



**ACT**

Government

Justice and Community Safety

2023/23091

'B'

Via email: [foi+request-10854-3a6f76ee@righttoknow.org.au](mailto:foi+request-10854-3a6f76ee@righttoknow.org.au)

Dear 'B'

### **DECISION ON FREEDOM OF INFORMATION ACCESS APPLICATION**

I refer to your application under the [Freedom of Information Act 2016](#) (the Act), received by the Justice and Community Safety (JACS) Directorate on 9 November 2023, in which you sought access to:

1. *A comprehensive breakdown of funding allocations designated for renovations within the visiting area of the Alexander Maconochie Centre (AMC).*
2. *The annual budget allotment specifically dedicated to the support and services provided to prisoners at the Alexander Maconochie Centre (AMC).*
3. *The yearly budget for the overall prison system at Alexander Maconochie Centre (AMC).*
4. *Data and official guidelines concerning the implementation of support interventions for incarcerated individuals at Alexander Maconochie Centre (AMC).*
5. *Recent and current documentation, including financial disbursements and regulatory guidelines for programs addressing offense-specific matters and prisoner well-being.*
6. *Pertinent details concerning correctional officers, including tier structures, qualifications, and whether they undergo mandatory training in mental health first aid, as well as whether psychological assessments are a prerequisite for their role.*
7. *The comprehensive Standard Operating Procedures (SOPs) governing the operational protocols within the AMC.*
8. *Detailed insights into funding arrangements and guiding principles for prisoners eligible for participation in the Transitional Release program.*
9. *Guidance documents outlining the procedures for prisoners with less than six months remaining on their sentence but who do not meet the eligibility criteria for the Transitional Release program.*

#### **Authority**

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

#### **Decision**

##### Points #1, #4, #5 and #6

I have identified six documents within the scope of points #1, #4, #5 and #6 of your request. These are outlined in the *Schedule of documents*.

I have decided to:

- grant partial access to one document
- grant full access to five documents

Please see the reasons outlined in the 'reasons for decision' at Attachment A.

*Point #2 and #3 – AMC Budget information*

Information regarding the ACT Corrective Services budget is available in the ACT Budget statements: [https://www.treasury.act.gov.au/\\_\\_data/assets/pdf\\_file/0015/2244102/Budget-Statements-D.pdf](https://www.treasury.act.gov.au/__data/assets/pdf_file/0015/2244102/Budget-Statements-D.pdf)

*Point #4 - Data and official guidelines concerning the implementation of support interventions for incarcerated individuals at AMC*

Information regarding the ACTCS Programs and Interventions is available at: <https://www.correctiveservices.act.gov.au/community/programs-and-services>

*Point #6 - Details concerning correctional officers*

Further Information regarding Correctional Officers is available at: <https://www.correctiveservices.act.gov.au/careers/amc-correctional-officer>

The ACT Public Sector Correctional Officers Enterprise agreement 2023-2026 is available at: [https://www.cmtedd.act.gov.au/\\_\\_data/assets/pdf\\_file/0006/2330187/ACT-Public-Sector-Correctional-Officers-Agreement-2023-2026-FINAL.pdf](https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0006/2330187/ACT-Public-Sector-Correctional-Officers-Agreement-2023-2026-FINAL.pdf)

*Point #7 - The comprehensive Standard Operating Procedures (SOPs) governing the operational protocols within the AMC*

All policies and operating procedures relating to the operations of the AMC can be found under the 'Regulations and Instruments' of the *Corrections Management Act 2007* at: <https://www.legislation.act.gov.au/a/2007-15/>

*Point #8 - Insights into funding arrangements and guiding principles for prisoners eligible for participation in the Transitional Release program*

All policies and operating procedures relating to the Transitional Release Program can be found under the 'Regulations and Instruments' of the *Corrections Management Act 2007* at: <https://www.legislation.act.gov.au/a/2007-15/>

*Point #9 - Procedures for prisoners with less than six months remaining on their sentence*

Information on case management process for offenders in reintegration can be found at: <https://www.legislation.act.gov.au/View/ni/2022-447/current/html/2022-447.html>

**Online publishing – disclosure log**

Under section 28 of the Act, JACS maintains an online record of access applications called a disclosure log. My response to your access application will be published on the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at: <https://www.justice.act.gov.au/disclosure-log>

**Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the JACS disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601


Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

The review of decision application form is available at:

<https://www.ombudsman.act.gov.au/complaints/how-to-make-a-complaint>

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact [JACSFOI@act.gov.au](mailto:JACSFOI@act.gov.au) or phone (02) 6207 2167.

Yours sincerely



Bruno Aloisi  
Information Officer  
16 January 2024

## Attachment A – Reasons for decision

### 1. Material considered

In reaching my decision, I considered:

- your original access application
- the documents containing the information that fall within the scope of your access application
- consultations with JACS officers
- the views of the relevant third parties
- *Freedom of Information Act 2016*
- *Human Rights Act 2004*

### 2. Reasons for my decision

As a decision maker, I am required to determine whether the information is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

I have included below the factors relevant to my decision on access.

#### 2.1. Information contrary to public interest to disclose

I have determined that none the documents within the scope of your request contain information that is taken to be contrary to the public interest to disclose under Schedule 1 of the Act.

#### 2.2. Public interest test

I have assessed the information against the factors favouring disclosure and factors favouring non-disclosure in Schedule 2. On balance, I have decided that the information is in the public interest to disclose with some redactions. I have included below the relevant factors for your information.

#### 2.1 Factors favouring disclosure in the public interest

- (a) disclosure of the information could reasonably be expected to do any of the following:
  - (iii) inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;
  - (iv) ensure effective oversight of expenditure of public funds.

**2.2 Factors favouring nondisclosure in the public interest**

- (a) disclosure of the information could reasonably be expected to do any of the following:
- (ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

I have decided to grant partial access to one document with minor redactions made to the mobile number of an ACTPS staff member to protect their right to privacy under the *Human Rights Act 2004*. I note that these redactions do not significantly alter the substance of the material to be released.

**3. Summary of my decision**

In conclusion, I have decided to:

- grant full access to five documents
- grant partial access to one document