



Commonwealth  
National  
Preventive  
Mechanism

 FOR CONSUMERS

# Post Visit Summary

## Australian Defence Force (ADF)

Defence Force Corrective Establishment (DFCE),  
Lamia Barracks, Holsworthy

Army Recruit Training Centre, Kapooka Military Area

Army Logistics Training Centre, Bandiana

16 January 2025

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# Defence Force Corrective Establishment (DFCE), Lamia Barracks, Holsworthy

## Summary

### Our visit

The Commonwealth NPM conducted an announced visit to the Defence Force Corrective Establishment (DFCE) on 12 February 2024. This was our second visit to the DFCE as part of our role monitoring Australian Defence Force (ADF) places of detention under the OPCAT. Our previous visit in April 2022 was a familiarisation visit with no formal Post Visit Summary.

The visit was conducted by 4 OPCAT Monitors.

### What we found

The DFCE shows signs of age, yet it remains in generally good condition for a facility that is almost 30 years old, albeit with some deficiencies. Despite its antiquated infrastructure, diligent maintenance efforts and adherence to safety and operational standards have preserved its functionality to a large extent.

The establishment is equipped with a robust firefighting system, ensuring rapid response to emergencies and reducing the risk of fire-related incidents. Comprehensive policies and procedures are in place, promoting a structured and secure environment for both staff and Servicepersons in detention.

Staffing levels are excellent, with trained personnel who are well-versed in the facility's policies, ensuring the smooth functioning of daily operations and safety protocols. Surveillance is enhanced with a reliable CCTV system, providing constant monitoring of the facility to maintain security and accountability. Additionally, the medical care within the DFCE is commendable, with prompt access to necessary healthcare services, ensuring the well-being of all individuals within the facility.

However, there are noticeable areas where improvement is needed to address routine strip searching, toileting privacy and the risk posed by ligature points in the cells.

# Recommendations



## Recommendation 1

Strip searches be conducted on the basis of risk assessment rather than as routine practice.

## Recommendation 2

Provide privacy for people in detention from both the cell window and cameras when toileting, while still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.

## Recommendation 3

Remove all potential ligature points and replace all commercial drain assemblies with assemblies of a Crocodile Roll Resistant (CRR) design.

### Iain Anderson

Commonwealth Ombudsman  
Commonwealth National Preventive Mechanism

# Facility and demographics

The DFCE is an ADF detention facility under the control of the Defence Force School of Policing (DFSP), located at Lamia Barracks, Holsworthy NSW. The Commanding Officer (CO) DFSP is appointed as the CO of the DFCE and is responsible to the Commandant (COMDT) Defence Command Support Training Centre (DCSTC) for all corrective training.

The DFCE forms the highest tier in the detention system of the ADF. The tri-service facility is used by all the branches of the military. It was built within Holsworthy Barracks in Sydney, New South Wales in 1989 and opened in 1990.

DFCE's stated role is to manage and develop Service members undergoing detention through providing effective corrective training in order to return them to their units as effective members having regained the self-discipline, standards and values required for service in the ADF.

The DFCE operates on a 24/7/365 basis and is suited for all periods of authorised detention with the legislated maximum term of detention being 2 years.

The DFCE consists of 24 cells arranged around three sides of a grassed and paved compound with ablution and gym facilities positioned on the 4th side of the yard. Attached to the ablution facility is extensive indoor and outdoor gym equipment. At either end of the array of cells are two cells of a different layout. There are two ligature reduced "first night cells" located on the East Wing of DFCE. There is also a Padded Cell and a Protected Confinement cell.

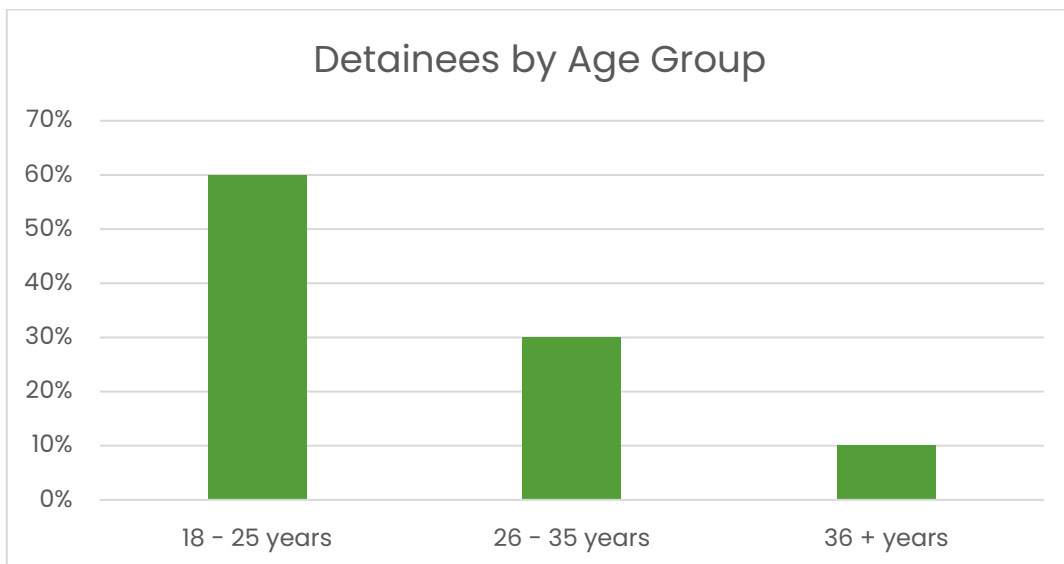
Oversight of the facility is provided by NSW Corrections visiting annually and conducting a technical inspection. Similarly, DFCE staff conduct annual technical inspections of all other ADF detention facilities. The NSW Corrections inspection of DFCE, and the DFCE run inspections then form the basis of a post inspection report that forms the basis for certifying the ongoing use of all ADF detention facilities.

Types of Servicepersons in detention:

- Serviceperson Under Arrest (SUA) – A SUA is a Serviceperson in custody who falls into any of the following categories:
  - awaiting confirmation of a punishment of detention
  - awaiting confirmation of a punishment of imprisonment
  - under a confirmed punishment of imprisonment and awaiting transfer to a civil prison
  - awaiting disciplinary proceedings, and
  - awaiting charge/release and/or investigation immediately following arrest.
- Serviceperson Under Punishment (SUP) – A SUP is a convicted member of the ADF with a punishment of detention to be served in a detention centre.

DFCE has held 269 members in detention in the past 11 years:

- 96% male
- 60% aged 18 - 25 years old
- 30% aged 26-35 years old
- 10% aged 36+ years old
- one in 4 detained persons accessed mental health services while in detention
- 113 members were held between 15 and 30 days.





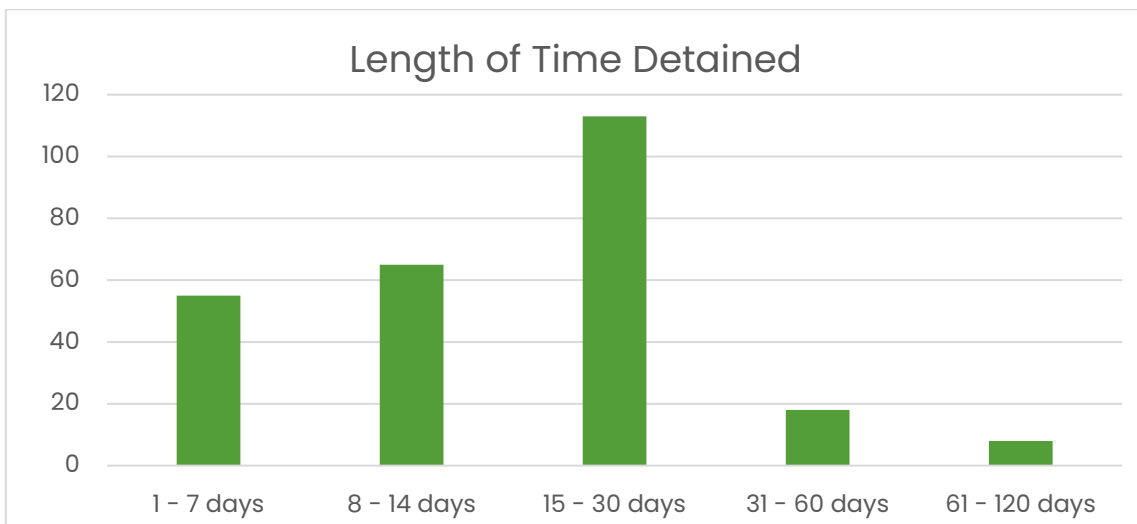
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The most common types of offending have been:

- behavioural offences (26%)
- violence (19%)
- monetary ie: misuse of credit card (17%)
- Absent Without Leave (AWOL) (16%)
- sex offences, including taking images without consent, sharing images without consent (5%).

