

ACT National Preventive Mechanism

(ACT Office of the Inspector of Correctional Services, ACT Human Rights Commission, ACT Ombudsman)

Clarifications on [Comments of Australia on the recommendations and observations addressed to it in connection with the Subcommittee visit undertaken from 16 to 23 October 2022](#)¹ relevant to the ACT

We, the ACT National Preventive Mechanism, wish to place the following clarifications on the record:

Paragraph reference in Australian Government comments	Content to be addressed <i>(Direct quote from relevant text)</i>	Comments of the ACT NPM
19	“On 22 November 2023, the Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023 (ACT) commenced. The Act increases the minimum age of responsibility in a staged approach from commencement, initially to 12 years of age from commencement, and then to 14 years of age by 1 July 2025”.	This reference should note that raising the age of criminal responsibility to 14 years by 1 July 2025 includes exceptions for certain serious crimes.
164	“In the Australian Capital Territory (ACT), safety is the priority for detainees and as such every cell has CCTV to monitor detainees at all times . Experience is that any blind spot in a cell may lead to a detainee harming themselves or damaging property. The Australian Capital Territory Corrective Services actively works to balance the individual’s right to privacy with the security and good order of ACT correctional centres. Surveillance and searching are managed in accordance with the <i>Corrections Management Act 2007</i> (ACT) and	The section in bold is incorrect.

¹ CAT/OP/AUS/CSPRO/1, 16 January 2024.

	<p>relevant policy. There is no fixed surveillance in shower / ablutions facilities (fitted in each cell) and where dynamic security is used, the use is based solely on an assessment of personal safety, security and good order. Young people detained in Bimberi Youth Justice Centre are all accommodated in individual rooms, with individual bathrooms.”</p>	
206	<p>“In the Australian Capital Territory (ACT), all specific COVID-19 measures that can be rolled back have been. The Australian Capital Territory Corrective Services follows a set of initial assessment and quarantine measures in alignment with ACT Health recommendations to protect as far as possible the vulnerable population in ACT correctional centres. Measures are reviewed regularly with every ACT Health announcement and as detainee population demographics change (i.e. immunisation rates increase, population density etc). The minimum requirements able to be in effect to manage this health risk are used.”</p>	<p>COVID-19 isolation in youth detention in the ACT was rolled back in August 2023 notwithstanding youth detention being removed from list of high-risk settings in October 2022.</p>
267	<p>“ In the Australian Capital Territory, the Bimberi Youth Justice Centre accommodates children and young people aged 10 to 21 years old who have been refused bail or sentenced to a period of detention in the Australian Capital Territory. It has been specifically designed to meet human rights standards. Independent reviews of the Centre have been conducted in recent years (for example, the Australian Capital Territory Human Rights Commission in 2019 and the Australian Capital Territory Inspector of Correctional Services in 2021) with the Australian Capital Territory Government agreeing to the vast majority of recommendations in these reviews. The Australian Capital Territory has successfully raised the minimum age of criminal responsibility to 14 years.”</p>	<p>As at paragraph 19, this should refer to carve outs for serious offences.</p>

307	"Oversight provided by Official Visitors, the Inspector of Correctional Services, the Australian Capital Territory Human Rights Commission (HRC), and the Australian Capital Territory Ombudsman provides independent opportunities for complaints to be made by detainees. The Inspector, HRC and Ombudsman also have powers of investigation."	The Inspector of Correctional Services does not take complaints.
350	"In the Australian Capital Territory (ACT), there is only one correctional centre due to the small size of the jurisdiction and population. The number of women detainees is very small, usually well under 45. While women's accommodation and services are at the same facility as the men's, the women's section is well separated from the men's section. The Corrections Management Act 2007 (ACT) requires men and women be housed separately."	Women are currently accommodated in two special purpose units that are also used to accommodate men (the Crisis Support Unit and the Management Unit).
353	"As far as is practicable, women detainees in the Australian Capital Territory have equality of access to work and to educational, exercise, sports and recreational activities as men detainees. Where there are variations in access they are based on factors such as length of individual sentence, not sex or gender. ACT Corrective Services have maintained a focus on improving services and programs for women with the introduction of the Integrated Offender Management Framework."	<p>Women's work opportunities are limited compared to men, for example, they cannot work in maintenance crew, laundry, kitchen etc unlike men.</p> <p>Further, women are not able to access the Transitional Release Centre outside the secure perimeter, however can access the Transitional Release Program.</p>