

Access to justice for all



2024 ACT Election Platform

Incarceration is expensive, ineffective and in most instances doesn't leave our community safer. While the ACT Government has promoted justice reinvestment as a policy approach, too many Canberrans remain trapped in a cycle of harmful and costly incarceration. To break this cycle and build safer communities, the ACT Government needs to further reinvest away from prisons and into the community. This includes focusing on prevention, early intervention, rehabilitation, Aboriginal community-controlled services, and stronger oversight and accountability across the justice system.

To break the cycle of incarceration and ensure a humane justice system, ACTCOSS calls on the incoming government to:

- expand the Justice Housing Program, and increase access to social housing for those exiting prison
- establish a Justice Reinvestment Coordinator General to ensure a cross-directorate, whole-of-government approach to justice reinvestment
- increase investment in community-led diversionary and early intervention programs
- reform bail laws and resource bail support services to reduce reliance on pre-trial remand
- reduce recidivism through law reform and increased investment in throughcare, reintegration and post-release supports and services
- reduce the over-representation of Aboriginal and Torres Strait Islander people in the justice system
- reduce the over-representation of people with a disability in the justice system
- increase access to purposive activities, educational opportunities, and rehabilitation programs within prison and youth justice settings
- invest in secure, adequate, long-term funding for the legal assistance sector
- ensure the age-related needs of older people in prison are met
- enhance independent oversight, monitoring and accountability across the forensic and criminal justice systems.

Jailing is failing: the state of the justice system in the ACT

The ACT is at a critical juncture in its justice reform journey. Despite boasting the lowest incarceration rates nationwide,¹ over a third of people released from the Alexander Maconochie Centre (AMC) return within two years.² Compared to other state and territory jurisdictions, we have the highest rate of recidivism (when including return to community corrections orders), as well as the highest rate of prior imprisonment, with 80% of all people in the AMC having been to prison before.²

The ACT also has the highest ratio of Aboriginal and Torres Strait Islander incarceration rates compared with non-Indigenous incarceration rates, with Aboriginal and Torres Strait Islander peoples incarcerated at over 24 times the rate of non-Indigenous residents.³

A key factor driving incarceration is the overuse of remand for people awaiting trial, with 46% of people detained in the ACT on remand – the highest rate in Australia and double the remand rate in the ACT a decade ago.²

In the ACT, as elsewhere, people experiencing marginalisation and disadvantage – such as people with disability, mental ill-health, lower socio-economic circumstances and educational attainment, drug and alcohol issues, homelessness, experiences of trauma and/or racism – are much more likely to be involved with the criminal justice system.^{4,5,6} This underscores the failure to provide sufficient community support and opportunities that genuinely address the root causes of offending.

Successive reports from the ACT Inspector of Correctional Services, along with reviews of

the ACT's forensic mental health facilities, also highlight systemic and ongoing shortcomings in the conditions, services and rehabilitation options provided to people detained in the AMC and the Territory's forensic mental health system.

A criminal justice system that fails to rehabilitate, fails to deter, and fails to keep the community safe is not only socially damaging but also comes at an enormous cost to taxpayers. In the ACT, the total net operating and capital cost of adult imprisonment and youth detention over the past year was more than \$120 million dollars.^{7,8} This is over half the amount invested in the whole of the community sector, from emergency food relief to domestic violence responses to mental health services, and everything in between. By investing a greater proportion of this money in preventive and diversionary community programs, community services will have a chance of truly meeting the present needs of the community, rather than having to ration services through strict eligibility and exclusion criteria or relegating people to long waiting lists.⁹

If the ACT Government is to realise its stated aspirations of nation-leading justice reform, it must commit to a genuinely transformative shift in resources, moving further away from incarceration and increasing investment in community-led, person-centred solutions that reduce recidivism and create a more just and equitable Canberra. For those who are incarcerated, the focus must be on rehabilitation and ensuring humane conditions. Now is the time to cement bold and sustained investment in the communities and programs that can make a lasting difference.

