



**ACT
Official
Visitors**

Annual Report
2022/23

Contacting ACT Official Visitors

Enquiries about this publication should be directed to -

Executive Officer	Stefan Dzwonnik
Office Address	Level 5, Allara House, 56 Allara Street CANBERRA ACT 2601
Postal Address	GPO Box 158 CANBERRA ACT 2601
Telephone	(02) 6207 0978
Facsimile	(02) 6207 1034
Web	http://ovs.act.gov.au/
Email	ovs@act.gov.au
Hours	9.00am – 4.30pm Mon–Fri

This Annual Report is published on the ACT Official Visitors website at <http://ovs.act.gov.au/>.

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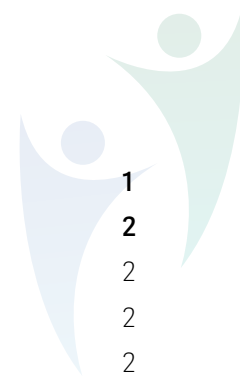
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Produced for ACT Official Visitors by –

Orange Design ABN 32 168 257 456

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Message from the Chair, Official Visitors Board



I am pleased to present this report from the Official Visitors Board (the Board) for ACT Official Visitors for the 2022-23 financial year.

As required by section 23DA of the *Official Visitor Act 2012* (the Act), the report covers –

- (a) the number of—
 - (i) visits by Official Visitors to visitable places
 - (ii) complaints received by Official Visitors in relation to visitable places
 - (iii) referrals of complaints to investigative entities
- (b) the action taken on the complaints received
- (c) systemic issues in relation to the operation of the Act identified by the Board
- (d) the number and kinds of matters referred by an Official Visitor to an investigative entity
- (e) the number of times an Official Visitor inspected records in accordance with section 15(2)(b) of the Act.

2022-23 saw a welcome shift away from the challenges of the COVID-19 pandemic. Official Visitors were able to visit face-to-face all year, though with care taken to minimise the enduring COVID-19 risk. They were supported in their work by both the Executive Officer Mr Stefan Dzwonnik, and the Board.

Some detail on the Board's meetings and activities are captured in the report. However at a high level, the Board's focus has been on:

- improving the public communications about the scheme - including a new logo, website and easy English materials;
- ensuring Official Visitors are appropriately trained and supported; and
- the efficacy of the statutory frameworks in which Official Visitors operate.

I am pleased to note that ACT Official Visitors operated within budget during the reported year. Official Visitors worked collaboratively with each other and the Board to achieve this result.



Jennifer McNeill

*Chair Official Visitors Board,
Deputy Director-General, Justice*

There were significant changes in Board membership over the course of the year and I would like to thank all previous and current Board members for their contributions including: Ms Mary Durkin, Mr Chris Redmond, Mr Simon Rosenberg, Ms Jodie Griffiths-Cook, Mr Andrew Taylor, Ms Tracy Savage, and Mr Aaron Hughes. I would also like to thank Ms Kelly Williams who acted as Chair during my absence from July to September 2022. My thanks also to Mr Stefan Dzwonnik and the ACT Human Rights Commission (HRC) which continues to provide us with administrative support.

But my deepest thanks goes to the Official Visitors themselves.

This will be my final report as Chair of the Official Visitors Board as my term will end in September 2023.

It's been my privilege to have played a part in ACT's Official Visitor arrangements. They are arrangements of which the Canberra community can be proud.

Jennifer McNeill

CHAIR, OFFICIAL VISITORS BOARD
DEPUTY DIRECTOR-GENERAL (JUSTICE)
JUSTICE AND COMMUNITY SAFETY DIRECTORATE

ACT Official Visitors Overview

ACT Official Visitors

ACT Official Visitors play an important role in safeguarding the rights and wellbeing of people who reside in various government and non-government facilities, accommodation, housing, centres, and refuges. These places are known as “visitable places” and the people visited by Official Visitors are known as “entitled persons”.

Official Visitors are independent statutory officeholders. They meet with and talk to entitled persons in visitable places to hear their concerns and resolve any complaints. They prepare and send reports to the operational Ministers responsible for the visitable places, including about any systemic issues or concerns that they have. They also prepare summary reports to the Minister with over-arching responsibility for ACT Official Visitors.

Official Visitors seek to identify, monitor and resolve service issues, using early intervention and resolution practices, with a view to improving service quality. They observe the environment and interactions between staff and entitled persons, make enquiries, inspect documents, communicate with entitled persons to ensure they are being supported with dignity and respect, and identify any issues of concern.

ACT Official Visitors cover five jurisdictions under each of the following Operational Acts:

- **Children and Young People** under the *Children and Young People Act 2008*
- **Corrections** under the *Corrections Management Act 2007*
- **Disability** under the *Disability Services Act 1991*
- **Housing and Homelessness** under the *Housing Assistance Act 2007*
- **Mental Health** under the *Mental Health Act 2015*.

The Board

The Board was first established in 2013 in response to concerns about the absence of a centralised, consistent and professional source of support and guidance for Official Visitors.

The Board is a governance board, overseeing and supporting the work of Official Visitors rather than directing or controlling that work. Under section 23C of the *Official Visitor Act 2012*, its functions are to:

- Oversee the exercise of functions by Official Visitors
- Arrange for the recruitment, induction, training and support of Official Visitors
- Provide support for, and manage, the exercise of functions by Official Visitors
- Consider and try to resolve any complaints about Official Visitors
- Exercise any other function given to the Board under legislation.

Board Membership

The Board is established under section 23A of the *Official Visitor Act 2012* (the Act) and comprises –

- The Chair as appointed by the Minister
- The Public Trustee and Guardian
- At least one Commissioner under the *Human Rights Commission Act 2005*; nominated by the Commissioners under that Act
- Two Official Visitors elected by the Official Visitors
- Any other member/s appointed by the Minister.

Election of the representatives of Official Visitors is undertaken every three years or when the term of an elected Official Visitor representative comes to an end.