The length of time they spent in detention was:

- 1-7 days (55)
- 8-14 days (65)
- 15-30 days (113)
- 31-60 days (18)
- 61-120 days (8).



Terms of imprisonment are accompanied by dismissal from the ADF.

On 12 February 2024, when we visited, the DFCE held no people in detention.

# Observations

## Safety

### Emergency Evacuation Plans are in place

At the time of our visit, the DFCE had standalone emergency and evacuation plans in place, which were incorporated into the broader Holsworthy Barracks Business Continuity Plan.

We are satisfied the plans meet the requirements of the *Work Health and Safety Act 2011*.

The Mandela Rules state that evacuation plans must be in place for the protection of people in detention.<sup>1</sup> The Association for the Prevention of Torture (APT) advises that cells must be evacuated safely in an emergency.<sup>2</sup>

### Fire Safety is best practice

There are fire alarms and prevention systems, however, there is no automated fire suppression system such as a sprinkler system in place.

We observed 2 x firefighting standpipes and 1 x 36m fire hose located within the DFCE and 21 fire extinguishers being a mix of water, dry powder and CO<sub>2</sub>, all of which were located in strategic locations throughout the facility. Fire extinguisher signage boards were located at all points throughout the facility where firefighting equipment was available. Fire extinguisher selection charts were also located where fire extinguishers were available.

There were fire hydrants at 4 locations adjacent to but external to the facility for fire brigade use.

Scheduled maintenance is carried out by Chubb or Honeywell who are also available after hours if required and their attendance is recorded in an Agents Log Register and the Daily Occurrence Book.

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<sup>1</sup> Assessing compliance with the Nelson Mandela Rules, A checklist for internal inspection mechanisms p10, 24.

<sup>2</sup> Association for the Prevention of Torture. (2013). *Monitoring Police Custody, A Practical Guide*. p159.

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DFCE has its own water main separate from the remainder of the Holsworthy Army Base, so in the event of an interruption to the primary water supply the backup supply can be drawn upon.

All staff who work in the DFCE undergo firefighting training including the use of extinguishers and hoses. It is pleasing to note that Servicepersons in detention undergo fire drill training as part of their induction into DFCE.

We consider the fire safety measures taken to represent best practice. The systems in place are comprehensive and well maintained with appropriate training, ensuring the safety of both staff and those in detention.

## CCTV system is comprehensive

The CCTV system had excellent coverage of the entire facility with no apparent blind spots and consists of a total of 82 cameras which record on a 24/7/365 basis, 4 of these Pan/Tilt/Zoom (PTZ). Footage is retained for 6 months when it is automatically overridden, except for any incidents which are downloaded onto a separate Hard Disk Drive (HDD) and stored and retained in accordance with the *Archives Act 1983 (Cth)*.

All CCTV was correctly date and time stamped. Any time a recorded camera feed is accessed an auditable digital record is created tracking any inappropriate access.

The CCTV system provides coverage of all internal and external areas of the facility. The cameras in each cell have both audio and infra-red capability for viewing in low light conditions. There is a primary large CCTV monitor located high on a wall in the officer workstation. This is supplemented by 2 small monitors at the monitoring officer's desk.

We are satisfied with the CCTV system which plays a crucial role in upholding the principles and objectives of OPCAT due its comprehensive coverage and digital record keeping.

## Duress Alarms and Intercoms provide direct avenues for assistance

There are large red duress alarm buttons located at strategic points throughout the DFCE which, when pressed, send an immediate alert tone throughout the facility. The alarms were working at the time of our visit.



We consider the system to be a satisfactory safety measure as it provides an immediate and reliable way for staff to call for assistance in the event of an emergency.

We observed a functioning intercom in each cell which were monitored by control room staff. Intercoms are unable to be muted by staff.

As recommended in the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), it is imperative that proper functioning intercom systems are in each cell which give direct communication to custodians for people in detention to summon assistance in the event of illness or emergency.<sup>3</sup>

We are satisfied with the functionality of the intercom systems. They are in good working order, providing reliable communication between detainees and staff.

## Strip searches should not be routine

All new arrivals into DFCE undergo a "full search" upon entry which is effectively a strip search. The search is undertaken in the property room in an area not under camera surveillance by three staff of the same gender as the Serviceperson in detention.

The ADF Detention Manual (DETMAN) notes that Service personnel may be categorised as Male, Female or Gender X (Indeterminate/Intersex/Unspecified) and outlines the management of each of these specifically, including asking those who identify as Gender X, by which gender they would like to be searched.

If the Serviceperson in detention is escorted anywhere external to the DFCE they are required to be strip searched upon their return. No risk assessment is conducted to determine if strip searching is necessary.



### Recommendation 1

Strip searches be conducted on the basis of risk assessment rather than as a routine practice.

## Use of Force is managed well

Use of force (UoF) forms must be completed in the event of a UoF incident which must also be documented in the Daily Occurrence Book. This is on paper but later scanned

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<sup>3</sup> Royal Commission into Aboriginal Deaths in Custody, recommendation 140.

for digital record keeping. All personnel are trained in defensive tactics and UoF tactical options models.

Record keeping and training in Use of Force are satisfactory and in line with established policies and guidelines.

## Respect

### Cell toilets offer no privacy

The cell toilets had no privacy from the cell window or CCTV camera, so Servicepersons in detention are in full view of staff when using the toilet.

The ICCPR guarantees that no one shall be subjected to arbitrary or unlawful interference with his privacy<sup>4</sup> and the APT states that sanitary installations be in working order and provide adequate privacy.<sup>5</sup>



#### Recommendation 2

Provide privacy for people in detention from both the cell window and cameras when toileting, while still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.

### All faiths are catered for

The Chaplain's service caters for all religious faiths and is notified when a Serviceperson enters detention as part of the march in process. Religious preference is determined during the intake process and a text of any faith can be provided and retained in their cell.

Religious services can be attended in the Holsworthy Military Area chapel or within the confines of the detention unit, depending on behaviour.

<sup>4</sup> International Covenant on Civil and Political Rights, Article 17.

<sup>5</sup> Association for the Prevention of Torture. (2004). Monitoring Places of Detention: A Practical Guide. Geneva, Switzerland. p146, 147.

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Freedom of religion or belief is guaranteed by the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, UDHR and ICCPR.<sup>6, 7</sup>

We are satisfied with the religious arrangements in place and their application to all forms of religion.

## Complaints mechanism is solid

Servicepersons in detention are made aware of their ability to lodge a complaint as part of the march in procedure which is also contained in the Detainee Orders folder (a folder outlining Servicepersons in detention rights and responsibilities) which is retained in their cell.

Complaints can be made orally at a daily parade which is held each morning. Complaints can also be made directly to the Officer in Charge (OIC) of the facility who conducts a parade each week, and the Official Visitor every fortnight. These visits and any complaints raised are documented in the Daily Occurrence Book.

ADF members can also make a formal complaint through the ADF's Redress of Grievance (ROG) process.

External complaints mechanisms are also available through the Defence Force Ombudsman, however these are limited to administrative or serious abuse matters only.

The Mandela Rules and the APT provide that every prisoner shall be provided with written information about his or her rights including making a complaint.<sup>8, 9</sup>

We are satisfied with the complaints process as it is transparent, accessible and well structured.

## Cells are old but well maintained

There are a total of 24 cells in the DFCE. They are of different types, including:

- 2 x first night cells that are ligature reduced but some sharp edges are present. All Servicepersons in detention must spend their first night in these cells. The cell

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<sup>6</sup> Universal Declaration of Human Rights, Article 18

<sup>7</sup> International Covenant on Civil and Political Rights, Article 18.

<sup>8</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 54.

<sup>9</sup> <https://www.apr.ch/knowledge-hub/dfd/complaints-procedures>





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doors of these 2 cells are the only ones to have bars over the in-door windowpane.

- Stage 1, 2 and 3 model demonstration cells show how a cell should be presented at each stage of the Serviceperson in detention's progress. These show how the bed should be made, how kit should be presented on the storage shelves etc.
- Some cells have been reserved for female members in detention for separation from male members.
- 1 x Protective Confinement cell, which is a dry cell that has no furniture or fittings present, however a mattress is placed in the cell when occupied. This cell is only used for short periods of time for Servicepersons in detention who are violent towards staff. There is an intercom present above the doorframe for one way communication. Staff can place someone in the cell, however the CO must be notified immediately. A Serviceperson in detention in this cell is under constant observation via both CCTV and a DFCE member who is placed on guard outside of the cell.
- 1 x padded cell covered in thick grey vinyl clad foam material and contains no sharp items, furniture or ablutions. There is an intercom for 2-way communication with staff.

