

Corrections Management (Smoke-Free) Policy 2024

Notifiable instrument NI2024–575

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Smoke-Free) Policy 2024*.

2 Commencement

This instrument commences on 30 September 2024.

3 Policy

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

4 Revocation

This instrument revokes the *Corrections Management (Smoke-Free) Policy 2023* [NI 2023-287].

Bruno Aloisi
A/g Commissioner
ACT Corrective Services
18 September 2024

SMOKE-FREE POLICY

POLICY NO. 8

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

The purpose of this policy is to maintain a healthy and safe smoke-free environment by ensuring that new reception detainees have access to a range of supports to assist them to adapt to a smoke-free environment.

This policy outlines the provision of Nicotine Replacement Therapy (NRT), addresses potential misuse, and breaches, and reinforces the commitment to a smoke-free environment for our staff, detainees and all visitors.

2 SCOPE

This policy applies to anyone who works, visits, or is a detainee of an ACT correctional centre. Where required, the Assistant Commissioner Custodial Operations may establish operating procedures under this policy.

3 DEFINITIONS

Correctional centre	A place, which may include a zone surrounding a secure perimeter, which is declared by a Minister under legislation, to be a Correctional Centre.
New reception	A detainee remanded or sentenced to imprisonment at Court who was previously in the community. New Reception includes a person previously released from custody who re-enters at a later date.
Nicotine Replacement Therapies (NRTs)	A range of therapeutic options used to help reduce withdrawal symptoms and to support people to quit smoking.
Second-hand smoke	The involuntary inhalation of smoke from another person's tobacco or smoking product.
Smoke-free	The term used when tobacco and other smoking related products are prohibited.
Tobacco and smoking related products	<ul style="list-style-type: none">• Tobacco, cigarettes, cigars, and other similar products• Tobacco and nicotine-based products excluding NRT products• Electronic cigarettes, vaping devices, and other similar products• Lighters, matches and rolling paper
Visitor	This includes a person working at the correctional centre, other than a corrections officer, and a person who intends to enter the correctional centre as a visitor. Examples: counsellor, psychologist, tradesperson, volunteer.

4 PRINCIPLES

- 4.1 ACTCS has obligations under section 19(3) of the Work Health and Safety Act (2011) to protect staff, detainees, and visitors from exposure to second hand smoke.
- 4.2 ACTCS is responsible for maintaining a smoke-free environment in correctional centres, as per the declaration made under s86(1) of the Corrections Management Act 2007.
- 4.3 ACTCS recognise the value of smoking cessation supports to minimise the symptoms of withdrawal on detainees consistent with their rights to humane treatment while deprived of liberty.
- 4.4 ACTCS is committed to supporting new reception detainees in their transition to a smoke-free lifestyle by providing access to smoking cessation programs and resources.
- 4.5 ACTCS recognises the health benefits of smoking cessation and supports ongoing efforts to maintain a smoke-free environment for detainees.

5 SMOKE FREE ENVIRONMENT

- 5.1 On the 7 August 2023, ACT correctional centres were declared smoke-free environments under section 86(1) of the Corrections Management Act 2007.
- 5.2 Tobacco and smoking related products are prohibited items in accordance with the Prohibited Things Declaration.
- 5.3 Any prohibited items found in the possession of a detainee will be seized by correctional officers in accordance with the Searching Policy and Detainee Property Policy.
- 5.4 Smoking is not permitted anywhere on the grounds of ACT correctional centres including:
 - a. all buildings and outbuildings on correctional centre premises including sheds, courtyards, driveways
 - b. all car parks on correctional centre grounds
 - c. any other areas where 'No Smoking' signs are displayed.
- 5.5 In addition, staff and detainees are not permitted to smoke:
 - a. within 15 meters of entries to ACT Government buildings
 - b. in ACT Government vehicles.
- 5.6 Staff who are permitted to leave the AMC and/or CTU may only smoke during designated breaks and must go off-site to do so.
- 5.7 Staff are required to adhere to and enforce this policy.