Board Members at the end of the reported period were:

- **Ms Jennifer McNeill**, Deputy Director-General for Justice, Justice and Community Safety, and Chair
- **Mr Aaron Hughes**, Public Trustee and Guardian
- **Ms Jodie Griffiths-Cook**, Public Advocate and Children and Young People Commissioner and representative of the ACT Human Rights Commission
- **Mr Simon Rosenberg**, Official Visitor for Homelessness and Official Visitor representative
- **Mr Chris Redmond**, Official Visitor for Children and Young People and Official Visitor representative.

The Deputy Director-General for Justice, Justice and Community Safety, position was occupied by Ms Kelly Williams from 1 July 2022 to 30 September 2022.

Mr Andrew Taylor's last day as Public Trustee and Guardian was 28 October 2022. Ms Tracy Savage acted as Public Trustee and Guardian from 31 October 2022 to 17 February 2023. Mr Aaron Hughes was appointed Public Trustee and Guardian from 20 February 2023 and remains in the role.

Ms Mary Durkin, Official Visitor for Disability and Official Visitor representative, retired from her role as Official Visitor and Board member on 19 August 2022 and was succeeded by Mr Simon Rosenberg on 20 August 2022.

The Board thanks Ms Kelly Williams, Mr Andrew Taylor, Ms Tracy Savage and Ms Mary Durkin for their contributions during the 2022-23 period.



Official Visitors Board

Chris Redmond

(Board Member, Official Visitors' representative)

Jodie Griffiths-Cook

(Board Member, Public Advocate and Children and Young People Commissioner)

Jennifer McNeill

(Chair, Deputy Director-General, Justice)

Simon Rosenberg

(Board Member, Official Visitors' representative)

Aaron Hughes

(Board Member, Public Trustee and Guardian)

Meetings

A requirement for the Board to meet quarterly was introduced in April 2020.

The Board met four times during the reported year on 15 September 2022, 30 November 2022, 23 March 2023 and 29 June 2023.

Prior to meetings, Board members are required to disclose any material interest to be considered at the meeting. One disclosure was made by a Board member during the 2022-23 financial year.

Key items discussed in the 2022-23 Board meetings included:

- Official Visitor recruitment
- Official Visitor induction, training and development
- Official Visitor activity and reporting
- Cyber security issues
- Financial matters including provisional risk-based budget allocations
- Official Visitor branding and communication including a proposed new website
- Ongoing challenges with some visitable places registers
- Freedom of Information requests
- Requests for submissions from Official Visitors and the Board.

Complaints received by the Board

The Board is required to consider and try to resolve any complaints about Official Visitors as per section 23C(1)(d) of the *Official Visitor Act 2012*.

No complaints were received by the Board regarding Official Visitors during the reporting period. The Board developed and endorsed an Easy English Complaints Policy during the reporting period for inclusion on the new ACT Official Visitors website.





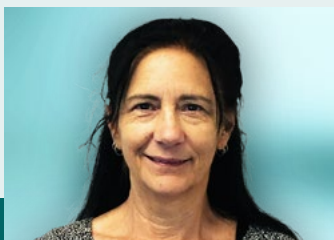
Official Visitors

Official Visitors are appointed under section 10 of the Act by the Minister responsible for the Act, for the purposes of each of the Operational Acts.

Two of the jurisdictions, Corrections and Children and Young People, have a requirement that at least one of the appointed Official Visitors must be an Aboriginal or Torres Strait Islander person.

Current Appointments

As at the end of the reporting period the following Official Visitors were in place:



Denise Brassler

Corrections Management Act 2007

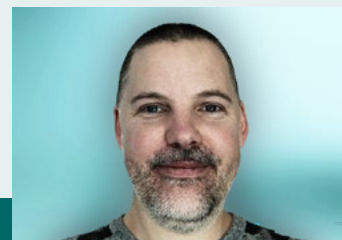
23.12.2020 to 22.12.2023



Geoff Dulhunty

Mental Health Act 2015

29.6.2021 to 28.6.2024



Matt Hingston

Disability Services Act 1991

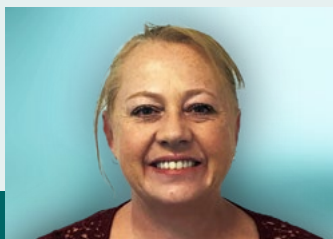
25.3.2022 to 24.3.2025



Pam Jenkins

Disability Services Act 1991

12.8.2022 to 11.8.2025



Vickie Quinn

*Corrections Management Act 2007 and
Children and Young People Act 2008*

11.1.2023 to 10.1.2026

5.10.2021 to 4.10.2024



Chris Redmond

Children and Young People Act 2008

12.6.2022 to 11.6.2025



Simon Rosenberg

Housing Assistance Act 2007

4.9.2022 to 3.9.2025



Rob Woolley

Disability Services Act 1991

31.7.2020 to 30.7.2023



Paul Wyles

Mental Health Act 2015

2.7.2022 to 1.7.2025

(NB: Commencement date does not necessarily represent the full term of service, rather the term as provided in the most recent disallowable instrument)

Expiry of term or resignation of appointment

The following Official Visitors' terms expired during the reporting period –

Name	Jurisdiction	Commencement	Expiry / resignation date
Jane Grace	<i>Mental Health Act 2015</i>	2 July 2019	1 July 2022
Mary Durkin	<i>Disability Services Act 1991</i>	18 October 2019	19 August 2022
Shannon Pickles	<i>Corrections Management Act 2007</i>	17 December 2020	13 May 2023

Acting provisions

Section 9A of the Act authorises an Official Visitor for a visitable place to visit another visitable place if asked, in writing, to visit the place, or deal with an entitled person at the place, by an Official Visitor or the Board.

This relatively new provision has been of great assistance, allowing the Board to ensure that the visiting capacity across disciplines is matched to need.

