

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

NOTICE OF MOTION

MR EMERSON: I give notice that I shall move – That this Assembly:

1) notes that:

- a) public confidence in the criminal justice system is vital, including in relation to the culturally safe treatment of Aboriginal people in detention at the Alexander Maconochie Centre (AMC);
- b) the ACT has the largest Indigenous incarceration gap in Australia;
- c) three Aboriginal detainees recently died in the AMC in a six-month period;
- d) the 2025 Healthy Prison Review, the Jumbunna review of the over-representation of Aboriginal people in the ACT criminal justice system, and coronial inquests into individual deaths in custody are currently underway; and
- e) notwithstanding the above, recent deaths in custody raise serious concerns that require targeted and thorough examination to ensure systemic improvements for Aboriginal detainees and their families;

2) further notes the ACT Government's responsibility to ensure that:

- a) the conditions, treatment and care of Aboriginal detainees at the AMC are fair, humane and culturally safe;
- b) the policies, procedures and practices of the AMC align with best practice for the prevention of deaths in custody and the protection of detainees' rights; and
- c) the ACT's criminal justice system works effectively in genuine partnership with the Aboriginal community-controlled sector to ensure the safety and dignity of Aboriginal detainees;

3) calls on the ACT Government to establish a Board of Inquiry into the treatment of Aboriginal detainees at the AMC, particularly in relation to deaths in custody, including within its terms of reference the investigation of:

- a) the circumstances surrounding deaths in custody of Aboriginal people at the AMC, including:

- i) the adequacy and cultural safety of health care and mental health support provided before and during custody;
 - ii) the response of corrections staff to medical or psychological distress; and
 - iii) any systemic failures or contributing factors that may have led to deaths in custody;
 - b) the treatment and experiences of Aboriginal detainees at the AMC, including:
 - i) the adequacy of cultural safety policies and their implementation;
 - ii) the availability and effectiveness of rehabilitative, educational and cultural programs; and
 - iii) the use of force, isolation or other restrictive practices;
 - c) whether any corrections officers or other staff have failed to act in accordance with their duties in relation to:
 - i) the care, custody, wellbeing and cultural safety of Aboriginal detainees;
 - ii) the handling of medical, psychological or emergency incidents; and
 - iii) compliance with policies and procedures designed to prevent harm to detainees;
 - d) the adequacy of oversight mechanisms, complaints processes and accountability structures in ensuring the humane, fair and culturally safe treatment of Aboriginal detainees; and
 - e) the ability of external organisations to advocate for and support Aboriginal detainees, including the ACT Human Rights Commission, NSW/ACT Aboriginal Legal Services, ACT Legal Aid Commission, ACT community legal centres, Aboriginal community-controlled organisations (including peak bodies), the ACT Aboriginal and Torres Strait Islander Elected Body, and other relevant organisations; and
- 4) Further calls on the ACT Government to table the Board's report in the Assembly within 12 months.



Thomas Emerson MLA
7 May 2025