

Australian Capital Territory

Corrections Management (Smoke-Free) Policy 2023

Notifiable instrument NI 2023-287

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Smoke-Free) Policy 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

Bruno Aloisi
A/g Commissioner
ACT Corrective Services
8 June 2023

SMOKE-FREE POLICY

POLICY NO. D41

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to providing a smoke-free environment across all ACT correctional centres. A smoke-free environment supports the health, safety, and wellbeing of our staff, detainees, clients, visitors, and contractors.

This policy outlines the approach to transitioning to smoke-free correctional centres and to implementing a direction made by the Director-General of the Justice and Community Safety (JACS) Directorate under section 86(1) of the Corrections Management Act 2007.

2 SCOPE

This policy applies to anyone who works, visits, or is a detainee of an ACT correctional centre. Where required, the Assistant Commissioner Custodial Operations may establish operating procedures under this policy.

3 DEFINITIONS

Smoke-free	The term used when tobacco and other smoking related products are prohibited.
Nicotine Replacement Therapies (NRTs)	A range of therapeutic options used to help reduce withdrawal symptoms and to support people to quit smoking.
Visitor	In relation to a correctional centre, includes a person wishing to enter the centre as a visitor as defined in the <u>Corrections Management Act 2007</u> . This includes personal and professional visitors and contractors.
Tobacco and Smoking Related Products	<ul style="list-style-type: none">• Tobacco, cigarettes, cigars, and other similar products• Tobacco and nicotine based products excluding NRT products• Electronic cigarettes, vaping devices, and other similar products• Lighters, matches and rolling paper
Second Hand Smoke	The involuntary inhalation of smoke from another person’s tobacco or smoking product.
Correctional Centre	A place, which may include a zone surrounding a secure perimeter, which is declared by a Minister under legislation, to be a Correctional Centre.

New Reception

A detainee remanded or sentenced to imprisonment at Court who was previously in the community. New Reception includes a person previously released from custody who re-enters at a later date.

Transition period

A lead in period prior to correctional centres being declared smoke-free.

4 PRINCIPLES

- 4.1 ACTCS has obligations under section 19(3) of the *Work Health and Safety Act (2011)* to protect staff, detainees, and visitors from exposure to second hand smoke.
- 4.2 ACTCS is responsible for implementing a smoke-free environment in correctional centres following a making of a declaration under s86(1) of the *Corrections Management Act 2007*, including the provision of therapeutic services.
- 4.3 ACTCS recognises the health benefits of smoking cessation and encourages detainees and staff to stop smoking.
- 4.4 ACTCS recognise the value of smoking cessation supports to minimise the symptoms of withdrawal on detainees consistent with their rights to humane treatment while deprived of liberty.
- 4.5 Ensuring detainees and staff have access to smoking cessation support services, including nicotine replacement therapies (NRT), is fundamental to maintaining a smoke-free environment.

5 TRANSITION TO SMOKE-FREE

- 5.1 ACTCS must take reasonable steps to ensure that detainees and staff are advised about this Policy, the NRT program, transition, and commencement of smoke-free.
- 5.2 Signage and markings will be installed and maintained in all ACTCS correctional centres to promote smoke-free environments. Additional signage indicating that smoking is prohibited will be clearly visible upon entry into the correctional centre.
- 5.3 Support for smoking cessation will be offered to detainees throughout the transition period to help them give up smoking. This includes access to NRT lozenges and smoking cessation supports and services.
- 5.4 Tobacco and smoking products will be gradually reduced throughout the transition period until they are no longer available to purchase.
- 5.5 Detainees who are trying to quit smoking will have access to additional smoking cessation activities.
- 5.6 This section ceases to have effect from the date a correctional centre is formally declared a non-smoking environment.

6 SUPPORTS AVAILABLE

- 6.1 Once ACT correctional centres are declared smoke-free, detainees can participate in a funded 12-week NRT program which includes the provision of NRT patches and lozenges and access to smoking cessation supports and services.
- 6.2 Irrespective of a detainee's custodial health service provider, they will have access to equivalent NRT options and supports.
- 6.3 Detainees experiencing severe withdrawal symptoms will be referred to Justice Health Services or Winnunga Nimmitjiah Aboriginal Health and Community Services (Winnunga).
- 6.4 Detainees who have finished their 12-week funded NRT program may purchase nicotine lozenges through the 'canteen' system.
- 6.5 Staff can access a funded 12-week NRT program which include provision of patches and lozenges and access to smoking cessation supports and services.
- 6.6 Staff and their families can access the following services for quit and general support:
- a. Employee Assistance Program (EAP)
 - b. Fortem Australia Wellbeing program
 - c. Onsite counselling (staff only)
- 6.7 *Quitline* and *QUIT* resources, including an Aboriginal and Torres Strait Islander specific service are available to both staff and detainees.
- 6.8 Winnunga clients can access one on one quit smoking counselling through Winnunga.
- 6.9 Staff and detainees may elect to be trained in *Quitskills* brief interventions to provide ongoing support and guidance to other staff and/or detainees.