Official Visitor	Current role	Acting role	Commencement	Termination
Mary Durkin	Disability	Homelessness	6 November 2020	19 August 2022
Simon Rosenberg	Homelessness	Disability	6 November 2020	19 August 2022
Shannon Pickles	Corrections	Disability	20 June 2022	8 August 2022
Shannon Pickles	Corrections	Disability	22 August 2022	10 September 2022
Pam Jenkins	Disability	Homelessness	4 September 2022	Ongoing
Simon Rosenberg	Homelessness	Disability	12 September 2022	Ongoing
Shannon Pickles	Corrections	Disability	13 September 2022	15 September 2022
Shannon Pickles	Corrections	Disability	12 October 2022	12 October 2022
Chris Redmond	Children & Young People	Disability	1 November 2022	1 November 2022
Shannon Pickles	Corrections	Disability	8 November 2022	31 December 2022
Shannon Pickles	Corrections	Disability	3 January 2023	29 January 2023
Shannon Pickles	Corrections	Disability	2 February 2023	2 February 2023
Shannon Pickles	Corrections	Disability	14 February 2023	14 February 2023
Vickie Quinn	Corrections / Children & Young People	Disability	5 March 2023	5 March 2023
Denise Brassier	Corrections	Children & Young People	2 May 2023	2 July 2023
Simon Rosenberg	Homelessness	Corrections	26 April 2023	26 April 2023
Simon Rosenberg	Homelessness	Corrections	9 May 2023	9 May 2023
Simon Rosenberg	Homelessness	Corrections	11 May 2023	11 May 2023
Simon Rosenberg	Homelessness	Corrections	14 May 2023	8 September 2023



Training / Professional Development

Official Visitor Professional Development Days (PDDs) were held on 8 August 2022, 2 December 2022 and 23 February 2023.

Training received and items discussed during the 2022-23 PDDs included:

- Systemic issues across Official Visitor jurisdictions
- Ongoing issues with some visitable places registers
- Media and stakeholder engagement
- Budget and risk management
- Community Services Directorate (CSD) Commissioning processes
- Services gaps and overlaps across Official Visitor jurisdictions
- Information sharing
- Working with ACT Disability, Aged and Carer Advocacy Services (ADACAS).

The PDDs were also an opportunity for Official Visitors to discuss their work with Tara Cheyne MLA, Minister for Human Rights.



Professional Development Day on 2 December 2022

Left to right: Rob Woolley, Simon Rosenberg, Denise Brassler, Vickie Quinn, Pam Jenkins, Geoff Dulhunty, Paul Wyles, Shannon Pickles, Matt Hingston and Chris Redmond.

Additional training with respect to conflict de-escalation was provided to Official Visitors on 6 February 2023 by Mr Shane Box, Facilitator and Subject Matter Expert, Canberra Institute of Technology.

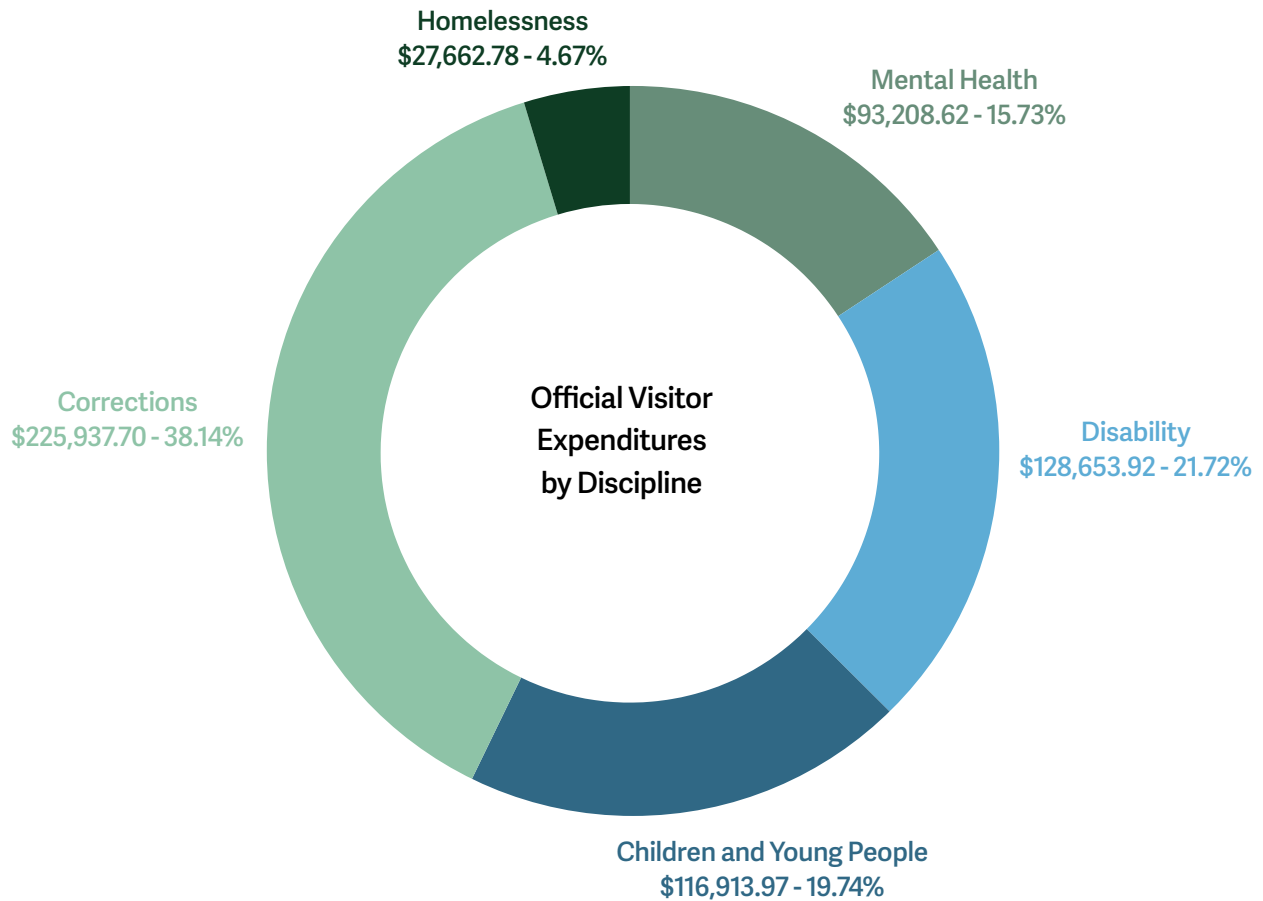
Mr Simon Rosenberg attended the National Homelessness Conference 2022 held 8 to 10 August 2022 at the National Convention Centre Canberra. Ms Vickie Quinn and Ms Denise Brassler attended the Justice Reform Initiative Event held 27 March 2023 at the Canberra Museum & Gallery.

