LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON LEGAL AFFAIRS

(Reference: Inquiry into Annual and Financial Reports 2025-26)

Members:

MS C BARRY (Chair)
MR T WERNER-GIBBINGS (Deputy Chair)
MS R VASSAROTTI

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 9 NOVEMBER 2026

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Secretary to the committee:
Ms A Lee (Ph: 620 70524)

By authority of the Legislative Assembly for the Australian Capital Territory

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APPEARANCES

ACT Official Visitors 1

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Amended 20 May 2013

The committee met at 9.00 am

ACT Official Visitors
Doube, Ms Clare, Official Visitor for Corrections and Official Visitors Board member
Dulhunty, Mr Geoff, Chair, Official Visitors Board
Dzwonnik, Mr Stefan, Executive Officer

THE CHAIR: Good morning and welcome to the public hearings of the Standing Committee on Legal Affairs for its inquiry into annual and financial reports 2025-2026. The committee will today examine ACT Official Visitors with reference to Corrections.

The committee wishes to acknowledge the traditional custodians of the land that we are meeting on, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contributions they make to the life of the city and this region. Would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending.

This hearing is a legal proceeding of the Assembly and has the same standing as proceedings of the Assembly itself. Therefore, today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly. The hearing is being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and web streamed live. When taking a question on notice, it would be useful if witnesses used these words: "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome witnesses from ACT Official Visitors. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. As we are not inviting opening statements, we will now proceed to questions.

My first question is around what you have observed in terms of the assaults in prison. Based on your visits and interactions with prisoners, how would you describe the current prevalence of assault within the AMC and what do you think is driving that?

Ms Doube: Over the past period, I have seen an increase in the severity of some of the assaults, particularly earlier this year when numbers were very high. The number of detainees reached more than 500. It has gone down a little bit now and is more around the 470 mark. When there is a high number there is, therefore, not as much flexibility as to where someone can be housed. This and just the sheer numbers raise tensions, and certainly that is a cause of assaults. There are also ongoing matters around conflicts between individuals and drug-related conflict. There is a range of reasons, but I have seen some really concerning, severe results, particularly earlier this year.

THE CHAIR: You mentioned that some of that has been driven by the capacity of the prisons. My understanding—and I could be wrong—is that the prison is supposed to house 500. Is that correct?

Ms Doube: It depends on who you talk to. When it gets up to 500, there is a lot of double-bunking, with two people being housed in a place where there should only be one housed. It is physically possible for that to happen, but it works much more smoothly if there are much lower numbers.

THE CHAIR: Does it work more smoothly than lower numbers because of the staff capacity? That is what I am trying to get to. Is it the staff capacity or is it just human behaviour?

Ms Doube: It is a bit of both. With the physical space, some people are housed within what is called a cottage, where there are separate cells, separate bedrooms, with a shared kitchen. There should only be five in each of those pods within a cottage, but there will sometimes be seven or eight housed in there, which means either people double-bunking within that cell or people sleeping in the living area. That will have one toilet and one shower, designed for five, now being used by eight. That is one example of the accommodation being stretched. But, absolutely, it is also around staffing. For instance, there is the same number of case managers, and their case load will just increase. Therefore, the quality of the engagement will need to decrease because they are further stretched—and it continues on when the system becomes overstretched.

THE CHAIR: In your experience, are detainees coming to you to report assaults? How do you view their reporting experience? Do they approach you? Do you think that we need to report? Are there any impediments to them doing that?

Ms Doube: Certainly detainees approach us on a visit—when we move around and call out in a yard and explain who we are—or through email or phone calls to us. Sometimes there will be a referral from someone else who will pass on a message that they would like to see an Official Visitor. We certainly have assaults and many other things reported to us. I am sure the numbers are much higher than what we see. Not everything will be reported to us.

MS VASSAROTTI: I note that in the annual report you also mentioned some pretty disturbing reports around sexual assaults. Given some of the pressures when we see an influx of numbers, what, in your view, needs to happen to address these issues when things are really escalating and going wrong?

Ms Doube: One thing that I have seen a couple of examples of over the last year that I find really disturbing that I think needs attention is where a detainee has said that they would be unsafe in a particular yard and they have been placed there anyway. I do not think that should occur. I absolutely understand the pressures of accommodation and where to keep someone and the fact that an alternative approach might mean that they will need to be on different regimes and there is less time out et cetera. But, if someone says that they feel that they will be unsafe in a particular area, they should not be placed there. I know that there have been some examples of that. So that would be one example.