All cells visually appeared dated but have been kept in very good condition.

All cell doors are electronically operated from the officer workstation with a key override. They are all keyed alike. All cell doors open outward and have non-chamfered hinges which could be used as a ligature point.

We are concerned that cell floors had a commercially available drain cover which could be used as a ligature point.

In 1985, the RCIADIC stated that Police should carefully scrutinise equipment and facilities provided at institutions with a view to eliminating and/or reducing the potential for harm. Similarly, steps should be taken to screen hanging points.



### Recommendation 3

Remove all potential ligature points and replace all commercial drain assemblies with assemblies of a Crocodile Roll Resistant (CRR) design.

## Personal property is well managed

Servicepersons in detention are not allowed to take any personal property into the DFCE. Property is itemised and recorded under CCTV camera with an audio function. The property is then locked in an individual property locker in the Quartermaster's Store (Q Store), both of which have individual locks. Cash and valuables are stored in a locked safe.

They receive a booklet containing the rules, regulations, standing orders and the facilities daily regime.

SUPs are issued a trunk with "kit" consisting of uniform clothing items, bedding, shaving coat, uniform cleaning equipment etc. Those held pending discharge from the ADF receive "protective dress" which consists of Hard Yakka branded clothing as they are no longer permitted to wear uniform.

We are satisfied with the handling of personal property. The process is well organised, with clear procedures for the safe storage, cataloguing and return of belongings.

## Escort Vehicle is fit for purpose

We observed one escort vehicle with a detainee pod attached modelled on Victoria Police vehicles. The detainee pod was air conditioned with one CCTV camera that recorded video and audio to a Digital Video Recorder (DVR).

We are satisfied with the condition of the escort vehicle particularly the inbuilt DVR system for monitoring detainees in transit.

## Purposeful Activity

### Activity exceeds the international standard

Servicepersons in detention have a very structured day commencing at 4.50am and ending at 8.45pm. Physical Training (PT) is conducted for at least 1 hour per day which is supervised by two DFCE members. Regular training is also conducted by Physical Training Instructors (PTIs) which must be signed off by the CO. We were advised that the training is heavily structured around the individual and the elements would be different for each person.

The staff spoken to were aware of minimum standards for exercise.





We are satisfied that exercise requirements meet or exceed the minimum one hour as outlined in the Mandela Rules.<sup>10</sup>

There is a recreation room and library for the use of Servicepersons in detention every evening. Staff acknowledged that a lot of the library content (books & DVDs) is outdated, and they are currently looking to upgrade the selection. We are satisfied with the current arrangements but look forward to seeing the upgrades at our next visit.

## Wellbeing and Social Care

### Meals are the same for all personnel

The DFCE has a dedicated dining area, which is suitably equipped for the purpose with meals brought in from the adjacent DFSP mess (kitchen) and provides the same meals to Servicepersons in detention as other service members and at the same times.

Cutlery is wooden and accounted for prior to and after each meal sitting.

Servicepersons in detention are weighed daily by medical personnel who can increase/decrease meal rations as required, with some able to obtain double rations to offset potential weight loss due to the extensive exercise regime. Special diets including religious based diets are also catered for.

We are satisfied that meals meet or exceed the minimum standards as outlined in the Mandela Rules.

### Staffing is best practice

DFCE has a dynamic staffing model that is dependent on the numbers of Servicepersons in detention, however there are at least 4 full-time staff consisting of Non-Commissioned Officers (NCOs) who operate 24/7/365 days a year even when there are no Servicepersons in detention being held. Shifts are 12 hours in duration.

There is at least one female member on each shift but in the event of nil female members being available they are authorised to assign a member from the Military Police training pool to fill any gaps.

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<sup>10</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 23 & 42.

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We are satisfied with the staffing arrangements which we consider to be best practice as it ensures appropriate coverage, professionalism and expertise and also ensures the facility is ready for use even when there is no Serviceperson in detention.

### Visiting arrangements are well organised

An initial telephone call can be made to any person within the first 24 hours of detention to notify of their detention, including a family member, friend or legal representative. After that, phone calls to family and friends are considered a privilege and a Serviceperson in detention may not be eligible for calls until after one week in detention.

Family and friends may also visit and are required to sign in at the main entry to the base to be escorted to DFCE where they are also required to sign in. They are provided a briefing upon arrival at DFCE regarding rules and standards of behaviour.

Visits are conducted in a separate room next to the office area and are kept under observation by CCTV, except for legal visits. Members of the Servicepersons assigned Unit may also visit to conduct a welfare check, provide encouragement and check on their progress.

DFCE has another level of welfare check for members in detention being the Visiting Officer (VO). The VO is an independent ADF member of the rank of Major or above from another unit within the ADF. They are randomly appointed for a 12-month term from other units and are required to visit once per fortnight on a rotational basis. Their role is to conduct an inspection of the detention centre and visit all Servicepersons in detention and hear any complaints or requests they may have. A report is then furnished to the OIC of the facility.

Servicepersons in detention can refuse visits from their families or unit but cannot refuse a visit by the VO.

We are satisfied with the visiting arrangements as they are well organised and adhere to both security and welfare standards.

### Culturally appropriate support is available

Where a Serviceperson in detention identifies as being of First Nations descent the Aboriginal Liaison Officer must be immediately informed of the detention. The notification is recorded in the Daily Occurrence Book.



We are satisfied with this practice as it ensures culturally appropriate support is provided, recognising the unique needs and circumstances of aboriginal people in detention.

## Fresh Air and Natural Light are satisfactory

The cells have no access to fresh air but are linked to the establishments central air conditioning system which was in good working order.

Each cell has a viewing window situated in the door which is approximately 500mm square and allows a degree of natural light into the cell, lessened by the positioning of the verandas. This was supported by artificial lighting which was working at the time of our visit.

We note that Servicepersons in detention are not locked in their cells during daylight hours and we found the arrangement satisfactory as detainees spend a large amount of their day out of cell undergoing remedial training

The APT states that police cells should have natural light and ventilation, and a temperature appropriate to the climate and season.<sup>11</sup>

## Physical and Mental Health

### Best practice model for health care in detention

Prior to placement into DFCE a 'medical assessment of suitability to be detained' is undertaken by qualified medical practitioners and includes physical, mental and psychosocial health components. If for some reason the assessment is unable to be undertaken at the time it must take place in the first 24 hours of detention. If the Serviceperson is found to be not fit for detention, they will not enter the facility and alternatives such as placement in a hospital or psychiatric facility will be considered based on the medical assessment.

There are two medical parades with attendance by all Servicepersons in detention being mandatory:

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<sup>11</sup> Association for the Prevention of Torture. Monitoring Places of Detention: A Practical Guide. (2004). Geneva, Switzerland. p156.

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1. The first is a daily medical parade where a nurse attends to the Serviceperson/s in detention regardless of whether there has been a request or not.
2. Once per week there is a medical parade with one of the Base's Medical Officers (MO). They are able to take a Serviceperson in detention offsite to the Holsworthy Health Centre if there is a need to access medical equipment etc but this is rare. Most services are delivered on site, noting that if the detainee had a serious condition it would be unlikely they would have passed the health check required to be placed in detention.

There is a qualified Alcohol and Other Drugs (AOD) councillor onsite who will determine if internal or external supports are required.

We are satisfied that this is a best practice model for health care in detention due to the high standard of health services provided to Service personnel. The facility has clear procedures including regular assessments, proper documentation and swift responses to medical needs. There is also adequate access to mental health services.



# Army Recruit Training Centre, Kapooka Military Area

## Summary

### Our visit

The Commonwealth NPM conducted an announced visit to the Army Recruit Training Centre (ARTC) on 12 February 2024. This was our second visit to the ARTC as part of our role monitoring Australian Defence Force (ADF) places of detention under the OPCAT.

Our previous visit in September 2022 was a familiarisation visit with no Post Visit Summary.

The visit was conducted by 4 OPCAT Monitors.

### What we found

The Kapooka Unit Detention Centre is very rarely used but remains well maintained given its age. However, it is outdated and fails to meet contemporary standards and requirements and faces several challenges due to its outdated design.

There are numerous issues with the facility including, but not limited to, the presence of ligature points, which pose safety risks and need to be addressed to prevent self-harm incidents. Additionally, privacy concerns arise when it comes to toileting facilities, as they do not meet modern standards of dignity. Furthermore, the furnishings are not suitable for a contemporary detention facility, lacking the comfort, safety and durability expected in modern settings. Another concern is the lack of air conditioning in a climate where conditions can be extremely hot in summer and cold in winter.

While the Centre is functional, these deficiencies highlight the need for upgrades to meet current detention standards and ensure a safe and respectful environment.

# Recommendations and Suggestions for Improvement



## Recommendation 1

Strip searches be conducted on the basis of risk assessment rather than routine practice.