7 SMOKE-FREE IMPLEMENTATION

- 7.1 From the date specified in a declaration made in accordance with section 86(1) of the CMA, the ACT's correctional centres will be declared a smoke-free environment.
- 7.2 Tobacco and smoking related products are prohibited items in accordance with the *Prohibited Things Declaration*.
- 7.3 Any Prohibited items found in the possession of a detainee will be seized by correctional officers in accordance with the *Searching Policy* and *Detainee Property Policy*.
- 7.4 Smoking is not permitted anywhere on the grounds of ACT correctional centres which includes:
- a. all buildings and outbuildings on correctional centre premises including sheds, courtyards, driveways
 - b. all car parks on correctional centre grounds
 - c. any other areas where 'No Smoking' signs are displayed.

- 7.5 In addition, staff and detainees are not permitted to smoke:
- a. within 15 meters of entries to ACT Government buildings
 - b. in ACT Government vehicles
- 7.6 Staff who are permitted to leave the AMC and/or CTU may only smoke during designated breaks and must go off-site to do so.
- 7.7 Staff are required to adhere to and enforce the Smoke-Free Policy.

8 NEW RECEPTIONS

- 8.1 A funded 12-week NRT program which includes the provision of NRT patches and lozenges and access to smoking cessation support and services, is available for new reception detainees to support them to go smoke-free.
- 8.2 Upon Admission to the AMC, detainees must be advised that they can request access to the NRT program.
- 8.3 Detainees who have finished their 12-week funded NRT program may purchase nicotine lozenges through the 'canteen' system.
- 8.4 New reception detainees will have access to supports such as *Quitline*, staff trained in *Quitskills* and health providers.

9 ESCORTS

- 9.1 Detainees and staff must not smoke on escorted leave; this includes transfers to another ACT correctional centre, transfers interstate or transfers to a medical facility.
- 9.2 Detainees are permitted to bring a day's supply of lozenges to court.
- 9.3 Detainees on multi-day escorts will have access to a sufficient supply of NRT patches and lozenges for the period of the escort.

10 EMERGENCY EVACUATION

- 10.1 Smoking is prohibited during an emergency evacuation or at any emergency assembly area.

11 RELEASE FROM A CORRECTIONAL CENTRE

- 11.1 Detainees who are on a NRT program at the time they are being released into the community will be offered a seven (7)-day supply of NRT patches and lozenges to support transition.
- 11.2 Information on how to access Quit smoking community supports will be available for detainees upon release.

12 BREACHES OF SMOKE-FREE POLICY

- 12.1 It is an offence to take or send a prohibited thing into a correctional centre; or give or send a prohibited thing to a detainee in accordance with section 145 of the Corrections Management Act 2007.
- 12.2 There will be zero tolerance of breaches of this policy.
- 12.3 Detainees who breach the Smoke-Free Policy must be managed in accordance with the Detainee Discipline Policy. A breach of the policy or a disciplinary penalty may also affect their Incentives and Earned Privileges status.
- 12.4 Visitors – adherence to the Smoke-Free Policy is a condition of entry to a correctional centre. Failure to comply with the policy, or the direction of staff, may result in:
- a. a warning or caution
 - b. the visit being cancelled
 - c. the visitor being required to leave the correctional centre and/or
 - d. the visitor being banned from all ACT correctional centres for a period as defined by the Assistant Commissioner Custodial Operations (ACCO).
- 12.5 Staff - a breach of the Smoke-Free Policy may constitute misconduct under the ACTCS Ethical Conduct Policy and may lead to investigation.

RELATED DOCUMENTS

- Detainee Discipline Policy
- ACTCS Ethical Conduct Policy
- Nicotine Replacement Therapy Provision Operating Procedure
- NRT Lozenge Provision Operating Procedure
- Incentives and Earned Privileges Policy
- Prohibited Things Declaration
- Work Health and Safety Act (2011)

Bruno Aloisi
A/g Commissioner
ACT Corrective Services
8 June 2023

Document details

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