Policy priorities

Expand the Justice Housing Program, and increase access to social housing for people exiting prison

The nexus between housing insecurity, homelessness, and involvement with the criminal justice system is well established.^{10,11} People experiencing homelessness are over-represented in Canberra's prisons, and previously incarcerated people are over-represented among those who are homeless. Nationally, more than two in five (43%) people entering prison were homeless prior to incarceration, while almost half (48%) of people in prison expect to be homeless once released.^{12,13}

The shortage of social housing in the ACT contributes to the revolving door between prisons, the justice system and homelessness. [ACTCOSS urges the ACT Government to substantially increase the supply of social housing](#), and this is fundamental to reducing incarceration, reducing recidivism, and supporting individuals to achieve stable and secure lives.¹⁴

Current Housing ACT policies and practices also need to be reviewed and reformed to support the reintegration of people formerly in prison. Under current settings, a public housing tenant faces eviction if their term of imprisonment is likely to exceed three months – a policy that is considerably harsher than that of public housing authorities in most other state and territory jurisdictions.¹⁵

The consequences of evicting a public housing tenant during incarceration are devastating. They not only lose a safe place to return to and rebuild their life once released, but also often lose their possessions, which are routinely disposed of by Housing ACT.¹⁶ For those who are parents, eviction means their children cannot return to their care once they are released. This is particularly concerning given the vast majority of Australian women in prison are sole parents of dependent children.¹⁷ For those who have survived domestic and family violence, the impact of being released from prison into homelessness can often cause them to return to violent situations.

Further reforms are required to reduce the barriers to public housing for people released from prison. The public housing application process is onerous, complex and challenging to navigate. To be eligible, a person must demonstrate a capacity for independent living, including significant and ongoing engagement with services to address any problems they have – a requirement that is challenging to meet for those with complex issues and disconnected from community services due to their period of incarceration. Debts to Housing ACT for rental arrears or repairs are also significant barriers to people being accepted onto the public housing waiting list.

Increasing access to transitional housing is vital to prevent homelessness and reduce recidivism for people exiting prison, as well as preventing those on bail from being incarcerated.¹⁸ The Justice Housing Program currently provides 10 transitional shared accommodation houses for people leaving the AMC who are able to live independently.¹⁹ Accommodation is provided for up to three months and during that time people are assisted to find more permanent accommodation and access community services. While the program was evaluated and found to be successful, demand far outstrips the number of places available.¹⁹ Further investment is required to expand the number of places and range of housing options, including one- to two-bedroom and single-occupancy dwellings, and to provide pathways to permanent housing and continued post-release support.

- Review Housing ACT's policy of evicting incarcerated tenants who are detained for three or more months, and implement reforms to reduce barriers to public housing for people released from prison, including revising requirements around repayment of debts.
- Expand the Justice Housing Program to reduce the shortage of bail accommodation and prevent homelessness for people exiting prison, with particular emphasis on meeting the needs of groups with complex needs, and to include one- and two-bedroom dwellings to accommodate those who might have children visiting or who aren't suited to shared accommodation.

Establish a Justice Reinvestment Coordinator General to ensure a cross-directorate, whole-of-government approach to justice reinvestment

The ACT Government has committed to justice reinvestment as a policy approach, yet much more needs to be done to address the drivers of justice system involvement and break the cycle of incarceration. Existing community-led justice programs in the ACT have made positive inroads for many individuals engaged with the justice system, yet they are not adequately resourced, and only a fraction of people at risk of imprisonment or recidivism are able to access them. Piecemeal resourcing and service silos impede the impact and reach of existing programs and ultimately prevent the whole-of-government, cross-sectoral approach needed to achieve long-term, meaningful change.

To date, justice reinvestment programs and policies in the ACT have focused on tertiary prevention, such as early intervention and diversion responses for people already engaged with the justice system. These programs are vital and need to be expanded, but breaking the cycle of justice system involvement is a whole-of-government responsibility that requires efforts to be coordinated across multiple sectors—justice, health, disability, mental health, housing, education, employment, domestic and family violence, alcohol and other drug services, and child protection. Currently, siloed decision-making and funding streams contribute to services and systems that are fragmented and disjointed, with many people ending up in youth and adult detention after child protection, education, disability and health services have failed them.

Establishing a Justice Reinvestment Coordinator-General would help overcome this service fragmentation and disjointed policy making. By breaking down silos, ensuring alignment across policies, funding, and accountability, and fostering collaboration among government agencies and with communities, this role could help drive a cross-directorate, whole-of-government approach that addresses the drivers of offending and breaks the cycle of incarceration.

In addition to supporting a whole-of-government approach to justice reinvestment, the Justice Reinvestment Coordinator-General could oversee the expansion of funding to early intervention and diversion programs. ACTCOSS has previously supported the Justice Reform Initiative's recommendation that the ACT Government establish a 'Breaking the Cycle' Fund, and we note the ACT Government recently announced it would establish a 'Justice Futures' justice reinvestment fund.²⁰ Additional funding is needed to support the expansion of services and programs focused on early intervention and diversion, reducing recidivism, and addressing the root causes of offending.⁹

- Establish a Justice Reinvestment Coordinator General to ensure a cross-directorate, whole-of-government approach to justice reinvestment, and to ensure community needs and perspectives are integrated into policy development and service delivery.