Financial – 2022-23 End of Financial Year Summary

The 2022-23 budget comprised \$625,000 for territorial expenses (remuneration and ACT Official Visitors related expenses).

Remuneration and expenses funding	\$625,000.00
Total Budget	\$625,000.00
Less Remuneration and Allowances	\$592,376.99
Less Operational Expenses	\$16,592.05
Total Expenses	\$608,969.04
Operating Result	\$16,030.96

Final remuneration expenditure breakdown by Official Visitor jurisdiction in 2022-23 in the chart below includes \$211.85 for Disability, \$4,553.95 for Children and Young People and \$4,140.46 for Homelessness for Board duties or work on behalf of the Board.



The allocation of \$126,161 in departmental funding to the Human Rights Commission is not included in the financial summary. Departmental funding contributes to the cost of the Executive Officer’s salary and on-costs.

Complaints

Official Visitors receive complaints by talking to the entitled person, or by letter, e-mail, telephone or through the National Relay Service. Many complaints are received from third parties.

The entitled person may ask to make a complaint to the relevant Official Visitor privately or to an Official Visitor of the same gender or to an Aboriginal or Torres Strait Islander Official Visitor.

Complaints may typically be made about -

- the conditions of accommodation for an entitled person
- the care or services provided to an entitled person at the visitable place
- the activities available to an entitled person at the visitable place
- how the visitable place is administered.

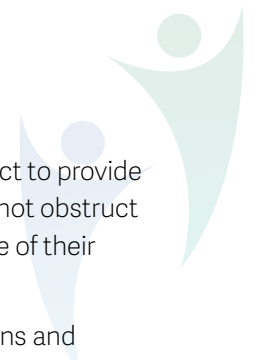
When an entitled person requests to speak to an Official Visitor through their service provider, the Official Visitor must be notified within 24 hours. The entitled person does not need to provide details about why they wish to speak to an Official Visitor.

Service providers cannot refuse or neglect to provide assistance or answer questions and cannot obstruct or hinder an Official Visitor in the exercise of their functions.

Official Visitors can monitor the conditions and services in the place, investigate and seek to resolve complaints, identify and report on systemic issues adversely affecting entitled persons at the place, refer complaints or issues to relevant investigative entities if appropriate, and also report to the Minister and operational Minister.

In doing so, Official Visitors must be guided by the following principles -

- respecting and promoting the human rights of entitled people
- promoting the high quality provision of services to, and care and treatment of, entitled people that is centred on their needs
- considering the wishes of entitled people in relation to visits and how complaints are dealt with
- encouraging early resolution of complaints whenever reasonable and practicable to do so
- the objects and principles in the Operational Acts.



Section 23DA Official Visitor Act 2012 Reporting

Section 23DA of the Act provides that the Board must give the Minister a written report for the financial year about:

- (a) The number of -
 - (i) Visits by Official Visitors to visitable places
 - (ii) Complaints received by Official Visitors in relation to visitable places
 - (iii) Referrals of complaints to investigative entities
- (b) Actions taken on the complaints received
- (c) Any systemic issues in relation to the operation of the Act identified by the Board
- (d) The number and kinds of matters referred by an Official Visitor to an investigative entity
- (e) The number of times an Official Visitor inspected records in accordance with section 15(2)(b).

The following information has been drawn from Official Visitor quarterly summary reports and from consultation with Official Visitors.

Section 23DA(1)(a) and (e) Visits, Complaints, Referrals and Inspection of Records

Jurisdiction	Visits s. 23DA(1)(a)(i)	Complaints Received s. 23DA(1)(a)(ii)	Complaints referred to investigative entities s. 23DA(1)(a)(iii)	Inspected client records under s. 15(2)(b) s. 23DA(1)(e)
Mental Health	170	58	11	0
Disability	156	85	23	71
Corrections	144	1,376	21	0
Children and Young People	236	57	5	0
Homelessness	60	23	0	0
Total	766	1,599	60	71

Section 23DA(1)(b) Actions taken on complaints received



Mental Health

During the 2022-23 financial year, Mental Health Official Visitors received a number of complaints concerning matters such as –

- Staff management - of medication, of physical care and in response to a suicide attempt
- Access to services - delay, lack of provision or access to social services and advocacy
- Food and hygiene - access to and cleanliness of tea and coffee facilities, meal quality and choices
- Leave provision - access to leave, complexity of leave provisions, concerns about inequity and unfairness in decision making
- Housing - concerns about housing maintenance and access to secure housing
- Access - to mobile phone, comfortable mattress, adequate showers
- Delayed or inadequate discharge
- Behaviour of staff and other consumers
- Involuntary treatment.

Action taken on complaints included –

- Directly contacted, liaised, consulted and provided feedback to staff, managers, senior staff, and specialists
- Directly contacted, liaised, and referred to other Official Visitors as required
- Monitored and reported on concerns raised
- Regularly met with the Mental Health Advocates (HRC) and with Mental Health & Strategy (Health Directorate) to raise and resolve issues / concerns, prevent duplication of services, and ensuring good communication and information sharing
- Attended Restraint and Seclusion Committee Monthly (Canberra Health Services (CHS))
- Met with Executive Director Mental Health, Justice Health, Alcohol and Drug Service (CHS)
- Met with ADACAS once to establish a relationship, share information and facilitate referrals.

Disability

During the 2022-23 financial year Disability Official Visitors received a number of complaints concerning matters such as –

- Provider service quality, and support worker conduct
- Actions of co-residents
- Restrictive practices
- Maintenance and quality issues with housing stock
- Interactions between service types within the health system
- Access to services and advocacy
- Community access and activities
- Guardianship decisions impacting on service provision
- Impacts of National Disability Insurance Agency (NDIA) funding decisions
- Equipment issues
- Access to transport services
- Child protection concerns.