6 SUPPORTS

- 6.1 New reception detainees have access to a funded 12-week NRT program through Justice Health Services or Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga).
- 6.2 During the induction period, Justice Health Services or Winnunga will ask the new reception detainee if they would like to participate in the funded 12-week NRT program. Detainees will have 3 days within this period to decide if they would like to participate in the program.
- 6.3 The program includes the provision of lozenges and access to smoking cessation support and services, including:
 - a. *Quitline*
 - b. staff trained in *Quitskills*
 - c. Health providers.
- 6.4 Regardless of a new reception detainee's custodial health service provider, they will have access to equivalent smoking cessation supports.
- 6.5 NRT will only be available from Justice Health Services or Winnunga and the Court Transport Unit at the time of induction.
- 6.6 Winnunga clients can access one-on-one quit smoking counselling through Winnunga.
- 6.7 Staff and their families can access the following services for quitting and general support:
 - a. Employee Assistance Program (EAP)
 - b. ACTCS Wellbeing program
 - c. onsite counselling (staff only).

7 MISUSE OF NICOTINE REPLACEMENT THERAPY (NRT)

- 7.1 The misuse of NRT products is prohibited. Any suspected misuse may lead to a warning or disciplinary measures.
- 7.2 Correctional officers must monitor and report any suspicious activities or unusual behaviour they observe which may indicate NRT misuse.
- 7.3 Misuse of NRT includes but is not limited to:
 - a. sharing, trading or using NRT as currency
 - b. being in possession of another detainee's NRT
 - c. stockpiling NRT
 - d. intimidation tactics

- e. possessing NRT patches
- f. consuming excessive quantities of lozenges
- g. tampering with and using NRT in a manner that is not intended such as smoking, melting/dissolving.

7.4 Where it is suspected that a detainee has misused or tampered with their NRT a Security Information Report must be submitted via [Security Intelligence Report Register - New Item \(sharepoint.com\)](#) or the Intelligence Reporting button on SharePoint.



- 7.5 The correctional officer must provide a warning to the detainee, and this warning must be case noted.
- 7.6 If misuse is ongoing, consideration may be given to remove the detainee from the NRT program.
- 7.7 Where there are indications or reasonable suspicions of misuse within an accommodation area, it is essential correctional officers closely monitor and manage the situation.
- 7.8 If a detainee is confrontational or violent at any time through the process, the correctional officer is to submit an incident report as an initiation of a discipline process, outlining the specific information leading to the incident (denial of provision/removal from program).

8 ESCORTS

- 8.1 This policy extends to all escorted leave including transfers to another ACT correctional centre, transfers interstate or transfers to a medical facility.
- 8.2 Detainees attending Court are allowed to bring a one-day supply of nicotine lozenges.
- 8.3 Detainees on multi-day escorts will have access to an adequate supply of lozenges for the period of the escort.

9 EMERGENCY EVACUATION

- 9.1 Smoking is prohibited during an emergency evacuation or at any emergency assembly area.

10 RELEASE FROM A CORRECTIONAL CENTRE

- 10.1 Detainees who are participating in the NRT program at the time of their release will as supply of NRT as per Justice Health Services' usual medication processes to support transition to the community.
- 10.2 Information on how to access quit smoking community supports will be available for detainees upon release.

11 BREACHES OF SMOKE-FREE POLICY

- 11.1 It is an offence to take or send a prohibited thing into a correctional centre; or give or send a prohibited thing to a detainee in accordance with section 145 of the Corrections Management Act 2007.
- 11.2 There will be zero tolerance of breaches of this policy.
- 11.3 Detainees who breach the Smoke-Free Policy must be managed in accordance with the Detainee Discipline Policy. A breach of the policy or a disciplinary penalty may also affect their Incentives and Earned Privileges status.
- 11.4 Visitors – adherence to the Smoke-Free Policy is a condition of entry to a correctional centre. Failure to comply with the policy, or the direction of staff, may result in:
- a. a warning or caution
 - b. the visit being cancelled
 - c. the visitor being required to leave the correctional centre and/or
 - d. the visitor being banned from all ACT correctional centres for a period as defined by the Assistant Commissioner Custodial Operations (ACCO).
- 11.5 Staff – a breach of the Smoke-Free Policy may constitute misconduct under the ACTCS Ethical Conduct Policy and may lead to investigation.

RELATED DOCUMENTS

- Detainee Discipline Policy
- Ethical Conduct Policy
- Incentives and Earned Privileges Policy
- Prohibited Things Declaration
- Work Health and Safety Act (2011)

Bruno Aloisi
A/g Commissioner
ACT Corrective Services
18 September 2024

Document details

Criteria	Details
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