Adequately resource and expand early intervention and community-led diversionary programs

Community-led early intervention and diversionary programs are achieving strong outcomes in the ACT, especially those led by Aboriginal and Torres Strait Islander people.⁹ Despite this, inadequate, short-term and piecemeal funding is limiting the scope and capacity of these programs, and means only a fraction of people at risk of imprisonment are able to access them.⁹ There are also significant gaps in the range of programs, with proven and successful models of early intervention and diversionary programs still not available in the ACT.

It is vital that investment in existing, successful programs is increased, including Aboriginal and Torres Strait Islander led programs, while gaps in the range of early intervention and diversionary programs are addressed. This includes expanding place-based programs such as the Strong Connected Neighbourhoods Program, which works with public housing tenants with high and complex needs to facilitate community engagement and access to services.

Scaling up and expanding the scope of wrap-around supports for children, young people and families is particularly vital to support the increase in the age of criminal responsibility and divert young people from cycles of offending. The ACT Government has legislated for the age of criminal responsibility to be raised to 14 years by 1 July 2025. This important and long overdue legislative change needs to be accompanied by the necessary range of holistic, trauma-informed, therapeutic supports, including increased investment in outreach services, therapeutic intensive case management, and programs that connect at-risk youth with mental health services and alcohol and other drug counselling and treatment. Closing the significant gaps that currently exist in the ACT in child- and youth-focused mental health services, including services that support young people with mental health and intellectual disability needs, is particularly vital.²¹

Programs supporting children and young people with an incarcerated parent also need to be scaled up to meet demand and the complexity of needs. As a cohort, children and young people with an incarcerated parent are likely to experience poorer outcomes than their peers, including heightened risk of involvement with the justice system.²² The shortfall in funding for existing services in the ACT means that some services are attempting to fill this pressing need without being funded to do so.

The ACT's Drug and Alcohol Court has been operating since 2019 and has proven effective in diverting people from the criminal justice system, helping offenders to avoid reoffending, and saving the community millions of dollars. The establishment of this Court, together with the decriminalisation of drug use, are important steps toward reducing incarceration and improving health and social outcomes. The Court, however, has been operating at capacity, and expanding it will allow more offenders to be diverted from prison, to get treatment, and to break the cycle of offending. It is imperative, however, that this expansion is accompanied by increased investment in the community-based health, alcohol and other drug treatment and counselling, and housing programs that complement the Drug and Alcohol Court and are integral to its effectiveness.

- Increase funding for existing, successful community-led early intervention and diversionary programs, including programs delivered by Aboriginal Community Controlled Organisations, ensuring service sustainability and stability through funding agreements of at least five years.
- Address gaps and shortfalls in the current availability of community-led early intervention and diversion programs, including increased investment in programs that connect at-risk children and young people with mental health services, alcohol and other drug services, and specialist disability services.
- Increase funding to programs that support the children of incarcerated or recently released parents.
- Scale up the ACT's Drug and Alcohol Court program, and increase investment in the community-based services that complement the Court and are integral to its effectiveness, including alcohol and other drug treatment and counselling services, mental health services, and housing support services.
- Expand the Strong Connected Neighborhoods program to additional sites.

Reform bail laws and resource bail support services to reduce reliance on pre-trial remand

Reducing the overuse of pre-trial imprisonment is vital to breaking the cycle of incarceration and supporting better outcomes for individuals and communities. The total number of prisoners on remand in the ACT has more than doubled over the past decade, with 46% of people in the AMC being unsentenced – the highest rate in Australia.² Unsentenced prisoners are more likely to live in poverty, be unemployed, homeless or have a mental health condition.⁶ They are also more likely to die in custody.²³ Unnecessary pre-trial detention does not ultimately make the community safer, but rather compounds the social and health problems that contribute to offending.

Reforming bail laws, improving the administration of bail, and expanding bail support programs are key to reducing the overreliance on pre-trial imprisonment. Earlier in 2024, the ACT Legislative Assembly undertook an inquiry into the administration of bail and made a series of recommendations to improve court processes and support those at risk of breaching bail conditions or reoffending.²⁴ Implementing these recommendations should be prioritised by the incoming ACT Government.