As to responses, there was one example earlier this year of someone who was badly assaulted, including sexual assault, and there was not an immediate response to them. They were in their cell for quite a long time. Processes have since changed to deal with that situation in the future. But examples like that, while not okay for the individual, can also potentially have flow-on effects elsewhere. I would note that, every time we have raised these examples, Corrections have been very concerned and have responded

immediately. I am aware that they understand and share the concern that these things should not happen. But there are various reasons why they are continuing to do so.

THE CHAIR: You have consistently raised the structured program as one of the concerns that you have about the Correction space. Have you seen any improvements in the government's response to that concern? Do you think that could potentially be causing some of that increase in the severity of assaults or assaults in general?

Ms Doube: I certainly think that the lack of a busy, meaningful day, whether that is through programs, which are usually criminogenic program, or other kinds of activities or education or employment—things that keep people busy in a meaningful way—is likely to be contributing to some of these sorts of behaviours that we see. In terms of whether that has improved, I am not aware of any major changes in terms of the programs. It is something that continues to be raised with us, both in terms of what is available but also access to those things.

Sometimes there is complexity about, for example, a group program and who else might be doing a certain program and therefore one detainee not feeling able to join that program. There is a lot of complexity about how they are run. But programs and also, to me, the interrelated issues around activities and education, is an area where we would like to see more done. We are very aware that there are some ideas about different activities and things to be done, but we would like to see a whole lot more so that people are busy.

THE CHAIR: Thank you.

MS VASSAROTTI: We have been having a look at the policy around the use of force for Corrections officers and understand that practices like shackling are not explicitly prohibited and not actually a reportable act if people do not object. We have some questions on notice to the minister in relation to whether or not this is occurring. But we are interested in understanding, from your perspective, whether you have had any issues raised by detainees, particularly women, regarding this practice, particularly in relation to being shackled during the process of giving birth, receiving medical treatment or being transported to give birth or to receive medical treatment.

Ms Doube: Not in relation to giving birth, but people have raised with us their dissatisfaction with being handcuffed while being transported in public spaces. I can understand some of the safety reasons as to why that would occur. That is certainly raised with us, but not in terms of giving birth.

MS VASSAROTTI: Have there been specific issues raised around medical treatment?

Ms Doube: It has been around being transported—so in terms of medical escorts rather than the actual treatment time.

MS VASSAROTTI: Can you go into a bit of detail on the concerns that people have raised in relation to the impact on health? Are there other issues being raised?

Ms Doube: Not so much in terms of the specifics of the health care. It has been raised with us in the context of a personal dignity kind of issue.

MS VASSAROTTI: From an Official Visitor's point of view, particularly in relation to getting a sense of the way this is used, do you have any perspective on the fact that it is not a reportable action if people do not object and whether or not that is helpful for us in identifying what is going on or not going on in relation to this practice?

Ms Doube: I think greater reporting gives a greater sense of what is occurring and gives as full a picture as possible. I would certainly support anything that gives clarity. I have not read the specifics on the situation around giving birth. I read it some time ago but it has not been relevant of recent times. But, certainly, I do not think there should be any hindrance or restriction on someone in a situation like that.

MS VASSAROTTI: Okay. Thank you.

MR EMERSON: I want to check in on access issues, including unescorted access, at both Bimberi and at the AMC. Are those issues ongoing?

Ms Doube: In terms of access to Bimberi, we do not have one of the Official Visitors for Children and Young People here today. My understanding is that that has not changed—that it is the same situation as when we were here last time. From the perspective of AMC and Corrections, in terms of the physical access, we have very good, unhindered access. We are able to pass freely through different areas and talk to people, et cetera.

The area that is of concern to me in terms of access is more around access to some records. Under the Official Visitors Act, we should have free access to health records and other records that are relevant for us to be looking into a complaint or an issue that has been raised with us. While we generally have access to most of the day-to-day records relating to any situation, we no longer have access to the details of what happens if there is a staff misconduct allegation made. If, for instance a detainee raises with me an allegation of staff misconduct, I will raise that with a senior officer at AMC and it would then go through a process of a preliminary assessment to see if there is something to it or not. If there is, it goes to a further, full investigation. We no longer have access to those preliminary assessments or other sorts of related documents; so we have no way of knowing if that assessment has been conducted appropriately or not. I have no reason to believe that it has not been conducted appropriately; however, my role as an independent observer is to look into all aspects and confirm whether we believe that it has been done appropriately or not. So that is an area where we have concerns about access—not physical access, but access to records.