## Recommendation 2

Intercom systems be installed in each cell to facilitate efficient communication and ensure the safety and well-being of both staff and Servicepersons in detention.

## Recommendation 3

Provide privacy for people in detention from both the cell window and cameras when toileting, while still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.



## Suggestion 1

Update the current emergency and evacuation plans to align with the current building design to ensure effective responses to emergency situations.

## Suggestion 2

Replace the faded resuscitation chart with a new one.

### **Suggestion 3**

Remove all potential ligature points and replacing all commercial drain assemblies with assemblies of a Crocodile Roll Resistant (CRR) design.

### **Suggestion 4**

Cell doors be replaced with doors that are suitable for a detention environment.

### **Suggestion 5**

Remove all peeling paint and repaint with non-lead-based paint suitable for a detention environment.

### **Suggestion 6**

Wash basins with folded lips be replaced with basins suitable for a detention environment.

### **Suggestion 7**

All porcelain/ceramic tiles be removed from cells.

### **Suggestion 8**

Mechanisms be put in place to allow for emergency access to the cells such as cordless angle grinders or other cutting equipment, and appropriate procedures be adopted with training for all detention staff.

### **Suggestion 9**

Cleaners undertake formal training in forensic cleaning and be provided appropriate products.

### Suggestion 10

Stormwater grates be bolted down so they cannot be removed and used as improvised weapons or for self-harm.

### Suggestion 11

The PVC stormwater pipe in the exercise yard be relocated to a location outside the detention area where it cannot be accessed by Servicepersons in detention.

### Suggestion 12

Aboriginal liaison officers be notified whenever a Serviceperson who identifies as First Nations is held in detention.

### Suggestion 13

Air conditioning be installed in all cells and the heater units be removed as they are potential ligature points and could also be pulled off their hinges and used as an improvised weapon.

### Suggestion 14

Fan covers be removed or replaced with ligature resistant items.

## Iain Anderson

Commonwealth Ombudsman

Commonwealth National Preventive Mechanism



# Facility and demographics

The Kapooka Military Area was established in 1942 as a direct result of defence needs during the Second World War. The Australian Army's basic training establishment was the 1st Recruit Training Battalion (1RTB) which was originally established in 1951 and since 1 December 1998 has the official name of the Army Recruit Training Centre (ARTC).

Situated at Kapooka, in the Riverina region of New South Wales, the ARTC is located within Blamey Barracks, about 9.5 km south-west of Wagga Wagga.

ARTC has two training wings, Recruit Training Wing (RTW) that provides initial recruit training for all regular and reserve recruits for the Army, and the Army Adventurous Training Wing (ATW) that trains unit adventurous training leaders.

Reserve recruits currently undertake a 35-day program whilst the recruits that are to form part of the Australian Regular Army undertake an 80-day program. The course consists of various components including marksmanship training, physical training, navigation, drill, dress and bearing, first aid, radio communications, military customs and traditions, service discipline, law, and field training.

The Unit Detention Centre (UDC) is an Australian Defence Force (ADF) local detention facility operated by the ADF for the short-term detention of ADF members. The facility is old - believed to have been constructed in the early 1980's.

Servicepersons Under Arrest (SUA) are not held in the Kapooka Detention Unit, only Servicepersons Under Punishment (SUP) for post-trial detention.

There has only been one Serviceperson held in detention in the past three and a half years. They were from RAAF Base Wagga and were held for five days.

There were no Servicepersons held in detention at the time of our visit.

# Observations

## Safety

### Emergency Evacuation Plans need updating

At the time of our visit, the ARTC had standalone emergency and evacuation plans in place, which were incorporated into the broader Kapooka Military Areas Business Continuity Plan. There were emergency evacuation plans sighted during our visit, however they were very old and not up to date e.g. they displayed the interview room as a bedroom.

The Mandela Rules state that evacuation plans must be in place for the protection of people in detention.<sup>12</sup> The Association for the Prevention of Torture (APT) advises that cells must be evacuated safely in an emergency.<sup>13</sup>



#### Suggestion 1

Update the current emergency and evacuation plans to align with the current building design to ensure effective responses to emergency situations.

### Fire safety measures are very good

There are fire alarms and prevention systems. However, there is no automated fire suppression system such as a sprinkler system in place.

We observed 1 x 36m fire hose located within the facility that is capable of reaching all areas with evacuation plan and fire alarm responses located next to it. There was also one dry powder fire extinguisher at the entrance to the detention area. All were last tested in October 2023. Fire extinguisher signage boards were located at all points throughout the facility where firefighting equipment was available. No firefighting standpipes were located in or near the facility.

<sup>12</sup> Assessing compliance with the Nelson Mandela Rules, A checklist for internal inspection mechanisms p10, 24.

<sup>13</sup> Association for the Prevention of Torture. (2013). Monitoring Police Custody, A Practical Guide. p159.

## OFFICIAL

Scheduled maintenance is carried out by Chubb or Honeywell who are also available after hours if required and their attendance is recorded in an Agents Log Register and the Daily Occurrence Book.

The Kapooka Military Area has its own dedicated fire service on the base which can be called upon in event of a fire emergency.

We consider the fire safety measures taken to be very good. The systems in place are comprehensive and well maintained, ensuring the safety of both staff and those in detention.

## First Aid preparations are good, new charts needed

There were two first aid boxes in the facility and a defibrillator located on a wall outside next to the entrance door. All were in working order; however, the resuscitation chart next to the defibrillator was extremely faded and difficult to read. All staff are trained in first aid



### Suggestion 2

Replace the faded resuscitation chart with a new one.

## CCTV system is good

The CCTV system consists of eight fixed cameras connected to a monitor in the duty room which record on a 24/7/365 basis. There were no apparent blind spots and footage is retained for six months when it is automatically overridden, except for any incidents which are downloaded onto a separate Hard Disk Drive (HDD) and stored and retained in accordance with the *Archives Act 1983 (Cth)*.

All CCTV was correctly date and time stamped.

Any time a recorded camera feed is accessed, an auditable digital record is created which tracks any inappropriate access of camera footage.

The CCTV system provides coverage of all internal and external areas of the facility. The cameras in each cell have both audio and infra-red capability for viewing in low light conditions.



We are satisfied with the CCTV system which plays a crucial role in upholding the principles and objectives of OPCAT by significantly contributing to the prevention of torture and ill treatment and ensuring the human rights of people in detention are respected and protected.

## Duress alarms satisfactory but could be better

There were duress alarm buttons in each cell that were not labelled and were positioned next to the door where you would expect a light switch. The alarms were working at the time of our visit.

We consider the duress alarm system to be satisfactory.

## Intercom are needed in the cells

There were no intercoms in any of the cells. Communication with staff is via a duress alarm button on the wall next to the cell door. Staff can then speak with the Serviceperson in detention via the audio enabled CCTV camera.

As recommended in the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), it is imperative that proper functioning intercom systems are in each cell which give direct communication to custodians for people in detention to summon assistance in the event of illness or emergency.<sup>14</sup>

We are not satisfied with the use of a duress alarm system as an appropriate replacement for a proper functioning intercom system.



### Recommendation 2

Intercom systems be installed in each cell to facilitate efficient communication and ensure the safety and well-being of both staff and Servicepersons in detention.

## Strip searches should not be routine

All new arrivals into the ARTC cells undergo a "full search" upon entry which is effectively a strip search. The search is undertaken by three staff of the same gender as the

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<sup>14</sup> Royal Commission into Aboriginal Deaths in Custody, Recommendation 140.

Serviceperson in detention. One staff member conducts the search procedure while the remaining two act as 'authorised persons'.

The ADF Detention Manual (DETMAN) notes that Service personnel may be categorised as Male, Female or Gender X (Indeterminate/Intersex/Unspecified) and outlines the management of each of these specifically including asking those who identify as Gender X by which gender they would like to be searched.

If the Serviceperson in detention is escorted anywhere external to the ARTC they are required to be strip searched upon their return. No risk assessment is conducted to determine the necessity of strip searching.

Strip searching should be guided by risk assessment rather than being conducted routinely, as it ensures a more targeted, humane and effective approach.



### Recommendation 1

Strip searches be conducted on the basis of risk assessment rather than routine practice.

## Use of Force is well managed

Use of force forms must be completed in the event of a UoF which must also be documented in the Daily Occurrence Book. This is paper based but later scanned for digital record keeping.

All personnel are trained in defensive tactics and UoF tactical options models.

Mechanical restraints such as handcuffs are not routinely carried by staff but are securely held in the facility.

If mechanical restraints are used, their use must be authorised by the Commanding Officer (CO) prior to or immediately after their application. Batons and Oleoresin Capsicum (OC) spray are not used in the facility.