The paucity of bail support programs and ancillary services to refer people to requires urgent attention. There is currently only one adult bail support program in the ACT – the Ngurrumbai Bail Support Program, which is available to Aboriginal and Torres Strait Islander peoples. This specialist service should be expanded to support Aboriginal and Torres Strait Islander young people. Bail support programs should also be established for all adults and young people who come before the courts. While the Justice Housing Program serves a vital role, it needs to be expanded to avoid people being remanded in prison due to homelessness. There is also an urgent need to increase access to ancillary support services, including mental health services, alcohol and other drug services, and legal assistance. Existing services are oversubscribed, with long waiting lists and a lack of places available for referral. The case for increasing investment in such programs and services is clear, with the amount of money spent incarcerating people on remand far in excess of the money that would be provided to bail support and ancillary services that divert people away from the costly prison system and the proven disadvantages that time in custody carry.²⁵

Particular consideration should be given to factors contributing to the overrepresentation of Aboriginal and Torres Strait Islander peoples detained on remand. In addition to increased investment in ACCOs, bail laws should be reformed to explicitly consider Aboriginality, including cultural background, ties to family and place, and cultural obligations – a recommendation made by both the Australian Law Reform Commission and in the recent Legislative Assembly inquiry into the administration of bail.^{24,26}

- Undertake a comprehensive review of the *Bail Act 1992* (ACT), ensuring it achieves a balance between community safety, procedural fairness, and the human rights of alleged victims and people accused of a crime, while at the same time embedding mechanisms to connect people released on bail with appropriate services and supports.
- As part of the review and reform of the *Bail Act 1992* (ACT), add provisions to explicitly consider Aboriginality, including cultural background, ties to family and place, and cultural obligations.
- Review and strengthen court intake, screening and assessment processes to ensure information on a person's health, issues with alcohol and other drugs, mental health and disability are considered in bail assessments and referrals to support services.
- Co-design and fund a bail support program for young Aboriginal and Torres Strait Islander peoples in collaboration with Aboriginal and Torres Strait Islander communities and ACCOs.
- Expand access to 'wraparound' bail support programs for all people on bail in the ACT, and increase timely access to ancillary programs and services.

- Establish a case management program in ACT courts to allow each person in the justice system to have a dedicated case manager to assist with access and referrals to legal, mental health, employment, drug and alcohol, housing, and disability support programs.
- Put in place arrangements for the Magistrates Court to permanently sit on Sundays for the purposes of bail.

Increase investment in throughcare, reintegration and post-release services

The ACT Government is unlikely to achieve its targets for reducing recidivism without increased investment in rehabilitation, reintegration and post-release services. The most recent Healthy Prisons Review of the AMC, undertaken by the ACT Inspector of Correctional Services, painted an alarming picture of inadequate rehabilitation, transitional and reintegration programs; significant gaps in health, mental health, disability and wellbeing services; limited access to education and employment opportunities; lack of structured activities; and underdeveloped referral pathways to community services to support throughcare.²⁷ ACTCOSS acknowledges efforts have been made to respond to the recommendations of the Healthy Prison Review, yet progress has been slow on too many key areas of concern, and the findings from subsequent coronial inquests, critical incident reviews and accounts from prison advocates, services providers, and people in prison suggests that much more needs to be done if the AMC is to support the rehabilitation needs of people in prison.

Although there are some effective specialist services that support people to reintegrate into the community upon release, they are currently under-resourced. The siloing between corrections and other government agencies, and the lack of coordination between corrections and the community services ecosystem, presents an additional barrier to throughcare and reintegration. A number of community sector services have reported to ACTCOSS that the arduous and convoluted process for accessing people in the AMC prevents them from connecting with people and delivering in-reach services. In addition to increased funding for specialist services that support throughcare and reintegration, systems and processes within the AMC need to be reviewed and reformed to better support in-reach and facilitate connections and continuity with community services and supports.

Access to telecommunications and digital technologies is also vital to enable people to maintain contact with family, friends, and community services, as well as facilitating access to education and telehealth services. The cost of telephone calls from the AMC has been prohibitively high, limiting the ability of people in prison to maintain connections with family and community. Although the AMC's telephone system was apparently upgraded, including a reduction in call rates, many people continued to be overcharged, and it is imperative the costs of calls are reduced in future.

ACTCOSS understands that ACT Corrective Services are in the process of implementing in-cell technology in the form of tablets at the AMC. These tablets have the potential to facilitate telehealth, education, family and cultural connections, streamline administrative functions, support connections with community services, reduce boredom and stress, and improve digital literacy. Ultimately, they have the potential to empower detainees to actively participate in their reintegration process.^{28,29} To maximise these positive outcomes, the roll-out of in-cell digital technology must be thoughtfully managed and in consultation with people in prison, ensuring extortionate practices observed in some other jurisdictions are avoided.

