2) of the Official Visitor Act 2012 (ACT).
- 4.3 The Executive Director or delegate will ensure that the Official Visitor is provided with access to all allowable records in compliance with the Corrections Management Act 2007 (ACT), including:
 - a. any policy or operating procedure restricted under section 15 of the Corrections Management Act 2007 (ACT); and
 - b. records of any incident involving the use of force that causes injury or death to anyone.
- 4.4 The General Manager Custodial Operations will ensure that detainees:

- a. are informed about the role of an Official Visitor according to the Induction Policy and section 66 of the Corrections Management Act 2007 (ACT); and
 - b. receive access and information on contacting the Official Visitor according to section 20 of the Official Visitor Act 2012 (ACT).
- 4.5 Under section 19 of the Official Visitor Act 2012 (ACT) it is an offence for any staff member to fail to provide reasonable assistance to an Official Visitor without reasonable excuse, including:
 - a. refusing or neglecting to render assistance if asked;
 - b. failing to answer questions if asked; or
 - c. obstructing or hindering an Official Visitor in exercising their functions.

5 FUNCTIONS OF THE OFFICIAL VISITOR

- 5.1 The functions of an Official Visitor under section 14(1) of the Official Visitor Act 2012 (ACT) are to:
 - a. inspect any visitable place (Annex A - Schedule of Visitable Places and Frequency of Visits);
 - b. receive and consider concerns or complaints from detainees or a person acting on behalf of a detainee;
 - c. report to the Minister;
 - d. make themselves available to detainees and anyone else who has a concern about a detainee or a visitable place; and
 - e. exercise any other function under the Official Visitor Act 2012 (ACT) or another territory law.
- 5.2 A person appointed as an Indigenous Official Visitor will perform the functions of an Official Visitor in relation to Aboriginal and Torres Strait Islander detainees.
- 5.3 An Official Visitor can be assisted by any other Official Visitor appointed under the Official Visitor Act 2012 (ACT) where necessary.
- 5.4 An Official Visitor is not permitted to bring items into a correctional centre for detainees or to remove items provided by a detainee from a correctional centre.

6 VISITS TO A VISITABLE PLACE

- 6.1 The General Manager Custodial Operations must ensure that an Official Visitor can attend a visitable place at any reasonable time on:

- a. a scheduled visit (*Annex A - Schedule of Visitable Places and Frequency of Visits*); and
 - b. an Official Visitor's own initiative.
- 6.2 The General Manager Custodial Operations will ensure that all reasonable attempts are made to accommodate a request to visit a visitable place. When accommodating a request, the General Manager Custodial Operations will consider:
 - a. any disruption to a detainee or any other person; and
 - b. any resource constraints for the Official Visitor.
- 6.3 It is recommended that an Official Visitor notify the Deputy General Manager or above regarding a proposed visit at least one (1) day in advance to ensure a request can be accommodated according to section 6.2.
- 6.4 An Official Visitor will be searched in accordance with the *Searching Policy* when visiting a visitable place.
- 6.5 An Official Visitor is required to sign the *Visitor Book* when exiting and entering a visitable place to ensure the visit is appropriately recorded in accordance with section 19(3) of the *Official Visitor Act 2012 (ACT)*.
- 6.6 It is recommended that an Official Visitor contact the Deputy General Manager or above to discuss any issues, questions or concerns which may have arisen during the visit, prior to leaving a visitable place.

Access to records during a visit

- 6.7 The General Manager Custodial Operations will ensure that an Official Visitor can inspect records relating to a detainee where the detainee has provided written or verbal consent.
- 6.8 Staff must record any verbal consent as a case note on the detainee's electronic record system.
- 6.9 Access to health records must only be provided to an Official Visitor by ACT Health.

7 DETAINEE COMPLAINTS AND REQUESTS

- 7.1 The General Manager Custodial Operations must allow any detainee to complain to an Official Visitor personally or through another person about any aspect of the detainee's accommodation, including the:
 - a. conditions;

- b. care or services provided;
- c. available activities; or
- d. conduct and management,

in a visitable place.

- 7.2 Staff must ensure that any request from a detainee to see an Official Visitor must be passed on to the Official Visitor as soon as practicable, and not later than 24 hours after the request is made, in accordance with section 21(1) of the Official Visitor Act 2012 (ACT).
- 7.3 Under section 21(3) of the Official Visitor Act 2012 (ACT), staff must not ask or require a detainee to explain or provide information relating to a complaint or request to see an Official Visitor.
- 7.4 The Head of Accommodation will ensure that detainees are provided with the following access to the Official Visitor:
- a. during a regular visit by the Official Visitor;
 - b. by telephoning the Official Visitor via the common dial list;
 - c. by completing a Detainee Request Form requesting to see the Official Visitor; or
 - d. by emailing the Official Visitor directly via the following address:
#AMCOfficialVisitor@act.gov.au

8 RESOLVING COMPLAINTS

- 8.1 In accordance with the Official Visitor (Corrections Management) Visit and Complaint Guidelines 2018, an Official Visitor will:
- a. refer a detainee complaint to the General Manager Custodial Operations or delegate in the first instance; and
 - b. escalate a complaint to the Executive Director where it cannot be resolved in a correctional centre.
- 8.2 An Official Visitor will report to the Executive Director all:
- a. allegations of misconduct by an ACTCS staff member; and
 - b. any complaint or information that presents a risk to the safety of a detainee or any other person, or to security and good order at a correctional centre.

- 8.3 The Executive Director will ensure that inquiries made by an Official Visitor in relation to a complaint are responded to promptly and by no later than the date advised by the Official Visitor.
- 8.4 An Official Visitor can request a detainee's written consent to refer their complaint to an investigative entity.
- 8.5 A detainee can withdraw a complaint at any time by writing to the Official Visitor. Staff must provide reasonable assistance where necessary to enable a detainee to make a written withdrawal.

9 CONFIDENTIALITY

- 9.1 In accordance with part 9.3 of the *Corrections Management Act 2007 (ACT)*, any:
- a. electronic communication, including telephone calls, faxes and emails;
 - b. mail; or
 - c. meeting,
- between a detainee and an Official Visitor is confidential and must not be monitored.

10 RELATED DOCUMENTS

- A – Annex A - Schedule of Visitable Places and Frequency of Visits
- B – Detainee Request Form
- C – Visitor Book
- D – Searching Policy
- E – Induction Policy
- F – Detainee Handbook
- G – Official Visitor (Corrections Management) Visit and Complaint Guidelines 2018



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ACT Corrective Services
4 March 2019

Document details

Criteria	Details
Document title:	Corrections Management (Official Visitor) Policy 2019
Document owner/approver:	Executive Director, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	Three years after the notification date
Compliance with law:	This policy reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2019</i>
Responsible officer:	Executive Director

Version Control			
Version no.	Date	Description	Author
V1	February-19	First Issued	L Kazak