Record keeping and training in Use of Force are satisfactory and in line with established policies and guidelines.



# Respect

## Cell toilets offer no privacy

The cell toilets had no privacy from the cell window or CCTV camera, so Servicepersons in detention are in full view of staff when using the toilet. We were advised that if a female was held in detention, they would be brought out of the cells to use an office toilet due to the cell toilet being in full view of the CCTV camera.

The ICCPR<sup>15</sup> guarantees that no one shall be subjected to arbitrary or unlawful interference with his privacy and the APT states that sanitary installations be in working order and provide adequate privacy.<sup>16</sup>



### Recommendation 3

Provide privacy for people in detention from both the cell window and cameras when toileting, while still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.

## Pastoral care for all faiths is available

The Chaplain's service is notified when a Serviceperson enters detention as part of the march in process. There are 4 Padres and a chapel on site which caters for all faiths.

Religious preference is determined during the intake process and a text of any faith can be provided and retained in their cell.

Religious services can be attended in the Kapooka Military Area chapel or within the confines of the detention unit, depending on behaviour.

Freedom of religion or belief is guaranteed by the UDHR<sup>17</sup>, the ICCPR<sup>18</sup> and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

<sup>15</sup> International Covenant on Civil and Political Rights

<sup>16</sup> Association for the Prevention of Torture. (2004). Monitoring Places of Detention, A Practical Guide. Geneva, Switzerland. p146 & 147

<sup>17</sup> Universal Declaration of Human Rights, Article 18

<sup>18</sup> International Covenant on Civil and Political Rights, Article 18.

We are satisfied with the religious arrangements in place and their application to all forms of religion.

## Complaints are well managed

Servicepersons in detention are made aware of their ability to lodge a complaint as part of the march in procedure which is also contained in the Detainee Orders folder (a folder outlining Servicepersons in detention rights and responsibilities) which is retained in their cell.

Complaints can be made orally at a daily parade which is held each morning. Complaints can also be made directly to the Officer in Charge (OIC) of the facility who conducts a parade each week and the official visitor every fortnight. These visits and any complaints raised are documented in the Daily Occurrence Book.

ADF members can also make a formal complaint through the ADF's Redress of Grievance (ROG) process.

External complaints mechanisms are also available through the Defence Force Ombudsman, however these are limited to administrative or serious abuse matters only.

We are satisfied with the complaints process as it is transparent, accessible and well structured.

## Cells not fit for purpose

There are a total of 4 cells, each with an identical fit out including a raised platform for a mattress and a stainless-steel toilet and sink.

All cells visually appeared dated but have been kept in relatively good condition given their age. One toilet appeared to be leaking and corroded.

All cell doors open outward on non-chamfered hinges which could be used as ligature points. They are electronically operated from the officer workstation with a key override and are all keyed alike.

The electronic locks are all located at the top left-hand corner of each door and operate via an electronic mechanism that moves a steel bolt in and out of a small receiver bolted to the door.

## OFFICIAL

The key override could be difficult to get to in an emergency as it is situated above the door. During our visit a demonstration required staff to obtain an office chair to stand on to reach the key lock.

The system is extremely old and due to its positioning allows for movement of the door when force is applied, particularly to the bottom portion, which could very potentially bend or break the lock if enough force was applied.

Given the movement at the lower portion of the door it is also possible for it to open enough for a ligature to be attached.

There are other ligature points throughout the cells including toilet pipework, commercial floor drain covers, water basin taps, heater units and the fan unit.

The walls have paint peeling which could be ingested by a Serviceperson in detention. We note that it is unknown if the paint on the walls is lead based but given the age of the facility there is a likelihood that it could be.

The wash basin has a folded lip on the upper portion that could be used to hide contraband or act as a leverage point to pull it off the wall and use as an improvised weapon or for self-harm.

There is also a row of porcelain tiles above the sink which could be broken off and used as an improvised weapon or for self-harm.

We note that Servicepersons in detention receive a Detainee Orders folder for them to retain in their cell containing the rules, regulations, standing orders and the daily regime whilst in the facility. Expectations and privileges are clearly set out.

The Mandela Rules and the APT provide for minimum standards for accommodation, in particular the design of the cells which must contribute to guaranteeing the safety of people housed there.<sup>19, 20</sup>

In 1985, the RCIADIC stated that Police should carefully scrutinise equipment and facilities provided at institutions with a view to eliminating and/or reducing the potential for harm. Similarly, steps should be taken to screen hanging points.

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<sup>19</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 12, 13, 14, 15 and 16.

<sup>20</sup> <https://www.apr.ch/knowledge-hub/dfa/accommodation>







### Suggestion 3

Remove all potential ligature points and replacing all commercial drain assemblies with assemblies of a Crocodile Roll Resistant (CRR) design.

### Suggestion 4

Cell doors be replaced with newer items that are suitable for a detention environment.

### Suggestion 5

Removal of all peeling paint be undertaken and repainted with non-lead-based paint suitable for a detention environment.

### Suggestion 6

Wash basins with folded lips be replaced with newer items suitable for a detention environment.

### Suggestion 7

All porcelain/ceramic tiles be removed from cells.

## No emergency cell access

There was no procedure in place or equipment to access the cells in the event of emergency due to a power outage or failed/broken locks.



### Suggestion 8

Mechanisms be put in place to allow for emergency access to the cells such as cordless angle grinders or other cutting equipment, and appropriate procedures be adopted with training for all detention staff.

## Access to showers not satisfactory

There are no showers in the cells. Most Servicepersons in detention are escorted through the old Military Police (MP) section of the building to the showers and toilets.

There is also a single shower facility located in the administration area adjacent to a sound proofed interview room. We were advised that this shower is not in general use but would be used for Servicepersons who were non-compliant as it provides for more control by staff.

It is barely satisfactory that showers are not located in cells, requiring Servicepersons in detention to be escorted elsewhere for bathing. While this arrangement does provide necessary access to hygiene facilities it presents logistical and security concerns.

## Personal property is well managed

Servicepersons in detention are not allowed to take any personal property into the detention area. Property is itemised and recorded in the detainee register which is recorded under CCTV camera with a built-in audio function. The property is then locked in an individual property locker in the storage room. Cash and valuables are stored in a locked safe.

We are satisfied with the handling of personal property. The process is well organised, with clear procedures for the safe storage, cataloguing and return of belongings.

## Forensic cleaning training is needed

Cleaning is undertaken by an external contractor twice per week whether the cells are in use or not. It is not known if cleaners are trained in forensic cleaning.

Forensic cleaning in a detention environment is crucial for maintaining hygiene, managing biohazards, mitigating risk, and ensuring the safety of both staff and people in detention.

A clean and well-maintained detention facility can positively influence the psychological well-being of detainees and demonstrates a commitment to their well-being and treatment.

The Mandela Rules state that all parts of a prison should be kept scrupulously clean at all times.<sup>21</sup>



### Suggestion 9

Cleaners undertake formal training in forensic cleaning and be provided appropriate products

## Purposeful Activity

### Exercise area needs upgrading for safety

All cells open onto an exercise yard surrounded on three sides by the building structure, with a concrete floor and wire mesh roof and 4th wall. Servicepersons in detention have access to this area most of the day unless adverse behaviour dictates otherwise.

There is a large metal stormwater grate in the centre of the courtyard that was able to be lifted and could be used as an improvised weapon.

There was a PVC rainwater pipe at one end of the yard which could be easily broken and used as an improvised weapon or for self-harm.

Physical Training (PT) is conducted by Physical Training Instructors (PTIs) at the main gym. We were advised that the training is heavily structured around the individual and the elements would be different for each person.



### Suggestion 10

Stormwater grates be bolted down so they cannot be removed and used as improvised weapons or for self-harm.

### Suggestion 11

The PVC stormwater pipe in the exercise yard be relocated to a location outside the detention area where it cannot be accessed by Servicepersons in detention.

<sup>21</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 17

# Wellbeing and Social Care

## Meals are equivalent to staff meals

Meals are brought from the main mess (kitchen) to the detention facility via hot box and are the same meals that are provided to other personnel on the base and at the same times.

Proper food and nutrition are critical to safeguarding the health, human rights, and dignity of people in detention.

We are satisfied that meals meet or exceed the minimum standards as outlined in the Mandela Rules.

## Staffing arrangements are suitable for facility

There is no permanent staffing presence at the Kapooka Detention Centre. When the facility is stood up for use, staff are drawn from other areas of the base as required.

There are 20-30 Officers within the Kapooka Military Area who have completed the Detention Centre Supervisors course including five females to ensure there is one on each shift particularly if a female is being held in detention.

If required, Military Police (MPs) could be brought in to assist from RAAF Base Wagga Wagga which is approximately 20 minutes away.