- Increase vocational training and educational opportunities in the Alexander Maconochie Centre, equipping incarcerated individuals with opportunities to the skills to reintegrate into society.
- Improve the living conditions in the Alexander Maconochie Centre to ensure that all incarcerated individuals are treated with dignity and have timely access to healthcare, mental health services, and safe facilities.

- Enhance reintegration and post-release programs that provide ongoing and holistic support and case management for individuals transitioning out of prison, including housing, employment and legal assistance, and reduce barriers to community organisations delivering in-reach services in the AMC.
- Ensure the costs of calls, texts and data are commensurate with the costs a consumer would face in the community, and that detainees are not charged services that would otherwise be free in the community.
- Ensure policies regarding access to and use of in-cell digital technologies is made in formal consultation with people currently (and formerly) in prison, as well as their families, allied health and legal professionals and community organisations.

Reform laws and administrative arrangements that impede reintegration and contribute to recidivism

There is a pressing need to amend legislative and administrative arrangements that pose barriers to reintegration and impede progress on recidivism reduction targets. This includes the Working with Vulnerable People (WWVP) framework, which currently poses unnecessary barriers to people accessing employment and volunteering opportunities when they leave prison. While a WWVP framework is essential to safeguarding vulnerable people in our community, the ACT approach is the most onerous in the nation and does not strike the right balance, creating unnecessary and lifelong barriers to employment and successful community reintegration.³⁰

Parole arrangements in the ACT tend to be onerous and frequently misaligned with the realities of life outside prison, creating unnecessary barriers to successful reintegration and meaning too many people on parole end up back in prisons for violations of parole conditions that present little or no risk to public safety. In particular, Aboriginal and Torres Strait Islander people often face considerable obstacles when applying for parole or complying with parole conditions that fail to take into their family and work obligations, accommodation, and cultural needs. For example, travel to NSW is not permitted under current parole arrangements, which leads to parole breaches when people travel interstate to attend sorry business, visit family or meet cultural obligations. The ACT restrictions contrast with Commonwealth parole conditions, which allow people on parole to move freely within both the ACT and NSW. While those on ACT parole can seek an exemption to travel beyond the Territory's borders, such exemptions can take weeks to process.³¹

- Amend the Working with Vulnerable People (WWVP) framework to remove excessively restrictive barriers that prevent people with criminal records from gaining employment, thereby supporting their rehabilitation and reintegration.
- Amend ACT parole restrictions that are unnecessarily restrictive, undermine reintegration, and are misaligned with the needs and circumstances of people conditionally released from prison, including current conditions that prohibit travel to NSW.

Reduce the over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system

Despite inroads into reducing overall incarceration rates, the disproportionate policing and incarceration of Aboriginal and Torres Strait Islander peoples in the ACT remains a profound injustice. Aboriginal and Torres Strait Islander people in the ACT are incarcerated at over 24 times the rate of non-Indigenous residents, the highest incarceration disparity in Australia.³ This disparity is driven by a range of factors including systemic racism, the historical legacy of colonisation and

intergenerational trauma, the underfunding of culturally sensitive services and Aboriginal Community Controlled Organisations (ACCOs), and the over-policing of First Nations communities.

Reform and resourcing decisions across the justice system should systematically prioritise and incorporate the needs and perspectives of Aboriginal and Torres Islander peoples in the ACT. It is also vital these efforts are effectively coordinated with other directorates and areas of policy, including child protection, family services, housing, education, employment and health.

There is also a need to independently review policing practices in the ACT to determine whether laws are being implemented fairly, without systemic racial bias or profiling, and to identify policing strategies to ensure Aboriginal and Torres Strait Islander people are not being unnecessarily and inappropriately funnelled into the criminal justice system.

In September 2024, the ACT Government announced it would establish a 'Justice Futures Fund' to prioritise investments in community-led early intervention and diversion programs. Additional investment to support justice reinvestment programs is vital, including resourcing to expand community-controlled programs for Aboriginal and Torres Strait Islander peoples. However, it is vital Aboriginal and Torres Strait Islander peoples are engaged as equal partners in shaping investment decisions and priorities.

