

Australian Capital Territory

Corrections Management (Detainee Banking) Policy 2023

Notifiable instrument NI2023-470

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Detainee Banking) Policy 2023*.

2 Commencement

This instrument commences on the 7th August 2023.

3 Operating Procedure

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

4 Revocation

This operating procedure revokes the Corrections Management (Detainee Trust Fund Management) Policy 2019 (No 2) [NI2019-313]

Bruno Aloisi
A/g Commissioner
ACT Corrective Services
4 August 2023

DETAINEE BANKING POLICY

POLICY NO. D42

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

This policy establishes guidelines for the management of detainee trust fund accounts by ACT Corrective Services (ACTCS).

2 SCOPE

This policy applies to all detainees, ACTCS staff and contracted service providers to correctional centres in the ACT.

Detainees admitted to a correctional centre under section 30 of the *Corrections Management Act 2007* or section 64 of the *Crimes (Sentence Administration) Act 2005* are not covered in this policy due to insufficient time to establish a trust account during these custodial episodes.

3 DEFINITIONS

Monies held in trust All monies held on behalf of a detainee in an individual Trust Fund Account and Holding Account.

Trust Fund Account An account holding money on behalf of a detainee who is in the custody of ACTCS.

Holding Account A separate sub-account for a detainee where earnings and deposits have exceeded the maximum allowable balance in a detainee's Trust Fund Account.

Private Bank Account An account held by a detainee in a financial banking institution that is not managed by ACTCS.

External Payments Payments made by detainees from their trust fund account to a private bank account to maintain their personal financial and living affairs.

4 PRINCIPLES

- 4.1 Detainee monies held in trust are managed according to the requirements of the *Corrections Management Act 2007* (ACT) and *Financial Management Act 1996* (ACT).
- 4.2 ACT correctional centres are cash-free, and detainees must not have cash while in an ACT correctional centre.
- 4.3 ACTCS manages a trust fund for each detainee. The trust fund holds the detainee's earnings and received deposits.
- 4.4 Detainee money held in trust allows detainees to make regular purchases of basic goods for personal use or consumption and reasonable access to items not provided by an ACT correctional centre.
- 4.5 No interest is accrued on detainee monies held in trust.
- 4.6 Detainee monies held in trust will be reconciled each business day and on the detainee's release from an ACT correctional centre.
- 4.7 Detainees can receive a maximum of \$150 per week deposited into their trust fund account; not including detainee earnings under section 11 of the policy.
- 4.8 Monies held in trust must not exceed \$10,000 per detainee unless authorised by an Executive Business Manager (EBM) or equivalent. This is a culmination of both Trust Fund and Holdings accounts.
- 4.9 The maximum allowable balance for a detainee's trust fund account is \$1000.
- 4.10 Any incoming monies that would result in a detainee's trust fund account being in excess of \$1000 must be diverted to the detainee's holding account.
- 4.11 When there is a credit in the detainee's holding account, a weekly transfer may be made to the detainee's trust fund account, not exceeding the maximum deposit limit outlined in 4.7 of this policy.
- 4.12 Detainees will receive a weekly statement of their trust fund and holding account balances.
- 4.13 Detainee monies held in trust should not go into arrears at any time or create hardship through accumulation of debt.

5 DEPOSITS

- 5.1 Deposits from external parties can only be made via either:
 - a. <https://www.correctiveservices.act.gov.au/custody/detainee-money> or
 - b. telephone banking: 1300 546 086

- 5.2 Detainees can request funds be transferred from their private bank account to their trust fund account.
- 5.3 Proof of account ownership must be provided and retained in the Detainee’s records prior to a transfer under 5.2 of this policy.
- 5.4 Deposits must not exceed the maximum deposit limit outlined in section 4.7 of this policy.
- 5.5 Australian Money Orders can only be accepted with prior approval from Senior Director, Finance.

6 WITHDRAWALS

- 6.1 Withdrawals from a detainee’s trust fund or holdings account will not occur without the detainee’s written authorisation unless the withdrawal relates to any of the following items under this section.

Disciplinary Breaches

- 6.2 ACTCS may withdraw up to \$500, or as prescribed under section 49 of the *Corrections Management Regulation 2010*, from a detainee’s trust fund following a disciplinary breach, if:
 - a. the Assistant Commissioner, Custodial Operations or delegate has provided written advice of a disciplinary decision ordering a financial penalty and
 - b. the disciplinary process has been finalised according to the Detainee Discipline Policy.
- 6.3 All records relating to the outcome of a disciplinary decision to impose a financial penalty must be stored in the detainee’s records.

Board

- 6.4 ACTCS deducts monies for board from earnings paid to a detainee who is participating in work outside the AMC.
- 6.5 Board monies are deducted from a detainee’s trust account according to the gratuities paid to the detainee.

Gratuities (equivalent weekly earnings)	Board deduction
\$400 or less	15% of earnings
Over \$400	20% of earnings

- 6.6 Board deductions for detainees participating in part-time work are calculated on a pro-rata basis.

6.7 Board monies will be deducted at the same rate of frequency as earnings are received. *Example: weekly if paid weekly, fortnightly if paid fortnightly.*

6.8 ACTCS must conduct a review of board deduction rates annually.

Incidental expenses

6.9 ACTCS are entitled to make legitimate and appropriate recovery of incidental expenses incurred in the production of art and craft, where the art or craft has been sold and earnings credited to a detainee in accordance with the *Art and Craft Policy*.