MR EMERSON: That is pretty concerning. When did that change?

Ms Doube: Probably about 18 months ago. It happened as a result of a change to the way these investigations and reporting occur, which is a positive thing. The way it is done now is an improvement; however, a concerning change as a result of that is that we are no longer able to access that. We have raised that on a number of occasions with Corrections. They are concerned about staff privacy issues. I absolutely understand, respect and appreciate that and I would not be passing details back to anyone. My view is that, according to the Official Visitor Act, we should be able to have access to that information. I would not be spreading that information around. I absolutely respect

some of those privacy issues. As things were not progressing, we have sought advice from the Government Solicitors, who have said that we should have access to those documents. We have gone back to Corrections, and they are seeking further legal advice around it.

MR EMERSON: Presumably from the Government Solicitor.

Ms Doube: Yes.

MR EMERSON: That's funny. Did you provide them with the legal advice that you received?

Ms Doube: I was only able to see a summary of it. When we went back to ask if we could pass it on, we were told that we could not pass it on but that JACS would either pass it on or provide the detail of the information. So I believe that they are aware of at least the summary, if not the full advice.

MR EMERSON: You mentioned an improved process for investigations. Is that more matters going to the Public Sector Standards Commissioner for investigation? What are the improvements that you are aware of?

Ms Doube: Previously, there was a one-person unit. I think it was called the Ethics Unit.

MR EMERSON: Within Corrections?

Ms Doube: Yes, within Corrections. Any investigation would go to that one person to be looked into. I guess I have a concern about any one-person unit that is looking into things of potential seriousness. There is now a process which I understand there is oversight from JACS where the preliminary assessment is done by a senior manager within Corrections. So it is still done internally but the report is shared with the HR team within JACS. So there is another set of eyes across what the process has been, what has been followed, what the findings are et cetera. Then, if it is found that there is something that needs to be investigated, there is a separate process to do that. But we are not able to access the preliminary assessment information.

MR EMERSON: It is a bit ironic that, in providing an additional set of eyes internally within JACS on the process, they have removed the external set of eyes, which are the Official Visitors.

Ms Doube: Yes.

MR EMERSON: You said it has been an issue for 18 months. When did you inform Corrections that they are in breach of the Official Visitors Act following the advice from the Government Solicitor?

Ms Doube: The Government Solicitor was a couple of months ago.

Mr Dzwonnik: A couple of months ago. I would say May/June.

MR EMERSON: That is a few months.

Ms Doube: Yes.

MR EMERSON: And that has not been addressed. That seems surprising to me. I guess we can ask them about it. What has been the practical impact of this restriction of information? Obviously, in your oversight function, you are paying attention to good things that are happening, but your work is especially important when there are issues regarding conduct of staff and the treatment of detainees. So how has this impacted your work?

Ms Doube: Quite a bit. It impacts not being able to look into a certain situation, but it also impacts on trust with detainees who have raised things with me things—sometimes relatively minor, but some have been some really serious allegations. I am able to raise that with senior staff, but I am not able to then keep an eye on what happens and I cannot then go back to a detainee and say, "Yes, it has been dealt with," because I do not know if it has. I can assume it has, but I do not know that for sure. So that has an impact on trust as well as limiting that kind of oversight.

MR EMERSON: Have any ministers been made aware of this issue?

Ms Doube: Yes; it has been in our quarterly reports.

THE CHAIR: Okay. And you are not aware of any action having been taken at the ministerial level?

Ms Doube: I am not aware of, but there may well be. I do not know.

MR EMERSON: When would it first have been raised? So it was 18 months ago. Has it been raised in each quarterly report since then, or—

Ms Doube: No, not for the first few months, because we were working it through it and trying to resolve it and thinking it may work through. I know for sure that, in the last two quarterly reports, it was included. We raised it verbally before that as well.

MR EMERSON: When did those last two quarterly reports drop?

Mr Dulhunty: It is around the middle of each quarter. So, if it was the last one, that would mean 15 August 15 and then before then it would be around 15 May.

MR EMERSON: Okay—and verbally before that?

Ms Doube: Yes.