Action taken on complaints included –

- Raised issues with staff or senior managers on the day or after a visit
- Direct intervention or reasonable explanation conveyed back to the complainant
- Monitored concerns raised and ensured undertakings are implemented
- Referral of matter to other investigative entities
- Raised concerns with housing or maintenance authorities
- Facilitated the use of provider complaints handling processes
- Passed information to Support Coordinators to inform their future actions
- Advised regarding other complaint resolution options or outcomes that were available.

Corrections

During the 2022-23 financial year Corrections Official Visitors received a number of complaints concerning matters such as –

- Incentives and Earned Privileges (IEP) issues – delays in classifications and communication around the new process, inconsistent practice amongst correctional officers in documenting detainee progress which reflects on the detainee’s ability to move amongst the IEP levels
- Concerns regarding access to programs, activities and education which is impacting parole and transitional release applications – insufficient programs and activities for men and women, insufficient cultural programs and activities for Aboriginal and Torres Strait Islander detainees, boredom, limited education and education providers, limited Alcohol and Narcotics programs with extended waiting times, and lack of sex offender programs
- Health issues – delays in accessing Winnunga Nimmityjah Aboriginal Health Service (Winnunga Health) care and moving health services to Winnunga Health, limited access to external specialists including pain clinics, lack of counselling options, no physiotherapy provided within the Alexander Maconochie Centre (AMC), and delays in accessing weekend healthcare.

Action taken on complaints included –

- Spoke with immediate staff in the area to resolve immediate concerns where possible
- Elevated issues to operational management and the Corrective Services Commissioner. Particularly those of a systemic nature to encourage resolution and recommend plans for improvements for detainees
- Participated in a health and wellbeing strategy workshop with both Justice Health and Winnunga Health
- Reviewed CCTV footage
- Referred to an investigative entity.



Children and Young People

During the 2022-23 financial year Children and Young People Official Visitors received a number of complaints concerning matters such as –

Out of Home Care Complaints

- Staff engagement / behaviour / misconduct / services
- Engagement / activities issues
- Food / nutrition
- Access to belongings / clothing / personal items
- Hygiene
- Maintenance
- Living arrangements
- Resident conflicts / assault
- Transport
- Privacy
- Medical / medicine
- Entitlements including pocket money and payments
- Unsafe living environment
- Application progress
- Accommodation issues.

Actions taken on Out of Home Care complaints included –

- Reported and discussed with workers at the house, ACT Together Management, or MacKillop Family Services Management for resolution or follow up
- Conditions of the houses continued to be monitored
- Matters raised with Focus ACT
- Plans developed to manage complaint
- Direct intervention and / or reasonable explanation given conveyed to the young person
- Referred to an investigative entity.

Homelessness

During the 2022-23 financial year the Homelessness Official Visitor received a number of complaints concerning matters such as –

- Disputes between household residents
- Complaints about property maintenance
- Problems resulting from service staff turnover
- Delays and complications with Housing ACT application process.

Bimberi Youth Justice Centre Complaints

- Staff engagement / behaviour / misconduct
- Food / nutrition
- Access to and use of belongings / clothing / personal items / purchases
- Furniture issues
- Access to and contact with services
- Disciplinary issues
- Medical / medicine issues and management
- Education time / resources / certification issues
- Access to contact with family and friends
- Resident conflict
- Purchases issues.

Actions taken on Bimberi Youth Justice Centre complaints included –

- Reported and discussed with Bimberi Operations Management for investigation, feedback or resolution
- Escalated from Bimberi Operations Management to the Unit Manager, Operations Manager and Branch Manager for resolution
- Direct intervention and / or reasonable explanation given conveyed to the young person
- Discussion with other providers such as Justice Health
- Referred to an investigative entity.

Action taken on complaints included –

- Discussed and referred matters back to service staff and other relevant agencies.

Section 23DA(1)(c) Systemic Issues in relation to the operation of the Act

The Board has identified the following systemic issues in relation to the administration of the Act.

Visitable places registers

There continue to be issues with the accuracy of some visitable places registers. Under section 23DB(3) of the Act:

- the relevant Director-General responsible for a visitable place must keep a register of each visitable place
- that register must include, at least, the address of each visitable place and the contact details of a person who can provide access to the place
- the relevant Director-General must, on request, give information on the register to relevant Official Visitors and the Board.

Official Visitors have noted problems with the completeness and currency of some registers. Official Visitors rely on the registers to know where and how their visiting efforts should be directed.

In response to this systemic issue, the Minister for Human Rights requested that the Chair convene a cross-agency working group with a view to identifying strategies to address these problems.

Outcomes from the working group are expected to be identified and actioned in the 2023-24 period.

Information privacy

It has been identified that the *Information Privacy Act 2014* and the Territory Privacy Principles restricts information sharing between Official Visitors. This is a potential impediment to sharing information and insights (for example as to recurring issues or complaints) both within and across disciplines.

The Board has initiated discussion with respect to possible legislative amendment to facilitate better information sharing between Official Visitors.

The Board also notes the following systemic issues identified by Official Visitors.



Mental Health

Access to accommodation and medical services

In addition to the visitable places register issue flagged by the Board as well as common systemic issues, the

Official Visitors for Mental Health (OVMH) have flagged systemic issues around:

- Secure accommodation and
- Access to bulk billing General Practitioners (GPs).

Case study

X is in his mid-twenties. He is talkative and engaging and is keen to get on with his life after a rocky few years which included drug induced psychosis and time in the Alexander Maconochie Centre. He likes where he is currently staying in a transition program – a group home in the community – but he knows he has a maximum of three months before he has to move on. X is currently well supported by the staff at the transition service, and he is supported to engage with a mental health clinician and a drug and alcohol counsellor.

One of the issues which X raised with the Official Visitor for Mental Health (OVMH) was access to housing beyond his time at the transition accommodation. He is on the public housing waiting list and had received support letters from several professionals that he is currently working with. The second issue which X raised was access to a bulk billing General Practitioner (GP). X is finding it hard to budget on his welfare payment, he requires regular reviews by a GP and ongoing medication for his mental health but has been unable to find a bulk billing General Practice. Periodically he considers coming off his medication but is being strongly encouraged by those supporting him to stick with it.