- Implement *true* co-design with the community sector and Aboriginal Community Controlled Organisations when establishing the Justice Futures Fund – this requires that the ACT government share full financial transparency and equal decision-making power with communities.
- Provide long-term (minimum five year) core funding for ACCOs delivering successful justice reinvestment, housing and legal assistance programs.
- Reinstate funding for the Aboriginal Drivers Licensing Program.
- Fully implement the recommendations of the *Our Booris, Our Way* report, including improved coordination between the Justice and Community Safety Directorate and Community Services Directorate to address the nexus between the child protection and justice systems.

Reduce the over-representation of people with a disability in the ACT justice system

People with disabilities, especially those with cognitive, intellectual, and psychosocial disabilities, are overrepresented in the ACT justice system. One-third of people detained at the AMC identified as having a disability.²⁷ This is in part due to the intersection of systemic barriers, discrimination, and limited access to support services.

ACTCOSS commend the establishment of the *ACT Disability Justice Strategy 2019-2029*, in addition to other initiatives such as the introduction of Disability Liaison Officers. Despite this, significant gaps and shortcomings remain, particularly in relation to Aboriginal and Torres Strait Islander peoples with cognitive disability and people with complex needs. As noted by the Inspector of Correctional Services, within the AMC there is a chronic lack of support for people with mental health and psychosocial disability within the AMC, insufficient screening and collection of information on disability at admission, limited capacity for functional assessments and follow-up support, and ongoing accessibility barriers in relation to facilities and the provision of information. A comprehensive approach is needed in the ACT to improve accessibility and support services for people with disabilities before, during and after their involvement with the justice system.

- Ensure adequate funding to fully implement the ACT's Disability Justice Strategy, and strengthen oversight and accountability relating to the Strategy's implementation, including improved data collection and reporting.
- Ensure services and programs, included mandated attendance programs (such as drug and alcohol programs or programs for family and domestic violence), are accessible and tailored to the specific needs of people with a disability.
- Ensure the ACT Corrections Disability Framework is fully executed, with regular reporting on outcomes.
- Strengthen services and support for people with co-occurring cognitive/intellectual disability and complex mental health issues, including for people in the AMC, forensic mental health facilities and youth detention.
- Enhance disability screening, assessment and associated processes across the justice system, particularly in relation to cognitive and intellectual disability, and in accordance with the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
- Expand targeted, disability-responsive transition and post-release services for people leaving prison, ensuring timely access to healthcare and intensive case management for individuals with complex needs.
- Increase funding to individual disability advocacy services for people engaged with, or recently engaged with, the criminal justice system.
- Increase access to disability accessible, supported housing for people on bail or released from prison and with psychosocial and/or cognitive disability.

Ensure the age-related needs of older people in prison are met

The population of older prisoners in Australia is growing faster than the population of younger prisoners, with the median age of prisoners in the ACT increasing at higher rate compared to any other jurisdiction.³² Despite this, the lack of age-responsive service provision in the ACT's prison is making it increasingly difficult for older people to live and function with dignity in correctional settings.³³ In the 2019 Healthy Prisons Review of the ACT's Alexander Maconochie Centre (AMC), the ACT Inspector of Correctional Services recommended that ACT Correctional Services "develop a policy approach that articulates and responds to the needs of older detainees." In the 2022 review of the AMC, the Inspector of Correctional Services noted the ongoing failure to act on this recommendation and emphasised the "need for universal design and an accessible environment is becoming more pressing with an ageing population and increasing intake of older detainees."²⁷

- Develop and implement a strategy and related policies to respond to the age-related needs of older prisoners, with a focus on improving healthcare, rehabilitative services, age-appropriate living conditions and post-release supports for older prisoners.

Invest in secure, long-term funding for the legal assistance sector

A strong and well-resourced legal assistance sector is essential in ensuring all Canberrans, no matter their background or financial position, can access the legal support they need. Legal assistance services provide vital support across a range of matters, including to those facing eviction and homelessness, incarceration, family breakdown and violence, elder abuse, crippling debts and fines, discrimination, exploitation at work, or unfair dismissal.

Despite the vital role they play, legal assistance services in the ACT are overstretched and under-resourced. Services are grappling with a surge in demand, yet are hamstrung by inadequate funding, outdated administrative systems and infrastructure, and short-term funding cycles that hinder collaboration and innovation. Low remuneration, high caseloads, and the risk of vicarious trauma and burnout are making it difficult to attract and retain staff. The lack of comprehensive data obscures the true extent of unmet legal need in the community, but it is clear the growing volume and complexity of need is outpacing the sector's ability to respond.³⁴ The current situation is unsustainable, and there is an urgent need for increased long-term funding to ensure equitable access to justice for all ACT residents.