MR EMERSON: Okay. Thank you.

THE CHAIR: I have a question for the Official Visitor for Mental Health. I know you have raised concerns in the past about the physical environment of the mental health facilities, and I just wanted to get your views on the improvements, if any, that you have seen.

Mr Dulhunty: I am the Chair of the Official Visitors Board and was previously the Official Visitor for Mental Health. I have raised this issue yet again in this annual report, in the last quarterly report and in every quarterly report for the past five years. The last feedback I received from the General Manager for Mental Health, Justice Health was that they were getting some scoping work done to look at the extent of the renovations. There was a guesstimate of around $11 million for the Adult Mental Health Unit. There has been some tinkering around the edges of a new lounge there and a new television there, but the environment still remains oppressive.

THE CHAIR: When was the last time you received the feedback about the estimates for the renovations work?

Mr Dulhunty: That would have been two months ago. It was a serendipitous meeting in a hallway. It was not planned feedback. It was just one of those, "Oh, while you're here."

THE CHAIR: What are the significant impacts that you are seeing on the ground? Mental health is a big issue. There was an incident a few months ago, earlier this year. What are the significant impacts that you are seeing on the ground that are causing serious concerns for you?

Mr Dulhunty: I think the environment is the biggest issue in the acute unit, because it is not in any way comfortable—I do not want to use the word 'homelike', because an institution will never be like a home—like more soft, more welcoming and more conducive to mental health. I do not know if you have ever been to the Adult Mental Health Unit, but there are long wooden benches with hard cushions on them where people lay because there are not any other areas, apart from the consumer's room, to relax and talk. There are no common areas. It is like this room. Just rolling chairs around the outside of it it becomes an institutional day room rather than an area where I could sit and talk to you or talk to you and engage.

Of all the complaints that I receive, it is the biggest complaint that I receive every quarter. So it is having the most impact in terms of that unit. I do not get the same feedback for any other unit, including Dhulwa, which is a fairly stark environment. It really is the most concerning issue for those consumers, who sometimes spends a lot of time in that environment—and I am talking a year or 18 months.

THE CHAIR: And are you hearing at all from staff about—

Mr Dulhunty: Staff and consumers and consumers' families. Things like, "Surely, they could put a lounge in here, Geoff. Surely they could have a coffee area that is not cut into the wall."

THE CHAIR: Make it more welcoming.

Mr Dulhunty: Yes, much more welcoming. I think the only piece of artwork that sort of encourages consumers to be involved is a tree on the wall where they talk about their experience while they are in there. Apart from that, it is very stark. The televisions are all behind perspex. It is 1970s mental health, really—or 1980s mental health, where I worked in large institutions. It is very similar.

THE CHAIR: On the $11 million—and I know you said it was just a corridor conversation—have you had any formal conversation yet about that?

Mr Dulhunty: No feedback whatsoever, and I raised it with the then minister. I have not met with the new minister, because I changed roles five weeks ago or so. But it is on the quarterly report for the new minister. I raised it with Minister Stephen-Smith when she was the Minister for Mental Health. She was aware of it but said it was a funding issue and that they were waiting on major development funding to see if it was approved. But this budget is now well and truly approved, and I have heard no more.

THE CHAIR: Okay. Thank you.

MS VASSAROTTI: I note that the annual report continues to raise stable housing as one of the strongest predictors of whether or not people can successfully transition from crisis, particularly in the context of Corrections. I want to get your perspective on how housing is impacting people going into or exiting the AMC.

Ms Doube: Housing is a big issue in the territory, and limitations on housing will have an impact in that someone who is not in stable housing may end up in situations where they are more likely to commit a crime that leads them into AMC—so both from that perspective but also the chances of them falling back into that similar lifestyle when leaving AMC.

Obviously, there is the Justice Housing Program and there are some initiatives—sort of transitional efforts—but that is not appropriate housing for all individuals. I know of examples where people have been on release and have moved interstate because they have not been able to find housing here. One example of that then meant that someone was not accessing a range of rehabilitation and other services that they were hoping to access just because they could not find the housing here. So it is of definite concern.

MS VASSAROTTI: Thank you.

THE CHAIR: On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice—which I do not think you have—please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*.

I would like to thank our witnesses who have assisted the committee through their experience and knowledge. We also thank Broadcasting and Hansard for their support. Thank you very much for attending today.

The committee adjourned at 9.31 am.