Staff who are working with X agree that these two issues are challenges for X and many other mental health consumers. Access to bulk billing GPs and secure accommodation are critical in recovery from mental illness and without these there are risks of relapse.

Disability

Resourcing and increases in visitable places

There has been a sustained increase in the number of visitable places recorded on the Disability visitable places register from 230 visitable places recorded at 30 June 2021, to 265 visitable places recorded at 30 June 2022, to 324 visitable places recorded at the end of this reporting period.

This reflects both targeted action taken by the Community Services Directorate (CSD), to engage with service providers and improve the accuracy of the Disability visitable places register and an increase in the number of service users over time.

The Official Visitors for Disability Services (OVDS) consider that, in general, a work plan of annual visits to all visitable places appropriately balances risk and cost. They were concerned that, with the increase in the number of visitable places, annual visits were not achievable having regard to substantive OVDS availability and the funding envelope historically utilised by them. The OVDS welcomed the Board's consideration of this issue when planning budget allocations for 2023-24, and will be entering into the next reporting period well-positioned to increase annual visit numbers.

Housing - quality and maintenance

Throughout the reporting period, the quality of housing stock, and issues relating to the maintenance of public housing properties, has exercised a substantial portion of OVDS complaint handling time. This is consistent with the substantial disquiet amongst disability service providers regarding the processes for, and outcomes of, maintenance requests. Providers frequently note the opacity of the process after an issue is logged, and have cited multiple examples of maintenance tickets being closed despite issues not being resolved. The OVDS have observed a range of both inadequate outcomes, and interminable delays.

The OVDS appreciated the assistance of the Minister for Disability in identifying better pathways for the escalation of issues, and were pleased that arrangements had been made for senior Housing ACT officials to attend a meeting with all Official Visitors early in the new financial year.

It is hoped that clearer lines of escalation and accountability will allow the quicker resolution of issues both by providers, and when the OVDS observe issues during visits.

Specialist Disability Accommodation funding

In the previous Annual Report, the OVDS noted ongoing frustrations with the longstanding and unresolved issue of Specialist Disability Accommodation (SDA) funding where it is allocated to National Disability Insurance Scheme (NDIS) participants living in some Housing ACT properties. In these circumstances, the funds can only be expended via the ACT Government as the property owner and the funding remains unused. OVDS understand that all other states and territories have taken the necessary action to ensure that this funding can be used for the benefit of the NDIS participants involved.

Over the reporting period, OVDS efforts continued to encourage the necessary action. The OVDS appreciated a briefing provided by a CSD officer towards the end of the reporting period, and are hopeful that proactive steps will continue early in the new financial year.

Deaths of people with disability in supported accommodation

Across the reporting period, the OVDS continued to advocate that a death review function be considered. The OVDS continue to hear anecdotal reports of deaths, and remain unaware of any outcomes or broad sector recommendations that may have come from any NDIS Quality and Safeguards Commission (NDISQSC) death review activities. It is also noted that the NDISQSC does not have oversight of all people who reside in visitable places.

The OVDS welcomed advice from the NDISQSC that legislative amendments were pending, which would allow smooth information sharing with OVDS and other Territory authorities. However, it has become clear that this work would be delayed while the Commonwealth Government awaits the final report and recommendations of the NDIS Review, and the Disability Royal Commission. In the meantime, the OVDS continue to explore alternative mechanisms by which some relevant information might be obtained.



NDIS funding

Early in the reporting period, the OVDS came across a number of cases where inadequate funding decisions had been made by the National Disability Insurance Agency (NDIA). This was impacting both individual outcomes, and potentially the financial viability of some service providers. The OVDS were grateful for the efforts of CSD's Integrated Service Response Program, to facilitate timely reviews of some of these NDIA decisions. The OVDS noted a decrease in the number of examples being seen over the course of the reporting period, though they continued to be encountered on occasion. The OVDS note the efforts to highlight these system-wide issues to the Commonwealth, at a Ministerial level.

NSW children and young people residing in the ACT

The OVDS became aware of a number of NSW children and young people with disabilities accessing specialist disability accommodation services in the ACT. While some of these children and young people are under NSW care and protection orders, others are accessing support through NDIS arrangements and / or private arrangements. Initial conversations with CSD, the ACT Public Advocate and NSW Community Visitors confirmed there is little oversight within the ACT of accommodation arrangements for these children and young people, including those under NSW care and protection orders, and OVDS have identified several cases through informal mechanisms rather than through formal safeguarding channels.

The OVDS are continuing to work with the ACT Public Advocate who, after having sought advice from the Office of the Children's Guardian (NSW), has progressed further discussions with CSD with a view to generating a requirement for ACT service providers to advise CSD in circumstances where they are supporting interstate children and young people.

Case Study

An Official Visitor for Disability Services (OVDS) visited an older, two storey house that was in poor condition. It did not meet the needs of the residents, who had lived there for many years. Both the service provider and the previous OVDS had been trying, without success, to get repairs made to the house and to get the men relocated to more suitable housing.

Two of the three residents were older and one of them had suffered a fall some months prior to the visit. They relied on wheelie walkers to mobilise. The bedrooms were upstairs while the living areas were downstairs. The stairs represented a real safety risk.

The residents had strong community ties in the area and were reluctant to move away.

The OVDS contacted Housing ACT who advised that the residents were on the list for relocation but were unable to indicate their priority ranking. The OVDS asked for their move to be prioritised, stressing the safety risk to the residents.

Within two months, the residents had been relocated to a new, accessible house in the same area.

Corrections

Women's area

There is a challenge in balancing the need to segregate and manage detainees on discipline as well as providing equitable programs and activities to support those detainees as needed. This issue has become more prevalent with the introduction of the Incentive and Earned Privileges (IEP) scheme as women are now more frequently on lock ins to accommodate the differing external time out by the different IEP allocations.

The lack of any sort of outdoor covered area for use in the women's area also continues to be an issue.