The Commonwealth Government recently committed to a new legal assistance agreement with state and territory governments – the National Access to Justice Partnership – that will commence in July 2025. This presents a crucial opportunity for the ACT Government to strengthen its commitment to equitable access to justice. However, while the additional funding announced as part of this agreement is welcome, it falls far short of what was recommended in the recent independent review of the National Legal Assistance Partnership.³⁵

To effectively leverage the new funding partnership and address the pressing needs within the ACT's legal assistance sector, the ACT Government should continue to work with the Commonwealth and ensure future funding arrangements meet the recommendations made in the independent review of the National Legal Assistance Partnership, including:

- undertaking a comprehensive five-yearly survey of unmet legal needs to inform the quantum and distribution of funding to legal assistance services
 - replacing short-term funding arrangements with five-year core funding agreements
 - resetting levels of funding for each community sector provider to reflect the true costs of operating sustainable organisations
 - indexing funding agreements each year by the sum of the expected growth in demand and the expected rate of growth in the cost of delivering services
 - bridging the remuneration disparity between workers in the community legal sector and statutory agencies (Legal Aid Commissions).
- Remove uncertainty for legal assistance services by immediately guaranteeing funding beyond the June 30 2025 expiration date for current funding agreements.
 - Ensure sustainable long-term funding to legal assistance services, with funding increased to a level that meets community need, addresses the pay disparity between the community sector and statutory agencies, and reflects the true cost of operating sustainable services. Core funding agreements should be for a minimum of five years; indexed to meet the expected growth in demand, wages and operational costs; and have simplified and streamlined reporting requirements that reduce administrative burdens and free up capacity for frontline services.
 - In the absence of ABS data to measure unmet legal need, undertake a territory-wide legal needs survey at five-yearly intervals to measure legal need and unmet legal need, and to support the strategic and equitable allocation of resources.

Enhance independent oversight, monitoring and accountability across the forensic and criminal justice systems

Since its inception, the Office of the Inspector of Custodial Services (OICS) has undertaken significant work to promote better practice, including through several comprehensive Healthy Prison Reviews and a Health Centre Review of Bimberi. We believe the evidence-based and constructive recommendations provided in these reviews provide a solid basis and clear direction for preventing ill treatment and improving the ACT's correctional centres and services. While the OICS reports have provided impetus for some important changes, we note that many of the recommendations made by the Inspector are yet to be implemented. The OICS has a vital role to play in identifying areas requiring improvement, developing recommendations, and engaging in constructive dialogue with stakeholders, including ACT corrections and the ACT Government. Ultimately, however, responsibility for implementing the recommendations of the OICS and improving services and conditions rests with corrections and the respective ministers.

- Ensure funding and resourcing for the OICS is increased and guaranteed in legislation, with resources provided by government in a single, dedicated budget line item to allow the OICS to determine its internal budget allocation.
- Ensure that the ACT Government prioritises timelier implementation of OICS recommendations, with more regular reporting on the implementation of recommendations and the establishment of additional mechanisms to increase accountability.
- Ensure the OICS is resourced to provide multi-disciplinary and specialist expertise on the protection and promotion of children's rights and wellbeing in detention, including the unique vulnerabilities experienced by Aboriginal and Torres Strait Islander children deprived of their liberty.

Authorised by Dr Devin Bowles on behalf of the ACT Council of Social Service Inc (ACTCOSS)