Delivery of appropriate care to people in detention requires that an adequate number of qualified staff are available to provide that care. Staff numbers are critical for maintaining safety, security, order, and providing necessary services to people in detention. Insufficient staff can lead to challenges in managing the facility effectively and can potentially compromise the well-being of both staff and people in detention and lead to cruel, inhuman, or degrading treatment.

We are satisfied with the staffing arrangements given how rarely the facility is used.

## Visiting arrangements are well organised

An initial telephone call can be made by any person within the first 24 hours of detention to notify of their detention, including a family member, friend or legal representative. After that, phone calls to family and friends are considered a privilege and must be approved by the OIC of the facility.

Visits are conducted in a separate room next to the office area and are kept under observation by CCTV, except for legal visits.

There is another level of welfare check for members in detention being the Visiting Officer (VO). The VO is an independent ADF member of the rank of Major or above from another unit within the ADF. They are randomly appointed for a 12-month term from other units and are required to visit once per fortnight on a rotational basis. Their role is to conduct an inspection of the detention centre and visit all Servicepersons in detention and hear any complaints or requests they may have. A report is then furnished to the OIC of the facility.

Servicepersons in detention cannot refuse visits from the VO.

We are satisfied with the visiting arrangements as they are well organised and adhere to both security and welfare standards.

## Cultural safety should be a priority

We were advised that all Servicepersons in detention are treated the same including people of First Nations descent. Staff were unaware that Aboriginal liaison officers should be notified when a First Nations person is held in detention.

The RCIADC states that an Aboriginal Legal Service should be notified when Aboriginal people are arrested or detained.<sup>22</sup>



### Suggestion 12

Aboriginal liaison officers be notified whenever a Serviceperson who identifies as First Nations is held in detention.

## Ventilation and natural light needs improvement

The cells have no air conditioning and rely on a small fan embedded above the cell door to provide outside airflow into the cell. The fan's purpose is to simply draw fresh air into the cell and cannot be used as a cooling mechanism as it is fixed in position within the wall. The fan covers have horizontal slats that are large enough to potentially allow a ligature to be affixed.

All cells have a large double window made of toughened glass that faces into the exercise yard and has some views outside the yard into an open grassed area with

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<sup>22</sup> Royal Commission into Aboriginal Deaths in Custody, recommendation 223a.



large eucalyptus trees. They allow for plenty of natural light which is supported by artificial lighting which was working at the time of our visit.

We note that members in detention are not locked in their cells during daylight hours.

The Association for the Prevention of Torture states that police cells should have natural light and ventilation, and a temperature appropriate to the climate and season.<sup>23</sup>



### Suggestion 13

Air conditioning be installed in all cells and the heater units be removed as they are potential ligature points and could also be pulled off their hinges and used as an improvised weapon.

### Suggestion 14

Fan covers be removed or replaced with ligature resistant items.

## Physical and Mental Health

### Health care model is best practice

Prior to placement into the Detention Unit a 'medical assessment of suitability to be detained' and a risk assessment is undertaken by qualified medical practitioners which includes physical, mental and psychosocial health components. If for some reason the assessment is unable to be undertaken at the time it must take place in the first 24 hours of detention. If the member is found to be not for detention, they will not enter the facility and alternatives such as placement in a hospital or psychiatric facility will be considered based on the medical assessment.

There are two medical parades with attendance by all detainees being mandatory.

1. The first is a daily medical parade where a nurse attends to the person/s in detention regardless of whether there has been a request or not.
2. Once per week there is a medical parade with one of the Base's Medical Officers (MO). They are able to take a detainee offsite to the Kapooka Health Centre or

<sup>23</sup> Association for the Prevention of Torture. Monitoring Places of Detention: A Practical Guide. Geneva, Switzerland. p156.

## OFFICIAL

Clinic if there is a need to access medical equipment etc, but this is rare and most services are delivered on site, noting that if the detainee had a serious condition it would be unlikely they would have passed the health check required to be placed in Detention.

There is a qualified Alcohol and Other Drugs (AOD) councillor onsite who will determine if internal or external supports are required.

The APT stipulates that healthcare at least equivalent to that in the community should be available free of charge to all detainees.<sup>24</sup>

We are satisfied that this is a best practice model for health care in detention due to the high standard of health services provided to Service personnel. The facility has clear procedures including regular assessments, proper documentation and swift responses to medical needs. There is also adequate access to mental health services.

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<sup>24</sup> <https://www.apr.ch/knowledge-hub/dfd/health-care-services#legal>



# Army Logistics Training Centre, Bandiana

## Summary

### Our visit

The Commonwealth NPM conducted an announced visit to the Army Logistics Training Centre (ALTC) Unit Detention Centre (UDC) on 15 February 2024. This was our second visit to the ALTC as part of our role monitoring Australian Defence Force (ADF) places of detention under the OPCAT.

Our previous visit in September 2022 was a familiarisation visit no Post Visit Summary.

The visit was conducted by 3 OPCAT Monitors.

### What we found

The ALTC Unit Detention Centre is very small but generally well maintained and located within a multi-purpose building that is also used by the Regimental Police.

We were pleased to see the primary emphasis at ALTC is on rehabilitation and retention, as such there has been a move away from formal charges that may result in detention and/or discharge. This has resulted in a drop in numbers of people being detained as other forms of discipline are now used such as fines and administrative options.

We were also pleased to see a formal management process in place for minors, we consider this to be an example of very good practice.

However, several issues need to be addressed. There are CCTV blind spots, which pose security risks and reduce the effectiveness of surveillance. Additionally, strip searches are conducted routinely, rather than being based on risk assessments, which raises concerns about the appropriateness of this practice. The toileting facilities lack privacy, falling short of modern standards for dignity of persons in detention. Furthermore, there is no signage for fire extinguishers, which could hinder emergency response efforts in



the event of a fire. These issues highlight areas where improvements are needed to enhance safety, security, and dignity within the facility.

# Recommendations and Suggestions for Improvement



## Recommendation 1

Intercoms be installed in each cell to allow for effective communication between Servicepersons in detention and supervising staff.

## Recommendation 2

Strip searches be conducted on the basis of risk assessment rather than as a routine practice and that they are undertaken in a private area out of view of CCTV.

## Recommendation 3

Measures be taken in each cell to provide privacy for people in detention from both the cell window and cameras when toileting, while still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.

## Recommendation 4

Remove all potential ligature points and replacing all commercial drain assemblies with assemblies of a Crocodile Roll Resistant (CRR) design.



### Suggestion 1

Fire extinguisher signage boards and selection charts outlining the different types of fire extinguishers and their uses be located in areas highly visible to all staff.

### Suggestion 2

Measures be taken to eliminate CCTV blind spots in all cells.

#### **Iain Anderson**

Commonwealth Ombudsman

Commonwealth National Preventive Mechanism

# Facility and demographics

The Army Logistic Training Centre (ALTC) is an Australian Army training establishment that is part of Forces Command. Established on 1 December 1995, through the amalgamation of nine separate logistic, health, and personnel services schools and the Army College of TAFE, ALTC is headquartered at Bandiana, Victoria. It was instituted in response to the need to provide more effective logistics training, which had been identified as a problem as early as 1981.

Soldiers and officers from the Army's logistics corps – the Royal Australian Electrical and Mechanical Engineers (RAEME), the Royal Australian Army Ordnance Corps (RAAOC), the Australian Army Catering Corps (AACC), the Royal Australian Corps of Transport (RACT), the Royal Australian Army Pay Corps, (RAAPC) the Royal Australian Army Nursing Corps (RAANC) and the Royal Australian Army Medical Corps (RAAMC) and small numbers of Royal Australian Navy (RAN) and Royal Australian Air Force (RAAF) personnel undertake various courses at ALTC as part of their initial employment training, or as part of corps-specific promotion courses.

The ALTC has a staff of approximately 755 plus elements of the Australian Public Service (APS). There are about 1500 trainees on the base at any given time, adding up to 10,000 per year across 39 employment categories. Most trainees are between the age of 18 and 24 years.

The ALTC Unit Detention Centre is an ADF detention facility under the control of the Defence Force School of Policing (DFSP), located at Gaza Ridge Barracks, Bandiana VIC.

An annual audit of the facility and practices is conducted by staff from the Defence Force Corrective Establishment (DFCE), located at Holsworthy Barracks in Western Sydney.

While the facility remains operational, it is not always open. Before the facility is used, a warning order is given 24 hours in advance for the facility, including staff, to be stood up.

The facility can only be used for a maximum of seven days whereupon the Serviceperson in detention would be required to be relocated to the DFCE.

The cells were last used in 2021 and on the day of our visit there were no Servicepersons being held in detention.

# Observations

## Safety

### Emergency Evacuation Plans are satisfactory

At the time of our visit, the ALTC had standalone emergency and evacuation plans in place, which were incorporated into the broader Bandiana Military Area's Business Continuity Plan.