Justice Health and Winnunga Health

Health care continues to be the most common concern and complaint amongst detainees.

Lack of education and training qualifications options

Despite small increases in the number of education programs on offer, there continues to be a long wait for most education options.

Case Study

Detainee X contacted Official Visitors (OVs) through the free call phone system. X wanted to raise concerns on behalf of themselves and a number of detainees around the cottage buy-up system. An issue was occurring where the regular food delivery from a sole supplier in NSW was short on a number of food items (including core staples such as eggs). X was concerned that detainees were not being provided with replacement food items and that no efforts were being made to source replacement items from the kitchen. Moreover, recent changes meant the cottages had less available money for buy-ups.

This was a serious concern as, in a closed environment, the detainees had no other options for obtaining food.

OVs investigated and substantiated the complaint. Initially, Corrections confirmed the issue but indicated that they could do nothing about it. OVs then escalated the issue to senior management and involved the Health Services Commissioner. Subsequently Corrections agreed that:

- *a corporate credit card could be used for emergency buy-ups, and*
- *additional wholesale providers for core items such as eggs would be sourced.*



Children and Young People

There are 37 visitable places including Bimberi Youth Justice Centre (Bimberi), Franklin House and Out of Home Care (OOHC) residences.

The retendering of the Out of Home Care contract in 2023 resulted in a change of provider arrangements: MacKillop Family Services, mostly delivers services to children and young people aged between 12 to 18 years; and Focus ACT, an experienced disability service provider, is mainly responsible for delivering residential care services to children under 12 years of age.

The number of visitable places varies from quarter to quarter depending on the number of young people in OOHC and the houses used to accommodate them.

The number of young people seen is not indicative of the number of the young people in the care and protection or juvenile justice systems. A significant proportion of young people in Bimberi are on remand and are seen repeatedly while their charges are investigated and court appearances arranged. Some young people do not apply for bail, meaning they can remain in Bimberi for long periods before being released, or sentenced for short 'additional' periods.

Young people in Out of Home Care were also seen repeatedly as they are either on long term care orders or voluntary care orders between their parents and Child and Youth Protection Services (CYPS).

Transition issues

The Official Visitors for Children and Young People (OVCYPs) noted issues with transition of children under 12 from the care of the Territory into the care of Focus ACT. This has resulted in children being separated from consistent support staff and residential environments into new environments with children living with a disability. This is not always the most optimal outcome for these young people.

Housing quality

Quality of housing and living environments of some houses, particularly for young people under the age of 12, are a cause for concern.

Diet and food quantity and quality

There are issues with the quantity and quality of food in Bimberi and the time between meals following lock down in the evening and breakfast the following day. Some young men entering Bimberi have also been requesting protein drinks to supplement their diets, particularly as they are weight training to put on weight and gain some body mass. These drinks are not supported by Justice Health and are only available if there is a medical requirement.

Health

There were various medical issues including the use of podiatrist-recommended footwear which many young people found uncomfortable (causing blisters).

Young people also missed medical appointments and medication administration.

Case Study

A young person in Bimberi with type 1 diabetes was excluded from administering their own treatment, and had been placed on a routine of one injection per day.

Prior to entering Bimberi, the young person had independently managed their condition by self-administering three injections per day.

The young person made repeated approaches to Official Visitors for Children and Young People (OVCYPs) and Justice Health to have their usual routine of three daily injections, supported in Bimberi.

OVCYPs were told there was no medical staff available late in the afternoon to accommodate the young person's preferred routine. OVCYPs were also advised that the young person was not permitted to self-administer their injections due to a previous sharps management breach.

Additional difficulties arose from the fact that the young person was not able to access food overnight to help manage any overnight blood sugar 'lows'. There was a rule against young people having food in their cells, and at night the kitchens were closed.

OVCYPs raised these issues with Bimberi management.

As a result, a box of fruit juices and muffins was placed in the accessible office area in the evening after the kitchen had closed. In addition, OVCYPs were able to negotiate with Justice Health for the young person to receive two injections a day, the second injection being administered prior to medical staff leaving in the afternoon.

Homelessness

Housing ACT

It was pleasing to see the waiting time for social housing properties begin to come down towards the end of 2022-23, with priority housing allocations under 12 months. However, waiting times, combined with an out-of-reach private rental market, continued to impact adversely on both residents of homelessness services, and the services themselves. Nominally 'crisis' services have in many cases been forced to operate as medium-term accommodation.

Documentary and other requirements can often be daunting for vulnerable applicants who have experienced homelessness, and many people still require an advocate to help them navigate the system. But with some exceptions, Housing ACT's service reform measures appear to be resulting in steadily improving experiences for potential tenants at both application and allocation stages.

Specialist homelessness sector

Senior management of homelessness services are reporting some frustration with the degree of staff turnover, due to a tight labour market. This affects their ability to maintain a consistent and high-quality approach to service delivery, and is an important consideration for planning professional development. For instance, the Joint Pathways executive group has noted that a significant number of staff participating in the Trauma Informed Care program two years ago have moved on.

It is pleasing to see that the specialist homelessness sector is now developing a closer relationship with Alcohol and Other Drugs (AOD) services, including cross-sectoral professional development. Inevitably, it will take some time for improved culture and practice to take hold.

From the residents' perspective, the quality of services and supports is generally seen as very good, and is a tribute to the skill and dedication of homelessness services staff.

Service gaps

Young people in refuges and short or medium term supported accommodation consistently mentioned two related services gaps; youth mental health services and trauma-informed counselling. In particular, this was raised by young women who had escaped family violence, and similar issues have been raised by women with children in services like Toora Women Inc and Karinya House. They noted that there were some great services - CatholicCare's counselling service and the Woden Youth Centre both rated highly - but that it could be hard to get timely attention because of the demand.

Residents who mentioned trauma-informed counselling were often referring not just to psychology services, but to the need for enhanced skills from some workers in the homelessness sector. As suggested above, it would be timely for the sector to consider a professional development refresh for current staff.