End Notes

- ¹ Steering Committee for the Review of Government Service Provision (SCRGSP), [Report on Government Services 2024: Justice\(Part C\)](#), Productivity Commission, 2024, Table 8A.5, p 98.
- ² Australian Bureau of Statistics (ABS), [Prisoners in Australia](#), Prisoner characteristics, States and territories, 2024.
- ³ Productivity Commission, [Report on Government Services 2024: Corrective Services](#), Table 8A. 8, 2024.
- ⁴ R McCausland R, E Baldry, Who does Australia lock up? The social determinants of justice, *International Journal for Crime, Justice and Social Democracy*, 2023 Sep 1;12(3):37-53.
- ⁵ L Bartels, [The intersection of disadvantage and the criminal justice system in Australia – and six ways to address this](#), 2020.
- ⁶ Justice Reform Initiative, [State of incarceration: insights into imprisonment in the Australian Capital Territory](#), 2023.
- ⁷ Productivity Commission, [Report on Government Services 2024: Community Services](#), 2024.
- ⁸ Productivity Commission, [Report on Government Services 2024: Justice](#), 2024.
- ⁹ Justice Reform Initiative, [Alternatives to incarceration in the Australian Capital Territory](#), 2024.
- ¹⁰ P Flatau, L Lester, A Seivwright, R Teal, J Dobrovic, S Vallesi, C Hartley and Z Callis, [Ending Homelessness in Australia: an evidence and policy deep dive](#), Centre for Social Impact, 2021.
- ¹¹ C Doyle, S Yates, L Bartels, A Hopkins, & H Taylor, “People say you’re going home, but I don’t have a home”: Housing After Prison, *International Journal of Offender Therapy and Comparative Criminology*, 2024 68(13-14), 1403-1420.
- ¹² Australian Institute of Health and Welfare, [The health of people in Australia’s prisons 2022](#), 2023.
- ¹³ C Martin, R Reeve, R McCausland, E Baldry, P Burton, R White, S Thomas, [Exiting prison with complex support needs: the role of housing assistance](#), AHURI Final Report No. 361, Australian Housing and Urban Research Institute Limited, 2021.
- ¹⁴ Justice Reform Initiative (JRI), [Submission 14: Inquiry into the administration of bail](#), June 2024, p 12.
- ¹⁵ ACT Government, [Housing ACT Policy: Incarceration of Tenants Policy](#) (online), 2024, viewed 9 October 2024.
- ¹⁶ Canberra Community Law, [Exiting Prison into Homelessness](#), Dhurrawang Aboriginal Human Rights Program for Canberra Community Law, 2019.
- ¹⁷ Australian Institute of Health and Welfare, [The health of people in Australia’s prisons 2022](#), 2023.
- ¹⁸ Standing Committee on Justice and Community Safety, *Report 30: Inquiry into the Administration of Bail*, Legislative Assembly for the Australian Capital Territory, 28-29.
- ¹⁹ H Taylor, L Bartels, P Rehill, G Wong, & E Liu, [Process evaluation of the Justice Housing Program](#), Australian National University, 2023.
- ²⁰ ACTCOSS, [ACTCOSS ACT Budget Priorities 2024-25](#), 2024.
- ²¹ Youth Coalition of the ACT, [ACT Budget 2024-2025: What’s in it for young people and their families?](#), 2024.
- ²² H Connolly, [Join the Dots: considering the impact of parental incarceration on children and young people](#), Commissioner for Children and Young People, South Australia, 2022.
- ²³ R Sarre, S King, D Bamford, [Remand in custody: critical factors and key issues](#), Australian Institute of Criminology, 2006.
- ²⁴ Standing Committee on Justice and Community Safety, [Report: Inquiry into the Administration of Bail in the ACT](#), ACT Legislative Assembly, 2024.
- ²⁵ M Travers, E Colvin, I Bartkowiak-Theron, R Sarre, A Day, CE Bond, [Bail decision-making and pre-trial services: A comparative study of magistrates courts in four Australian states](#). Australian Institute of Criminology, 2020.
- ²⁶ Australian Law Reform Commission, [Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples](#), ALRC Report 133, 2018.

-
- ²⁷ ACT Inspector of Correctional Services, [Healthy prison review of the Alexander Maconochie Centre 2022](#), 2023.
- ²⁸ E Zivanai E, G Mahlangu, Digital prison rehabilitation and successful re-entry into a digital society: A systematic literature review on the new reality on prison rehabilitation, *Cogent Social Sciences*, 2022 Dec 31;8(1):2116809.
- ²⁹ Community Justice Coalition, [Prison Recidivism: The way forward](#), 2022.
- ³⁰ A Fraser, [How the ACT Govt is making more people vulnerable](#), Pearls and Irritations: John Menadue's Public Policy Journal, 24th May 2024.
- ³¹ ACT Parliamentary Counsel's Office, *Crimes (Sentence Administration) Regulation 2006*, 22 September 2023
- ³² Australian Institute of Health and Welfare, [Health and ageing of Australia's prisoners 2018](#), 2020.
- ³³ I Jackson, C Doyle, & L Bartels, 'An awful state of affairs for you': managing the needs of older prisoners – a case study from the Australian Capital Territory, *Current Issues in Criminal Justice*, 2020, 32(2):243–251.
- ³⁴ ACT Government, [ACT Legal Assistance Sector Strategy 2023-2025](#), July 2022.
- ³⁵ W Mundy, [Independent Review of the National Legal Assistance Partnership](#), Attorney-General's Department, Australian Government, March 2024.