6.10 ACTCS are entitled to make legitimate and appropriate recovery of costs for incidental expenses from earnings credited to a detainee from paid work outside a correctional centre in accordance with the *Transitional Release Program Policy*.

6.11 Incidental expenses may include, but are not limited to, public transport, work clothing and equipment, art and craft materials.

6.12 For incidental expenses excluding those covered in Section 6.9, receipts must be provided for calculation of costs and proof of expenditure using a Detainee Request Form - Finance.

6.13 Incidental expenses will be deducted from a detainee's trust fund at the same rate of frequency as earnings are received.

6.14 Upon notification from the bank, a detainee trust account may be debited for any declined or fraudulent deposits received based on the outcome of their independent investigation.

7 ADMISSION

7.1 Any Australian currency in a detainee's possession on admission into ACTCS custody must be credited to their trust fund account within two (2) business days upon receiving advice from the Court Transport Unit or alternative relevant authority.

7.2 A monetary advance of \$5 is available to detainees on admission to the AMC for the purpose of telephone credit.

7.3 If an advance is made under section 7.2 the detainee must authorise the advance and accept the advance will be recovered by ACTCS when money is deposited into their trust fund account.

7.4 Detainees must be advised on admission that monies held in trust are monitored by ACTCS.

8 PURCHASES

8.1 Detainees can make purchases at the AMC within the following limits:

Activity	Frequency	Limit
Grocery Buy Up	Weekly	\$100
Activity Buy Up	Monthly	\$150
Canteen	Weekly	\$150
Phone Credits	Weekly	\$150

9 REFUNDS

9.1 Detainees can request refunds for disputed transactions using a Detainee Request Form. Detainees must attach relevant documentation to support the claim.

9.2 Refunds will be processed at the discretion of the Senior Director, Detainee Services, and the detainee advised of the outcome in writing as soon as practicable.

10 EXTERNAL PAYMENTS

10.1 External payments allow detainees to maintain their personal financial and living affairs while in custody, such as maintaining:

- a. rental agreements and other lodgings
- b. restitution payments
- c. payments to the Public Trustee
- d. tax payments.

10.2 All external payments must be submitted via a Detainee Request for External Payment form.

10.3 All external payments require approval of the Senior Director, Operations.

10.4 Detainees are not permitted to make external payments that are:

- a. transactions in order to run a business
- b. purchases of stock or shares
- c. unauthorised sales
- d. entering into any loan or credit arrangements
- e. any form of gambling.

11 MANAGEMENT OF DETAINEE EARNINGS

- 11.1 The Assistant Commissioner Custodial Operations will maintain a schedule outlining the rate of remuneration for all relevant work and activities in an ACT correctional centre as listed under section 11.2.
- 11.2 Detainees will receive earnings:
- a. credited to their trust account as remuneration for work done in the AMC
 - b. as a gratuity for participating in programs and/or educational and vocational courses offered by the correctional centre
 - c. from the sale of arts and crafts under the Art and Craft Policy
 - d. payable to a detainee participating in paid work outside a correctional centre
 - e. as an unemployment allowance for eligible detainees.
- 11.3 The Commissioner will ensure that an annual review of remuneration rates is conducted.
- 11.4 Detainee earnings will be paid into a detainee's trust fund within two (2) business days following advice from the relevant authority.

12 RELEASE AND TRANSFER

- 12.1 Upon release from an ACT correctional centre, a detainee's accounts will be reconciled and:
- a. any outstanding purchases, reparations, advance payments or financial penalties will be deducted from a detainee's trust fund
 - b. any earnings will be reviewed and credited to the trust account.
- 12.2 ACTCS will deposit the balance of funds to a detainee's nominated external bank account within two (2) business days.

13 UNCLAIMED DETAINEE FUNDS

- 13.1 Where a detainee has been released and left behind an unclaimed amount of money in their trust fund, this amount must be transferred to an unclaimed funds ledger. This is reconciled daily.
- 13.2 Where a detainee, who has unclaimed funds under section 13.1, re-enters custody, these unclaimed funds will be credited to the detainee's trust fund account.
- 13.3 A former detainee is entitled to claim monies held in trust for a period of up to six (6) years.

- 13.4 After six (6) years, ACTCS will transfer any unclaimed funds to the ACT Revenue office.
- 13.5 Funds that have not been claimed by a detainee within this time must make a claim to the ACT Revenue Office.

14 DEATH IN CUSTODY

- 14.1 Release of trust fund monies belonging to a deceased detainee to the detainee's next of kin requires authorisation by the Executive Branch Manager or equivalent.

15 COMPLAINTS

- 15.1 In accordance with the *Detainee Requests and Complaints Policy*, a detainee may make a complaint relating to their trust fund or purchases by submitting a written complaint.

RELATED DOCUMENTS

Detainee Request Form - Finance
Detainee Request for Payment
Direct Debit Request Form
Detainee Requests and Complaints Policy
Detainee Request Form
Detainee Discipline Policy
Art and Craft Policy
Detainee Work Policy

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A/g Commissioner
ACT Corrective Services
June 2023

Document details

Criteria	Details
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Date effective:	The day after the notification date
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Compliance with law:	This policy reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>
Responsible officer:	Head of Business Services

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V1	November 2018	First Issued	L. Kazak
V2	May 2019	Update	L. Kazak
V3	June 2023	Revised, updated and renamed	M. McKenzie