We are satisfied that the plans meet the requirements of the *Work Health and Safety Act 2011*.

The Mandela Rules state that evacuation plans must be in place for the protection of people in detention.<sup>25</sup> The Association for the Prevention of Torture (APT) advises that cells must be evacuated safely in an emergency.<sup>26</sup>

### Fire safety needs improvement

There are fire alarms and prevention systems. However, there was no automated fire suppression system such as a sprinkler system in place.

There were four Dry Chemical fire extinguishers in strategic locations throughout the facility. All were last tested in November 2023.

There were no fire extinguisher signage boards or fire extinguisher selection charts sighted in the facility.



#### Suggestion 1

Fire extinguisher signage boards and selection charts outlining the different types of fire extinguishers and their uses be located in areas highly visible to all staff.

<sup>25</sup> Assessing compliance with the Nelson Mandela Rules, A checklist for internal inspection mechanisms p10, 24.

<sup>26</sup> Association for the Prevention of Torture. (2013). *Monitoring Police Custody, A Practical Guide*. p159.

## CCTV system is good but has blind spots

The detention centre recently received a new CCTV system which provides coverage of all internal and external areas of the facility. The cell cameras have inbuilt infra-red for viewing in low light conditions but have no audio. The picture was clear, but each camera had a blind spot directly beneath.

Footage is retained for 28 days when it is automatically overridden, except for any incidents which are downloaded onto a separate Hard Disk Drive (HDD) and stored and retained in accordance with the *Archives Act 1983 (Cth)*.

All CCTV was correctly date and time stamped.

Any time a recorded camera feed is accessed a digital record is created which is auditable. This prevents inappropriate access of camera footage.

The monitoring screen was set up in an office directly opposite the 2 cells where detention supervisors maintain a constant presence when a Serviceperson is in detention.



### Suggestion 2

Measures be taken to eliminate CCTV blind spots in all cells.

## Duress alarms summon emergency assistance

There is a duress alarm button strategically located in the vicinity of officers, and when pressed sends an immediate alert tone throughout the facility. Instructions for its use were taped to the wall next to the button. There are also working duress alarms in each cell.

We consider the system to be a satisfactory safety measure as it provides an immediate and reliable way for staff to call for assistance in the event of an emergency.

## Intercoms need to be installed

There were no intercoms in any of the cells and the CCTV had no audio function built in. Communications are either via duress alarm or direct communication as the officer workstation is directly opposite the 2 cells separated only by a narrow hallway.

Intercoms are a critical component of detention infrastructure and play a crucial role in ensuring the security and Servicepersons in detention by providing a means of immediate communication to enable staff to respond to emergencies quickly and efficiently.

As recommended in the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), it is imperative that proper functioning intercom systems are in each cell which give direct communication to custodians for people in detention to summon assistance in the event of illness or emergency.<sup>27</sup>



### Recommendation 1

Intercoms be installed in each cell to allow for effective communication between Servicepersons in detention and supervising staff.

## Strip searches should not be routine

All new arrivals undergo a "full search" upon entry which is effectively a strip search. The search is undertaken either in their cell or in the shower facility, however we note that the cell is under CCTV camera surveillance.

The ADF Detention Manual (DETMAN) notes that Service personnel may be categorised as Male, Female or Gender X (Indeterminate/Intersex/Unspecified) and outlines the management of each of these specifically including asking those who identify as Gender X by which gender they would like to be searched.

If the Serviceperson in detention is escorted anywhere external to the facility, they are required to be strip searched upon their return. No risk assessment is conducted to determine the necessity of strip searching.

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<sup>27</sup> Royal Commission into Aboriginal Deaths in Custody, Recommendation 140.





## Recommendation 2

Strip searches be conducted on the basis of risk assessment rather than as a routine practice and that they are undertaken in a private area out of view of CCTV

## Use of Force is inline with policy

Servicepersons in detention can have mechanical restraints applied when being escorted away from the facility, however no staff could recall them having ever been used.

Oleoresin Capsicum (OC) foam is not kept on site but if required can only be used by qualified Military Police (MP) personnel who receive the requisite training and instruction, this applies to cell extractions/insertions also.

In the event of a Use of force (UoF) incident, UoF forms must be completed which must also be documented in the Daily Occurrence Book. This is paper based but later scanned for digital record keeping.

Record keeping and training in Use of Force are satisfactory and in line with established policies and guidelines.

## Respect

### Cell toilets offer no privacy

The cell toilets had no privacy from the cell window or CCTV camera, so Servicepersons in detention are in full view of staff when using the toilet.

The ICCPR guarantees that no one shall be subjected to arbitrary or unlawful interference with his privacy<sup>28</sup> and the APT states that sanitary installations be in working order and provide adequate privacy.<sup>29</sup>

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<sup>28</sup> International Covenant on Civil and Political Rights, Article 17.

<sup>29</sup> Association for the Prevention of Torture. (2004). Monitoring Places of Detention: A Practical Guide. Geneva, Switzerland. p146, 147





### Recommendation 3

Provide privacy for people in detention from both the cell window and cameras when toileting, while still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.

## Pastoral care for all faiths is available

The Chaplain's service is notified when a person enters detention as part of the march in process. They provide religious texts in line with the Serviceperson in detention's religious preference which can be kept in their cell.

Freedom of religion or belief is guaranteed by the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, UDHR<sup>30</sup> and ICCPR<sup>31</sup>.

We are satisfied with the religious arrangements in place and their application to all forms of religion.

## Complaints are well managed

Servicepersons in detention are made aware of their ability to lodge a complaint as part of the march in procedure which is also contained in the Detainee Orders folder (a folder outlining Servicepersons in detention rights and responsibilities) which is retained in their cell.

Complaints can be made orally at a daily parade which is held each morning. Complaints can also be made directly to the Officer in Charge (OIC) of the facility who conducts a parade each week, and the Official Visitor every fortnight. These visits and any complaints raised are documented in the Daily Occurrence Book.

ADF members can also make a formal complaint through the ADF's Redress of Grievance (ROG) process.

External complaints mechanisms are also available through the Defence Force Ombudsman, however these are limited to administrative or serious abuse matters only.

<sup>30</sup> Universal Declaration of Human Rights. Article 18.

<sup>31</sup> International Covenant on Civil and Political Rights. Article 18.

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The Mandela Rules and the APT provide that every prisoner shall be provided with written information about his or her rights including making a complaint.<sup>32, 33</sup>

We are satisfied with the complaints process as it is transparent, accessible and well structured.

## Ligature points should be removed from cells

There are 2 cells, each with an identical fit out including a raised platform for a mattress and a stainless-steel toilet and sink. There are no Protective Confinement or padded cells in the facility.

All cells visually appeared in good condition.

The cell doors open outward and have non-chamfered normal door hinges which could be used as a ligature point. The cell doors are secured by a single slide bolt.

The floor drain was of a commercial variety which could also be used as a ligature point.

In 1985, the RCIADIC stated that Police should carefully scrutinise equipment and facilities provided at institutions with a view to eliminating and/or reducing the potential for harm. Similarly, steps should be taken to screen hanging points.



### Recommendation 4

Remove all potential ligature points and replace all commercial drain assemblies with assemblies of a Crocodile Roll Resistant (CRR) design.

## Personal property is well managed

Servicepersons in detention are not allowed to take any personal property into the facility. Property is itemised and recorded in a property book under CCTV camera with an audio function and is also recorded in the Daily Occurrence Book. The property is then locked in an individual property locker. Cash and valuables are stored in a locked safe.

We are satisfied with the arrangements for handling personal property.

<sup>32</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 54.

<sup>33</sup> <https://www.apt.ch/knowledge-hub/dfd/complaints-procedures>



# Purposeful Activity

## Outdoor Exercise exceeds international standards

Servicepersons in detention have a very structured day commencing at 6:00am and ending at 8:00pm. Physical Training (PT) is conducted for at least one hour per day which is supervised. We were advised that the training is heavily structured around the individual and the elements would be different for each person.

They are allowed access to a large, grassed, outdoor area surrounded by a brick wall topped with barbed wire and a stormwater grate in the centre which was bolted down. The area contains no furniture or seating and monitoring is conducted via line of sight or CCTV from the officer's workstation.

The staff spoken to were aware of minimum standards for exercise.

We are satisfied that exercise requirements meet or exceed the minimum one hour as outlined in the Mandela Rules.<sup>34</sup>

# Wellbeing and Social Care

## All personnel receive same standard of meals

There is a dedicated dining area, which is suitably equipped for the purpose with meals brought in from the main mess (kitchen) which provides the same meals as other service members and at the same times.

We are satisfied that meals meet or exceed the minimum standards as outlined in the Mandela Rules.<sup>35</sup>

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<sup>34</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 23 & 42.