Service integration

The broader health, justice and human services system remains poor at coordinating around the needs of clients, in matters such as transitioning from one service to another. From late 2022-23, Housing ACT's commissioning process put a focus on improving the response for high and complex needs clients, and Official Visitors were pleased to be engaged in these discussions. However, it is critical that other agencies – such as Corrective Services, Juvenile Justice, Mental Health and Out of Home Care – take shared responsibility for clients with complex needs who often move across the system, and sometimes fall between service boundaries.



Case Study

X was a middle-aged man with an undiagnosed mental illness, exhibiting manic behaviour. He had a history of insecure accommodation and rough sleeping.

He arrived at a homelessness service, where the staff settled him in, attempted to link him up with public mental health services, and helped him commence the public housing application process. It took several weeks before X could get a mental health appointment, and before that time he grew increasingly agitated. His behaviour created tension with other residents and serious disruption in the house.

Arrangements were made for X to go to another service. However, he failed to arrive, and staff were unable to contact him. He stayed under the radar until 3 months later when he was arrested and convicted for an offence, and commenced a prison term in Alexander Maconochie Centre.

When a homelessness service staff member visited him, X said: "Well at least I get a roof and three meals a day here. And the prison mental health nurse is nice."

Common systemic issues across Official Visitor jurisdictions

Official Visitors in the five disciplines identified housing and accommodation-related matters to be of particular concern throughout the reporting period.

Housing transition

Official Visitors continue to note problems for entitled persons and other vulnerable people moving out of institutional arrangements such as the Adult Mental Health Unit, the Alexander Maconochie Centre, Bimberi Youth Justice Centre and Out of Home Care.

Those at risk of homelessness may be supported by crisis services while waiting for more permanent accommodation. However, affordable private rental and public housing are in short supply, so people might remain in crisis / transition services for extended periods. These services do not always have capability to deal with complex needs, such as mental health or alcohol and other drug problems, over an extended period.

Slow exits from short term crisis accommodation services are also causing entry blockages for people referred through OneLink.

Young people exiting the formal out of home care system and people exiting correctional services can be particularly vulnerable during waiting periods for both crisis accommodation, and public housing allocation.

Housing quality

As flagged above, people with disabilities and their advocates have raised questions about responsibility for and timeliness of maintenance of ACT Government properties. Official Visitors have witnessed properties which are of poor standard or require significant maintenance, including some significant safety concerns.

When repairs and maintenance needs have been notified through services providers to Housing ACT, progress to get matters remedied can be slow.

This has heightened the impression that assessment of repair and maintenance works do not appear to account for the additional vulnerabilities carried by persons with disabilities, and the need for a special focus on their living conditions.

Progress since last Annual Report

While these matters were also raised in the 2021-22 Annual Report, Official Visitors have been encouraged by recent constructive engagement with Housing ACT, and clear commitments to address the issues raised.

This includes linking Official Visitors to the homelessness commissioning work underway, and focusing on improved outcomes for people with high and complex needs.

However, there must be greater efforts from other ACT Government agencies. Official Visitors have previously noted that many entitled persons have needs that do not fit neatly within the remit of a single government agency. A serious effort to better integrate and coordinate services is needed.



Section 23DA(1)(d) Number and kinds of matters referred by an Official Visitor to an investigative entity

Official Visitors will refer complaints or issues from, or on behalf of, entitled persons at the place to relevant investigative entities.

Mental Health

During the 2022-23 financial year the following kinds of matters were referred to investigative entities -

- 11 referrals to the Mental Health Advocate for consumers requesting / requiring advocacy.

Disability

During the 2022-23 financial year the following kinds of matters were referred to investigative entities -

- 7 referrals to the Office of the Senior Practitioner in relation to restrictive practices
- 4 referrals to the NDIS Quality and Safeguards Commission for formal investigation
- 2 referrals to the ACT Public Trustee and Guardian in relation to guardianship concerns
- 3 referrals to the ACT Human Rights Commission (HRC) for consideration
- 4 referrals to Mental Health Official Visitors for matters related to consumers with mental health care issues
- 1 referral to Children and Young People Official Visitors for a matter related to young persons living in supported residences
- 2 referrals to the Homelessness Official Visitor related to persons seeking or transitioning accommodation arrangements.

Corrections

During the 2022-23 financial year the following kinds of matters were referred to investigative entities -

- 11 referrals to the HRC for consideration of issues relating to education, excessive use of force, management, parole, personal information and guardianship
- 5 referrals to the Health Services Commissioner at the HRC for issues relating to health
- 2 referrals to Mental Health Official Visitors for matters related to detainees with mental health care issues
- 3 referrals to the ACT Ombudsman to investigate issues around probation and parole, education and the Management Unit.

Children and Young People

During the 2022-23 financial year the following kinds of matters were referred to investigative entities -

- 5 referrals to the ACT Public Advocate seeking advocacy for young persons due to physical / psychological incidents or issues.

Homelessness

No matters were referred to investigative entities for the 2022-23 financial year.

Executive Officer / Administrative Support



Mr Stefan Dzwonnik
is the Executive Officer of ACT Official Visitors.



Glossary of Abbreviations and Acronyms

Act, the	<i>Official Visitor Act 2012</i>
ADACAS	ACT Disability, Aged and Carer Advocacy Services
AMC	Alexander Maconochie Centre
AOD	Alcohol and Other Drugs
Bimberi	Bimberi Youth Justice Centre
Board, the	Official Visitors Board
CHS	Canberra Health Services
CO	Corrections Officer
CSD	Community Services Directorate
CYPS	Child and Youth Protection Services
GP	General Practitioner
HRC	ACT Human Rights Commission
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NDISQSC	NDIS Quality and Safeguards Commission
OOHC	Out of Home Care
OV	Official Visitor
OVCYP	Official Visitor(s) for Children and Young People
OVDS	Official Visitor(s) for Disability Services
OVMH	Official Visitor(s) for Mental Health
SDA	Specialist Disability Accommodation
Winnunga Health	Winnunga Nimmityjah Aboriginal Health Service



**ACT
Official
Visitors**

GPO Box 158 CANBERRA ACT 2601

Hotline 1800 150 036

Tel (02) 6207 0978

Web <http://ovs.act.gov.au/>

Email ovs@act.gov.au