<sup>35</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 22.

## Staffing model is appropriate

There are no permanent staff at the facility however there are 25–30 staff trained as Detention Centre Supervisors (DCSs) in the Bandiana Military Area. All DCSs undertake annual refresher training. It is unknown how many of these supervisors are female.

If the detention unit is stood up for use it must always have a minimum staffing capacity of two persons, one of which must have completed the DCS training course.

The Mandela Rules Checklist states that prisons are adequately staffed during the day and night.<sup>36</sup>

Both the Mandela Rules and the Bangkok Rules require that female prisoners shall only be attended and supervised by female staff.<sup>37, 38</sup>

We are satisfied with the staffing model as it ensures appropriate coverage, professionalism and expertise.

## Visiting arrangements are well organised

An initial telephone call can be made by any person within the first 24 hours of detention to notify of their detention, including a family member, friend or legal representative.

Family and friends may also visit and are required to sign in at the main entry to the base and be escorted to the detention facility. They are provided a briefing upon arrival regarding rules and standards of behaviour.

Members of the Servicepersons assigned Unit may also visit to conduct a welfare check, provide encouragement and check on their progress.

ALTC has another level of welfare check for members in detention being the Visiting Officer (VO).

The VO is an independent ADF member of the rank of Major or above from another unit within the ADF. They are randomly appointed for a 12-month term from other units and are required to visit once per fortnight on a rotational basis. Their role is to conduct an

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<sup>36</sup> United Nations Office on Drugs and Crime. 2017. Assessing compliance with the Nelson Mandela Rules, A checklist for internal inspection mechanisms. p23

<sup>37</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 81.

<sup>38</sup> United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rules 11 & 19.

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inspection of the detention centre and visit all Servicepersons in detention and hear any complaints or requests they may have. A report is then furnished to the OIC of the facility.

Servicepersons in detention can refuse visits from their families or Unit but cannot refuse a visit by the VO.

We are satisfied with the visiting arrangements as they are well organised and adhere to both security and welfare standards.

## Access to fresh air and natural light is adequate

The cells have no access to fresh air but are linked to the facility's central air conditioning system which was in good working order. There are separate climate controls for each cell in the control room.

As the cells are housed within a building there is very little natural light that can enter them even though each has a viewing window situated in the door which is approximately 200 mm square. This was supported by artificial lighting which was working at the time of our visit. The APT states that police cells should have natural light and ventilation, and a temperature appropriate to the climate and season.<sup>39</sup>

Even though the cells have little natural light we still consider it satisfactory as detainees spend a large amount of their day out of cell undergoing remedial training.

## Management of minors is best practice

As ALTC Bandiana is a training facility there is a cohort of Servicepersons under the age of 18 years. This cohort is managed under the ADF Youth Policy Manual which is compliant with the Commonwealth Child Safety Framework.

We consider management of minors in this manner as representative of a best practice model as it ensures the highest standards of child safety and protection are upheld and safeguards minors in a military context.

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<sup>39</sup> Association for the Prevention of Torture. (2013). *Monitoring Places of Detention: A Practical Guide*. Geneva, Switzerland. p156.

# Physical and Mental Health

## Best practice health care model

Prior to placement into the detention unit a 'medical assessment of suitability to be detained' is undertaken by qualified medical practitioners and includes physical, mental and psychosocial health components. If for some reason the assessment is unable to be undertaken at the time it must take place in the first 24 hours of detention. If the Serviceperson is found to be not fit for detention, they will not enter the facility and alternatives such as confinement to their accommodation or placement in a hospital or psychiatric facility will be considered based on the medical assessment.

There are two medical parades with attendance by all Servicepersons in detention being mandatory:

3. The first is a daily medical parade where a nurse attends to the Serviceperson/s in detention regardless of whether there has been a request or not.
4. Once per week there is a medical parade with one of the Base's Medical Officers (MO). They are able to take a Serviceperson in detention offsite if there is a need to access medical equipment etc, but this is rare and most services are delivered on site, noting that if the detainee had a serious condition it would be unlikely they would have passed the health check required to be placed in detention.

There is a qualified Alcohol and Other Drugs (AOD) councillor onsite when a Serviceperson is detained who will determine if internal or external supports are required.

We are satisfied that this is a best practice model for health care in detention due to the high standard of health services provided to Service personnel. The facility has clear procedures including regular assessments, proper documentation and swift responses to medical needs. There is also adequate access to mental health services.



# Methodology

The Commonwealth NPM visits places of detention to:

- monitor the treatment of people in detention and the conditions of their detention and
- identify any systemic issues where there is a risk of torture or ill-treatment
- make recommendations, suggestions, or comments promoting systemic improvement.

The Commonwealth NPM conducts three types of visits: announced, unannounced, and semi-announced. The type, location, and timing of each visit is determined by the Commonwealth NPM alone.

Each place of detention is assessed in terms of its performance based on the management and conditions for people in detention. We assess these against the 5 indicators of a healthy detention facility, adapted from those used by other international and domestic visiting bodies.

The five indicators of a healthy centre are<sup>40</sup>:

Indicator	Description
<b>Safety</b>	people in detention are held in safety and that consideration is given to the use of force and disciplinary procedures as a last resort
<b>Respect</b>	people in detention are treated with respect for their human dignity and the circumstances of their detention
<b>Purposeful activity</b>	the detention facility encourages activities and provides facilities to preserve and promote the mental and physical well-being of people in detention
<b>Well-being and social care</b>	people in detention are able to maintain contact with family and friends, support groups, and legal representatives, and have a right to make a request or complaint
<b>Physical and mental health</b>	people in detention have access to appropriate medical care equivalent to that available within the community. Stakeholders work collaboratively to improve general and individual health conditions for people in detention

<sup>40</sup> These indicators have been adapted from expectations used by international and domestic inspectorates.



# The Commonwealth National Preventive Mechanism Mandate

The *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) is an international human rights treaty designed to strengthen the protections for people deprived of their liberty and potentially vulnerable to mistreatment and abuse.

OPCAT does not create new rights for people who are detained, rather it seeks to reduce the likelihood of mistreatment. OPCAT combines monitoring at an international level (by the Subcommittee for the Prevention of Torture) and by National Preventive Mechanisms (NPMs) at a domestic level.

NPMs are independent visiting bodies, established in accordance with OPCAT, to examine the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman, or degrading treatment or punishment.

An NPM is not an investigative body. The mandate of an NPM differs from other bodies working against torture in its preventive approach: it seeks to identify patterns and detect systemic risks of torture, rather than investigating or adjudicating complaints concerning torture or ill-treatment.

In July 2018, the Australian Government announced the Commonwealth Ombudsman as the visiting body for Commonwealth places of detention (the Commonwealth NPM). At present, the Commonwealth NPM visits places of detention operated by:

- the Department of Home Affairs
- the Australian Federal Police
- the Australian Defence Force

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## CHIEF OF THE DEFENCE FORCE



EC24-005941

**Mr Iain Anderson**  
Commonwealth Ombudsman  
Office of the Commonwealth Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

*Dear Iain,*

### **COMMONWEALTH NATIONAL PREVENTATIVE MECHANISM FINDINGS FROM VISITS TO AUSTRALIAN DEFENCE FORCE (ADF) PLACES OF DETENTION**

Thank you for the opportunity to review the draft Commonwealth National Preventive Mechanism findings from visits to ADF places of detention. I appreciate the co-operation between your Office and the ADF. This oversight mechanism assists in ensuring best practice in relation to Defence's places of detention.

I accept and agree to all of the recommendations and suggestions from the reports provided for the Defence Force Corrective Establishment (DFCE), Army Recruit Training Centre (ARTC), and Army Logistics Training Centre (ALTC). Implementation has commenced and will be finalised as soon as practicable.

There were some minor discrepancies in the DFCE report and I appreciate the opportunity to address them. Page 5 of the DFCE report describes each side of the compound as having one ligature reduced "first night cell". Both "first night cells" are, however, located on the East Wing of DFCE.

There is also a reference to an internal technical inspection conducted on an annual basis at DFCE. For clarity, DFCE staff do not conduct the DFCE annual internal technical inspection. Instead, NSW Corrections conduct this inspection for DFCE while DFCE staff conduct annual technical inspections for the other ADF detention facilities. The NSW Corrections inspection for DFCE and the DFCE run inspections then form the basis of a post inspection report that forms the basis for certifying the ongoing use of all ADF detention facilities.

There are no operationally sensitive matters in the reports which should not be published.

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My point of contact for this matter is the

[REDACTED]

Yours sincerely

[REDACTED]

**David Johnston, AC**  
Admiral, RAN  
Chief of the Defence Force

15 November 2024

R1-5-CDF Suite  
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